

MID SUSSEX DISTRICT COUNCIL

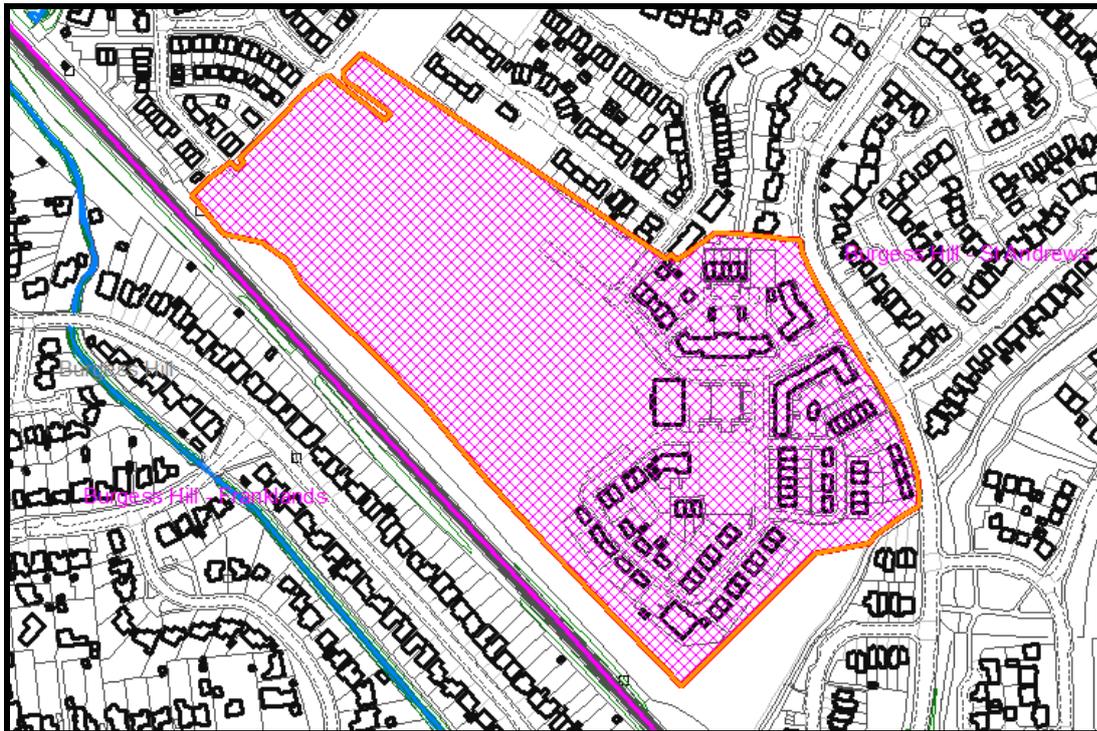
Planning Committee

13 JAN 2022

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/21/4145



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**CROUDACE DEVELOPMENT SITE FORMER KEYMER BRICKWORKS
PHASE 2 NYE ROAD BURGESS HILL WEST SUSSEX
FULL PLANNING APPLICATION FOR THE CHANGE OF USE OF THE
EXISTING OPEN SPACE TO EXTERNAL COMMUNITY USE LINKED TO
THE PROPOSED COMMUNITY CENTRE, AND PART RETROSPECTIVE
PLANNING APPLICATION FOR ALTERATIONS TO THE APPROVED
BOUNDARY TREATMENT, HARD AND SOFT LANDSCAPING FOR LAND
AT WYVERN WAY, BURGESS HILL, WEST SUSSEX.**

POLICY: Ancient Woodland / Built Up Areas / Classified Roads - 20m buffer /
District Plan Policy / Local Wildlife Sites / Planning Agreement /
Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line
(Southern Water) / Tree Preservation Order Points / Trees subject to
a planning condition / Trees subject to a planning condition /

Advance Payment Code (WSCC) / Highways Agreement (WSCC) /
Highways Agreement (WSCC) / Minerals Local Plan Safeguarding
(WSCC) /

ODPM CODE: Change of Use

8 WEEK DATE: 27th January 2022

WARD MEMBERS: Cllr Roger Cartwright / Cllr Matthew Cornish /

CASE OFFICER: Stephen Ashdown

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Permission is sought for the change of use of a small area of existing public open space for use, as a secure space, exclusively by the community centre building that has been constructed as part of the development of the former Keymer Brick and Tiles site. In addition to the change of use, permission is sought for alterations to the previously approved boundary treatment and the hard/soft landscaping finishing to the area. This element of the application is retrospection.

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.

While the proposal would not reduce the overall public open space offer available to serve the development and wider area. The proposal is acceptable both in terms of its design and impact on the character of the area, would not cause harm to the amenities of nearby neighbouring properties.

The application is thereby considered to comply with policies DP24 and DP26 of the Mid Sussex District Plan and policy LR2 of the Burgess Hill Neighbourhood Plan.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

At the time of writing report the expiry period for representations had not passed. Members will be updated at the meeting of any representations received

SUMMARY OF CONSULTEES

MSDC Environmental Protection

To be reported

MSDC Leisure

To be reported

WSCC Highways

To be reported

BURGESS HILL TOWN COUNCIL

The Committee regretted the unsympathetic design.

