

MID SUSSEX DISTRICT COUNCIL

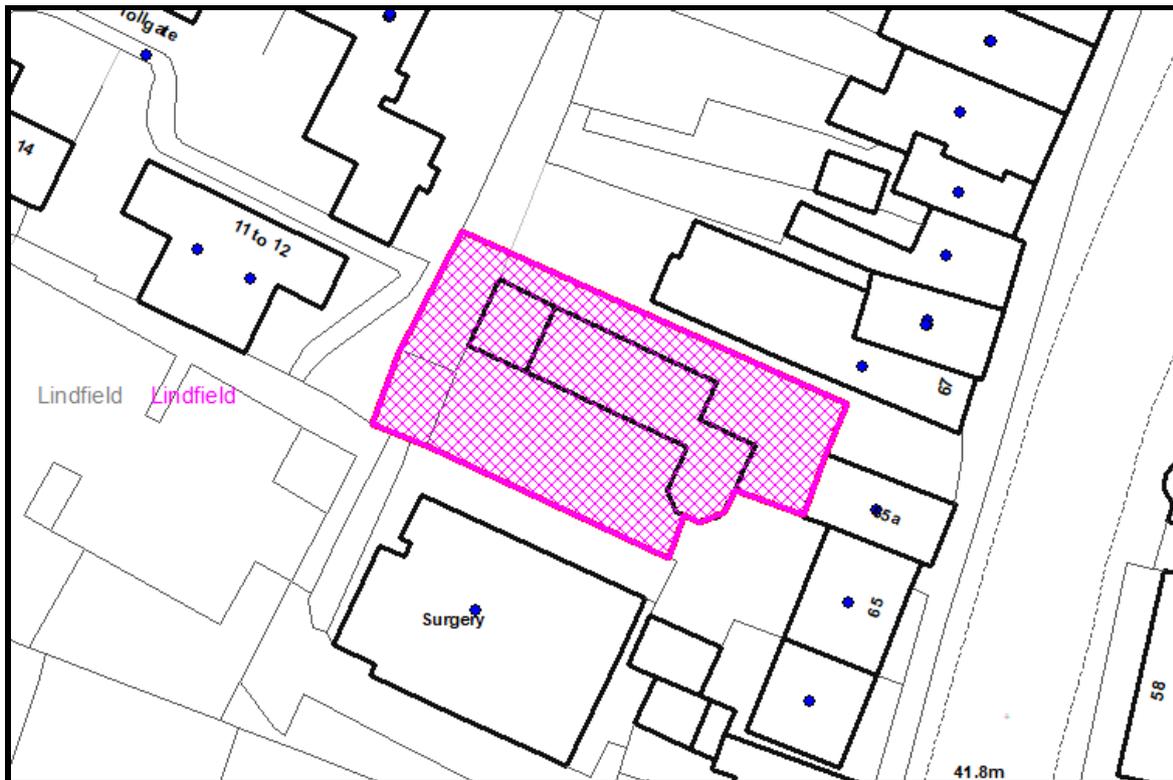
Planning Committee

15 JUL 2021

RECOMMENDED FOR PERMISSION

Lindfield

DM/21/0041



© Crown Copyright and database rights 2021 Ordnance Survey 100021794

**HUMPHREYS BAKERY 65 HIGH STREET LINDFIELD HAYWARDS HEATH
CHANGE OF USE OF BAKEHOUSE TO RESIDENTIAL C3 USE.
(AMENDED DESCRIPTION, AMENDED PLANS AND HERITAGE
STATEMENT 19.03.2021)
MISS K WILES**

POLICY: Article 4 Direction / Built Up Areas / Conservation Area / Pre 1974
Conservation Area Boundary / Classified Roads - 20m buffer / Listed
Building / Aerodrome Safeguarding (CAA) / Sewer Line (Southern
Water) / Archaeological Notification Area (WSCC) /

ODPM CODE: Change of Use

8 WEEK DATE: 16th July 2021

WARD MEMBERS: Cllr Andrew Lea / Cllr Anthea Lea / Cllr Jonathan Ash-Edwards /

CASE OFFICER: Hamish Evans

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Full planning permission is sought to change the use of the bakehouse to residential C3 use to the rear of 65A High Street Lindfield RH16 2HN.

