

MID SUSSEX DISTRICT COUNCIL

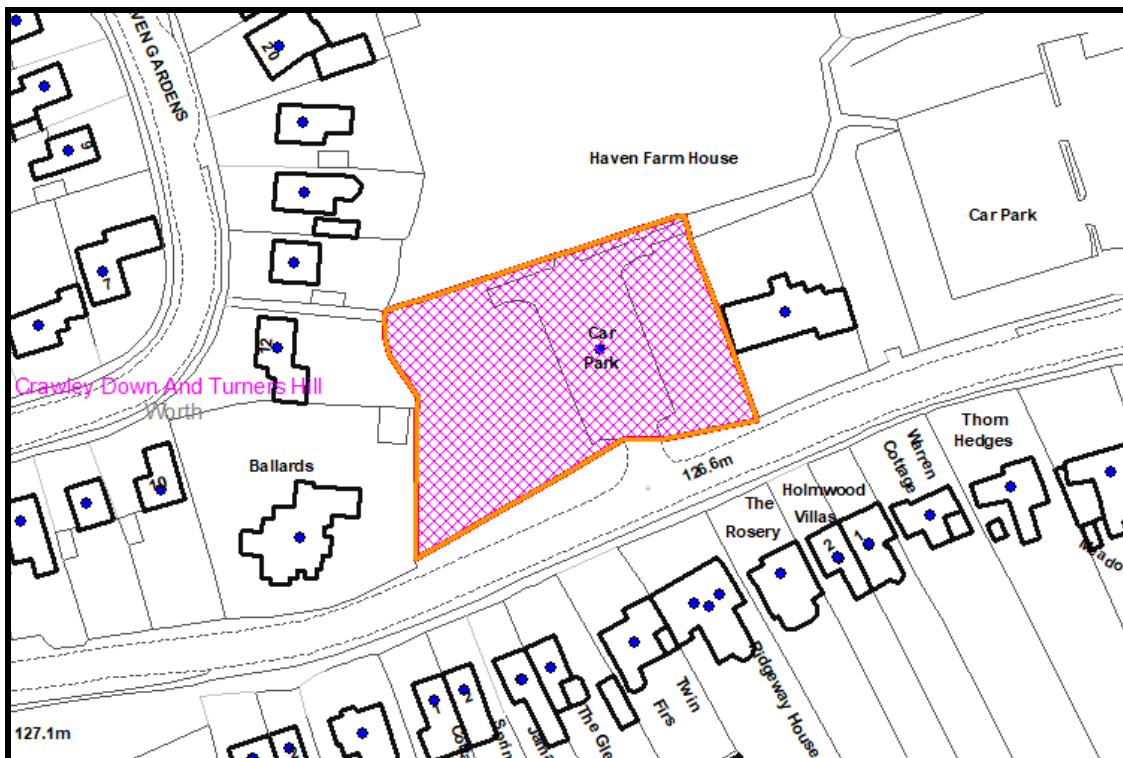
Planning Committee

14 APR 2022

RECOMMENDED FOR PERMISSION

Worth

DM/22/0220



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**THE HAVENS SPORTSFIELD CAR PARK THE HAVEN CENTRE
HOPHURST LANE CRAWLEY DOWN
VARIATION OF CONDITION 2 RELATING TO PLANNING APPLICATION
DM/20/3296 - TO SUBSTITUTE DRAWINGS FOR THOSE ON THE
ORIGINAL APPROVED SCHEME, IN ORDER TO REDUCE THE SCALE OF
THE BUILDING WITH ADJUSTMENTS TO EXTERNAL MATERIALS,
DESIGN OF ROOF AND REDUCED CAR PARKING BETWEEN ROWS.
(AMENDED DESCRIPTION 25.03.2022)
THE TRUSTEES**

POLICY: Area of Special Control of Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Trees subject to a planning condition /

ODPM CODE: Minor Other

8 WEEK DATE: 15th April 2022

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

CASE OFFICER: Joseph Swift

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 under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 relating to Planning Application DM/20/3269 - to substitute drawings for those on the original approved scheme, in order to reduce the scale of the building with adjustments to external materials, design of roof and reduced car parking between rows at The Havens Sportsfield Car Park, The Haven Centre, Hophurst Lane, Crawley Down.

The application is being determined at committee level as Mid Sussex District Council is the landowner of the site.

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.

Accordingly there is no need to reconsider the principle of the development in this case, as the key principles have already been accepted through the previous consent. The main issue for considerations are therefore the impact of the changes on the character and appearance of the area and on neighbouring amenity.

The proposed reduction in height, change in materials and reduction in width between parking bays are considered to be of an appropriate design size and scale that is in-keeping with the character of the wider locality and are not considered to cause significant harm to neighbouring amenities. The proposal is therefore considered to comply with policy DP26 of the Mid Sussex District Plan, The Mid Sussex Design Guide SPD and the requirements of the NPPF.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions set out in Appendix A.