INTRODUCTION

Permission is sought for the change of use of a small area of existing public open space for use exclusively by the community centre building that has been constructed as part of the development of the former Keymer Brick and Tiles site. In addition to the change of use, permission is sought for alterations to the previously approved boundary treatment and the hard/soft landscaping finishing to the area. This element of the application is retrospection.

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

Relevant Planning History

09/03697/OUT - Outline Permission for the remodelling and stabilisation of the site to support the development of land to provide a sustainable new community comprising 475 dwellings with associated infrastructure, including new vehicular access onto Kings Way, Wyvern Way and Curf Way, and community leisure facilities. Approved 30th April 2010.

DM/16/2718 - Reserved Matters application in respect of outline planning permission for the erection of 170 new dwellings and apartments with associated infrastructure including a community building, health centre, retail space and a community park with formal and informal sports areas for Phase 2 of Keymer Tile Works site. Approved 27th January 2017.

SITE AND SURROUNDINGS

The application site consists of a wedge shaped piece of land located at the eastern end of, (what will be) the main open space serving the wider development. It sits between the main equipped play area of the site and Multi-Use Games Area (MUGA).

To the north and east of the site (beyond a verge and road) are residential properties, while to the south lies the community building, with the main community square (including a shop) beyond.

APPLICATION DETAILS

The application seeks permission to change the use of the land from public open space, to land for the use exclusively by the community centre building, as a secure outside space.

In addition to the change of use, consent is sought to retain the alterations to the fencing and landscaping that have been implemented on site, as they differ from the approved details. In the main this consists of the replacement of a hedge boundary treatment (with trees) to a green mesh fencing, with shrubs and a tree planting.

LIST OF POLICIES

Mid Sussex District Plan - 2014 - 2031

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

Relevant policies:

DP24 - Leisure and Cultural Facilities and Activities

DP26 - Character and Design

Burgess Hill Neighbourhood Plan

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

Relevant policy:

LR2 - New park and Nature Reserve for East Burgess Hill at Keymer Tile Works

National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

ASSESSMENT

Principle of Development

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

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) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) of the 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.'

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 in this part of Mid Sussex consists of the Mid Sussex District Plan and the Burgess Hill Neighbourhood Plan.

Use of the Land

Policy DP24 of the Mid Sussex District Plan supports new and enhanced leisure and cultural activities and facilities. This 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.'

The policy goes on to state that proposals that result in the loss of facilities, including open space, will not be supported unless that meet specific criteria.

Policy LR2 of the Neighbourhood Plan sets out that support will be given for a new park and nature reserve, to include lake/recreational facilities/open space and leisure area at Keymer Tile Works.

While the proposed change of use of the land will mean that the site would not be available for the use by the general public, the area of land would still be in community use, as it would be used in association with the community building that serves not only the development, but the wider eastern part of Burgess Hill. Furthermore, the area of land is small, and the amount of the retained public open space to the west/south of the site is/will be extensive and it is not considered that the proposed change of use would reduce the overall public open space offer available to serve the development and the wider area.

It is considered that in respect of this matter the application complies with policy DP24 of the District Plan and the policy LR2 Neighbourhood Plan.

Character and Design

Policy DP26 of the Mid Sussex District Plan states requires proposals to demonstrate a high quality design and layout, which includes appropriate landscaping and greenspace.

The proposal is of a design and appearance which is in proportion and appropriate to the character of the site and would be seen context with the adjacent MUGA and the equipped play area. Whilst the most visible change, to that previously approved, is the fencing, it is similar to that employed around the MUGA and equipped play area and it is not considered to be out of character, or intrusive within the overall character of the area.

It is therefore considered that the proposal would not have an adverse impact on the character of the site, or the area generally and thereby complies with Policy DP26 of the District Plan.

Impact on the amenities of neighbouring properties

Policy DP26 of the District Plan states in part that proposals 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'*.

Notwithstanding the proposed change of use, the land subject to this application will remain in use for recreational purposes and lie adjacent to the MUGA and an equipped area of play. Whilst there are residential properties to the north and east of the site, given that the overall nature of the site remains the same, it is not considered the application would result in any harm to amenities of nearby residents, over and above that considered acceptable as part of the original approval.

The proposal thereby complies with policy DP26 of the District Plan.

PLANNING BALANCE AND 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.

While the proposal would not reduce the overall public open space offer available to serve the development and wider area. The proposal is acceptable both in terms of its design and impact on the character of the area, would not cause harm to the amenities of nearby neighbouring properties.

The application is thereby considered to comply with policies DP24 and DP26 of the Mid Sussex District Plan and policy LR2 of the Burgess Hill Neighbourhood Plan.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

INFORMATIVES

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Site Plan	720/SK64	D	02.12.2021
Landscaping Details	CH005-004	D	02.12.2021
Landscaping Details	AL6072-2005	B	02.12.2021
Location Plan	PL 001	-	02.12.2021
Landscaping Details	AL6072-2001	A	02.12.2021
Landscaping Details	AL6072-2002	B	02.12.2021
Landscaping Details	AL6072-2004	B	02.12.2021
Landscaping Details	AL6072-2003	B	02.12.2021

APPENDIX B – CONSULTATIONS

Parish Consultation

OBSERVATIONS: The Committee regretted the unsympathetic design.