The application has been called-in to be determined at planning committee by Councillors Andrew Lea, Anthea Lea and Jonathan Ash-Edwards, due to concerns regarding loss of commercial premises and impact upon the appearance and character of the conservation area and on the setting of the listed building.

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.

In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

The proposal is considered acceptable in respect of the principle with the development being sustainably located within the built-up area of Lindfield. The proposed conversion of the bakehouse to C3 use would not result in the existing retail use at 65A High Street being lost.

There are other material considerations that also need to be taken into account when assessing the principle, such as the guidance in the NPPF promoting the effective use of land for homes and making clear that one of the Government's objectives is to significantly boost the supply of homes. At a more local level, whilst the District Plan is up to date and the LPA can demonstrate a 5 year housing land supply, the requirement to demonstrate a 5 year housing land supply is a rolling one which means that the LPA must continue to grant planning permissions to enable the 5 year land supply to be maintained.

In this case the overall design and visual impact is considered acceptable with the external changes being limited.

The proposal is considered to preserve the setting and special interest of the listed building, the character and appearance of Lindfield Conservation Area, be in-keeping with the existing site and wider street scene and not have an impact on the historic core of Lindfield in terms of archaeology.

No objections are raised to the proposal by the local highway authority and in the absence of any technical objections there are not deemed to be any reasonable grounds to refuse the application on highways related matters.

The proposal will not result in significant harm to neighbouring residential amenity whilst the scheme will provide a good standard of accommodation for future occupiers.

The Council would also receive a new homes bonus and there should be no likely significant effects on the Ashdown Forest SPA and SAC.

The application is deemed to comply with Policies DP3, DP6, DP17, DP21, DP26, DP27, DP34 and DP35 of the Mid Sussex District Plan, Policy 4 of the Lindfield and Lindfield Rural Neighbourhood Plan, the MSDC Design Guide, The West Sussex County Council Parking Guidance September 2020, the NPPF and the Listed Building and Conservation Area (LBCA) Act 1990. Accordingly, the application is recommended for approval.

RECOMMENDATION

Recommend permission be granted subject to the conditions outlined at Appendix A.

Summary of Representation Letters

13 representation letters have been received in respect of this application objecting to the proposal. In summary their objections are:

- The proposed change of use would be unacceptable and contrary to policy DP3 of the Mid Sussex District Plan and policy 4 of the Lindfield and Lindfield Rural Neighbourhood Plan.
- The proposed change of use would remove an A1 use.
- There has been no attempt to market the site since it had closed.
- Dangerous precedent.
- No turning available at the site.
- Inaccuracies in the plans of the driveway and no right of access.
- Loss of history and culture.
- No Heritage Statement submitted.
- 65A High Street would be unviable.

- Addition of first floor element disproportionate and have a negative impact on character of the High Street.
- Impact on existing businesses.
- The proposed residential property would be in close proximity to commercial properties.
- Negative impact on the character of the High Street.
- Site plan drawn outside land owned by applicant.
- First floor extension would dominate the setting of the Grade II* listed building and the wider conservation area.
- First floor extension would directly overlook neighbouring properties private amenity space.
- Overbearing impact on neighbouring properties.
- Unsympathetic and inappropriate development.
- Loss of bakery.
- Source of employment.

SUMMARY OF CONSULTEE RESPONSES

MSDC Conservation Officer

I consider that the proposal will preserve the setting and special interest of the listed building and the character and appearance of Lindfield Conservation Area. This meets the requirements of District Plan Policies DP34 and DP35, the Council's Design Guide and the relevant paragraphs of the NPPF

I would suggest a condition requiring new windows to match existing.

Historic England

No comment.

West Sussex County Council Highways Authority

West Sussex County Council Highways Authority raise no objection to the proposal.

PARISH COUNCIL OBSERVATIONS

Lindfield Parish Council objects to the proposal due to the loss of the bakehouse and its impact on the existing bakery. It also raises concern over the proposed parking arrangement.

INTRODUCTION

Full planning permission is sought to change the use of the bakehouse to residential C3 use to the rear of 65A High Street Lindfield RH16 2HN.

