

MID SUSSEX DISTRICT COUNCIL

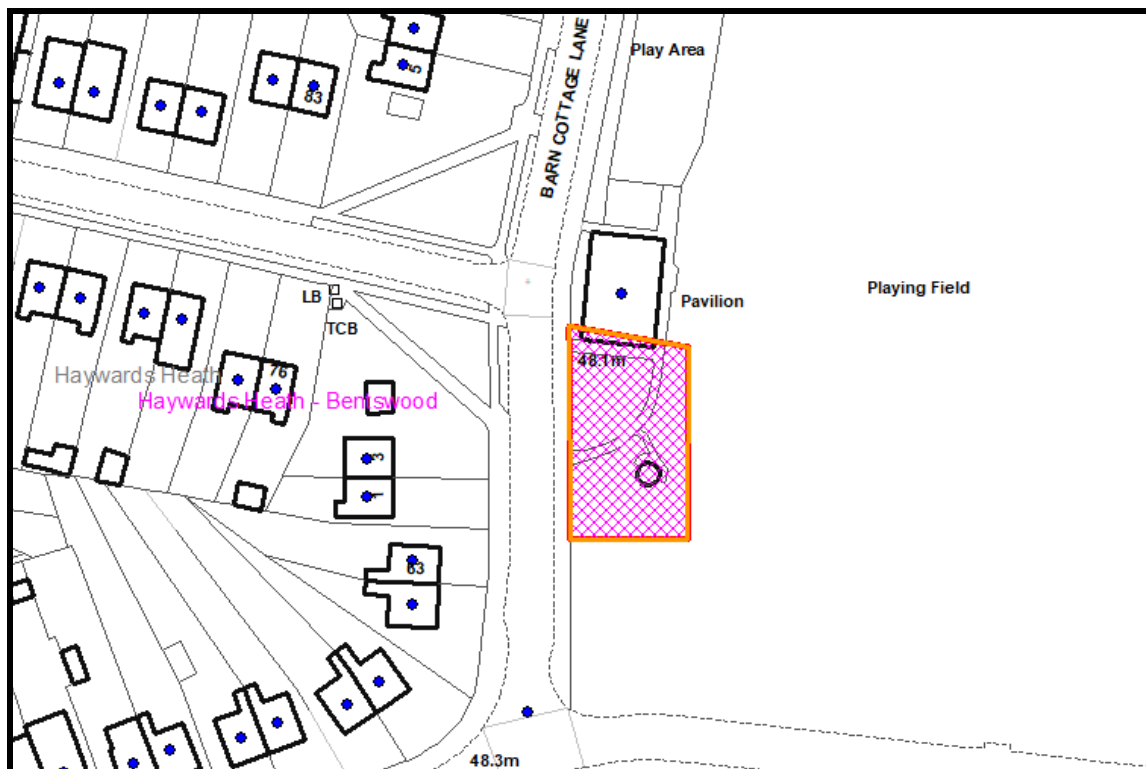
Planning Committee

12 AUG 2021

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/21/1758



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**WILLOW TREE PRE SCHOOL BARN COTTAGE PAVILION BARN
COTTAGE LANE HAYWARDS HEATH
NEW MIXED USE PURPOSE-BUILT COMMUNITY CENTRE WITH USE BY
DAY NURSERY TOGETHER WITH JOINING TUNNEL TO EXISTING
PAVILION.
MR TONY PEARSON**

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

ODPM CODE: Minor Other

8 WEEK DATE: 30th June 2021

WARD MEMBERS: Cllr Rachel Cromie / Cllr Stephen Hillier /

CASE OFFICER: Anna Tidey

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks planning permission to build a new mixed use purpose-built community centre with use by a day nursery and a joining tunnel to link onto the existing pavilion building at the site, to the western side of the Playing Field off Barn Cottage Lane in Haywards Heath. The application follows a previous approval under DM/19/1624, which remains extant.

The application is being reported to committee as MSDC is the landowner.

The new community centre will provide a purpose built building for growing community needs and create a hub within the area. The new building is considered to be of an appropriate design, would not harm neighbouring amenity and would meet the requirements of Policies DP26 and DP41 of the Mid Sussex District Plan and Policies L9 and E9 of the Haywards Heath Neighbourhood Plan. The new building would improve the existing community facilities for the area and meet the requirements of Policy DP24 of the District Plan.

The application is therefore recommended for conditional approval as set out in full at Appendix A.

RECOMMENDATION

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

Summary of Consultations

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

WSCC Highways Authority

The applicant has highlighted the new building will not create an intensification of use, as the nursery already exists and operates out of the existing community building. Given the changes will not create any additional use WSCC would not require a parking beat survey to take place.

Environmental Health Officer

I would advise great caution in placing a nursery so close to residential, but recognise that, in accordance with current policy, the amenity issues must be balanced against the need for nursery places in this area. Without an acoustic report for the site, it's very difficult to say whether the background noise level in this location lends itself to masking further noise sources, but ultimately there is no standard to look at for noise levels from nursery as the noise levels are unknown and variable.

Additional mitigation could be achieved by restricting the hours of use of the outdoor play area and/or the installation of acoustic close boarded fencing around the perimeter of the play area. This type of fencing is expensive though and its effectiveness will depend on the size and shape of the play area, as well as the weight of the fence.

If permission is granted, I would recommend that conditions are used to minimise the potential disturbance.

I also note that there are no air conditioning units on the plans, which will likely mean that doors and windows will be open during warmer weather, which potential presents further noise issues in itself. The applicant should be made aware that if we do get noise complaints regarding events these will be investigated.

MSDC Corporate Estates

No comment received.

MSDC Drainage

No objection subject to condition.

Summary of Representations

One letter of representation received, which contains the following points:

- Initially objected due to concerns over parking, security and noise
- Now supports use of the hall by a play group.
- Confused that a further application has been submitted as approval was granted
- Would object to another extension.
- Reasons for this application should be clarified.

TOWN COUNCIL OBSERVATIONS

Given that this proposal is broadly the same as that approved under application DM/19/1624, the Town Council supports this application and reiterates its response to DM/19/1624, which remains relevant:

'The Town Council fully supports this application which, if successful, would make a welcome and much needed addition to the provision of community facilities in this part of Haywards Heath. The building is of a sustainable design and the Planning

Statement accompanying the application indicates compliance with the following policies of the Mid Sussex District Plan 2014-2031: DP1, DP2, DP3, DP24, DP25, DP28 and DP39. With regard to the Haywards Heath Neighbourhood Plan, the Town Council believes that the proposal meets Objective 6A (coordinate and improve green infrastructure in the town) paragraph 6.1 and complies with elements of Policies E1 and E9'.

Request conditions regarding: construction hours, wash basin provision, bin collection hours, and hours of use.

INTRODUCTION

This application seeks planning permission for the development of a new community centre at Barn Cottage Lane in Haywards Heath. The proposed building would be linked to the existing pavilion at the site, and the proposal includes the use of the ground floor by a nursery and the provision of an outdoor nursery play area.

The application is being reported to committee as MSDC is the landowner.

RELEVANT PLANNING HISTORY

Planning reference: DM/19/1624. New purpose built community centre with joining tunnel to existing pavilion. Approved July 2019.

Planning reference: HH/00798. Construction of pavilion. Removal of existing changing facilities. Approved March 1998.

SITE AND SURROUNDINGS

The application site is land to the south of the existing pavilion and play area at Barn Cottage Lane, off America Lane in the built up area of Haywards Heath.

The plot is laid to grass and includes an octagonal covered shelter, which is shown to be relocated. The land to the east is laid out as a football pitch and is surrounded on three sides by adjacent residential roads.

APPLICATION DETAILS

In detail the current application seeks planning permission for the construction of a 10.9m wide by 23m long building with eaves set at a height of 2.5m and the ridge at 6.5m (approx.) The building would be detached from the existing pavilion building, but linked by a 2.8m wide (max) mesh tunnel with gated access to the eastern and western ends.

The new building would be constructed in brick with vertical timber cladding on the southern end gable and on feature wall sections to the east and west elevations. The roof would be gabled and finished with plain tiles. New access paths would be installed around the perimeter of the new building.

The building would include a full height hall at the southern end of the building and a mezzanine floor at the northern end of the hall to allow the provision of an upper floor area to accommodate two store rooms. Below this a kitchen, stores, toilets and office space are provided on the ground floor. The upper rooms would be lit by windows in a 7.5m wide timber clad, eastern facing, feature dormer creating a first floor viewing area of the adjacent football pitch. The main hall would measure 10m by 13m long and this would be lit by twin glazed doors in the eastern and southern elevations, with roller security shutters, full height aluminium glazed windows in the western elevation and a series of roof lights on the eastern and western facing roof slopes. A protruding square window is proposed in the southern elevation to light the hall from the upper apex level.

The application has been accompanied with a Planning Statement which confirms that the proposal is for: 'mixed use space for the growing community needs and to provide a building with a much higher design quality to establish a new hub within the area. The centre will provide a day nursery facility with an outdoor play area'. This Statement explains the requirement for the building and the intended use.

Additional information has been submitted by the Applicant's Agent during the course of determining the application to address the concerns of the Highways Authority, and to clarify the description and proposed use of the building. In summary this information confirms:

- The existing nursery is moving from the pavilion next door, so there will be no change in traffic movements.
- The nursery has operated for several years with absolutely no issues regarding parking provision.
- The current nursery has 18 children on the books, and a maximum of 15 in the morning, the nursery is licensed for 24 children in total and it operates from 8am until 3pm, with 3 staff and 3 bank staff.
- The vast majority of the children have local postcodes, and a large proportion are walked to the nursery, as it serves the local community.
- The site is surrounded by roads that provide plenty of on site parking all day long except when the football matches are run at weekends, when the nursery is shut. The roads accommodate the football matches without any issue, as you can imagine this would be 22 players plus refs and supporters etc so a lot of traffic!

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

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

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

Mid Sussex District Plan

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

Relevant policies:

Policy DP24: Leisure and Cultural Facilities and Activities
Policy DP25: Community Facilities and Local Services
Policy DP26: Character and Design
Policy DP28: Accessibility
Policy DP39: Sustainable Design and Construction
Policy DP41: Flood Risk and Drainage

Haywards Heath Neighbourhood Plan - Made December 2016.

Relevant policies:

Policy E1: Green infrastructure
Policy E9: Reinforce character
Policy L9: Existing playing fields and sporting facilities

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context

and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Policy

National Planning Policy Framework (NPPF - July 2021)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development.

Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently.

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.

ASSESSMENT

The main issues for consideration in determining the application are:

- Principle of development
- Design and impact upon residential amenity
- Highway and Parking issues
- Drainage
- Sustainability
- Habitats Regulations Assessment for Ashdown Forest
- Planning Balance and Conclusion

Principle of development

The most relevant policies in considering the principal of this proposal are District Plan Policies DP24 and DP25 and Neighbourhood Plan Policies E1 and L9.

District Plan Policy DP24 states:

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

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

Sites for appropriate leisure and cultural facilities to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.

Proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless:

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

District Plan Policy DP25 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 on-

site 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.'

Policies within the Haywards Heath Neighbourhood Plan also seek to prevent the loss of open spaces of public value (Policy E1) and seek to enhance the existing playing fields and sporting facilities within the town (Policy L9).

Policy E1 states:

'Planning applications which would result in the loss of existing open spaces of public value will generally be resisted except where:

- They are supported by an open space assessment that demonstrates the open space is no longer needed or*
- Proposals for equivalent or better alternative provision are made in a suitable location or*
- There is a proven need for essential utility infrastructure where the benefits outweigh any harm or loss and it can be demonstrated that there are no reasonable alternative sites available.'*

Policy L9 states:

'Existing playing fields and sporting facilities within the Plan area shall be retained and where possible enhanced to the benefit of the Town. Should an existing facility come forward for redevelopment for non-sports use, and it is shown the site or facility is not surplus to requirements, the applicant will be required to provide alternative provision within the Plan area before the existing facilities are lost.'

The proposal accords with the principals of these policies as set out in the District and Neighbourhood Plan for Haywards Heath. Whilst the provision of the new community centre would result in a small area to the side of the playing field being lost for the construction of the building and associated external play area for the nursery, the established football pitch area would remain intact and the benefit of the new facility for the local community would outweigh the small area of land lost. As such it is considered that the proposal accords with District Plan Policies DP24 and DP25 and Neighbourhood Plan Policies E1 and L9.

Design

Policy E9 in the Haywards Heath Neighbourhood Plan states:

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

- height, scale, spacing, layout, orientation, design and materials of buildings,*

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

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

The proposed community building has been designed to be contemporary in appearance and complementary in terms of the form and materials to the existing pavilion. It is considered that the new building will relate well to the existing development form on the site and appear in keeping with the character and appearance of the surrounding residential area. The eaves and ridge height of the new building will relate to those on the existing pavilion and as a result of the intervening tunnel the built form of the new building will read as a new and separate community centre. The design of the new building will accord with the requirements of District Plan Policy DP26 and Policy E9 of the Haywards Heath Neighbourhood Plan.

Impact upon residential amenity

Policy DP26 of the Mid Sussex District Plan states that development should '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'.

In terms of the impact of the proposal upon the neighbouring amenities the proposed pavilion is located on the western side of an established playing field within a residential area. The building would be sited over 30m from the nearest properties at Nos 1 and 3 Barn Cottage Lane to the west of the site.

The size of the site allows a reasonable degree of spacing between the immediate properties and the new building and as such it is considered that the scale and form of the building would not be dominant in views from these properties and their respective gardens.

Given the presence of the existing pavilion at the site and the distance of the site from the neighbouring properties, the orientation of the new pavilion and the intervening highway it is considered that the construction of the pavilion, new play area and associated relocation of the existing youth shelter will not adversely impinge upon the occupiers of these neighbouring properties.

The Environmental Health Officer is concerned about the potential impact of noise arising from the proposed day nursery. In respect of noise, policy DP29 in the District Plan states:

'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 MSDC Environmental Health response recommends appropriate hours of use, that will suit the proposed nursery use and control other community use of the new pavilion to protect the neighbouring amenities.

Subject to the imposition of a series of conditions on the use of the new building the proposal is considered to accord with District Plan Policy DP26 and Neighbourhood Plan Policy E9.

Highway and Parking issues

The Highway Authority have been consulted on the application, and they have raised no objection to the application. The site has no formal designated parking area. Consequently the existing pavilion relies on the users either walking to the facility or using local on street parking.

The siting of the pavilion on an established playing field within the town is sustainable. The site is within walking distance of a large residential area which it will serve. The proposal accords with Policy DP21 of the District Plan and the relevant requirements of the NPPF.

Drainage

Policy DP41 of the District Plan seeks to ensure that proposals can be properly drained. The proposed development is located within flood zone 1 and is deemed to be at a low risk of fluvial flooding and is not in an area identified as having possible surface water (pluvial) flood risk. The Council's Drainage Officer has recommended a planning condition requiring details of the proposed foul and surface water drainage and means of disposal to be submitted before development commences on the site. As such the proposal will accord with Policy DP41 of the District Plan.

Sustainability

District Plan Policy DP39 is relevant in the determination of this application. This states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

The proposal has been submitted by an architectural firm specialising in ecological design. A Sustainability Statement has been submitted with the application which addresses issues such as: Climate Change and Energy, Water Efficiency and Sustainable Energy.

In terms of the requirements of DP39 the proposal has been demonstrated to include a series of energy efficiency and sustainability measures including the use of water saving fittings, low energy lighting, and energy efficient building design features.

In terms of the location, the site is within walking distance of the town centre and bus stops and the main line railway station and is therefore considered to be a sustainable location for the development.

It is considered that the proposal has been demonstrated to represent a sustainable development on this site and therefore would accord with the requirements of District Plan Policy DP39.

Habitats Regulations Assessment for 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 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.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional 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 potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Site Allocations DPD, which indicates there would not be an overall impact on Ashdown Forest. 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.

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.

Given the presence of the existing pavilion at the site and the distance of the site from the neighbouring properties, the orientation of the new pavilion and the intervening highway it is considered that the construction of the pavilion, new play area and associated relocation of the existing youth shelter will not adversely impinge upon the occupiers of these neighbouring properties. Subject to the imposition of a series of conditions on the use of the new building the proposal is considered to accord with District Plan Policy DP26.

The proposal has been assessed with consideration to District Plan Policy DP39 (Sustainability). The proposed development has been considered in terms of energy efficiency and is designed as an energy efficient building. For reasons including the location of the site and the proposed energy efficiency details of the scheme the proposal has been demonstrated to represent a sustainable development in accordance with District Plan Policy DP39.

The siting of the pavilion on an established playing field within the town is sustainable, being within easy access to the surrounding residential area and walking distance of a large population. The proposal accords with Policy DP21 of the District Plan and the requirements of the NPPF.

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 of the proposed development is not required.

In light of the above it is recommended that the application is approved, subject to appropriate restrictive planning conditions.

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 development shall be carried out unless and until samples of materials and finishes to be used for external walls / roofs / fenestration of the proposed pavilion building have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policies E9 and L9 of the Haywards Heath Neighbourhood Plan.

4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building or parts of building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the District Plan (2014 - 2031) and Policies E9 and L9 of the Haywards Heath Neighbourhood Plan.

5. The premises shall not be open for use except between the hours of 0700 to 2200 hours Monday to Sunday and on Public/Bank holidays (and there shall be no external illumination on the premises except between the above-mentioned hours).

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy L9 of the Haywards Heath Neighbourhood Plan.

6. No deliveries or collections in relation to the use hereby permitted shall take place other than between the hours of 0700 and 2200 Monday to Sunday and on Public/Bank holidays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy L9 of the Haywards Heath Neighbourhood Plan.

7. The octagonal shelter shall be relocated to the position as shown on the amended Block and Location Plan, Drawing No 602/106A, received on 05.05.2021, before the opening of the new community centre unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP25 of the Mid Sussex District Plan 2014 - 2031 and Policy L9 of the Haywards Heath Neighbourhood Plan.

8. The nursery / children shall use the garden area only between 09:00 and 17:00 hours Mon to Fri excluding Public Holidays.

Reason: To safeguard the amenity of residents and to comply with policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

1. In accordance with Article 35 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.
2. 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.

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	602/106	A	05.05.2021
Proposed Site Plan	602/100	A	05.05.2021
Proposed Floor Plans	602/101	A	05.05.2021
Proposed Elevations	602/102	A	05.05.2021

APPENDIX B – CONSULTATIONS

Town Council Consultation

Given that this proposal is broadly the same as that approved under application DM/19/1624, the Town Council supports this application and reiterates its response to DM/19/1624, which remains relevant:

'The Town Council fully supports this application which, if successful, would make a welcome and much needed addition to the provision of community facilities in this part of Haywards Heath. The building is of a sustainable design and the Planning Statement accompanying the application indicates compliance with the following policies of the Mid Sussex District Plan 2014-2031: DP1, DP2, DP3, DP24, DP25, DP28 and DP39. With regard to the Haywards Heath Neighbourhood Plan, the Town Council believes that the proposal meets Objective 6A (coordinate and improve green infrastructure in the town) paragraph 6.1 and complies with elements of Policies E1 and E9.

The Town Council requests that any permission granted is subject to the following conditions:

1. in order to protect the amenity of local residents, works of construction (including the use of plant and machinery, and deliveries or collection of plant, equipment or materials) shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays, nor at any time on Sundays or Bank Holidays or Public Holidays;
2. in accordance with the recommendation of Mid Sussex District Council's Senior Environmental Health Officer (email dated 09/05/2019 refers), a separate wash hand basin shall be fitted in the kitchen in addition to the main kitchen sink;
3. in the event that the centre is serviced by larger, Eurobin facilities - which will be collected by a commercial operator - no collections shall be permitted before 0700 hours, in order to protect resident amenity;
4. in order to protect local residents from undue noise and disturbance, all users shall vacate and secure the building by 2300 hours at the latest. This shall apply on all days of the week and on Bank Holidays and Public Holidays.

Furthermore, as the project evolves and progresses, those responsible for its delivery are asked to consider the following:

- a. the installation of an effective and robust CCTV system in order to safeguard the centre against vandalism and to deter antisocial behaviour;
- b. any proposals to install an air conditioning system (with its associated heat exchanger(s)) would have to ensure compliance with Mid Sussex District Council's environmental health requirements;

- c. any proposals to introduce a lighting scheme for the exterior of the centre must be sympathetic to the locality and must safeguard local residents from unacceptable levels of light and disturbance. Advice on 'warm white' LED lighting should be sought from Mid Sussex District Council.'

WSCC Highways Authority

The above proposal has been considered and WSCC requires more information to make an informed decision.

The site has planning permission which was approved under DM/19/1624 for a community hall has previously been submitted and approved for a New purpose-built community centre with joining tunnel to existing pavilion. This application is slightly different as it is seeking planning approval for the community building to be used as a children's nursery during the daytime.

WSCC previously raised no objection in principle to this community use however at the time we asked for more information, including a parking survey to ensure there was sufficient on-street parking, as no parking is offered. Under the most recent changes to the use class system, D2 use now falls into F2 use and proposes a car parking standard of:

- 1 space per 14sqm = 20 spaces (288sqm)
- 1 space per 100sqm for cycles = 6 spaces

Whilst the development is for the local community, and it is highly likely that local people will live close enough to the site to walk, cycle or use public transport, the applicant should provide evidence that on-street parking can be accommodated. Given the new use for a day nursery, WSCC believe the above standards should be applied or at the very least some form of car parking strategy introduced based on the likely use of the site. More information is required regarding a car parking strategy considering the use class car parking standards.

Further response: Further to an e-mail from Joanna Saady in response to WSCC request for a parking beat survey, the applicant has highlighted the new building will not create an intensification of use, as the nursery already exists and operates out of the existing community building. Given the changes will not create any additional use WSCC would not require a parking beat survey to take place.

Environmental Health Officer

The mixed use of this application brings multiple potential noise issues, most notably the use of the nursery, but also the potential noise from social events and workout classes that may take place in the main hall.

In terms of events, to minimise any impacts I would suggest that operations at the community centre are time limited to prevent it from having a substantial impact on local residents at unsociable hours.

The introduction of a new nursery into an existing residential area may also cause issues relating to noise from the children playing outside, as well as the noise from parents' and staff vehicles arriving and leaving in the morning and afternoon (i.e. engine noise, door slamming). There is the potential for a large number vehicle movements per day.

There is the potential for those at home during the day, such as retired residents, and those who work from home to be disturbed from the use of a nursery, especially when children are outside. I therefore am concerned that the amenity of nearby residents may be affected.

However, as with many applications of this type, it is difficult to be sure of the level of disturbance in reality.

I would advise great caution in placing a nursery so close to residential, but recognise that, in accordance with current policy, the amenity issues must be balanced against the need for nursery places in this area. Without an acoustic report for the site, it's very difficult to say whether the background noise level in this location lends itself to masking further noise sources, but ultimately there is no standard to look at for noise levels from nursery as the noise levels are unknown and variable.

Additional mitigation could be achieved by restricting the hours of use of the outdoor play area and/or the installation of acoustic close boarded fencing around the perimeter of the play area. This type of fencing is expensive though and its effectiveness will depend on the size and shape of the play area, as well as the weight of the fence.

If permission is granted, I would recommend that conditions are used to minimise the potential disturbance as much as possible.

I also note that there are no air conditioning units on the plans, which will likely mean that doors and windows will be open during warmer weather, which potential presents further noise issues in itself. The applicant should be made aware that if we do get noise complaints regarding events these will be investigated.

If the applicant was to put in any plant or machinery, such as air conditioning or an extract unit for the kitchen, they should be made aware that we would require an acoustic report to demonstrate that these will not create a noise nuisance to neighbouring residents.

Recommended conditions if approved:

- The premises shall not be open for use except between the hours of 0700 to 2200 hours Monday to Sunday and on Public/Bank holidays
- Soundproofing: The use hereby approved shall not be carried on until evidence is provided that the perimeter of the outdoor play area is fenced/enclosed in such a manner as to minimise transmission to neighbouring premises of noise caused by the use of the nursery. Such evidence shall be first submitted to and approved in writing by the Local Planning Authority.
- Use of Play Area: The nursery / children shall use the garden area only between 09:00 and 17:00 hours Mon to Fri excluding Public Holidays.

Reason: To safeguard the amenity of residents.

- No commercial deliveries or collections in connection with the nursery outside of the following hours: Mon to Fri 07:30 to 18:30 hours;

MSDC Drainage

FLOOD RISK

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is not within an area identified as having possible surface water (pluvial) flood risk.

There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

SURFACE WATER DRAINAGE

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible on site. This will need to be confirmed through infiltration testing on site as part of detailed drainage design.

Very little information has been provided in relation to how the development shall manage surface water flood risk. The sustainability statement states permeable surfaces shall be utilised and the application form states the main sewer shall be used to manage surface water drainage.

We would advise the applicant that surface water drainage should follow the drainage hierarchy and therefore discharge to a sewer would not be considered acceptable unless all other means of management had been discounted. Given the high infiltration potential and the open area the development is located within we consider it likely an alternative means of drainage could be found. This should be addressed as part of the detailed drainage design.

Surface water drainage from the development should be designed to cater for the 1 in 100-year storm event, with a 40% allowance for climate change. Soakaways should be sized to have a half drain time of 24 hours or less. Any discharge from the site should be restricted to the Greenfield QBar runoff rate for the drained area. Further information into our general requirements for surface water drainage is included within the 'General Drainage Requirement Guidance' section.

FOUL WATER DRAINAGE

It is proposed that the development will discharge foul drainage to the main sewer. This is considered acceptable in principle.

Further information into our general requirements for foul water drainage is included within the 'General Drainage Requirement Guidance' section.

GENERAL COMMENT

No details have been provided of the location of any drains which serve the existing pavilion. We would advise the applicant to undertake a site survey to identify these as part of the detailed drainage design to ensure conflicts do not arise.

SUGGESTED CONDITIONS

FOUL AND SURFACE WATER DRAINAGE

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building or parts of building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance

and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.