
2 August 2022

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Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 11TH AUGUST, 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 July 2022. **3 - 8**
4. To consider any items that the Chairman agrees to take as urgent business.

Items Recommended for Approval.

5. DM/21/3405 - Ansty Village Centre, Deaks Lane, Ansty, Haywards Heath, West Sussex, RH17 5AS. **9 - 26**
6. DM/22/1539 - Homelands, Oakwood Road, Burgess Hill, West Sussex, RH15 0HZ. **27 - 30**

Items Recommended for Refusal.

None.

Other Matters.

None.

7. 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 R Webb

**Minutes of a meeting of Planning Committee
held on Thursday, 14th July, 2022
from 4.00 - 5.10 pm**

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

J Dabell
B Forbes
T Hussain

C Phillips
M Pulfer
D Sweatman

R Webb

Absent: Councillors P Brown, R Cartwright and R Eggleston

Also Present: Councillors I Gibson, A Lea and R Salisbury

1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Brown, Cartwright and Eggleston.

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

In relation to item 6 DM/21/2509 – Rowfant House, Wallage Lane, Rowfant, Crawley, West Sussex, RH10 4NG and item 7 DM/21/2512 – Rowfant House, Wallage Lane, Rowfant, Crawley, West Sussex, RH10 4NG, Councillor Forbes declared that he is a Ward Member for Copthorne and Worth.

In relation to item 6 DM/21/2509 – Rowfant House, Wallage Lane, Rowfant, Crawley, West Sussex, RH10 4NG and item 7 DM/21/2512 – Rowfant House, Wallage Lane, Rowfant, Crawley, West Sussex, RH10 4NG, Councillor Phillips declared that he is a Ward Member for Copthorne and Worth.

3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 11 AND 12 MAY 2022.

The minutes of the meetings of the Planning Committee held on the 11 May and 12 May 2022 were agreed as a correct record and signed by the Vice Chairman.

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

The Chairman had no urgent business.

5 DM/22/0735 - 24 WICKHAM WAY, HAYWARDS HEATH, WEST SUSSEX, RH16 1UQ.

The Chairman introduced the application which sought planning permission for a first floor rear extension to this detached dwelling within a built up area of Haywards

Heath. He reminded Members this application would usually be processed in accordance with the Council's delegation scheme. However, the applicant was a member of staff in the Planning Department, therefore, it had been referred to the Committee for consideration.

The Chairman asked the Committee if they wished to view the presentation of this application and they agreed this was not necessary.

As there were no questions, the Chairman took Members to the vote that planning permission be approved subject to the conditions outlined at Appendix A. This was proposed by the Chairman and seconded by the Vice Chairman. The recommendation was approved unanimously with 9 in favour.

RESOLVED

The planning permission was approved subject to the conditions outlined at Appendix A.

6 DM/21/2509 - ROWFANT HOUSE, WALLAGE LANE, ROWFANT, CRAWLEY, WEST SUSSEX, RH10 4NG.

The Chairman informed the Committee that as agreed with officers, there would only be one presentation for item 6 and item 7, as the content of the presentation was identical for both items, although item 7 was dealing with the Listed Building Consent.

Katherine Williams, Planning Officer, introduced the application which sought planning permission for the erection of a marquee within the walled garden, adjacent carpark and modifications to pathway leading to Rowfant House, at Rowfant House, Wallage Lane, Rowfant. She drew Members attention to the Agenda Update Sheet which contained further information of an additional letter of representation that had been received.

The Planning Officer took Members through the detailed presentation and photos of the site, consisting of Rowfant House a Grade II* listed building located off the northern side of Wallage Lane within the countryside and explained that Rowfant House was last in lawful use as a wedding venue and hotel, however, the building is currently vacant. There is an existing bridge leading to a large field consisting of a curtilage listed walled garden with 2 no. static caravans to the south which are used in association with Rowfant House.

The Planning Officer drew Members attention to pages 63-67 of the report outlining the Noise Management Plan (NMP) for the application, detailing the number of event restrictions and noise level limits. The NMP as approved by Environmental Protection will be in place prior to the first event.

Dr James Thring, resident, spoke against the application.

Jonathan Locker-Lampson, resident, spoke against the application

Arron Breedon, Planning Director, spoke in favour of the application.

Councillor Ian Gibson, Ward Member for Crawley Down and Turners Hill, spoke against the application as the adjacent Ward Member, raising concerns regarding access to the site. Steve King, Planning Applications Team Leader, confirmed that although the site was currently vacant the lawful uses of the site could resume which

would generate vehicular movements to and from the site. As such an assessment of traffic movements is not starting from a baseline of no traffic movements.

The Chairman asked Ward Members if they wished to speak. Councillor Forbes, Ward Member, thanked officers for the very comprehensive conditions set out at point 6. of Appendix A and for the detailed Noise Management Plan. He stipulated that if planning permission was approved, separate applications would have to be submitted for alcohol and music. Councillor Phillips, Ward Member, noted in response to a speaker, the financial implications of the property were not for consideration at this Committee. He asked for clarification from officers, should planning permission be granted for the marquee, would this then cease if Rowfant House be brought back into use as a wedding venue. He also asked officers that when considering the NMP, noise levels be kept to a minimum and he also sought clarification as to whether the existing arched bridge to the site could withstand the weight of construction traffic.

Planning Applications Team Leader advised the production of the NMP would take a collaborative approach between Planning and Environmental Health and any breaches of planning conditions would be dealt with by the planning department in collaboration with the Environmental Health Officers. If noise constituted a statutory nuisance, it would be dealt with by Environmental Health. The Planning Officer confirmed the arched bridge was in use, however, no survey had been completed. The Planning Application Team Leader emphasised this was a matter of the applicant to investigate and ensure that the bridge was suitable for the intended use.

Members discussed the use of the site and that the existing building, Rowfant House was currently vacant. Members agreed it would be an effective use of the site should it be reopened, bringing employment to the area and discussions were had around restoring Rowfant House. The Planning Officer confirmed Rowfant House was not derelict, but it does need restoring which would be taken into consideration as part of the planning application.

Members discussed the NMP, with one Member having reservations about the potential noise issues of the marquee and expressed concerns that certain matters had not been resolved prior to the presentation of the application.

The Chairman asked officers for clarity in whether there was existing planning permission in place to hold events at Rowfant House and should Rowfant House be reopened would planning permission be withdrawn for the marquee. The Planning Officer confirmed this and drew Members attention to condition 10. page 53 of the report. The Chairman asked the applicant to be reminded of this.

The Chairman asked if there were any further questions, as there were none, he took Members to the vote that planning permission be approved subject to the conditions outlined at Appendix A. This was proposed by the Chairman and seconded by the Vice Chairman, the recommendation was approved with 7 in favour, 1 against and 1 abstention.

RESOLVED

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

7 DM/21/2512 - ROWFANT HOUSE, WALLAGE LANE, ROWFANT, CRAWLEY, WEST SUSSEX, RH10 4NG.

The Chairman reminded Members there was no presentation for this item, as the content of which had been presented at item 6. This application was for the Listed Building Consent for the erection of a marquee.

The Chairman advised there was a speaker for this item, Arron Breedon, Planning Director, however, he confirmed it was not necessary.

The Chairman took Members to the vote that listed building consent be approved subject to the conditions outlined at Appendix A. This was proposed by the Chairman and seconded by the Vice Chairman, the recommendation was approved with 8 in favour and 1 against.

RESOLVED

That listed building consent was approved subject to the conditions outlined at Appendix A.