RELEVANT PLANNING HISTORY

CU/248/77 - Rebuilding and extension to rear of bakery to provide accommodation for new oven. PERMISSION

LF/060/92 - Extension to bakehouse and hardwood conservatory. PERMISSION

LF/059/92 - Extension to bakehouse and hardwood conservatory. PERMISSION

SITE AND SURROUNDINGS

The existing site is located within the Lindfield built up area boundary, the Lindfield Conservation Area, a West Sussex County Council Archaeological Notification Area, and within the setting of a Grade II* listed building. The existing building is a single storey building that has been used as a bakehouse in association with the bakery at 65A High Street, however, the bakery has been closed since the summer of 2019. It is characterised by a mixture of brown clay roof tiles and grey felt roofing, brown bare brickwork walls, a mixture of dark metal, dark timber and white uPVC window frames and a mixture timber and uPVC door frames.

To the north of the site is a private road and the rear of an existing commercial unit, to the east of the site is an existing paved area leading to the rear of 65A High Street Lindfield, to the south of the site is a mixture of brick walls and timber fencing which is some 2.0 metres high and leads to an existing doctors surgery and to the west of the site is some 2.0 high closed board fencing. To the west of the site is also a single storey garage and a driveway which together provide some two off-street parking spaces. To the east of the site there are also a row of three buildings which are Grade II* listed buildings consists of 63, 65 and 65A High Street Lindfield.

APPLICATION DETAILS

The proposal seeks to convert the existing outbuilding which has formerly been used as a bakehouse to a C3 residential use. The proposal does not seek to extend the existing building, however, it seeks to alter the existing window frames to timber window frames. The proposed change of use will provide 2 bedrooms, a bathroom, living room, kitchen area, hallway and toilet room. The existing conservatory and garage space will be retained. As part of the original proposal the application sought to extend above the existing single storey building to provide a first-floor element, however this element has since been removed.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

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

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

Mid Sussex District Plan

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

Relevant policies:

- DP3 - Village and Neighbourhood Centre Development
- DP6 - Settlement Hierarchy
- DP17 - Ashdown Forest SPA and SAC
- DP21 - Transport
- DP26 - Character and Design
- DP27 - Dwelling Space Standards
- DP34 - Listed Buildings and other Heritage Assets
- DP35 - Conservation Areas

Lindfield and Lindfield Rural Neighbourhood Plan (adopted March 2016)

Relevant policies:

Policy 4 - Lindfield Village Centre

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) (Feb 2019)

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

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

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

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

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.

Technical Housing Standards

West Sussex County Council's Guidance on Parking at New Developments - September 2020

ASSESSMENT

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

- Principle of Development
- Character, Design and Impact on Heritage Assets
- Neighbouring Amenities
- Parking
- Space standards
- Ashdown Forest
- Archaeology

Principle of development

Policy DP3 of the District Plan relates to village and neighbourhood centre development. This states in part that:

"Village Centres

These are defined as the village centres of Crawley Down, Cuckfield, Hassocks, Hurstpierpoint and Lindfield which meet the needs of their own communities and neighbouring small villages and countryside areas.

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

"Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement"

Policy 4 of the Lindfield and Lindfield Rural Neighbourhood Plan states:

"The Neighbourhood Plan defines the Lindfield Village Centre on the Proposals Map. Within the Centre, development proposals that will result in the loss of any village centre units within existing A1 use will be resisted. Proposals to create new A1 use village centre units will be supported."

The site is located within the Lindfield built up area boundary and the proposed use would add to the mix of uses within the locality. There is not a formal record of when the existing building was constructed, however, there is photographic evidence of the building being in situ from 1955. The building has been used as an ancillary bakehouse to the bakery at 65A High Street Lindfield until it closed some 2 years ago which is considered a retail use. However, the shop at 65A is not included within application site and as such is not being proposed to be altered as part of this application. As such the proposal does not seek to remove any existing retail shop units.

The proposal's design and character and impact on neighbouring amenities are to be assessed in a subsequent section of this report. Taking into account the above, the proposed change of use is considered to be acceptable in principle and complies with policies DP3 and DP6 of the Mid Sussex District Plan and policy 4 of the Lindfield and Lindfield Rural Neighbourhood Plan.

Lindfield Parish Council have objected to the proposal due to the loss of the bakehouse and its impact on the existing bakery. A number of representation letters have been received which object to the proposal asserting that the change of use is unacceptable and would remove a retail unit, the Bakery at 65A High Street would be unviable and that the proposal would result in the loss of a bakery. Due to the changes in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which came into force on 01.09.2020, the use of the site is now Class E use, 'Commercial, Business and Service'.

