

MID SUSSEX DISTRICT COUNCIL

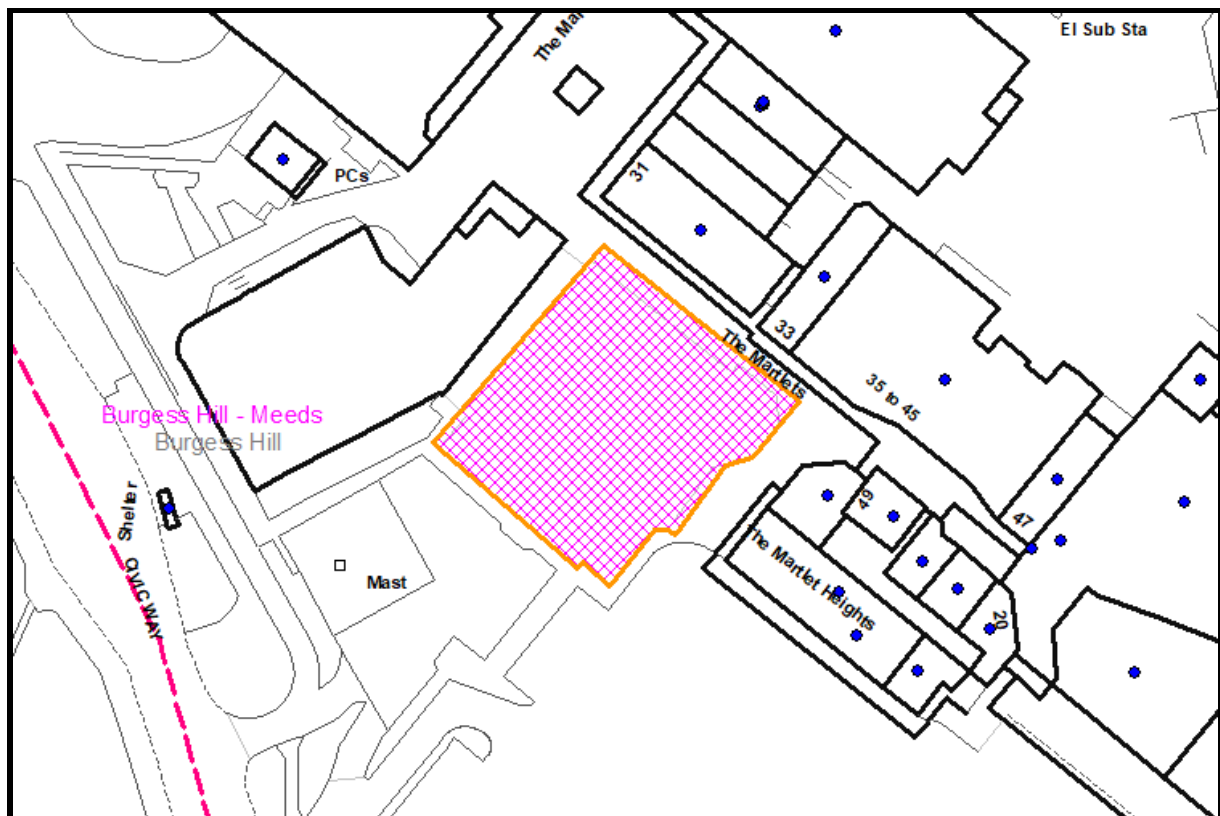
Planning Committee

13 OCT 2022

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/22/2751



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**SITE OF FORMER MARTLETS HALL THE MARTLETS BURGESS HILL
WEST SUSSEX RH15 9NN**

**TEMPORARY PUBLIC PARK, UP TO 18 MONTHS. CONSISTING OF A
POP-UP VENUE SPACE ENCLOSED AND DEFINED BY PLANTING AND
SCREENING, MOVEABLE PLANTERS ON THE WESTERN BOUNDARY
TO HELP CONTAIN THE SITE AND ALLOW VEHICULAR ACCESS, TWO
SHIPPING CONTAINERS FOR STORAGE AND FOR POTENTIAL KIOSK
USE, SMALL STAGE FOR ORGANISED PERFORMANCE AND INFORMAL
SEATING ON THE NORTHERN BOUNDARY, AND AN ART-CANVAS
ACROSS THE CENTRE OF THE SITE USING THE EXISTING CONCRETE
SLAB FOUNDATION FOR COMMUNAL ARTWORK.**

MR ROB ANDERTON

POLICY: Brownfield Land / Built Up Areas / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / Sewer Line (Southern Water) / Highways Agreement (WSCC) /

ODPM CODE: Minor Other

8 WEEK DATE: 31st October 2022

WARD MEMBERS: Cllr Robert Eggleston / Cllr Tofojjul Hussain /

CASE OFFICER: Stephen Ashdown

PURPOSE OF REPORT

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Temporary planning permission is sought for the creation of a pop up urban park on the site of the former Martlets Hall, in Burgess Hill Town Centre. The site is currently derelict and made up of a hard surfaced area.