8 DM/22/0922 - 17 BROOK LANE, LINDFIELD, HAYWARDS HEATH, WEST SUSSEX, RH16 1SF.

Caroline Grist, Planning Officer introduced the application, which sought permission to refuse planning permission for first floor front and rear extension to an existing detached chalet bungalow. The property is situated within the built-up area of Lindfield. She presented the application detailing the floor plans. To the front of the property, it is proposed to change the existing storage space above the garage into a bedroom, by increasing the roof heights. To the rear of the property, it is proposed to lift the eaves of the property to create a full first floor across the rear elevation, with a view to enlarging the two existing bedrooms and creating a third bedroom. The Planning Officer drew Members attention to the existing side elevations and proposed elevations and the existing and proposed roof plans. The Officers recommendation is the application be refused as the extensions would undermine the character of the existing property, due to the scale, form and design and due to the spacing of the properties on Brook Lane, would be visible within the street scene which would be harmful to the character of the surrounding area.

Mr Wren, applicant, spoke in favour of the application as the applicant.

Councillor Andrew Lea, Ward Member for Lindfield, spoke in favour of application supporting the decision for it to be brought before the Planning Committee to consider the reasons for refusal with the merits of the application.

For the benefit of the general public, the Chairman had advised Members of the Committee of their code of conduct training should they visit the site.

Members discussed the application, the reasons for the recommendation and the lack of objections from neighbouring residents and the Parish Council to the application. They agreed it was not a large development and many of the properties on the same cul-de-sac had been extended or adapted. The Vice Chairman thanked officers for a very comprehensive report and could not see an issue with granting planning permission. His only comment was the impractical nature of the flat roof design.

The Chairman concluded the discussion having visited the site, advising his view that the impact on neighbouring properties and the current street scene was minimal.

The Chairman suggested amendments to the reasons for refusal as set out at Appendix A, page 105 that:

'The scale, form and design of the proposed extensions is subordinate and are proportionate additions to the dwelling and does not undermine the character of the existing building. Due to the spacing of properties, the development would not be visible within the street scene and would not create dominant and incongruous additions that would not be harmful to the character of the surrounding area.'

This was proposed by Councillor Coote and seconded by Councillor Forbes. The Chairman took Members to the vote on the proposed amendments to Appendix A, to approve the planning application contrary to the officer recommendation which was agreed with 8 in favour and 1 against.

RESOLVED

That planning permission be approved for the reasons, as amended, outlined at Appendix A.

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

None.

The meeting finished at 5.10 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

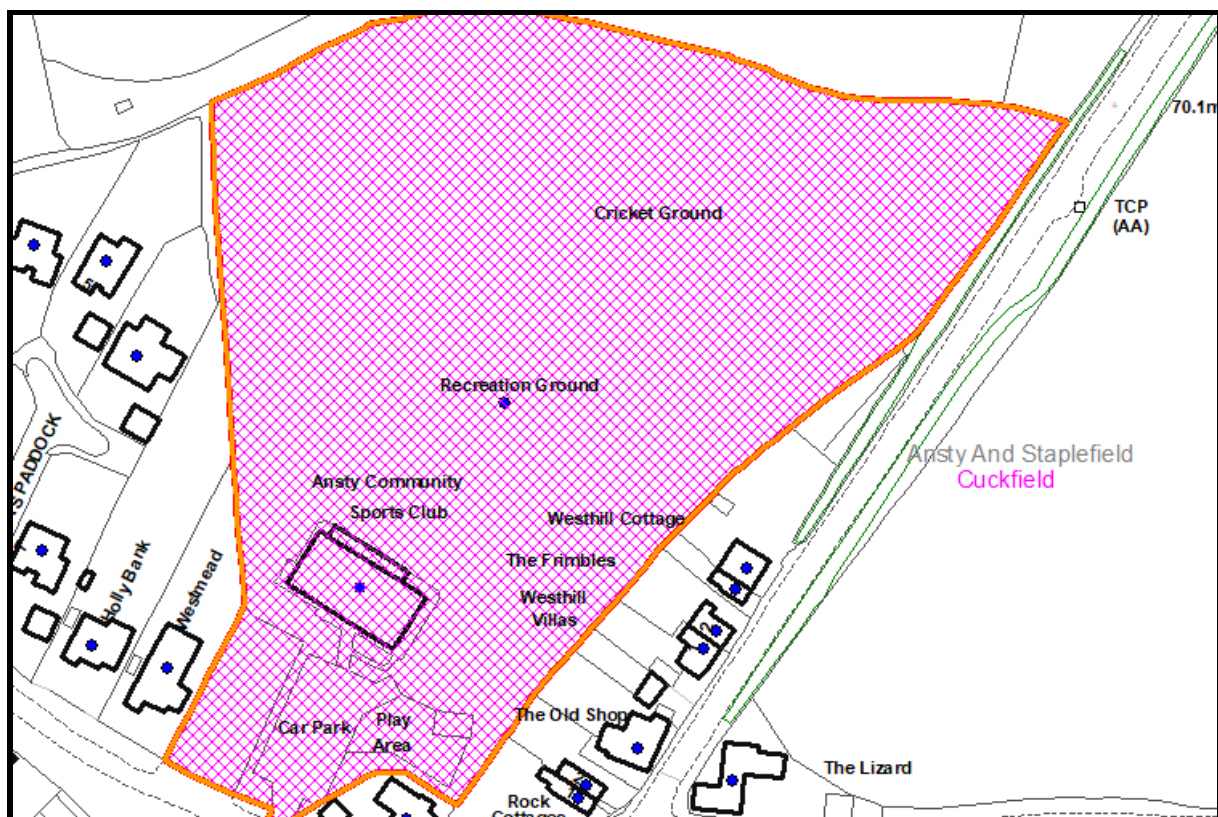
Planning Committee

11 AUG 2022

RECOMMENDED FOR PERMISSION

Ansty And Staplefield

DM/21/3405



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**ANSTY VILLAGE CENTRE DEAKS LANE ANSTY HAYWARDS HEATH
WEST SUSSEX RH17 5AS
(AMENDED PLANS RECEIVED 14/06/2022 AND 25/05/2022)
REFURBISHMENT OF GROUNDSMANS STORE, NEW CRICKET
PRACTICE NET ENCLOSURE.
MRS E BENNETT**

POLICY: Area of Special Control of Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning/ Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / Tree Preservation Order / Trees subject to a planning condition / Archaeological Notification Area (WSCC) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Minor Other

8 WEEK DATE: 15th August 2022

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Katherine Williams

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the refurbishment of groundsman's store and a new cricket practice net enclosure within the Ansty Recreation Ground to the north and east of the Ansty Village Centre. This application is before committee as the application site is located on land owned by Mid Sussex District Council. The proposal is acceptable in terms of the principle of development in the countryside under DP12, DP24 and AS7 of the Neighbourhood Plan support new or enhanced leisure facilities at this site. The design and impact of the facilities on the character of the area would be acceptable, would not cause harm to the amenities of neighbouring properties, and would be acceptable in terms of impact on trees. Therefore, the proposal complies with Mid Sussex District Plan policies DP12, DP24, DP26, and DP37, Ansty and Staplefield Neighbourhood Plan policy AS7, and the relevant provisions of the NPPF.

RECOMMENDATIONS

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

SUMMARY OF REPRESENTATIONS

Three letters of representation have been received which raised the following concerns:

- Application has been submitted on behalf of the Ansty Community Club and would be located on a public recreation ground, would not benefit any other part of the community
- Nets should be relocated
- Loss of recreation ground, should be protected
- Less space for other users and other potential facilities
- Area has been designated by MSDC as a BLUE Campaign Site to encourage biodiversity
- Noise impact on neighbouring properties
- Proposal is not lockable to prevent uninsured users from using the nets, should it be lockable it would prevent others in the community from using the nets
- Not in keeping with the character of the area
- Existing cricket square is roped off when not in use
- Extension to groundsman store is not necessary, sufficient storage onsite and within adjacent field
- Existing building should be relocated, allow extension to the existing play area
- Further information is needed on the proposed works and materials

Comments have also been received regarding alternative proposals and locations along with concerns regarding the insurance and users. The Local Planning Authority can only consider the current proposal and cannot consider other alternatives, with regards to insurance of the nets and its users this is a private matter and not a planning consideration.

SUMMARY OF CONSULTATIONS

ANSTY AND STAPLEFIELD COUNCIL OBSERVATIONS

Noted. This item was not discussed because it was submitted by the Parish Council.

Tree Officer

No objection, subject to condition

Southern Water

No objection

Contaminated Land Officer

Advice given.

Introduction

The application seeks permission for the refurbishment of groundsman's store and a new cricket practice net enclosure within the Ansty Recreation Ground to the north and east of the Ansty Village Centre. The proposal would also be within the countryside outside the built up area of Ansty.

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

Relevant Planning History

DM/16/4609 - Proposed demolition of existing Village Hall and Ansty Sports and Social Clubhouse for the construction of replacement Ansty Village Centre and provision of enlarged car park. Granted

11/02597/COU - To extend area used for football to facilitate a second cricket pitch. Required change of use to amenity / recreation. (Amended Plans Received 14.10.2011). Granted

CD/055/94 - APPLICATION UNDER REGULATION 4 - RELOCATION OF EXISTING CRICKET AND FOOTBALL PITCHES TOGETHER WITH STOCK PROOF FENCING, BOUNDARY HEDGE AND PITCH DRAINAGE. Granted

Site and Surroundings

The Ansty Village Centre is located off the north-eastern side of Deaks Lane, outside the built up area of Ansty. The building is newly constructed with associated parking and landscaping between the building and the highway.

To the east of the car parking is the existing playground, which is partly encircled by post and rail fencing and the rear and western walls of the groundsman store building which is positioned along the northern side of the play area. This ancillary building has a pitched roof and is constructed in brick, timber cladding and metal sheeting.

The recreation ground continues to the north with a large cricket pitch and associated paraphernalia, with football pitches and recreational space located in the northern field and is separated from the cricket pitch by mature boundary trees and hedging.

To the east and west of the recreation ground and village centre are the rear boundaries of neighbouring properties which back onto the open space and form the built up area boundary of the village. Further to the north-east the recreation ground borders Cuckfield Road. These boundaries consist of boundary hedging and trees which gives the area an enclosed rural character.

Application Details

The proposed cricket nets would be located along the edge of the cricket ground and adjacent to the boundary of the recreation ground with Cuckfield Road. The nets would have a steel frame with a width and depth of 7.05 metres and 32.85 metres with an overall height of 4 metres. The nets would be orientated with the opening facing towards the north and would be positioned partly within the slope of the land as the nets run to the south, with the nets having an overall height above the ground level on the southern side of up to some 2.4 metres.

The works to the groundsman store would include the insertion of internal dividing walls into the building with the repositioning and enlargement on the north double doors, with the insertion of 2 No. rooflights on the northern roof slope, and new doors to both the northern and eastern side elevations of the building, one of which would replace an existing window. A lean-to canopy with a width and depth of some 2.4 metres and 4.5 metres with an overall height of approximately 2.4 metres. This would be constructed in timber with metal steel roofing. The existing metal sheet roofing would also be replaced with metal tiles and timber cladding to the elevations of the building.

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, Ansty and Staplefield Neighbourhood Plan and the Site Allocation DPD.

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:

DP12 - Protection and Enhancement of Countryside

DP24 - Leisure and Cultural Facilities and Activities

DP26 - Character and Design

DP37 - Trees, Woodland and Hedgerows

Ansty and Staplefield Neighbourhood Plan (made February 2017)

Relevant policies:

AS7 - Ansty Village Centre and Recreation Ground

Mid Sussex Site Allocations Document (DPD)

Mid Sussex District Council adopted its Site Allocations Development Plan Document on 29th June 2022. The Site Allocations DPD identifies sufficient housing sites to provide a five year housing land supply to 2031 and also makes sure that enough land is allocated to meet identified employment needs.

No relevant policies

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)

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.'

National Planning Policy Guidance

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

ASSESSMENT

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

- Principle of Development
- Design and Character
- Impact on neighbouring properties
- Impact on Trees
- Other Matters
- Planning Balance and Conclusions

Assessment

Principle of Development

The development plan in Mid Sussex consists of the Mid Sussex District Plan (2018), together, the Ansty and Staplefield Neighbourhood Plan and the Site Allocation DPD.

Policy DP12 of the Mid Sussex District Plan states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of

built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

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

Policy DP24 of the Mid Sussex District Plan 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.'*

Policy AS7 of the Ansty and Staplefield Neighbourhood Plan relates to the Village Centre and Recreation Ground and states:

'The Ansty Village Centre and Recreation Ground, as shown on the Proposals Map, is designated as a Local Green Space.

Proposals for built development on the Village Centre and Recreation Ground will not be permitted unless the proposal is of a limited scale and nature, can be clearly demonstrated that it is ancillary and enhances the role and function of the Village Centre and Recreation Ground.'

The proposal would not be for the purpose of agriculture; however, the cricket nets would provide additional facilities for the cricket ground, which the proposal would be adjacent to. The proposed works to the groundsman store would also provide additional and improved storage space which will allow the continued maintenance of the cricket ground and the recreation ground. It is therefore considered that the proposal would support the existing leisure use of the land and enhance it by the improvement of the existing facilities. Therefore, the proposal is considered to be in accordance with DP12 and DP24 of the Mid Sussex District Plan, policy AS7 of the Ansty and Staplefield Neighbourhood Plan and acceptable in principle.

Character and Design

Policy DP26 of the Mid Sussex District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development."*

The proposed works to the groundsman store and cricket nets area considered to be of a design, size and scale which is in proportion and appropriate to the character of the site. The proposed work would be visible from public views from within the recreation ground, however due to the enclosed nature of the recreation ground and the position of surrounding properties it would prevent views from the public

highways. The proposed cricket nets would be seen in association to the existing adjacent cricket pitch and associated structures and paraphernalia and considered to be in keeping with the existing character of the locality. The nets would be positioned partly within the existing slope of the land, which would reduce the form of the structure above the ground level, which combined with the open form and low profile of the would be appropriate to the rural character of the locality. It is therefore considered that the proposal would not have an adverse impact on the character of the site or the locality.

Concerns have been raised that the proposal would result in the loss of recreational land which should be protected. Policy DP24 does support the loss of open space and recreational land where the development is for alternative sports and recreational provision and the need clearly outweigh the loss. Policy AS7 of the Neighbourhood Plan echoes this and specifically relates to the Ansty Village Centre and Recreation Ground and supports development of limited scale and nature that demonstrates that it is ancillary and enhances the role and function of the recreation land and village centre. The proposal would provide cricket nets and alterations to the existing groundsman store which would be ancillary to the existing recreational uses of the site and would enhance its role. It is therefore considered that the proposal would not result in a loss of recreational land but would provide an alternative sport provision on the land and associated storage.

Impact on the amenities of neighbouring properties

Policy DP26 in part seeks to ensure that development:

'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);'

Policy DP29 of the Mid Sussex District Plan states:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development;*

Light pollution:

- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

Air Pollution:

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

The proposed works to the existing roundsman store would be some 17.8 metres from St Johns located to the south and at least 18.6 metres from the neighbours to the east which include No.s 1 and 2 Rock Cottages and The Olde Shop. Due to the separation distance between these neighbours and the existing building, along with the existing use of the building it is considered that the works would not cause harm to the amenities of this neighbour.

The proposed cricket nets would be located adjacent to the north-east corner of the cricket pitch and would be some 85 metres from the closest neighbouring dwelling, West Hill Cottage. It is noted that use of the cricket nets would be heard from the neighbouring properties, however, given the separation distance the existing recreational use and adjacent cricket pitch it is considered that it would not have a greater impact on the amenities of these neighbours than the existing use and would not cause significant harm.

Impact on Trees

Mid Sussex District Plan policy DP37 states:

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

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

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

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

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

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

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

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

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

The Council's Tree Officer has been consulted on the application and they raised some concerns regarding potential future pressure on Tree 14, a young oak tree, due to its proximity to the proposed nets. However, given the modest size of the tree

and that no works would be within the root protection areas of the trees no objection has been raised subject to a condition to adhere to the protection measures within the Arboricultural Method Statement and Tree Protection Plan.

Other Matters

The application form states that the existing roofing of the groundsman store includes asbestos. This is covered by Control of Asbestos Regulations 2012 and is enforced by the Health and Safety Executive and not considered to be a planning matter for this application.

Southern Water have provided comments which illustrates the position of the existing public foul sewer, which is not located within close proximity to the proposed works.

Planning Balance and Conclusions

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

The proposal is acceptable in terms of the principle of development in the countryside, its design and impact on the character of the area, would not cause significant harm to the amenities of neighbouring properties, and would be acceptable in terms of impact on trees.

Therefore the proposal complies with Mid Sussex District Plan policies DP12, DP24, DP26, and DP37, Ansty and Staplefield Neighbourhood Plan policy AS7, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission be granted.

APPENDIX A - RECOMMENDATION 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. No external materials shall be used other than those specified on the approved plans and application details without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan.

4. The works shall be carried out in accordance with the protection measures set out within the Arboricultural Report dated 21st May 2022.

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

INFORMATIVES

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

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

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

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

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

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any

representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

APPENDIX A – RECOMMENDED CONDITIONS

INFORMATIVES

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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	2721.SP01		28.10.2021
Block Plan	2721.SP02		28.10.2021
Location Plan	2721.P03	D	28.10.2021
Existing Floor and Elevations Plan	2721.MS01		28.10.2021
Proposed Floor and Elevations Plan	2721.P01		28.10.2021
Proposed Floor and Elevations Plan	2721.P02		28.10.2021
Proposed Sections	2721.P04		28.10.2021

APPENDIX B – CONSULTATIONS

Trees And Landscape

Trees And Landscape

Parish Consultation

This item was not discussed because it was submitted by the Parish Council.

Tree Officer

15/07/2022:

Firstly, I am surprised that the nets have been located so close to the trees with issues such as leaf fall etc, which are likely to lead to future pressure on the trees to be reduced.

The AIA contains a couple of issues which cause concern :

-there is reference to a reduction of a cat B oak (T14) to be reduced on the east side to 2.5m from the trunk. These works are considered excessive and contrary to Policy DP37 . They are also likely to have to be repeated in the future. This would appear to be a relatively young tree which would develop to be a feature of the grounds if unimpeded by the nets.

-there is reference in the AIA to the works being ' outside the RPAs' of trees, then , further it refers to ' excavations within RPAs' . I cannot see that the above tree would not be impacted by works within the RPA. Please could this be clarified.

25/07/2022:

In response to the applicant's comments, I have the following comments ;

- Firstly, an AIA is usually said to comprise a TS, TPP and AMS, which is what has been submitted. This point is purely semantic.
- I maintain that a distance of 2.5m to (T14) will not allow the tree to develop to its full potential. The applicant minimises future works and crown lifting, advising that ' the reduction is on a young and healthy tree which will not be affected'. It should be remembered that any pruning works are a wound to a tree and are best avoided where possible. Whilst the applicant has pointed out ' that the nature of a tree is to grow' he has accepted that there will be a need for pruning in the future which is obviously a more damaging action as the tree matures.

I note that the applicant has now confirmed no works within RPAs.

If permission is to be granted, please condition adherence to AMS and TPP.

Southern Water

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewers within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 150 mm public foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewers without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

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

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Contaminated Land Officer

Works with asbestos are dealt with under the Control of Asbestos Regulations 2012 and are enforced by the Health and Safety Executive.

As there is already law that deals with works with asbestos we would not normally attach conditions, but would remind that applicant that failure to remove asbestos safely, and in compliance with the asbestos regulations, could lead to localised land contamination.

The only time we would attach conditions in relation to asbestos is where a commercial business was being converted to residential, in that we will require all asbestos to be removed. While asbestos can be managed in a commercial property under the Control of Asbestos Regulations 2012, this is not always appropriate for residential, as occupiers can't be expected to keep track of asbestos locations or integrity.

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MID SUSSEX DISTRICT COUNCIL

Planning Committee

11 AUG 2022

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/22/1539

**HOMELANDS OAKWOOD ROAD BURGESS HILL WEST SUSSEX RH15
0HZ
RE-POLLARD HORSE CHESTNUT TREE BACK TO PREVIOUS PRUNING
POINTS.
JANICE HENWOOD**

ODPM CODE: Tree Application

WARD MEMBERS: Cllr Janice Henwood / Cllr Graham Allen /

CASE OFFICER: Irene Fletcher / Steve Ashdown

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Permission is being sought for works to a horse chestnut tree. This application is before Committee as the applicant is a District Councillor.

The tree is located at the front of the property, adjacent to Oakwood Road.

The works are considered appropriate in the interests of safety and will not result in undue harm to the health or amenity value of the tree, and as such it is considered that the proposal complies with policy DP37 of the Mid Sussex District Plan.

SUMMARY OF REPRESENTATIONS

None received

BURGESS HILL TOWN COUNCIL

No objection

INTRODUCTION

Permission is being sought for works to a horse chestnut tree. This application is before Committee as the applicant is a District Councillor.

PLANNING POLICY

Mid Sussex District Plan

Policy DP37 - Trees, Woodland and Hedgerows

Burgess Hill Neighbourhood Plan

The plan was made on 28th January 2016 and forms part of the Development Plan for the District and policies should be afforded full weight.

There are no relevant policies

ASSESSMENT

The tree is located at the front of the property, adjacent to Oakwood Road.

The proposed works consist of pollarding, which is not usually considered acceptable and, since 2012, is no longer acceptable under British Standards. However, there are specific circumstances in this instance that need to be taken into account when considering the requested works.

The tree has previously been pollarded, and now has extensive regrowth, which has been prompted by the pollarding. Major limbs have now developed from the pollard points and, due to the nature of this work, re-pollarding is required to stop the tree 'splitting out' or self-pollarding, which would be a danger to both garden and highway users.

Policy DP37 sets out (amongst other things) that proposals that damage or lead to the loss of trees that contribute either individually, or as group, to the visual amenity value or character of the area, or have wildlife importance, will not normally be permitted. In this case it is recognised that previous pollarding work has taken place to the tree and , therefore, a continuation of these works is necessary. It is considered that the proposed works are acceptable and comply with policy DP37 of Mid Sussex District Plan.

CONCLUSION

The works are considered appropriate in the interests of safety and will not result in undue harm to the health or amenity value of the tree, and as such it is considered that the proposal complies with policy DP37 of the Mid Sussex District Plan.

APPENDIX A – RECOMMENDED CONDITIONS

1. The tree works hereby permitted shall be begun before the expiration of 2 years from the date of this consent.

Reason: To accord with section 17 (4) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

APPENDIX B – CONSULTATIONS

Parish Consultation
No Objection

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