

MID SUSSEX DISTRICT COUNCIL

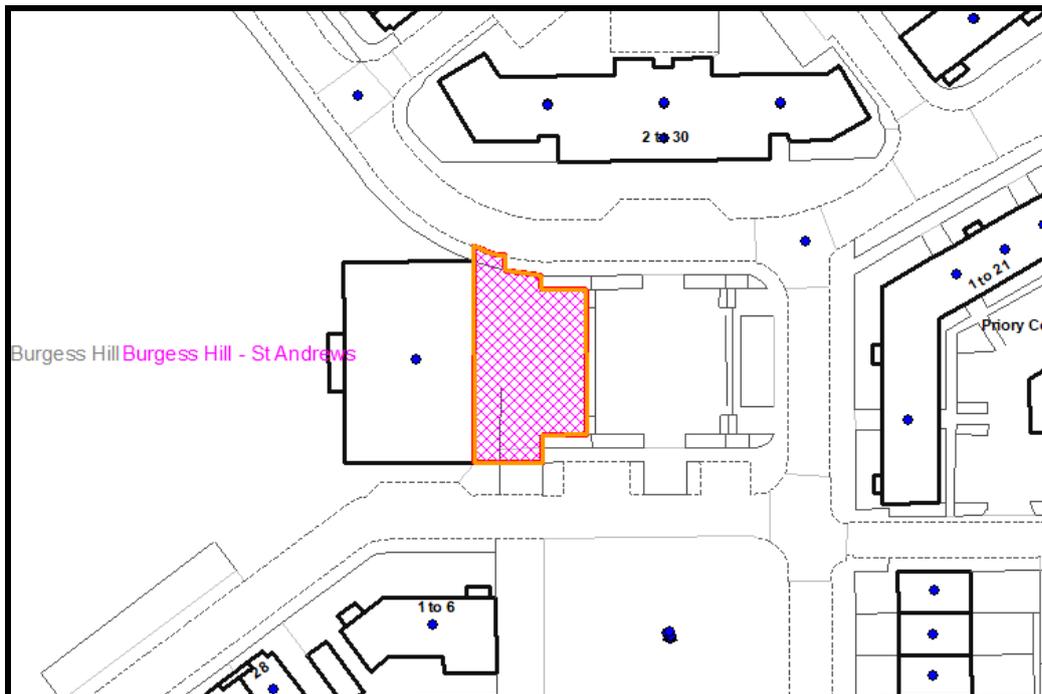
Planning Committee

13 JAN 2022

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/21/4173



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COMMUNITY CENTRE 124 WYVERN WAY BURGESS HILL WEST SUSSEX

CHANGE OF USE OF THE EXISTING CIVIC SPACE TO A CAR PARK AT LAND TO THE EAST OF KINGS WEALD COMMUNITY CENTRE.

POLICY: Built Up Areas / District Plan Policy / Local Wildlife Sites / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Highways Agreement (WSCC) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Change of Use

8 WEEK DATE: 31st 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 an area of the hardstanding to the front of the completed community building within the Keymer Brick and Tiles development for the use of car parking by the building users.

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

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

The proposal will result in small area of parking for the exclusive use of the community centre, no physical alterations are proposed to either to highway or the existing hard surfaced area to enable its use. It is considered that the proposal is acceptable in visual amenity terms and will not result in any highway safety. Furthermore, the proposal will give rise to any significant harm to amenities of nearby neighbouring properties.

The application is thereby considered to comply with policies DP21 and DP26 of the Mid Sussex District 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

BURGESS HILL TOWN COUNCIL

The Committee noted that it would be desirable to have covered bike racks and electric vehicle charging points to promote sustainable travel.

INTRODUCTION

Permission is sought for the change of use of an area of the hardstanding to the front of the completed community building within the Keymer Brick and Tiles development for the use of car parking by the building users.

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 is located directly to the front of the community centre building that is located at the western end of the main civic square within the development. It is currently a hard surfaced area similar to that at the eastern end of the site (which is used for parking), but is currently blocked at its southern and northern ends by removeable timber bollards. A drop kerb is present at the southern end of the site.

To the north of the site is local shop, with residential shops above, while to the south is the currently vacant, although the approved reserved matters has approved a health building, with residential above (construction on this has not commenced).

APPLICATION DETAILS

The application seeks consent to change the use of an area of hardstanding to the front of the completed community building to provide car parking for its users. It is proposed that access to the parking area will be from the southern side of the site, controlled by removal bollards, with bollards retained at the northern side to restrict access.

No changes to the surfacing or landscaping are proposed as part of this application.

LIST OF POLICIES

Mid Sussex District Plan - 2014 - 2031

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

Relevant policies:

DP21 - Transport

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.

No relevant policy

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.

Highways

Policy DP21 deals with transport matters and requires proposals to protect the safety of road users and pedestrians.

Access to the parking area will utilise an existing drop kerb at the southern end of the site (there is no drop kerb at the northern end) and all traffic movements will enter and leave the site at this point. The proposed parking area will be able to accommodate a total of seven vehicles (the same as a similar area at the eastern end of the square).

The submissions set out that removal bollards will be controlled by the operators of the centre, to ensure that they are only used by users of the centre. This will enable the space to be used in flexible way, i.e. for parking or community events, as necessary and enable surrounding visitor spaces around the civic square to be used by residents/users of the wider site. A condition can control this matter.

The proposed area of car parking is relatively small and no alterations are required to the highway to allow vehicles to enter and leave the site. The surrounding layout of the wider of site is such that traffic speeds are low and the small number of vehicles that will enter and leave the site are not considered to pose any highway safety issues, including to pedestrians.

The comments of the Town Council are noted, however, this application just relates to the change of use of a small piece of land to allow parking for users of the community centre building that would otherwise use adjacent unallocated spaces or surrounding roads. The need for cycle parking and electric charging points would arise from the community centre itself and as members will have noted, the building has already been constructed pursuant to its planning permission and it would not be appropriate to secure such matters in context of the proposal contained within this application.

Having regard to the above, it is considered that the application complies with policy DP21 of the District Plan.

Visual Impact

Policy DP26 of the Mid Sussex District Plan states requires proposals to demonstrate a high quality design and layout.

The area subject to this application is already hard surfaced and no physical alterations are proposed as part of this application. While parking was originally removed from this area as part of the reserved matter application (DM/16/2718 refers) (at the time a through round was proposed in front of the community building and a greater connection with the civic square was considered important), the current proposal will still provide that connection between the square and community building. It is not considered that the introduction of this small element of parking will

appear incongruous given the context of the civic square (and its existing parking) and the overall character and appearance of the area will be maintained.

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'*.

While the proposal will result in the introduction of small area of parking, it will be used exclusively by the users of the community centre, who would otherwise be using other nearby spaces around the square or in surrounding streets. Given this, and the fact that these spaces will be managed by the community building operator, it is not considered that the proposal would give rise to any significant impact on nearby residential amenities by means of noise or disturbance.

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.

The proposal will result in small area of parking for the exclusive use of the community centre, no physical alterations are proposed to either to highway or the existing hard surfaced area to enable its use. It is considered that the proposal is acceptable in visual amenity terms and will not result in any highway safety. Furthermore, the proposal will give rise to any significant harm to amenities of nearby neighbouring properties.

The application is thereby considered to comply with policies DP21 and DP26 of the Mid Sussex District 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.

3. The area of parking hereby approved shall only be available for use during the operating hours of the Community Centre Building and for its users and at all other times access to the area will be restricted by the use of removal bollards.

Reason: To protect highway safety and visual amenity and to accord with policies DP21 and DP26 of the Mid Sussex District Plan.

INFORMATIVES

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

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	PL 002		06.12.2021
Planning Statement			06.12.2021
Existing Site Plan	Previously approved		06.12.2021

APPENDIX B – CONSULTATIONS

BURGESS HILL TOWN COUNCIL

OBSERVATIONS: The Committee noted that it would be desirable to have covered bike racks and electric vehicle charging points to promote sustainable travel.