Class E covers the following uses:

- E(a) Display or retail sale of goods, other than hot food
- E(b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of:
 - E(c)(i) Financial services,
 - E(c)(ii) Professional services (other than health or medical services), or
 - E(c)(iii) Other appropriate services in a commercial, business or service locality

- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(f) Creche, day nursery or day centre (not including a residential use)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes

Planning permission would not be required for the use of the application building to any use falling within class E.

As of 01.08.2021 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows for the conversion of a building under use class E to a residential property under use class C3 subject to its compliance with the prior approval process as set out within the above class. As such it is relevant to note that as from the 01.08.2021, planning permission would not be required to convert the existing bakehouse to a residential property.

This application does not seek to change the use of the bakery shop at 65A High Street, which is located outside the site boundary. As such its commercial use would be retained. No evidence has been submitted in terms of whether the proposal would have an impact on the viability of the bakery at 65A High Street Lindfield. However, the bakery has been closed since 2019 and the bakery is not the subject of this application as such it is considered unreasonable to request evidence regarding the viability of bakery at 65A High Street. It should also be noted that there are no specific policies contained within the development plan that requires 65A to be retained specifically as a bakery. As set out above the building could be used for a number of commercial uses within class E.

Taking into account the above planning policies the principle of the change of use of the site to residential is considered to comply with policies DP3 and DP6 of the Mid Sussex District Plan and policy 4 of the Lindfield and Lindfield Rural Neighbourhood Plan.

Character, Design and Impact on Heritage Assets

The application site lies within the Lindfield Conservation Area and within the setting of a grade 2* listed building. The following policies are thus relevant to the assessment of this application.

Policy DP26 of the Mid Sussex District Plan states:

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

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

Policy DP35 of the District Plan states:

Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- *Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- *Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- *Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*

- *New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Development will also protect the setting of the conservation area and in particular views into and out of the area. New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.

Policy DP34 of the Mid Sussex District Plan states:

Listed Buildings

Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets:

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.

The site is located within the Lindfield Conservation Area, as designated in 1969. A Conservation Area is defined as an area of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance".

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the heritage asset (the Lindfield Conservation Area), the site being within its boundary, and any features of special interest, as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The site is located within the setting of a grade II* listed building, the listing encompasses 63, 65 and 65A High Street which are located to the east of the site. As such the LPA is also under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (Decision on application): to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Recent case law has stated that "As the Court of Appeal has made absolutely clear in its recent decision in Barnwell, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."

The Courts further stated on this point "This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."

Principle DG11 of the Mid Sussex Design Guide SPD in part states:

"Heritage assets and historic landscapes should be celebrated, enhanced and preserved where appropriate, for the enjoyment of existing and future residents. Where appropriate and providing it does not cause harm to the heritage assets or their setting, they should be carefully integrated into development proposals as they help to reinforce a sense of place and local identity."

The Council's Conservation Officer has raised no objection to the proposed works and has stated that the proposal will preserve the setting and special interest of the grade II* listed building to the east of the site and the character and appearance of

Lindfield Conservation Area. These views are supported by your Planning Officer. Due to the proposal being within the setting of a grade II* listed building Historic England have been consulted on the application and they do not wish to offer any comments. Due to the modest nature of the proposed works and that the building will retain its modest and subordinate nature to the buildings within the wider street scene the proposal is considered to preserve the heritage assets, specifically the listed building and Conservation Area.

The proposed external works are modest in their nature and are to be constructed of materials that are similar in appearance to those used in the existing building and the wider street scene, details of which can be secured by a suitably worded condition. The existing highways access will be retained and the proposed parking arrangement will be assessed in a subsequent section of this report.

Taking into the above and in accordance with the Conservation Officers comments, the proposal is considered to preserve the setting and special interest of the listed building to the east of the site, the character and appearance of Lindfield Conservation Area and be in-keeping with the existing site and locality. As such the proposal is considered to comply with policies DP26, DP34 and DP35 of the Mid Sussex District Plan, the Listed Building and Conservation Area (LBCA) Act 1990 and the Mid Sussex Design Guide SPD.

Several representation letters have objected to the proposal due to its impact on the character of the High Street, asserting that the first-floor element would dominate the setting of the Grade II* listed building and it would be an unsympathetic development. The proposal originally included a first-floor element however this has been removed from the proposal and the building will remain single storey in its nature. In accordance with the Conservation Officer's comments the proposed works are considered modest in their nature and they would be similar in appearance to the existing building and wider street scene. A representation letter has stated that no heritage statement was submitted. A heritage statement was submitted 19 March 2021.

The Conservation Officer has suggested a planning condition that the proposed window frames will match those used in the existing building. The proposed plans and application form state that the window frames will be of timber construction which is similar in appearance to external materials used in the existing building and wider street scene. A planning condition is recommended to secure that the materials on the proposed plans and application form will be used.

The Conservation Officer has also advised that there is no certainty on when the existing building was constructed, however, there is photographic evidence that it was in situ in 1955. Historical mapping also shows that the building was in situ post-1955, there is no evidence that the existing building was in situ before 1948. If the building or structure was built after 1948, it cannot be curtilage listed. As such the existing building is not considered to be curtilage listed and an application for Listed Building Consent would not be required for the works to the building itself.

Taking into account the all of the above, the proposal is considered to comply with policies DP26, DP34 and DP35 of the Mid Sussex District Plan, the Listed Building and Conservation Area (LBCA) Act 1990 and principle DG11 of the Mid Sussex Design Guide SPD.

Neighbouring Amenities

Policy DP26 in part states:

"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);"

Principle DG45 of the Mid Sussex Design Guide SPD in part states:

"Direct overlooking of private amenity space from habitable rooms in neighbouring properties should normally be avoided."

The first-floor element of the proposal has been removed and as such existing building will remain single storey. The proposal does not seek to install any new side facing windows or doors and only seeks to replace existing. There is a mixture of some 2.0 high metre fencing and walls to the south and west of the site. There is private road to the north of the site and a paved area to the east of the site. Taking into account the existing boundary treatment, the single storey nature of the proposal and that the proposal does not include the installation of any new window or doors, there would be no direct overlooking of private amenity space from habitable rooms and it would not have a significantly additional impact on the neighbouring properties amenities in terms of overlooking and loss of privacy, reduction in sunlight and daylight and a loss of outlook.

There are a number of commercial units within the locality that may have an impact on the future occupiers of the application site in terms of air, noise and light pollution. The site is, however, located within a village centre location where this relationship is common, there are also a number of residential properties within the area and between the proposed dwelling and the commercial units is an existing private road and a paved area. Taking the above into account the proposed relationship between the proposed residential property and the existing commercial units is not considered to cause a significant impact on the amenities of future occupiers specifically in terms of air, noise and light pollution. As such the proposal is considered to comply with the above part of policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Representation letters have been received which object to the proposal due to first-floor windows having direct views into neighbouring properties, the proposal is within close proximity to commercial properties and asserting that the proposal would have an overbearing impact on neighbouring properties. Given the above assessment and that the originally proposed first-floor element has been omitted the proposal is not considered to have a significant impact on the amenities of neighbouring properties or future occupiers and as such complies with the above part of policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Highways

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 West Sussex County Council September 2020 Parking Guidance outlines that for a development of this size in this location 1.1 parking spaces should be provided. The proposal seeks to convert an existing bakehouse to a two-bed residential property. There is an existing single storey garage to the west of the site which is to be retained and provides one off-street parking space. There is also an existing driveway to the west of the site which is to be retained and also provides one off-street parking space. As such the resulting parking arrangement would consist of some two off-street parking spaces. A condition to secure one EV charging point at the site will be included on any permission in compliance with principle B of the West Sussex County Council September 2020 Parking Guidance. West Sussex County Council Highways Department have commented on the application and have stated that the proposed parking arrangement and access would not result in a severe impact on the maintained highway network or in terms of highways safety. As such the proposal is considered to comply with the above part of policy DP21 of the Mid Sussex District Plan and the West Sussex County Council September 2020 Parking Guidance.

West Sussex County Council Highways Department do recommend that the LPA make an assessment of the parking arrangement and access in terms of amenities. The proposal seeks to use an existing access and parking arrangement which will remain unchanged. As such the proposal is considered acceptable in terms of amenity implications of the highways access and parking arrangement.

Lindfield Parish Council have raised concerns over the proposed parking and access arrangements. A number of representation letters have also objected to the proposal citing a lack of turning space and inappropriate parking and highways arrangement. The proposal uses the existing parking spaces and access arrangement on the site and does not seek to alter them. The local highways authority have raised no objection to the proposed works.

A representation letter has also objected due to the alleged inaccuracy of the submitted plans and how the parking spaces and access have been demonstrated on the plans. After undertaking a site visit it is considered that the plans do demonstrate the existing parking arrangement and highways access accurately.

A representation letter also states that there is no right of access through the private road to the north of the site. The existing site has access to this private road and the proposal does not seek to alter the existing access. However, land ownership and rights of access issues are separate legal issues that are not dealt with through the planning regulations.

Dwelling Space Standards

Policy DP27 of the District Plan states that all new residential development should comply with minimum nationally described space standards for internal floor space and storage.

A minimum floor area of 61 square metres plus 2.0 square metres of built-in storage is recommended for a single storey 2 bed dwelling that can accommodate 3 persons. Plans show that the proposal would comply with this thereby providing a satisfactory standard of accommodation for future residents and according with policy DP27 of the District Plan.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as **windfall development**, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Archaeology

Policy DP34 of the Mid Sussex District Plan takes into account a range of heritage assets, including archaeology, in a manner appropriate to their significance. The application site is located in an Archaeological Notification Area, as it formed part of the historic core of Lindfield. Due to the nature of the proposed development it is not considered there would be an adverse impact on this heritage asset; however a condition would be attached to any consent to ensure that if any remains are discovered appropriate action would be undertaken.

Other Matters

A number of representation letters have asserted that the plans are inaccurate. Following a site visit and confirmation from the agent the plans are considered to provide an accurate reflection of the existing site. A representation letter has stated that the application site as demonstrated in the submitted plans includes land not within the ownership of the applicant. The agent has confirmed that the application site is located within land that is wholly under the ownership of the applicant. If there are land ownership disputes then this is a separate legal issue not dealt with through planning regulations. A number of representation letters have raised objection to the proposal due to it reducing the employment opportunities within the district. The proposal does not seek to remove the existing retail use at 65A High Street and as such the proposal is not considered to reduce employment uses.

CONCLUSION

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.

In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

The proposal is considered acceptable in respect of the principle with the development being sustainably located within the built-up area of Lindfield. The proposed conversion of the bakehouse to C3 use would not result in the existing retail use at 65A High Street being lost.

There are other material considerations that also need to be taken into account when assessing the principle, such as the guidance in the NPPF promoting the effective use of land for homes and making clear that one of the Government's objectives is to significantly boost the supply of homes. At a more local level, whilst the District Plan is up to date and the LPA can demonstrate a 5 year housing land supply, the requirement to demonstrate a 5 year housing land supply is a rolling one which means that the LPA must continue to grant planning permissions to enable the 5 year land supply to be maintained.

In this case the overall design and visual impact is considered acceptable with the external changes being limited.

The proposal is considered to preserve the setting and special interest of the listed buildings at 63, 65 and 65A High Street, the character and appearance of Lindfield Conservation Area and be in-keeping with the existing site and wider street scene and not have an impact on the historic core of Lindfield.

No objections are raised to the proposal by the local highway authority and in the absence of any technical objections there are not deemed to be any reasonable grounds to refuse the application on highways related matters.

The proposal will not result in significant harm to neighbouring residential amenity whilst the scheme will provide a good standard of accommodation for future occupiers.

The Council would also receive a new homes bonus and there should be no likely significant effects on the Ashdown Forest SPA and SAC.

The application is deemed to comply with Policies DP3, DP6, DP17, DP21, DP26, DP27, DP34 and DP35 of the Mid Sussex District Plan, Policy 4 of the Lindfield and Lindfield Rural Neighbourhood Plan, the MSDC Design Guide, The West Sussex

APPENDIX A – RECOMMENDED CONDITIONS

Approved Plans

1. 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.

2. *Car parking space*

The existing parking spaces as detailed within the submitted plans and application documents shall be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to comply Policy DP21 of the Mid Sussex District Plan.

3. *Cycle parking*

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and Policy DP21 of the Mid Sussex District Plan.

4. *Electric Vehicle Charging Spaces*

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies and Policy DP21 of the Mid Sussex District Plan.

5. 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.

6. 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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	P100	R4	03.02.2021
Existing Site Plan	P01	R4	03.02.2021
Existing Floor and Elevations Plan	P10	R4	03.02.2021
Proposed Floor and Elevations Plan	P12	R2	25.06.2021
Heritage Statement			19.03.2021

APPENDIX B – CONSULTATIONS

WSCC Highways Authority

Comments received by email 24.02.2021

I can confirm that a highways officer undertook a site visit on 23/02/2021. Following this site visit, the LHA can provide the following updated comments:

The gated access that serves the garage/parking area appears to be existing. It was noted that the gate opens outwards of the site into privately owned land. Whilst the applicant has not demonstrated vehicular access to the maintained highway, this arrangement is not anticipated to result in a severe impact on the maintained highway network. However, the LHA advises the LPA to consider the potential amenity impacts that could arise by this gated access arrangement on the private access drive and neighbouring properties.

In addition to the above, the LHA is satisfied with the parking/turning arrangement, which again appears to be existing. Collision data from the last five years shows no evidence to suggest the existing arrangement is operating unsafely. However, as mentioned above, the LHA advises the LPA to consider the amenity implications of the proposed access arrangement. The LHA adds that were a nil car parking provision to be proposed for this application, no objections would be raised, as the proposed change of use is likely to generate fewer movements to or from the site.

So to conclude, the LHAs overall view of this application remains unchanged and no objections are raised.

Comments dated 25.01.2021

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Strategic Planning should be considered to be advice only, with respect to this planning application.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

Summary

This proposal is for the change of use of an existing bakehouse to a two-bedroom dwelling (C3 Use). The site is located on High Street, a B-classified road subject to a speed restriction of 30 mph. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Access and Visibility

The applicant proposes to utilise the existing vehicular access off High Street. From inspection of local mapping, there no apparent visibility issues with the existing point of access onto the maintained highway. The LHA does not anticipate that the proposed development would give rise to an intensification of vehicular movements to or from the site.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site.

Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking and Turning

The application form states that two car parking spaces are proposed for use by the dwelling. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require at least two car parking spaces. Therefore, the LHA considers the proposed parking provision to be sufficient.

There is suitable space within the existing yard for two car parking spaces, with room for on-site turning. It is unclear from the plans if the parking provision includes the two garages and what size these garages are. Notwithstanding this, the LHA is satisfied that adequate parking is available for use.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Mid Sussex Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

The applicant has not demonstrated cycle parking provision. The applicant should demonstrate secure and covered cycle parking in accordance with WSCC parking standards. The inclusion of cycle parking helps promote the use of sustainable transport methods.

Sustainability

The site is situated in a sustainable location within walking/cycle distance of shops, schools and other amenities. Cycling is a viable option in the area. Regular bus services can also be obtained nearby on High Street.

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 109), and that there are no transport grounds to resist the proposal.

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

Car parking space (details required)

No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

Cycle parking

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

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

Electric Vehicle Charging Spaces

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

Lindfield Parish Council

Comments received 22.04.2021

Lindfield Parish Council (LPC) continues to object to the loss of the bakehouse as a retail unit behind the shop front unit, given the impact that this is likely to have on the viability of the latter and that in any event it would (further) reduce the square footage available within the village for such use. The consequent impact negatively impacting the vibrancy, sustainability and economics of the village High Street, as well as reducing employment opportunities. This would be contrary to Lindfield and Lindfield Rural's Neighbourhood Plan Policy 4 and MSDC's District Plan Policy DP 3 "To create and maintain town and village centres that are vibrant, attractive and successful and that meet the needs of the community; and ... To support a strong and diverse rural economy in the villages and the countryside"

LPC also remains concerned that the parking and access arrangements might be insufficient to provide the room for two spaces as specified and could result in vehicles being unable to turn around within the restricted access available, leaving them to reverse in to or out of the busy High Street and / or potentially blocking other owners' access.

LPC is cognisant of the wider challenges facing High Streets generally, exacerbated by the current Coronavirus pandemic, and seeks MSDC's support, in line with its policies, to resist the loss of another retail unit potentially undermining the very fabric of the village.

Comments received 28.01.2021

Lindfield Parish Council strongly objects to the proposed change of use and development of the bakehouse behind, and intrinsically important to, the listed building housing the bakery outlet in the High Street.

The village has already seen the loss of The Toll House from retail to residential use, following MSDC's approval, and the property has now been vacant and on the market for some considerable time. Further, the old Post Office (more recently barbers) is currently vacant. The loss of another retail unit would be contrary to Lindfield and Lindfield Rural's Neighbourhood Plan Policy 4 and MSDC's District Plan Policy DP 3 "To create and maintain town and village centres that are vibrant, attractive and successful and that meet the needs of the community; and ... To support a strong and diverse rural economy in the villages and the countryside"

It is considered that without the bakehouse premises, the shop unit itself would likely become unviable as a unit and ultimately lead to its loss with consequent impact on the vibrancy, sustainability and economics of the village High Street, also reducing employment opportunities.

The proposal is considered to be in conflict with DP 34 and 35, with the former seeking to protect the setting of listed buildings, within which curtilage the old bakehouse lies, and the latter seeking that "...extensions are designed to reflect the special characteristics of the area in terms of scale..." as the proposed extension seeks to inappropriately raise the building's height.

LPC fully recognises the wider challenges facing High Streets generally, exacerbated by the current Coronavirus pandemic, and seeks MSDC's support, in line with its policies, to resist the loss of another retail unit potentially undermining the very fabric of the village.

MSDC Conservation Officer

Comments received 21.05.2021

The application has been amended and further information provided in the form of a Heritage Statement.

The submitted Heritage Statement is useful in many respects, although it does not resolve all relevant questions. In terms of the potential for curtilage listing of the building, the Statement is unable to provide an exact date of construction for the building, which it suggests replaced an earlier bakehouse on the site around the mid 20th century, being definitely in place by 1955 (from photographic evidence). What is not clear is whether the building a) predates 1948 or not or b) predates the date of listing of the frontage building (1951) or not. From the history of the site also contained within the Statement, it would be my opinion that the building would meet the criteria set out in the relevant Historic England guidance in terms of proximity, and of use historically and at the time of listing, and of ownership historically and at the time of listing (if indeed it was in place at that time), as it is set close to the rear of the listed building and has always been in the same use and ownership. However without a more accurate date of construction its potential for curtilage listing remains unclear. I would say, however, that even if it were to be curtilage listed, I would not consider that the issues raised in relation to any listed building application would be different than those discussed below.

The current (revised) proposal is for change of use of the building to residential, with minor external alterations including replacement of an external vent with a window.

In terms of the change of use, firstly it should be recognised that Humphrey's Bakery was for many years a much loved part of Lindfield High Street and of village life. The bakery use makes, in my opinion, a positive contribution to the character of the Conservation Area. However, it is also recognised that this application does not relate to the frontage building and that the use of this remains unaffected. It is also recognised that bakery use could continue in this building if production were off site. On this basis, I consider that an objection to the change of use to residential of the bakehouse in terms of the impact on the character and appearance of the Conservation Area, or on the special interest of the frontage building (which has been bakery for many years) would be hard to substantiate.

The proposed external alterations to the bakehouse itself are now very minor, and will have only a limited impact on its appearance. I do not consider that these will have any significant impact on the contribution that the building makes to the setting of the listed building or the character and appearance of the Conservation Area, especially given that the building has already been subject to some domesticating alterations including the addition of a conservatory.

I therefore consider that the proposal will preserve the setting and special interest of the listed building and the character and appearance of Lindfield Conservation Area. This meets the requirements of District Plan Policies DP34 and DP35, the Council's Design Guide and the relevant paragraphs of the NPPF

I would suggest a condition requiring new windows to match existing.

Comments received 08.02.2021

Firstly I note that Historic England has not been consulted on this application- this is within the setting of a Grade II* listed building so this will need to be done. The whole block at 63, 63 and 65a has been converted from a 14th century hall house and all three properties are part of the II* listing. The proposal affects the setting of all three properties.

Secondly, unless I have missed something there is no heritage statement with the application? This is a validation requirement. As such I would expect that the application should be made invalid until such a statement is received? (Please let me know if this is not correct). The statement should firstly consider the age of the building directly affected by the proposal, to establish whether it would be curtilage listed, and should secondly assess the impact on the setting of 63-65a High Street, according to the staged approach set out in the relevant Historic England guidance (GPA3 The Setting of Heritage Assets).

As such, I will hold off on providing detailed comments on the application until the above has been done and we have the heritage statement in front of us.

Historic England

Thank you for your letter of 14 June 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.