CONSULTATIONS

PARISH COUNCIL OBSERVATIONS

Support

LETTERS OF REPRESENTATIONS

Four third party letters of representation have been received which object to the proposal for the following reasons:

- No reduction in size/larger than building it is to replace
- Building closer to house and to trees T13 and T14
- unneighbourly
- loss of trees and impact on wildlife
- traffic/road safety
- already multiple village halls
- Proper traffic survey was never carried out
- Extending beyond existing car park
- Loss of open space
- Replacement trees in inappropriate locations

INTRODUCTION

Permission is sought under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 relating to Planning Application DM/20/3296 - to substitute drawings for those on the original approved scheme, in order to reduce the scale of the building with adjustments to external materials, design of roof and reduced car parking between rows at The Havens Sportsfield Car Park, The Haven Centre, Hophurst Lane, Crawley Down.

RELEVANT PLANNING HISTORY

DM/19/2671: Village Hall with associated parking, PERMISSION

DM/20/2875: Non material amendment relating to planning reference DM/19/2671 for the reduction in scale of building, minor amendments to window/door sizes and positions and enhanced front entrance porch. WITHDRAWN

DM/20/3296: Variation to condition 2 relating to planning application DM/19/2671 to substitute amended drawings for those on approved scheme, in order to reduce the

scale of the building with minor adjustments to certain window/doors and an enhancement to the front entrance design. PERMISSION

DM/21/1769: Variation to condition 2 relating to planning application DM/20/3296 to substitute amended drawings for those on original and subsequent approved schemes for economical and construction detail requirements. PERMISSION

SITE AND SURROUNDINGS

The site consists of a car park and grassed/vegetated area, located on the northern side of Hophurst Lane in Crawley Down. It is associated with recreational land immediately north, including a skate park and floodlit football pitch to the north-east. The western boundary adjoins residential properties at Haven Gardens, with a footway linking across the northern part of the site to the community facilities. Immediately east is Haven Farm House, a 2-storey detached dwelling with front and rear gardens. East of this is The Haven Centre, a large community building with an extensive car park. Opposite to the south, is a ribbon development of residential dwellings.

The built-up area boundary adjoins the western boundary of the site and runs along the southern edge of Hophurst Lane, so the application site, Haven Farm House, The Haven Centre and The Beckers residential development further east, are all located within designated countryside. The site also lies within a Strategic Gap between Crawley and East Grinstead and within the 7km zone of the Ashdown Forest.

APPLICATION DETAILS

In detail, condition 2 of planning permission DM/19/2671 states:

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.

The effect of this change will be to substitute new plans showing minor material amendments to the approved scheme. These comprise:

- Reduction in roof height and design over badminton hall
- Change of external materials; and
- Reduction in width of space between carparking rows

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that:

'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'

This application is before the planning committee as it is Mid Sussex owned land.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and the Crawley Down 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 (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted by Full Council on 28 March 2018. Relevant policies include:

Policy DP26: Character and Design

Crawley Down Neighbourhood Plan (Jan 2016)

Mid Sussex District Council formally 'made' the Crawley Down Neighbourhood Plan part of the Local Development Plan for the Neighbourhood Plan area of Crawley Down as of 27 January 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Crawley Down Neighbourhood Plan area.

No policies are relevant to this application.

National Policy and Other Documents

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

OTHER PLANNING GUIDANCE

Mid Sussex Design Guide Supplementary Planning Document

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.

ASSESSMENT

There is no need to reconsider the principle of the development in this case, as the key principles have already been accepted through the previous consent. The main issue for considerations are therefore the impact of the changes on the character and appearance of the area and on neighbouring amenity.

Design and visual impact on the character of the area

Policy DP26 of the Mid Sussex District Plan states (in part):

'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*
- *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*
- *positively addresses sustainability considerations in the layout and the building design.'*

The Council's adopted Design Guide is a material consideration in the determination of the application. Design Principle DG38 requires good architecture whilst responding appropriately to its context.

The reduction in height of the building will result in the building being approximately 1.6 metres lower than previously approved. This reduction in height raises no concerns as it will reduce the overall impact relative to the approved scheme. Furthermore, within the wider street scene there is a mixture of design of buildings and materials, as such the proposed use of Ibstock west Hoathly multi stock bricks, cedar weatherboarding and foticrete gemini roof tiles are considered appropriate within this wider context.

Accordingly, it is considered that the proposal would comply with Policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states (in part):

'All applicants will be required to demonstrate that development:

- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29)'*

A similar ethos is found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.

The reduction in height, change to the materials and reduction in width from 9 metres to 7.5 metres between the car parking rows is not considered to result in significant harm to the neighbouring amenities, if anything the reduction to the scheme would improve any impact to neighbouring dwelling. Accordingly, it is considered that the scheme would comply with Policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Other matters

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not material planning considerations.

It is noted that the description has been amended to vary the conditions of the most recent consent (DM/20/3296) however, it does not materially alter the application as the proposal could technically alter the original permission (DM/19/2671). In addition the supporting documentation makes it clear it refers to the more recent consent, as such the amended description was not re-advertised.

CONCLUSION

The application is deemed to comply with the Development Plan as set out above and therefore is considered acceptable.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 30th September 2022 (3 years from the date of the original permission DM/19/2671)

Reason: To comply with Section 73 of the Town and Country Planning Act 1990.

2. **Approved Plans**

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

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

3. **Pre-commencement conditions**

No development above ground floor slab level shall be carried out until a schedule and/or samples of materials and finishes to be used for the external walls and roofs of the proposed building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan.

4. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development, plus details of replacement tree planting (size, species, maintenance and aftercare (planting, support and feeding)), and these works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan.

5. 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. The building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan and Policy CDNP06 of the Crawley Down Neighbourhood Plan.

6. No development shall take place until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to accord with Policy DP26 of the Mid Sussex District Plan.

7. Prior to the commencement of the development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include amongst other matters details of:

- measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking).
- dust management plan.
- site contact details in case of complaints.

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise and dust emissions during construction and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

Construction phase

8. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or Bank/Public Holidays or at any time other than between the hours 8am and 6pm on Mondays to Fridays and between 9am and 1pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

9. Deliveries or collection of plant, equipment or materials for use during the construction phase shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hrs

Saturday: 09:00 - 13:00 hrs

Sunday and Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

Pre-occupation conditions

10. The scheme shall only be constructed in accordance with the details contained within the Arboricultural Method Statement by SFF Tree Consultancy received on the 25th September 2019 unless first agreed in writing with the Local Planning Authority.

Reason: To ensure suitable tree protection is present during construction and to accord with Policy DP37 of the Mid Sussex Local Plan.

11. The development hereby permitted shall not be brought into use until a scheme for the installation of equipment to control the emission of fumes and odour from the premises has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such. The submitted odour control scheme shall be in accordance with best practice, and shall include a risk assessment for odour, as well as maintenance and monitoring schedules for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

Reason: To protect the amenity of neighbouring residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

12. The lighting scheme installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) for zone E2. Thereafter the approved installation shall be maintained and operated in accordance with zone E2 requirements unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the Mid Sussex District Plan.

13. The development hereby permitted shall not be brought into use until a scheme for the installation of equipment to ventilate the premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the operation of the development and shall thereafter be retained as such.

Reason: To protect the amenity of neighbouring residents and to comply with Policy DP26 of the Mid Sussex District Plan.

14. No operational use of any plant and machinery shall commence until measures have been implemented in accordance with a scheme first submitted to, and approved in writing by, the Local Planning Authority, to prevent air-borne noise from the operational activities of the plant and machinery from adversely affecting neighbouring residents. The applicant shall submit evidence, in writing, agreed by the Local Planning Authority before operational use commences, that the plant and machinery will obtain a sound level of 5 dB below the existing background sound level (LA90) during the operation of the plant and machinery, as measured one metre from the boundary of any nearby residential dwellings. All measurements shall be defined and derived in accordance with BS4142: 2014.

Reason: To protect the amenity of neighbouring residents and to comply with Policy DP26 of the Mid Sussex District Plan.

15. Prior to the development hereby permitted being occupied and used, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall then be implemented as approved.

Reason: To safeguard the amenity of neighbouring residents and to comply with Policy DP26 of the Mid Sussex District Plan.

16. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to comply with Policy DP21 of the Mid Sussex District Plan and CDNP10 of the Crawley Down Neighbourhood Plan.

17. The development shall be carried out in accordance with the Sustainability Statement submitted as part of the application DM/19/2671. On completion of the development, an independent final report shall be prepared and submitted to the Local Planning Authority to demonstrate that the proposals in the Statement have been implemented.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with the NPPF requirements, Policies DP26 and DP39 of the Mid Sussex District Plan.

Post-occupation monitoring / management conditions

18. No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans. These facilities shall thereafter be retained for their designated use.

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

19. Use of the commercial unit shall be limited to the following times:
Monday to Sunday 8.30hrs to 22:30hrs

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the Mid Sussex District Plan.

20. No commercial goods or commercial waste shall be loaded or unloaded onto or from a delivery or collection vehicle except between the hours of:

Monday to Friday 08:00 - 18:00 Hours
Saturdays 09:00 - 13:00 Hours
Sundays and Bank holidays, none permitted.

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the Mid Sussex District Plan.

21. Prior to the use of the building hereby permitted commencing, details of the proposed guttering system, having regard to the information contained within the submitted Arboricultural Method Statement by SFF Tree Consultancy received on the 25th September 2019, shall be submitted to and approved in writing with the Local Planning Authority. Thereafter, the building shall not be brought in to use until such time as the approved details are implemented on site and shall thereafter be retained as such.

Reason: To help mitigate the pressure from retained trees and to accord with Policy DP37 of the Mid Sussex District Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-andmodifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
3. No burning of demolition/construction waste materials shall take place on site.
4. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email gal.safeguarding@gatwickairport.com The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policycampaigns/operations-safety/>)

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	2116-02	I	24.01.2022
Proposed Floor Plans	2116-03	-	24.01.2022
Proposed Elevations	2116-11	-	24.01.2022

APPENDIX B – CONSULTATIONS

Parish Consultation

Support.