The application is before members as the applicant and the site owner is the Council (MSDC). It is intended that the temporary public space will provide a public facility in the interim period before it is redevelopment as part of the wider town centre development, which already benefits from a planning permission.

The proposed pop-up urban park will create a new community space from an existing derelict site in a prominent town centre location. The proposal, while only temporary, will provide a significant enhancement to the character and appearance of this part of the town centre. The park will create additional, usable, public realm that will make a positive contribution to the benefit to users of the Martlets Shopping Centre and the wider community.

It is not considered that proposal, given its location within the town centre and the distance to the nearest residential dwellings, would give rise to any significant harm to the amenities of nearby residents, by means of noise or light pollution.

The proposed use is only temporary, and the facility can be removed relatively easily and quickly anytime within the 18 month period sought and the proposal is not a hurdle for the delivery of the wider town centre redevelopment scheme.

It is considered that the proposal complies with policies DP2, DP24 and DP26 of the Mid Sussex District Plan and policies TC3 and TC6 of the Burgess Hill Neighbourhood and can be recommend for approval.

Recommendation

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

Summary of Consultations

MSDC Environmental Health Officer

No objection.

Southern Water

No objection

Summary of Representations

Two letters of objections received. While many of the points raised are not material planning considerations, the following point is considered material;

- Permission could cause delays to the wider redevelopment

Burgess Hill Town Council

The Committee supported the application in principle and raised the following concerns:

Concern over a water supply, the removal of an already existing, growing tree, a power source e.g., would there be lighting at night?

Concern over the shipping container being an eyesore, and its potential usage.

Concern over seating - the Committee expressed a want to consider the elderly and those with mobility issues when choosing seating.

Concern over shelter - the Committee expressed a want for any shelter to be transparent, as so to avoid any potential anti-social behaviour.

Concern over the usage of table tennis tables.

The Committee also suggested picnic tables being incorporated into the design, and expressed concern over the variety and texture of trees in the design, stating that they would like to see a mixture of evergreen and deciduous.

INTRODUCTION

Temporary planning permission is sought for the creation of a pop up urban park on the site of the former Martlets Hall, in Burgess Hill Town Centre.

The application is before members as the applicant and the site owner is the Council (MSDC). It is intended that the temporary public space will provide a public facility in the interim period before it is redevelopment as part of the wider town centre development, which already benefits from a planning permission.

PLANNING HISTORY

The site forms part of the wider redevelopment scheme for the town centre, for which there are two planning permission. While the 2016 permission has been implemented, and is extant, it is anticipated that the latter 2021 approved scheme is what will be delivered.

DM/19/3331 - Demolition of multi-storey car park, public library and offices. The conversion of existing buildings and erection of new buildings to provide, additional retail floor space (Classes A1 and A3), residential units (Class C3) with undercroft car parking, a multi-screen cinema (Class D2), bowling alley (Class D2), gymnasium (Class D2), a hotel (Class C1), the reconfiguration and expansion of existing public car park, amendments to the site access, public realm improvements including landscaping, and other associated works. Approved 2nd July 2021 (to be implemented)

DM/15/3858 - Demolition of multi-storey car park, public library, community building and offices. Provision of additional retail floor space (Class A1-A5), residential units (Class C3), a multi-screen cinema (Class D2), public library (Class D1), a hotel (Class C1), the reconfiguration and expansion of existing car park, amendments to the site access, public realm improvements including landscaping and other associated works. Approved 14th March 2016 (extant)

SITE AND SURROUNDINGS

The site covers approximately 0.1 hectares in the centre of Burgess Hill, adjacent to the Martlets Centre car park, on the former site of the Martlets Hall, just off Civic Way.

The site is currently derelict and entirely hard surfaced.

To the north and east, are retail units that form part of the Martlets Shopping Centre. To the west, is the former Lidl's store, which is currently vacant.

APPLICATION DETAILS

It is proposed that a temporary public space (pop up urban park) will be created to make use of a current vacant site before it is redevelopment as part of the wider town centre scheme (which has planning permission). A period of up to 18 months is sought.

