
3 January 2023

Meetings of Council Committees are broadcast live through the [Mid Sussex District Council's YouTube channel](#). 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, 12TH JANUARY, 2023 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 8 December 2022. | 3 - 4 |
| 4. | To consider any items that the Chairman agrees to take as urgent business. | |

Items Recommended for Approval.

- | | | |
|----|---|----------------|
| 5. | DM/22/2576 - Millwood, East Street, Turners Hill, Crawley, West Sussex, RH10 4QQ. | 5 - 24 |
| 6. | DM/22/3503 - Age Concern Hassocks and District Ltd, The Pauline Thaw Centre, Dale Avenue, Hassocks, West Sussex, BN6 8LW. | 25 - 36 |

7. DM/22/3287 - Euro Car Parts Ltd, 31 Victoria Gardens, Burgess Hill, West Sussex, RH15 9NB. **37 - 46**
8. DM/22/3615 - 76 Royal George Road, Burgess Hill, West Sussex, RH15 9SF. **47 - 56**

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 R Webb

**Minutes of a meeting of Planning Committee
held on 08 December 2022
from 4.00 pm**

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

P Brown	B Forbes	M Pulfer
R Cartwright	T Hussain	D Sweatman
J Dabell	C Phillips	

Absent: Councillors R Eggleston and R Webb

Also Present: Councillors I Gibson

1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Eggleston and Webb.

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

No declarations were received.

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

The minutes of the meeting of the Planning Committee held on the 10 November 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/22/1448 - GOLDREGEN, VICARAGE ROAD, CRAWLEY DOWN, WEST SUSSEX, RH10 4JJ.

Steven King, Planning Applications Team Leader, introduced the application which sought planning permission for the construction of a two-storey dwelling with associated access, landscaping and parking in part of the garden at Goldregen, Crawley Down.

The Chairman complimented the design of the proposed property.

The Vice-Chairman proposed to move to vote on the recommendation. This was seconded by Cllr Forbes.

The Chairman took Members to the vote on the recommendation to approve the application was unanimously agreed.

RESOLVED

That permission be granted subject to the completion of the S106 agreement and the planning conditions listed at Appendix A.

6 DM/22/2732 - THE HAVENS SPORTSFIELD CAR PARK, THE HAVEN CENTRE, HOPHURST LANE, CRAWLEY DOWN, WEST SUSSEX, RH10 4LJ.

The Chairman noted that the application follows the grant of a planning permission (DM/19/2671) for similar development on the site in 2019 which has now lapsed. He noted that the scheme had been in front of the Planning Committee before, and this application was before the Committee as the land is owned by Mid Sussex District Council. He noted that there is no material change to the application and so asked the Committee whether they would require a presentation of the application.

Cllr Sweatman proposed to move to the recommendation as there is no material change from the previous application. This was seconded by Cllr Forbes.

The Chairman took Members to the vote on the recommendation to approve the application was unanimously agreed.

RESOLVED

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

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

None.

The meeting finished at 4.14 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

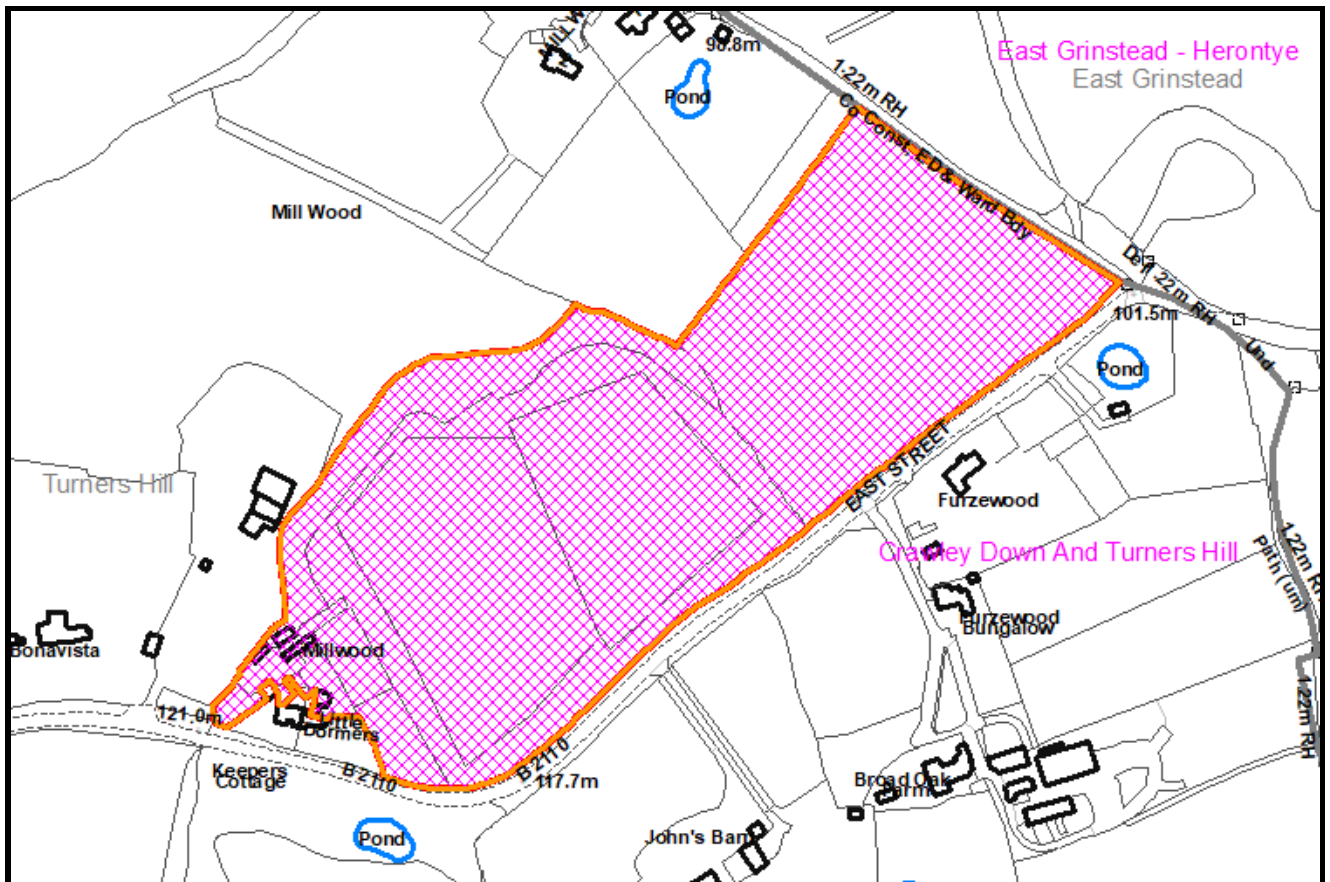
Planning Committee

12 JAN 2022

RECOMMENDED FOR PERMISSION

Turners Hill

DM/22/2576



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**MILLWOOD EAST STREET TURNERS HILL CRAWLEY WEST SUSSEX
RH10 4QQ**

**FULL PLANNING PERMISSION FOR THE CHANGE OF USE OF LAND,
CONSTRUCTION OF 1NO NEW DOG GROOMING PARLOUR, THE
CREATION OF 1NO NEW VEHICULAR ACCESS, CAR PARKING, AND
INTERNAL VEHICULAR ACCESS ROUTE. (ADDITIONAL INFORMATION
RECEIVED 21.10.2022)**

MR JOHN TAYLOR

POLICY: Ancient Woodland / Ancient Woodland / Ancient Woodland / Area of Special Control of Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Planning Agreement / Planning Obligation / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Aerodrome Safeguarding (CAA) / Aerodrome Safeguarding (CAA) / SWT Bat Survey / Minerals Local Plan Safeguarding (WSCC) / Minerals Local Plan Safeguarding (WSCC) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Smallscale Major Other

8 WEEK DATE: 14th January 2023

WARD MEMBERS: Cllr Phillip Coote / Cllr Ian Gibson / Cllr Roger Webb /

CASE OFFICER: Hamish Evans

PURPOSE OF THE REPORT

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

The application seeks planning permission for the change of use of the land for the provision of secure dog walking facilities, construction of a new dog grooming parlour, a new access, new car parking area and internal vehicular access route at Millwood East Street Turners Hill RH10 4QQ.

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 site is located within the countryside where policy DP12 requires proposals to maintain or in enhance the quality of the rural and landscape character of the District. Due to the scale, design and appearance of the proposed works the proposal is considered maintain the quality of the rural and landscape character of the District. Paragraphs 84 and 85 of the NPPF support sustainable economic development in rural areas however paragraph 85 recognises that these areas may not be well served by public transport. Taking into account the design of the proposal it is considered to be sensitive to its surroundings and the local highways authority have raised no objection to the proposal. Policy DP14 supports small-scale economic development within the countryside, the proposal is relatively small scale and its operating hours can be secured by a suitably worded condition. As such it

would support the sustainable growth and vitality of the rural economy, it should also be noted that the site is being infrequently used for a similar use. As such the principle of development is considered acceptable.

Taking into account the modest nature of the proposal, its design, appearance and the existing boundary treatment, the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents. The proposed impact on existing trees and the High Weald AONB is considered acceptable and can be secured by a condition. The resulting parking arrangement and access's impact on highways safety is considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP12, DP14, DP16, DP21, DP26 and DP27 of the Mid Sussex District Plan, policies THP8 and THP13 of the Turners Hill Neighbourhood Plan, the Mid Sussex Design Guide SPD, West Sussex County Council Guidance on Parking at New Development (September 2020), the High Weald AONB Management Plan 2019-2024 and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

SUMMARY OF REPRESENTATIONS

Four third-party representation letters have been received in respect of this application. They object to the proposal due to the use of the proposed access and its impact on highway safety,

SUMMARY OF CONSULTATIONS

TURNERS HILL PARISH COUNCIL

The Parish Council cannot support this application as it is not in accordance with the conditions set out in policy THP13 in the Neighbourhood Plan, it is over intensification of a rural area and there are concerns about road safety as the new access road is between two blind corners.

MSDC ENVIRONMENTAL PROTECTION

The main environmental impact from this proposed change of use of land and the construction of a new dog grooming parlour will be from noise from dog barking. I have reviewed the applicant's supporting documents and am satisfied that the proposed business model, number of dogs, hours of operation and layout in relation to neighbouring properties, will not create significant adverse impact. I recommend that the hours of use of both the grooming parlour and the dog walking fields are made explicit by condition. I also recommend conditions that ensure lidded dog waste bins are always in place at each of the dog walking fields and are emptied regularly and that dogs are not permitted to be left unattended in any of the fields. On this basis I have no objection to the proposal.

WSCC HIGHWAYS AUTHORITY

Summary

This proposal is for the change of use land for dog walking, construction of dog grooming parlour and creation of new vehicular access with parking. The site is located on East Street, a B-classified road subject to national speed limit in this location.

This application is supported by a Transport Statement provide by Ardent. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application subject to conditions.

MSDC Street Naming and Numbering Officer

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved.

MSDC Tree Officer

No objections subject to conditions.

INTRODUCTION

The application seeks planning permission for the change of use of the land for the provision of secure dog walking facilities, construction of a new dog grooming parlour, a new access, new car parking area and internal vehicular access route at Millwood East Street Turners Hill RH10 4QQ. The application has been referred to Committee because the assessment of the proposal is considered to be balanced.

SITE AND SURROUNDINGS

The application site is located within the countryside and the setting of the High Weald Area of Outstanding Natural Beauty which is located to the south of the site. The application site consists of a residential dwelling, one stable block and three agricultural fields. The site measures some 4.45 hectares

The existing dwelling is a two-storey semi-detached residential property which is finished in bare brown brick work, brown clay roof tiles and white uPVC window and door frames. The stable block is single storey in its nature and finished with black stained horizontal timber clad walls, brown concrete roof tiles and brown timber window frames and doors. The stable is located to the north of the dwelling. There are three fields located to the east of the existing dwelling and stable which are the subject of this application and there is some post and mesh fencing within the existing fields.

The existing boundary treatment around the site consists of significant trees lines to the north, south, east and west of the site and some 2.0 metre high closed board fencing to the north of the site.

East Street which is a B Class classified road is located to the south of the site, Ancient Woodland, an industrial site and some residential properties are located to the north of the site, Ancient Woodland is located to the east of the site and residential properties are located to the west of the site.

APPLICATION DETAILS

The proposal seeks planning permission for the change of use of the land for the provision of secure dog walking facilities which would take place within the three fields. These facilities would consist of timber post and mesh fencing bordering the fields which would measure some 0.9 hectares, 0.96 hectares and 1.2 hectares. The fencing would measure some 1.5 metres in height for two of the fields and 1.8 metres in height for the other.

The proposed dog grooming parlour would consist of extending the existing stable block to provide four additional rooms in which the parlour would be located. These rooms would consist of a holding area, a reception area, a staff room and a wash and groom room. The extension would measure some 9.4 metres in depth, 6.1 metres in width, an eaves height of 2.7 metres and a total height of 5.7 metres. It would be characterised by external materials similar in appearance to those used in the existing stables.

The proposed access is located to the south of the site and would provide vehicular access to and from East Street. It measures some 5.5 metres in width and 8.0 metres in depth and it would be constructed of concrete. The proposal includes an internal vehicular track with some seven vehicular parking spaces and it would be characterised by road planning surfacing. The proposal also includes three timber shelters one in each field.

The dog grooming parlour is proposed to be in use between 0900 and 1700 hours and the dog walking fields will be in use between 0700 and 1900 hours in spring and summer and between 0800 and 1600 hours in autumn and winter.

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, Turners Hill 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 is up to date and was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12 - Protection and Enhancement of Countryside
DP14 - Sustainable Rural Development and the Rural Economy
DP16 - High Weald Area of Outstanding Natural Beauty
DP21 - Transport
DP26 - Character and Design
DP37 - Trees, Woodland and Hedgerows

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. No weight can be given to the plan at this stage due to the very early stage that it is at in the consultation process.

Turners Hill Neighbourhood Plan (adopted March 2016)

THP8 - Countryside Protection
THP13 - Business Development

Site Allocations DPD (June 2022)

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.

High Weald AONB Management Plan 2019-2024

West Sussex County Council Guidance on Parking at New Development (September 2020)

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 -

- The principle of development
- The design and character
- The impact on neighbouring amenities
- Impact on existing trees
- Impact on setting of High Weald AONB
- Highways matters, and
- Planning balance and conclusion.

Assessment

Principle of development

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Turners Hill Neighbourhood Plan and the Site Allocation DPD.

The relevant countryside protection policy is Policy DP12 of the District Plan, which 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 DP14 of the Mid Sussex District Plan in part states:

'New small-scale economic development, including tourism-related development, within the countryside (defined as the area outside of built up area boundaries as per the Policies Map) will be permitted provided:

- it supports sustainable growth and the vitality of the rural economy, and*
- where possible, utilises previously developed sites.'*

Policy THP8 of the Turners Hill Neighbourhood Plan states:

'Outside the Built up Area Boundary (which is shown on the proposals map on page 24), priority will be given to protecting and enhancing the countryside from inappropriate development. A proposal for development will only be permitted where:

a) It is allocated for development in Policy THP1 or would be in accordance with Policies THP7 and THP14 of this Plan or other relevant planning policies applying to the area, and:

b) It must not have a detrimental impact on, and would enhance, areas of substantial landscape value or sensitivity, and

c) It must not have an adverse impact on the landscape setting of Turners Hill and

d) It must maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built up area, and

e) Within the High Weald Area of Outstanding Natural Beauty it must conserve and enhance the natural beauty and would have regard to the High Weald AONB Management Plan.

f) It is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available.

Our Strategic Gaps are identified in MSDC Local Plan policy C2 and the High Weald Area of Outstanding Natural Beauty by Local Plan policy C4.

Policies in the emerging District Plan will provide protection and enhancement in relation to trees, woodland and hedgerows as well as biodiversity.'

Policy THP13 of the Turners Hill Neighbourhood Plan states:

'The conversion of existing buildings and the small-scale expansion of existing employment premises across the parish will be supported. Development of this nature must meet all the following criteria:

Respect the character of the area,

Not harm the surrounding landscape, and

Safeguard residential amenity and road safety.'

Paragraph 84 of the NPPF states:

'84. Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings,

- b) the development and diversification of agricultural and other land-based rural businesses,*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside, and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*

Paragraph 85 of the NPPF states:

'85. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

The proposed dog groom parlour would be accommodated within a proposed extension to the existing stable. It would be of a modest single storey nature and be finished in materials to match the existing stable building. It would be constructed in close proximity to existing buildings in the site and neighbouring the site such that it would not extend built development over the countryside.

The proposed dog walking facilities include limited physical development and two of the three existing fields have existing post and mesh fencing within them. The applicants have advised that the two existing fields have been used sporadically for dog training purposes.

The proposed fencing is considered common place within rural areas and the proposed shelters would be of a modest nature and characterised by external materials that are considered common within rural areas.

The proposed parking and internal vehicular access route would create new hardstanding within the site. It is, however of a modest scale and due to the existing boundary treatment, there would be limited views of the hardstanding from the surrounding area.

The proposal would create a new vehicular access to the south of the site onto East Street, whilst it is noted that the access would remove some existing boundary treatment to the south only a limited amount of vegetation would be removed. It should also be noted that there are several existing accesses onto East Street from the south and the north of the road.

The proposed use of the fields and dog grooming parlour is considered to be relatively small-scale and the intensity of the uses can be secured by suitably worded conditions which restrict opening hours. There is also an industrial site to the north of the application site.

Due to the location of the site it would likely require the use of private cars to travel to, however due to the nature of the use and that it would require large secure open space it is considered appropriate within the countryside. Many proposed business uses considered under policies DP14 and THP13 would be likely to generate some vehicular movements. Due to the nature of the use it would have a relatively local catchment area with the built up areas of East Grinstead, Crawley Down and Turners Hill located in relatively close proximity to the site.

Taking into account the above assessment the proposal is considered to maintain the quality of the rural and landscape character of the District. Policy DP14 supports small-scale economic development within the countryside and the proposal would support the sustainable growth and vitality of the rural economy and the site is being infrequently used for a similar use. As such the proposal is considered to comply with policies DP12 and DP14 of the Mid Sussex District Plan, policies TH8 and TH13 of the Turners Hill Neighbourhood Plan and acceptable in principle and paragraphs 84 and 85 of the NPPF.

It is noted that Turners Hill Parish Council have objected to the proposal in part, as it would result in an over intensification of a rural area and not accord with policy THP13 of the Turners Hill Neighbourhood Plan. Taking into account the above assessment the proposed use of the site is considered to be relatively small scale and an appropriate use within a rural area. As such the proposal is considered to comply with policy TH13 of the Turners Hill Neighbourhood Plan.

Design and Character

Policy DP26 of the Mid Sussex District Plan in part 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.'*

A similar ethos is found within the Mid Sussex Design Guide SPD.

The proposed extension to the existing stable would be characterised by external materials similar in appearance to those used in the existing stable. The proposed post and mesh fencing would be characterised by similar external materials as the existing post and mesh fencing. The proposed access, parking space and internal access track will be similar in appearance to the existing highway and parking area to the north-west of the application site. Details of the proposed external materials can be secured by a suitably worded condition.

The proposed extension to the stable which would be used as a dog grooming parlour is of a modest single storey nature and it would be similar in its design to the existing stable block. The proposed secure dog walking facilities consist of limited physical development however the proposed fencing would be modest in its nature and similar in appearance to existing fencing within the site. The proposed hardstanding would be modest in its scale and there is similar hardstanding within the surrounding area. The proposed access would remove some of the existing tree line to the south which is considered to contribute to the character of the area however the amount of vegetation to be removed is modest and there are similar accesses within the surrounding area. The proposed shelters are of modest scales and further details of them can be secured by a suitably worded condition. The resulting highways access and parking arrangement are to be assessed in a subsequent section of this report. As such the proposal is considered to address the character and scale of the surrounding buildings and landscape and complies with policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Impact on 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),'

The Council's Environmental Health Officer has been consulted on the application and they have raised no objection to the proposal subject to conditions relating to hours of use and disposal of waste being imposed. There is significant boundary treatment surrounding the site with large tree lines surrounding the site. Between the application site and the residential properties to the south of the site is a significant tree line and East Street road. The residential properties to the north of the site are a

significant distance from the application site with a significant tree line between the application site and the residential properties. The proposed dog walking facilities are set away from the residential properties to the west of the site and the proposed dog grooming will be undertaken within the proposed extension to the existing stables. A condition will be imposed regarding the hours of operation of the site and details of waste disposal have been set out within the application documents. Taking into account the above the proposal is not considered to cause significant harm to the amenities of nearby residents including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

Trees, Woodland and Hedgerows

'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.'

The proposal will remove an existing oak tree to the south of the site to allow for the construction of a new vehicular access to the site. Whilst its loss is regrettable the tree forms part of a larger tree line which contributes to the character of the area and the loss of one tree is not considered to result in such harm that the application should be refused. The Council's Tree Officer has commented on the application recommending further protection details be submitted and these details can be secured by a suitably worded condition. As such the proposal complies with policy DP37 of the Mid Sussex District Plan.

High Weald Area of Outstanding Natural Beauty

The legal framework for Areas of Outstanding Natural Beauty (AONB) in England and Wales is provided by the Countryside and Rights of Way Act 2000. Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. It also requires Local Planning Authorities to:

'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB.'

Paragraph 176 of the NPPF states that:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

Policy DP16 of the Mid Sussex District Plan in part states:

'Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'

The proposed physical development is modest in its nature and is considered to be in-keeping with the rural character of the area. There is significant boundary treatment to the south of the site and as such there would be limited views into and out of the AONB from the application site. Taking into account the above the proposal is considered not to detract from the visual qualities and essential characteristics of the AONB nor adversely affect views into and out of the AONB and complies with the above part of policy DP16 of the Mid Sussex District Plan, paragraph 176 of the NPPF and the Countryside and Rights of Way Act 2000.

Highways Matters

Policy DP21 of the Mid Sussex District Plan in part states:

- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport, and with the relevant Neighbourhood Plan where applicable*
- *The Scheme protects the safety of road users and pedestrians.'*

A similar ethos is contained within the West Sussex County Council Guidance on Parking at New Development (September 2020).

The proposal seeks to provide a new vehicular access to the south of the site, an internal access road and seven off-street parking spaces within the site. The local highways authority have been consulted on the proposal and have raised no objection subject to the compliance with a number of conditions requiring the construction of the access and parking spaces prior to the occupation of the development. They have advised that suitable visibility splays can be constructed for the proposed access, that the number of proposed parking spaces is sufficient and that the expected number of vehicular trips can be accommodated into the local highway network. Taking into account the above the proposed parking arrangement and highways access are considered acceptable and the proposal complies with policy DP21 of the Mid Sussex District Plan.

Four representation letters have been received in respect of the application and they object to the proposal due to the proposed access and its impact on highways safety. The Parish Council have also raised this concern, however given the above assessment and that the local highways authority have raised no objection the

proposed works are considered to comply with policy DP21 of the Mid Sussex District Plan and the West Sussex County Council Guidance on Parking at New Development (September 2020).

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.

Taking into account the design and scale of the proposal it is considered to maintain the quality of the rural and landscape character of the District. It is considered to be relatively small-scale and would support the sustainable growth and vitality of the rural economy. Taking into account the design of the proposal it is considered to be sensitive to its surroundings and the local highways authority have raised no objection to the proposal. As such the principle of development is considered acceptable under policies DP12 and DP14 of the Mid Sussex District Plan, policies TH8 and TH13 of the Turners Hill Neighbourhood Plan and paragraphs 84 and 85 of the NPPF.

Taking into account the modest nature of the proposal, its location and its design the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents. Whilst the loss of the tree is unfortunate it is considered acceptable and suitable protection measures can be secured by a suitably worded condition. The impact on the setting of the High Weald AONB is considered acceptable. The resulting parking arrangement and highways access are considered to be acceptable in respect of highways safety.

For the above reasons, the proposal is deemed to comply with policies DP12, DP14, DP16, DP21, DP26 and DP37 of the Mid Sussex District Plan, policies THP8 and THP13 of the Turners Hill Neighbourhood Plan, the Mid Sussex Design Guide SPD, West Sussex County Council Guidance on Parking at New Development (September 2020), the High Weald AONB Management Plan 2019-2024 and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

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. **Approved Plans**

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 form without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the proposal and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

4. The proposed dog grooming parlour shall not be open for trade or business except between the hours of 0900 and 1700 Monday to Sunday.

Reason: To safeguard the amenities of nearby residents and to accord with policy DP26 of the Mid Sussex District Plan 2014 - 2031.

5. The proposed secure dog walking facilities shall not be used except between the below time frames:

Between the months of March and August inclusive: 0700 to 1900,

Between the months of September and February inclusive: 0800 to 1600.

Reason: To safeguard the amenities of nearby residents and to accord with policy DP26 of the Mid Sussex District Plan 2014 - 2031.

6. Prior to the commencement of the use of the first field for secure dog walking facilities, elevational details of the three proposed shelters shall be submitted to and approved in writing by the local planning authority and thereafter constructed in accordance with those details.

Reason: To protect the appearance of the proposal and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

7. Prior to the commencement of the use hereby permitted the car parking spaces shall be constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and accord with policy DP21 of the Mid Sussex District Plan.

8. Prior to the commencement of the use hereby permitted the vehicular access serving the development shall be constructed in accordance with the details shown on the drawing titled 'Proposed Cross-Over Details' and numbered '5'.

Reason: In the interests of road safety and accord with policy DP21 of the Mid Sussex District Plan.

9. Prior to the commencement of the use hereby permitted the visibility splays of 2.4 metres by 72 metres to the southwest and 2.4 metres by 103 metres to the northeast shall have been provided at the proposed site vehicular access onto East Street in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and accord with policy DP21 of the Mid Sussex District Plan.

10. Prior to the construction of the proposed access, parking spaces and internal access road details of tree protection measures shall be submitted to and approved in writing by the local planning authority. These measures should include construction exclusion zones and tree protection fencing. The proposed access, parking spaces and internal access shall thereafter be constructed in accordance with these measures.

Reason: To protect the existing trees on the site and accord with policy DP37 of the Mid Sussex District Plan.

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
2. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

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	01		12.09.2022
Site Plan	02		12.09.2022
Proposed Floor and Elevations Plan	03		12.09.2022
Planning Layout	04		12.09.2022
Access Plan	05		12.09.2022

APPENDIX B - FULL CONSULTATION RESPONSES

TURNERS HILL PARISH COUNCIL

The Parish Council cannot support this application as it is not in accordance with the conditions set out in policy THP13 in the Neighbourhood Plan, it is over intensification of a rural area and there are concerns about road safety as the new access road is between two blind corners.

MSDC ENVIRONMENTAL PROTECTION

The main environmental impact from this proposed change of use of land and the construction of a new dog grooming parlour will be from noise from dog barking. I have reviewed the applicant's supporting documents and am satisfied that the proposed business model, number of dogs, hours of operation and layout in relation to neighbouring properties, will not create significant adverse impact. I recommend that the hours of use of both the grooming parlour and the dog walking fields are made explicit by condition. I also recommend conditions that ensure lidded dog waste bins are always in place at each of the dog walking fields and are emptied regularly and that dogs are not permitted to be left unattended in any of the fields. On this basis I have no objection to the proposal.

WSCC HIGHWAYS AUTHORITY

Summary

This proposal is for the change of use land for dog walking, construction of dog grooming parlour and creation of new vehicular access with parking. The site is located on East Street, a B-classified road subject to national speed limit in this location.

This application is supported by a Transport Statement provide by Ardent. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Access and Visibility

The applicant proposes a new 5.5m wide access on East Street to serve the development. The proposed access is of sufficient width to allow two cars to pass when using the access. The applicant is advised to obtain the relevant consents from WSCC for the works to take place within the highway, prior to implementation.

The applicant has demonstrated visibility splays of 2.4m x 72m to the southwest and 2.4m x 103m to the northeast at the proposed access. This has been provided in accordance with 85th percentile speeds ascertained from an ATC speed survey, as provided within the

Transport Statement. As such, the LHA is satisfied with the demonstrated visibility for the proposed access.

Capacity

The site will comprise of three fields, which will operate an appointment based system of one-hour slots. In addition, the dog grooming parlour will operate with two members of staff and allocating approximately two-hours per appointment. As such, the Transport Statement estimates ten two-way movements per hour. Considering this, the LHA is satisfied that the number of trips generated can be accommodated into the local highway network and is not anticipated to give rise to an adverse highway safety impact.

Parking and Turning

The applicant proposes seven car parking spaces for the three dog walking fields and an existing car park will be utilised for the dog grooming parlour. Considering the scale of what is proposed, the LHA is satisfied with the proposed level of vehicular parking provision. From inspection of the plans, the proposed parking spaces appear suitably sized and on-site turning appears achievable.

Sustainability

The site is situated in a rural location that lacks access to public transport links. In addition, East Street is unlit and lacks a footway in this location. Therefore, the LHA anticipates that visitors and staff will have a reliance on the private car.

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.

If the LPA are minded to approve the application, the following conditions and informative should be applied:

Conditions

Access (Access to be provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled 'Proposed Cross-Over Details' and numbered '5'.

Reason: In the interests of road safety.

Car parking space (details approved)

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Visibility (details approved)

No part of the development shall be first occupied until visibility splays of 2.4 metres by 72 metres to the southwest and 2.4 metres by 103 metres to the northeast have been provided at the proposed site vehicular access onto East Street in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Informative

Works within the Highway - Area Office Team

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

MSDC Street Naming and Numbering Officer

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved. Thank you.

Informative (Info29)

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

MSDC Tree Officer

The enclosed report is lacking in detail, and the crossover through these boundary trees is not ideal, however they appear to be young trees of relatively low value. Despite this I should emphasise all the trees and boundary vegetation offer many benefits and should be carefully protected during construction. I would ask that a more detailed tree protection plan is submitted and agreed prior to the construction of the crossover.

In addition I would ask for assurance that the RPAs of the trees along this boundary are not impacted by the internal road and parking, and furthermore it would be recommended for the road, particularly the crossover to be constructed from a porous material to allow air and water to the soil surrounding these trees.

In principle I do not object to the proposal on aboricultural grounds.

MID SUSSEX DISTRICT COUNCIL

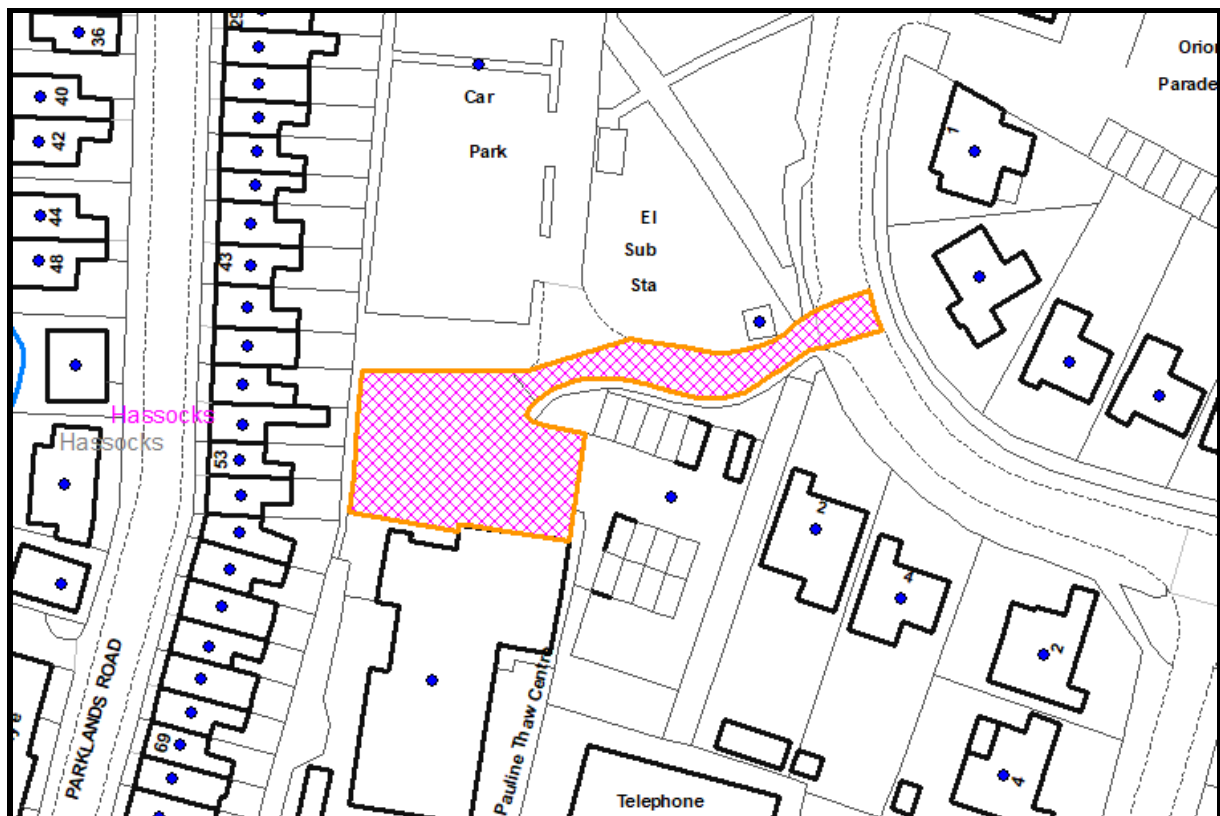
Planning Committee

12 JAN 2023

RECOMMENDED FOR PERMISSION

Hassocks

DM/22/3503



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**AGE CONCERN HAS SOCKS AND DISTRICT LTD THE PAULINE THAW
CENTRE DALE AVENUE HAS SOCKS WEST SUSSEX BN6 8LW
RELOCATION OF HAS SOCKS VILLAGE MARKET TO THE PAULINE
THAW CENTRE CAR PARK**

AMANDA FELIX

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) / Aerodrome Safeguarding (CAA) / Trees subject to a planning condition / Trees subject to a planning condition / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Minor Other

8 WEEK DATE: 10th January 2023

WARD MEMBERS: Cllr Sue Hatton / Cllr Benedict Dempsey / Cllr Alexander Sparasci /

CASE OFFICER: Hamish Evans

PURPOSE OF THE REPORT

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for a village market within the Pauline Thaw Centre Car Park Dale Avenue Hassocks BN6 8LW.

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 site lies within the defined built-up area of the village where the principle of development is acceptable under policy DP6 of the Mid Sussex District Plan. The proposed use would replace the same community facility which is being lost at another site and due to the provision of publicly accessible toilets it is considered to enhance the existing community facilities and support the local economy.

Taking into account the modest nature of the proposal, its relatively infrequent use and the existing boundary treatment the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents. The resulting parking arrangement and the proposals impact on highways safety is considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP3, DP6, DP21, DP25, DP26 and DP29 of the Mid Sussex District Plan, policies 9, 12 and 18 of the Hassocks Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

SUMMARY OF REPRESENTATIONS

No third-party representation letters have been received in respect of this application.

SUMMARY OF CONSULTATIONS

HASSOCKS PARISH COUNCIL

RECOMMEND APPROVAL. Hassocks Parish Council offers its full support to this application.

MSDC ENVIRONMENTAL PROTECTION

No objection

WEST SUSSEX COUNTY COUNCIL HIGHWAYS AUTHORITY

WSCC consider there is no highway safety or capacity concerns associated with the current proposal, therefore, no objection is raised for the proposal.

Introduction

The application seeks planning permission for a village market within the Pauline Thaw Centre Car Park Dale Avenue Hassocks BN6 8LW. The application has been referred to Committee because the land is owned by the District Council.

Relevant Planning History

11/00448/FUL - Extension of Car Park. PERMISSION.

11/03198/FUL - Widening of car park entrance, re-routing of pedestrian pathway and reinstatement of road surface. PERMISSION.

SITE AND SURROUNDINGS

The application site consists of a private car park used in association with the Age Concern at the Pauline Thaw Centre Dale Avenue Hassocks BN6 8LW. The car park is located to the north of the centre and the site is located within the Hassocks built up area boundary.

A public car park is located to the north of the site, private garages are located to the east of the site, the Pauline Thaw Centre is located to the south of the site and residential properties are located to the west of the site.

The vehicular and pedestrian access to the site is located to the north-east. The residential properties to the west of the site are of a two-storey and terraced nature and the rear of the dwellings are immediately adjacent to the application site. Their rear boundary treatment consists of some 1.8 metre high closed board fencing.

APPLICATION DETAILS

The proposal seeks planning permission for a village market that would take place on the fourth Saturday of the month apart from December when it is held on the third Saturday of the month. The market previously took place at the forecourt of National Tyres 60 Keymer Road Hassocks BN6 8AR.

The proposal does not include any permanent structures as it has been confirmed that stallholders will set up and dismantle their own trestle tables and gazebos. It has also been confirmed that the car park will be closed for vehicles between the opening of the market and the closing of the market.

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, Hassocks 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 is up to date and was adopted at Full Council on 28th March 2018.

Relevant policies:

DP3 - Village and Neighbourhood Centre Development

DP6 - Settlement Hierarchy

DP21 - Transport

DP25 - Community Facilities and Local Services

DP26 - Character and Design

DP29 - Noise, Air and Light Pollution

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. No weight can be given to the plan at this stage due to the very early stage that it is at in the consultation process.

Hassocks Neighbourhood Plan (adopted June 2020)

Policy 9 - Character and Design

Policy 12 - Community Facilities

Policy 18 - Village Centre

Site Allocations DPD (June 2022)

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

ASSESSMENT

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

- The principle of development
- The design and character
- The impact on neighbouring amenities
- Highways matters, and
- Planning balance and conclusion.

Assessment

Principle of development

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Hassocks Neighbourhood Plan and the Site Allocation DPD.

Policy DP6 of the Mid Sussex District Plan states in part:

'Development will be permitted within towns and villages with defined built-up area boundaries'

Policy DP3 of the Mid Sussex District Plan states in part:

'To support the village centres, development, including for mixed uses, will be permitted providing it:

- *helps maintain and develop the range of shops and services to enable the village centre to meet local needs, and*
- *is appropriate in scale and function to its location including the character and amenities of the surrounding area, and*
- *is in accordance with the relevant Neighbourhood Plan.'*

Policy 18 of the Hassocks Neighbourhood Plan states:

'Development proposals which would enhance the character and sense of place of the central retail and commercial area of Hassocks will be supported.

Proposals to enhance parking facilities, traffic flow, pedestrian and cycling facilities, shop frontages, green spaces, public realm and signage will be particularly supported.'

Policy DP25 of the Mid Sussex District Plan states:

'The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.

Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:

- *that the use is no longer viable, or*
- *that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility, or*
- *that a replacement facility will be provided in the locality.*

The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure onsite facilities. Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document.

Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.'

Policy 12 of the Hassocks Neighbourhood Plan states:

'Development proposals which result in the loss of community facilities will not be supported.

Development proposals for the alteration and/or replacement of community facilities will be supported where:

1. *Equivalent (in qualitative and quantitative terms) or enhanced facilities are provided to serve local needs, and*
2. *Proposals for the replacement of a community facility ensure the replacement facility is made available before the closure of the existing facility.'*

The application site is located within the Hassocks built up area boundary which is considered to be an accessible and sustainable location. Due to the potential non-availability of the existing market site, the proposal, including access to public toilets, is considered to enhance the range of services within the village centre and support the local economy. The proposal's impact on the character of the area and impact on amenities is to be assessed in a subsequent section of this report. Taking into account the above the proposal is considered to comply with policies DP3, DP6 and DP25 of the Mid Sussex District Plan and policies 12 and 18 of the Hassocks Neighbourhood Plan and acceptable in principle.

Design and Character

Policy DP26 of the Mid Sussex District Plan in part 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.'*

A similar ethos is found within policy 9 of the Hassocks Neighbourhood Plan and the Mid Sussex Design Guide SPD.

The proposal does not include any permanent structures and temporary structures such as canopies and trestle tables would be modest in their nature. These structures would only be in place when the market was in operation which would be relatively infrequent and it is not considered uncommon to have the proposed use take place in car parks. As such the proposal is considered to address the character and scale of the surrounding buildings and landscape and complies with policy DP26 of the Mid Sussex District Plan, policy 9 of the Hassock Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Impact on 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 in part:

'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,*

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 Council's Environmental Health Officer has been consulted on the application and they have raised no objection to the proposal. Whilst the site is in relative close proximity to the residential properties to the west of the site the proposed use of the site would be relatively infrequent and it would be a similar use to the Age Concern

building currently at the site. There is also relatively significant boundary treatment to the east of the site. The proposed use is also considered relatively common within built up areas.

Taking into account the above the proposal is not considered to cause significant harm to the amenities of nearby residents including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. As such the proposal is considered to comply with the above part of policies DP26 and DP29 of the Mid Sussex District Plan, policy 9 of the Hassocks Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Highways Matters

Policy DP21 of the Mid Sussex District Plan in part states:

- *'The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport, and with the relevant Neighbourhood Plan where applicable*
- *The Scheme protects the safety of road users and pedestrians.'*

The proposed use will take place within an existing car park that is used in association with the Age Concern at the site. The car park will be closed to vehicles during the time the market is open and whilst this would mean a reduction in off-street parking spaces at the site, the use of the market will be relatively infrequent, and the benefits of providing a market is considered to outweigh the short term loss of car parking spaces. The Local Highways Authority have been consulted on the proposal and they raise no objection. As such the proposal is considered to comply with the above-mentioned parts of policy DP21 of the Mid Sussex District Plan.

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 site lies within the defined built-up area of the village where the principle of development is acceptable under policy DP6 of the Mid Sussex District Plan. The proposed use would replace the same community facility which is being lost at another site and due to the provision of publicly accessible toilets it is considered to enhance the existing community facilities and support the local economy.

Taking into account the modest nature of the proposal, its relatively infrequent use and the existing boundary treatment the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not

cause significant harm to the amenities of nearby residents. The resulting parking arrangement and the proposals impact on highways safety is considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP3, DP6, DP21, DP25, DP26 and DP29 of the Mid Sussex District Plan, policies 9, 12 and 18 of the Hassocks Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

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. **Approved Plans**
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. The proposed village market shall only take place on the fourth Saturday of the month between January and November inclusive and the third Saturday of December, unless otherwise agreed with by the local planning authority.

INFORMATIVES

1. 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			15.11.2022
Block Plan			15.11.2022

APPENDIX B – CONSULTATIONS

Environmental Protection

No objection.

Parish Consultation

RECOMMEND APPROVAL. Hassocks Parish Council offers its full support to this application.

WSSC HIGHWAYS AUTHORITY

West Sussex County Council (WSSC), in its capacity as Local Highway Authority (LHA), have been consulted on the above Full Planning Application, with regards to any highway safety or capacity concerns. The application is supported by way of a Planning Statement.

The application site is Age Concern / Pauline Thaw Centre car park, located approx. 600m to the east of Hassocks Train Station. The proposal is for relocation of Hassocks Village Market from National Tyres Forecourt to Age Concern / Pauline Thaw Centre car park due to the former building under threat of demolition.

Age Concern / Pauline Thaw Centre car park is accessed from Dale Avenue via a short access road which also provides access to the long-stay village car park. Hassocks Village Market is held on fourth Saturday of the month, apart from December when it is on third Saturday to offer Christmas shopping opportunities. During the market days Age Concern / Pauline Thaw Centre car park will be closed but part of the access road serving the long-stay village car park will remain open. There is a well-maintained footway to the south of the access road leading into the Age Concern / Pauline Thaw Centre car park which the visitors could make use of on market days.

WSSC consider there is no highway safety or capacity concerns associated with the current proposal; therefore, no objection is raised for the proposal.

MID SUSSEX DISTRICT COUNCIL

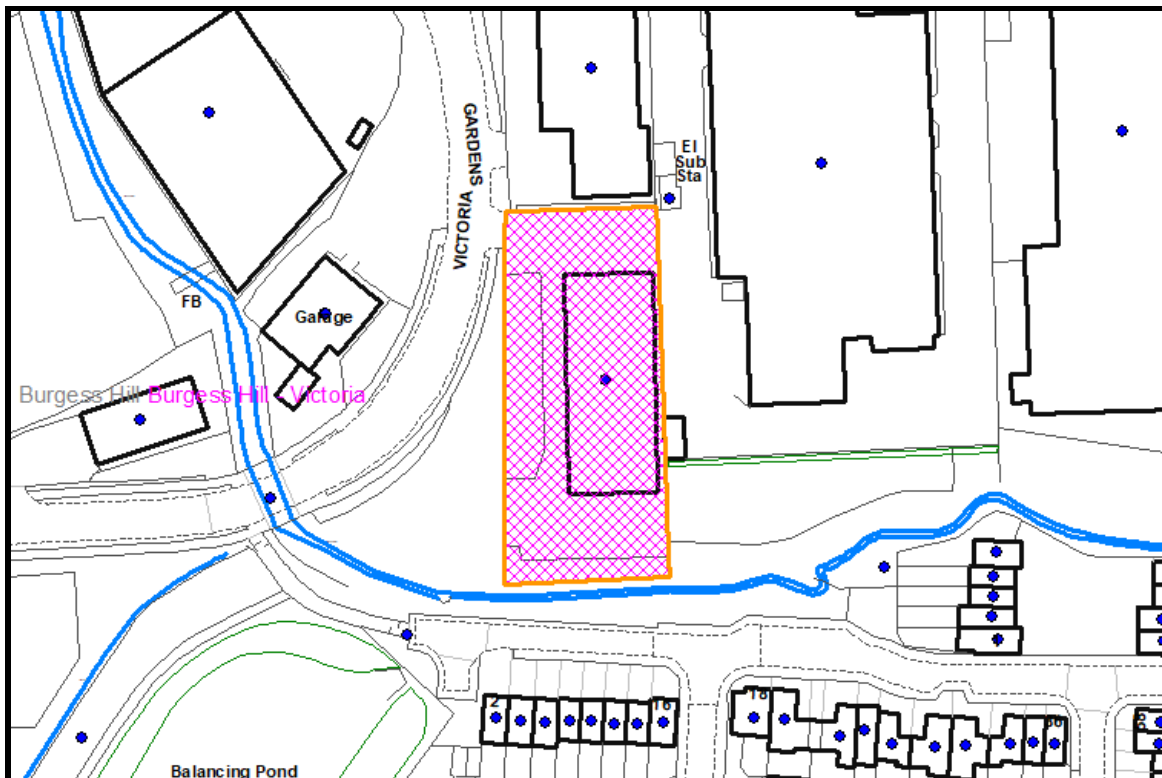
Planning Committee

12 JAN 2023

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/22/3287



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**EURO CAR PARTS LTD 31 VICTORIA GARDENS BURGESS HILL WEST
SUSSEX RH15 9NB**

**INCREASE THE WIDTH OF THE HARD STANDING SURFACE
(DRIVEWAY) ALONG THE SIDE OF THE BUILDING AND INCREASE THE
WIDTH FURTHER AT THE ENTRANCE END.**

MR JONATHAN POLLENTINE

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

ODPM CODE: Minor Other

8 WEEK DATE: 20th December 2022

WARD MEMBERS: Cllr Peter Chapman / Cllr Lee Gibbs /

CASE OFFICER: Andrew Horrell

PURPOSE OF THE REPORT

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

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

This building is in commercial use on the Victoria industrial estate and occupied by Euro Car Parts Ltd for the distribution and sale of vehicle parts and garage equipment for cars and light commercial vehicles. Because of difficulties of access and parking due to a narrow driveway, planning Permission is sought to increase the width of the hard standing surface (Driveway) along the side of the building and increase the width further at the entrance.

The proposed alterations to the hardstanding arrangements are considered to be in character with the wider streetscene, improve access arrangements for the business and would not cause significant harm to the amenities of neighbouring amenities or highway safety.

The proposed development is therefore deemed to comply with policies DP21 and DP26 Mid Sussex District Plan.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

Letters of objection was received from neighbouring 2 and 4 Payton Drive on the following grounds:

- Any Increased frequency would increase light and noise pollution from deliveries

SUMMARY OF CONSULTATIONS

Burgess Hill Town Council

'Recommend Approval'

MSDC Drainage

' The flood risk and drainage team have reviewed the above application and have no objection'.

MSDC Environmental Protection Team

'This application does not change any existing use and is just for a wider driveway. There are no noise implications as far as I can tell other than construction noise. Recommended condition is therefore to limit construction hours:

Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted'

INTRODUCTION

The application seeks planning permission for to increase the width of the hard standing surface (Driveway) along the side of the building and increase the width further at the entrance end.

RELEVANT PLANNING HISTORY

DM/17/4435 - Retrospective application for the change of use to Class B8 (storage and distribution) with ancillary trade counter and associated repairs and maintenance. (approved)

SITE AND SURROUNDINGS

31 Victoria Gardens is a part two storey flat roofed part single storey building characterised by face brickwork with upvc doors and windows within an industrial estate.

To the north of the site is the car park with hedging to Johnsons (29 Victoria gardens) beyond, to the south of the site is the parking and delivery area with woodland to Payton Drive beyond, to the east of the site is mesh fencing to 27 Victoria Gardens beyond and to the west of the site is the driveway with hedging and gated entrance with highway beyond.

The site is within the built-up area of Burgess Hill.

APPLICATION DETAILS

The existing hardstanding driveway is to be enlarged measuring at the corner nearest to the entrance gates a maximum depth of 6.817m with the majority measuring 1.546m in depth with an overall width of 38.506m. This is to prevent further destruction and damage created by vehicles and vans due to the hard surface being too narrow for efficient vehicle manoeuvring.

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, Burgess Hill Neighbourhood Plan and the Site Allocation DPD.

Mid Sussex District Plan

DP21 (Transport)

DP26 (Character and Design)

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period ran to 19th December 2022. No weight can currently be given to the plan due to the very early stage that it is at in the consultation process.

Burgess Hill Neighbourhood Plan

The Neighbourhood Plan for Burgess Hill was 'made' in January 2016. It forms part of the development plan with full weight.

No relevant policies

National Policy

National Planning Policy Framework (July 2021)

ASSESSMENT

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

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.'*

This section of parking area is fairly informal in nature, with rough gravel surfacing. The proposed extension to the hardstanding will be contained within the existing site. As such, views into and out of the site are restricted within the locality.

The proposal is therefore considered to have limited visual impact upon the area, thereby protecting the character of the area in accordance with policy DP26 of the District Plan.

Highways

DP21 of the Mid Sussex District Plan states *decisions on development proposals will take account of whether:*

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy),*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up,*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport, and with the relevant Neighbourhood Plan where applicable,*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded,*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements,*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation,*
- *The scheme protects the safety of road users and pedestrians.*

The Proposal does not alter the vehicular or pedestrian access to the site and will cause no highway safety issues. Therefore, the proposal is deemed to comply with policy DP21 of the Mid Sussex District Plan.

Neighbouring Amenities

In terms of impact upon neighbouring amenities 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),'

The concerns raised by neighbours as to noise from the existing use and potential for additional nuisance are noted.

The use of the property is, however, limited. DM/17/4435 limited the business hours to between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 16:00 Saturdays (and there shall be no external illumination on the premises except between the above-mentioned hours). The proposal subject of this application seeks to improve existing arrangements for vehicles visiting the site and it is not considered that it would result in additional noise or other nuisance causing significant additional harm to the amenities of neighbours.

MSDC Environmental Health Team have requested a construction hours condition, however, this reflects the requirements of the Environmental Protection Act 1990 which is to be added as an informative. Coupled with this, the proposed works are likely to be short term and therefore a condition which restricts construction hours is not necessary and does not meet the requirements for the imposition of conditions as set out by paragraph 57 of the NPPF.

CONCLUSION

The proposed development complies with policies DP21 and DP26 of the Mid Sussex District Plan.

The application is therefore 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.
2. **Approved Plans**
The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans referred to in Consideration of this Application'.
Reason: For the avoidance of doubt and in the interest of proper planning.

INFORMATIVES

1. 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:

Plan Type	Reference	Version	Submitted Date
Location Plan	AC51422/LP	-	25.10.2022
Block Plan	AC51422/SP	-	25.10.2022
Existing and Proposed Floor Plan	AC	-	25.10.2022

APPENDIX B – CONSULTATIONS

Parish Consultation

Recommend Approval.

Environmental Protection

DM.22.3287 Wider hard standing, Euro Car Parts, 31 Victoria Gardens BH

This application does not change any existing use and is just for a wider driveway. There are no noise implications as far as I can tell other than construction noise. Recommended condition is therefore to limit construction hours:

Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

Monday ' Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted

20.12.22

Nick Bennett

Environmental Protection

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MID SUSSEX DISTRICT COUNCIL

Planning Committee

12 JAN 2023

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/22/3615



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**76 ROYAL GEORGE ROAD BURGESS HILL WEST SUSSEX RH15 9SF
SINGLE STOREY REAR EXTENSION.**

L EVEREST

POLICY: /

ODPM CODE: Householder

8 WEEK DATE: 19th January 2023

WARD MEMBERS: Cllr Peter Chapman / Cllr Lee Gibbs /

CASE OFFICER: Hamish Evans

PURPOSE OF THE REPORT

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning Permission is sought for a single storey rear extension at 76 Royal George Road Burgess Hill RH15 9SF. The application has been referred to Committee because the applicant is a member of Council staff who is involved in the planning process.

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.

Taking into account the scale and design of the proposal it is considered to address that character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents. The proposal would also have an acceptable impact on the existing tree in the neighbouring property.

As such the proposal is considered to comply with policies DP26 and DP37 of the Mid Sussex District Plan, design principles DG49 and DG51 of the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

No third-party representation letters have been received in respect of this application.

SUMMARY OF CONSULTATIONS

Burgess Hill Town Council

Recommend approval.

Introduction

The application seeks planning permission for a single storey rear extension at 76 Royal George Road Burgess Hill RH15 9SF. The application has been referred to Committee because the applicant is a member of Council staff who is involved in the planning process.

SITE AND SURROUNDINGS

The site is located within the Burgess Hill built up area boundary. The application site consists of a two-storey end of terrace residential property which is characterised by white render and walls, brown clay roof tiles and white uPVC window and door frames. The existing rear boundary treatment at the site consists of some 1.8 metre high closed board fencing. Royal George Road is located to the south of the site and residential properties are located to the north, east and west of the site.

APPLICATION DETAILS

The proposed single storey rear extension measures some 5.2 metres in depth, 3.5 metres in width and a total height of 2.7 metres. The proposal includes a rooflight which adds an additional 0.2 metres to the total height of the proposal. The proposal is to be characterised by external materials similar in appearance to those used in the existing dwelling.

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, Burgess Hill 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 is up to date and was adopted at Full Council on 28th March 2018.

Relevant policies:

DP26 - Character and Design
DP37 - Trees, Woodland and Hedgerows

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. No weight can be given to the plan at this stage due to the very early stage that it is at in the consultation process.

BURGESS HILL NEIGHBOURHOOD PLAN (adopted January 2016)

No relevant policies.

Site Allocations DPD (June 2022)

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 -

- The design and character
- The impact on neighbouring amenities
- Trees, Woodland and Hedgerows.

Design and Character

Policy DP26 of the Mid Sussex District Plan in part 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.'*

Principle DG49 of the Mid Sussex Design Guide states:

'Extensions should typically use simple, uncomplicated building forms to compliment and coordinate with the scale, form and massing of the original dwelling. The design

approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise it should demonstrate the appropriateness of the alternative approach.'

Principle DG51 specifically relates to rear extensions and states that:

'rear extensions which are not visible from the street and do not negatively impact on neighbouring properties can be expressed in many forms, including by adopting a contemporary architectural approach. With reference to DG49, they should nevertheless have consideration for the character of the existing building and the relationship of the extension with the side boundaries and adjacent buildings and gardens.'

The proposed works are to be characterised by external materials similar in appearance to those used in the existing dwelling, details of which can be secured by a suitably worded condition.

The proposed would be of a modest single storey nature and it would be of a simple uncomplicated form. It is subservient in height to the existing dwelling. There are a variety of extensions within the surrounding area some of which are of a similar scale and design as the proposal. As such the proposal is considered to address the character and scale of the surrounding buildings and landscape and complies with policy DP26 of the Mid Sussex District Plan and principles DG49 and DG51 of the Mid Sussex Design Guide SPD.

Impact on 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),'

A similar ethos is found within the Mid Sussex Design Guide SPD.

The proposal is of a modest single storey nature and it would be of a similar depth to the existing extension at the neighbouring property to the west of the site. The proposal is set away from the eastern boundary. Taking into account the modest single storey nature of the proposal and the existing boundary treatment, the proposed openings would not have direct views into neighbouring property's private amenity spaces. As such the proposal is not considered to cause significant harm to the amenities of nearby residents including the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. As such complies with the above part of policy DP26 of the Mid Sussex District Plan.

Trees, Woodland and Hedgerows

'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.'

The proposed plans show an existing lime tree in a neighbouring property to the east of the site. The existing tree is not a protected tree and the proposal does not seek to fell the tree. There is an existing 1.8 metre high closed board fencing between the proposal and the existing tree and it has been demonstrated that the proposal would be located outside the root protection area. As such the proposal is not considered to lead to the loss of the existing tree and complies with policy DP37 of the Mid Sussex District Plan.

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.

Taking into account the scale and design of the proposal it is considered to address that character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents. The proposal would also have an acceptable impact on the existing tree in the neighbouring property.

As such the proposal is considered to comply with policies DP26 and DP37 of the Mid Sussex District Plan, the Burgess Hill Neighbourhood Plan, principles DG49 and DG51 of the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

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 and application form 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.

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:

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	2226-001	-	24.11.2022
Existing Floor Plans	2226-002	-	24.11.2022
Existing Elevations	2226-003	-	24.11.2022
Proposed Floor Plans	2226-005	-	24.11.2022
Proposed Elevations	2226-006	-	24.11.2022