It is proposed that the space will be enclosed at its southern end with hit and miss fencing, with a raised planted bed forming its northern boundary. The eastern boundary will be mainly open, with some moveable planters along its western boundary to allow pedestrian movement through. The moveable western planters will also allow access to vehicles to service the area/events.

Two ships containers are proposed along the southern side of the park, which will have cedar clad sliding doors to the front elevation (facing into the park). A series of benches will be placed around the space, along with a raised platform/stage to its northern side. Two table tennis tables are also proposed.

The design of the space is defined by day to day activity/pop up facilities in its southern half, and organised events, performances and markets in its northern half.

This temporary permission only seeks consents for the creation and use of the space as an urban park, and separate consents/licences may be required for any additional events that which to take place in the park.

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 Mid Sussex District Plan, the Site Allocation Development Plan Document (SADPD) and the Burgess Hill 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:

DP2 - Town Centre Development
DP24 - Leisure and Cultural Facilities and Activities
DP26 - Character and Design

Site Allocations Development Plan DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan was made in March 2016.

Relevant policies;

TC3 - The Brow Quarter
TC6 - Urban Realm and Access to Town Centre

National Planning Policy Framework

ASSESSMENT

Principle of Development

The site is located within the Burgess Hill town centre, as defined within the District Plan, where policy DP2 states;

'Town Centres

These are defined as the town centres of Burgess Hill, East Grinstead and Haywards Heath which meet the needs of their communities and those of the surrounding large and small villages and countryside areas.

To support the regeneration and renewal and environmental enhancement of the town centres as defined on the Policies Map - development, including mixed use and tourism related development, will be permitted providing it:

- is appropriate in scale and function to its location including the character and amenities of the surrounding area;*
- has regard to the relevant Town Centre Masterplans and is in accordance with relevant Neighbourhood Plan.'*

In addition, the policy DP24 of the District Plan deals with Leisure and Cultural Facilities and Activities and states, inter alia;

'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.'

In respect of the Burgess Hill Neighbourhood Plan, the site falls within 'The Brow Quarter', where policy TC3 is relevant and states;

' There are opportunities to redevelop the Brow following relocation of any public and community services from this area. The development mix that could be supported includes:

- Relocate St Wilfrids School within the Quarter.*
- Additional open space.*
- Redevelopment per of the Martlets site for significant of open market housing on conjunction with new River Retail proposals.*
- New community facilities.*
- Improved medical/health facilities.*
- Opportunities for new employment/hotel development.*
- Improvement to access across Civic Way.'*

It is worth noting that within the illustrative map with the Neighbourhood Plan for 'The Brow Quarter', the application site shows housing, community and leisure uses.

Policy TC6 of the Neighbourhood Plan focuses on improvements to the public realm and access across the town centre and states, inter alia;

The Town Council will support the following improvements across all Quarters within the town centre. All new development within the town will be expected to provide for or contribute towards;

- The creation of a network of linked new public spaces and pedestrian routes which includes planting trees and landscaped areas. These should form part of the 'spokes' into the town from the Green Circle.'*

Having regard to the above it is clear that the proposed use is supported by policy. Notwithstanding the policy support, the proposed facility will provide a positive addition to the town centre, and the wider community, on what is currently a derelict site that provides no positive contribution to the town.

It is noted that there is concern that the proposal will in some way impact on the delivery of the wider town centre scheme, however, the proposed facility does seek any permanent structures (all equipment/furniture can easily be removed) and the temporary use can cease at any time within the 18 month period sought. As land owners, the Council have full control over this aspect of the site.

In light of the above, it is considered that the principle of the use is acceptable, and it will not have any prejudicial impact on the delivery of the wider redevelopment scheme for the town centre. The application in this regard, complies with policies DP2 and DP24 of the Mid Sussex District Plan and the policies TC3 and TC6 of the Neighbourhood Plan.

Impact on Character and Appearance of the Area

Policy DP26 of the District Plan deals with character and design matters. It requires all developments and surrounding spaces to be well designed and reflect the distinctive character of the area it is located within. It requires applicants demonstrate, inter alia, that their development;

- is of high quality design and layout includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms..*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape..'*

It is considered that the proposed park will make a positive contribution to the character and appearance to this part of the town centre. Currently the site is derelict and consists of an exposed hard surfaced area, with a wooden hoarding along its southern boundary. It provides no enclosure or sense of place, and does not provide any relief to views in and out of this part of the town.

The proposal will provide much needed enclosure to the space and its surroundings, with the landscape edges providing much needed relief to the hard edged urban realm that currently exists. The proposed ship containers on the southern boundary will be screened from the south by the proposed fencing and their general form and

scale is considered appropriate to this location. The final finish, in terms of colour, can be secured through a planning condition.

The Town Council comments regarding the landscaping are noted and the final specimen mix can be secured through a planning condition. The existing vegetation that is shown to be removed from the northern side of the site is of little value and the overall landscaping proposals will significantly increase the 'green' coverage on the site.

The proposal, while only temporary, will provide a significant enhancement to the character and appearance of this part of the town centre. The park will create additional, usable, public realm that will make a positive contribution to the benefit to users of the Martlets Shopping Centre and the wider community.

Having regard to the above, it is considered that the application complies with policy DP26 of the District Plan in respect of this issue.

Impact on Residential Amenity

Policy DP26 of the District Plan sets out that proposals should not cause significant harm to the amenities of nearby residents by, amongst other things, noise and light pollution.

The site is not directly overlooked by any existing residential properties, the closest are some 140m to the southeast on Queen Elizabeth Avenue nearest. While there are properties to the north, at about 95m from the site, these are located above premises in Church Walk and there are existing buildings in-between.

Given the distances involved, and the fact that surrounding area is already lit by existing street lighting, it is not considered that any significant harm to existing residents' amenity will arise from the proposal. In any event, it should be noted that as the proposal is for a limited period, any harm that does arise, will not be permanent.

Your Environment Protection Officer has not raised an objection to the proposal.

In light of the above, it is considered that the application complies with policy DP26 in respect of this issue.

Other Issues

The comments from the Town Council regarding the shelter are noted. The proposed two ship containers will have lockable doors, so access to them when not in use will be restricted. It is not considered that the proposal would give rise to new anti-social behaviour that does not already exist within the wider town centre area.

PLANNING BALANCE AND CONCLUSIONS

The proposed pop-up urban park will create a new community space from an existing derelict site in a prominent town centre location. The proposal, while only temporary, will provide a significant enhancement to the character and appearance of this part of the town centre. The park will create additional, usable, public realm that will make a positive contribution to the benefit to users of the Martlets Shopping Centre and the wider community.

It is not considered that the proposal, given its location within the town centre and the distance to the nearest residential dwellings, would cause any significant harm to the amenities of nearby residents by means of noise or light pollution.

The proposed use is only temporary, and the facility can be removed relatively easily and quickly anytime within the 18 month period sought and the proposal is not a hurdle for the delivery of the wider town centre redevelopment scheme.

It is considered that the proposal complies with policies DP2, DP24 and DP26 of the Mid Sussex District Plan and policies TC3 and TC6 of the Burgess Hill Neighbourhood and can be recommend for approval.

APPENDIX A – RECOMMENDED CONDITIONS

1. The pop-up urban park hereby approved shall be removed and the land restored to its former condition, or to a condition to be agreed in writing with the Local Planning Authority, on or before the expiration of the period 14th April 2024.

Reason: To ensure that the permitted use of the land does not prejudice the delivery of the wider town centre redevelopment scheme and to comply with policy DP2 of the Mid Sussex District Plan 2014 - 2031 and policy TC3 of the Burgess Hill Neighbourhood Plan.

2. Prior to the commencement of development hereby permitted, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These works shall be carried out as approved and completed prior to the park first coming into use. Any trees or plants which, within a period of one year from the completion of 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 Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

3. Prior their placement on site, the external finish of the ships containers shall be submitted to and agreed in writing with the Local Planning Authority. This element of the scheme shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

4. **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.

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.

APPENDIX B – CONSULTATIONS

Environmental Protection

Environmental Protection has no concerns regarding this proposal for a pop-up venue in the town centre.

Parish Consultation

The Committee supported the application in principle and raised the following concerns:

Concern over a water supply, the removal of an already existing, growing tree, a power source e.g., would there be lighting at night?

Concern over the shipping container being an eyesore, and its potential usage. Concern over seating ' the Committee expressed a want to consider the elderly and those with mobility issues when choosing seating.

Concern over shelter ' the Committee expressed a want for any shelter to be transparent, as so to avoid any potential anti-social behaviour.

Concern over the usage of table tennis tables. The Committee also suggested picnic tables being incorporated into the design, and expressed concern over the variety and texture of trees in the design, stating that they would like to see a mixture of evergreen and deciduous.

Southern Water

Please see the attached extract from Southern Water records showing the approximate position of our existing surface water sewer within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 300 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the public surface water sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements.

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer