

MID SUSSEX DISTRICT COUNCIL

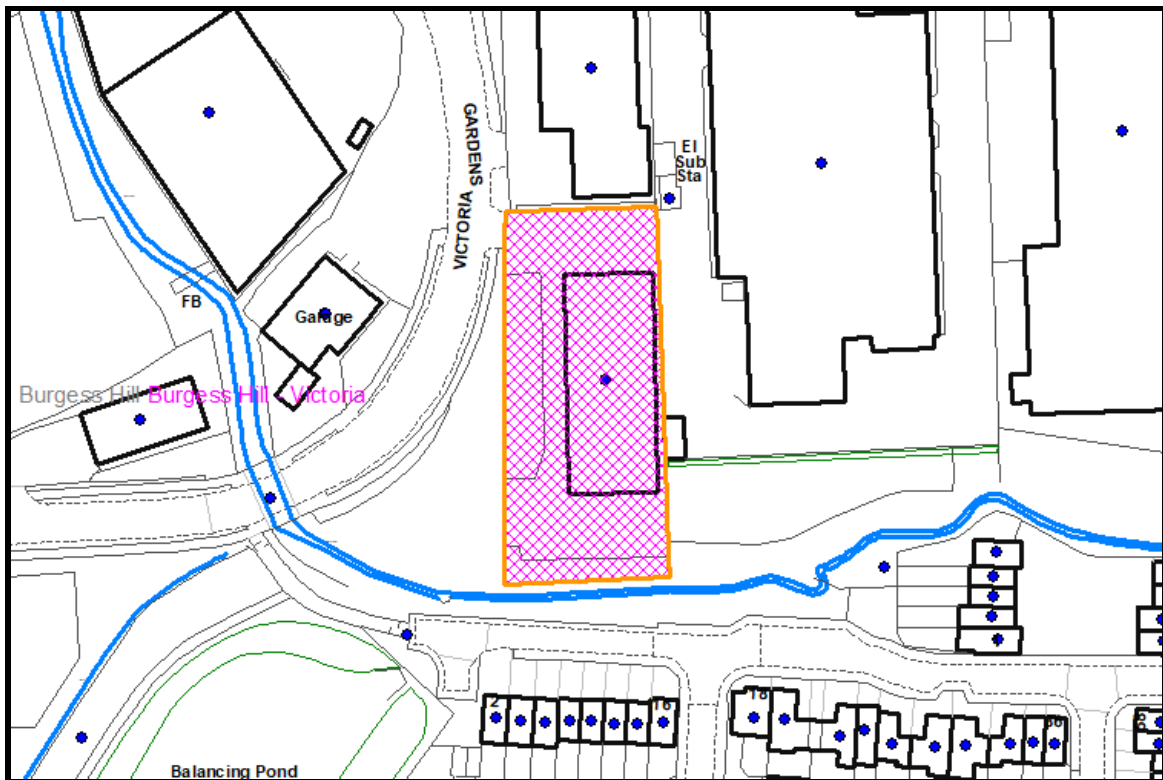
Planning Committee

12 JAN 2023

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/22/3287



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**EURO CAR PARTS LTD 31 VICTORIA GARDENS BURGESS HILL WEST
SUSSEX RH15 9NB**

**INCREASE THE WIDTH OF THE HARD STANDING SURFACE
(DRIVEWAY) ALONG THE SIDE OF THE BUILDING AND INCREASE THE
WIDTH FURTHER AT THE ENTRANCE END.**

MR JONATHAN POLLENTINE

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / Sewer Line (Southern Water) /

ODPM CODE: Minor Other

8 WEEK DATE: 20th December 2022

WARD MEMBERS: Cllr Peter Chapman / Cllr Lee Gibbs /

CASE OFFICER: Andrew Horrell

PURPOSE OF THE 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

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

This building is in commercial use on the Victoria industrial estate and occupied by Euro Car Parts Ltd for the distribution and sale of vehicle parts and garage equipment for cars and light commercial vehicles. Because of difficulties of access and parking due to a narrow driveway, planning Permission is sought to increase the width of the hard standing surface (Driveway) along the side of the building and increase the width further at the entrance.

The proposed alterations to the hardstanding arrangements are considered to be in character with the wider streetscene, improve access arrangements for the business and would not cause significant harm to the amenities of neighbouring amenities or highway safety.

The proposed development is therefore deemed to comply with policies DP21 and DP26 Mid Sussex District Plan.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

Letters of objection was received from neighbouring 2 and 4 Payton Drive on the following grounds:

- Any Increased frequency would increase light and noise pollution from deliveries

SUMMARY OF CONSULTATIONS

Burgess Hill Town Council

'Recommend Approval'

MSDC Drainage

' The flood risk and drainage team have reviewed the above application and have no objection'.

MSDC Environmental Protection Team

'This application does not change any existing use and is just for a wider driveway. There are no noise implications as far as I can tell other than construction noise. Recommended condition is therefore to limit construction hours:

Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted'

INTRODUCTION

The application seeks planning permission for to increase the width of the hard standing surface (Driveway) along the side of the building and increase the width further at the entrance end.

RELEVANT PLANNING HISTORY

DM/17/4435 - Retrospective application for the change of use to Class B8 (storage and distribution) with ancillary trade counter and associated repairs and maintenance. (approved)

SITE AND SURROUNDINGS

31 Victoria Gardens is a part two storey flat roofed part single storey building characterised by face brickwork with upvc doors and windows within an industrial estate.

To the north of the site is the car park with hedging to Johnsons (29 Victoria gardens) beyond, to the south of the site is the parking and delivery area with woodland to Payton Drive beyond, to the east of the site is mesh fencing to 27 Victoria Gardens beyond and to the west of the site is the driveway with hedging and gated entrance with highway beyond.

The site is within the built-up area of Burgess Hill.

APPLICATION DETAILS

The existing hardstanding driveway is to be enlarged measuring at the corner nearest to the entrance gates a maximum depth of 6.817m with the majority measuring 1.546m in depth with an overall width of 38.506m. This is to prevent further destruction and damage created by vehicles and vans due to the hard surface being too narrow for efficient vehicle manoeuvring.

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, Burgess Hill Neighbourhood Plan and the Site Allocation DPD.

Mid Sussex District Plan

DP21 (Transport)

DP26 (Character and Design)

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period ran to 19th December 2022. No weight can currently be given to the plan due to the very early stage that it is at in the consultation process.

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 policies

National Policy

National Planning Policy Framework (July 2021)

ASSESSMENT

The main issues are considered to be the impact on the character and appearance of the area.

Design and Character Impact

DP26 of the District Plan states:

'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,*

- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance,*
- *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,*
- *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.'*

This section of parking area is fairly informal in nature, with rough gravel surfacing. The proposed extension to the hardstanding will be contained within the existing site. As such, views into and out of the site are restricted within the locality.

The proposal is therefore considered to have limited visual impact upon the area, thereby protecting the character of the area in accordance with policy DP26 of the District Plan.

Highways

DP21 of the Mid Sussex District Plan states *decisions on development proposals will take account of whether:*

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy),*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up,*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport, and with the relevant Neighbourhood Plan where applicable,*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded,*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements,*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation,*
- *The scheme protects the safety of road users and pedestrians.*

The Proposal does not alter the vehicular or pedestrian access to the site and will cause no highway safety issues. Therefore, the proposal is deemed to comply with policy DP21 of the Mid Sussex District Plan.

Neighbouring Amenities

In terms of impact upon neighbouring amenities Policy DP26 in part seeks to ensure 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),'

The concerns raised by neighbours as to noise from the existing use and potential for additional nuisance are noted.

The use of the property is, however, limited. DM/17/4435 limited the business hours to between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 16:00 Saturdays (and there shall be no external illumination on the premises except between the above-mentioned hours). The proposal subject of this application seeks to improve existing arrangements for vehicles visiting the site and it is not considered that it would result in additional noise or other nuisance causing significant additional harm to the amenities of neighbours.

MSDC Environmental Health Team have requested a construction hours condition, however, this reflects the requirements of the Environmental Protection Act 1990 which is to be added as an informative. Coupled with this, the proposed works are likely to be short term and therefore a condition which restricts construction hours is not necessary and does not meet the requirements for the imposition of conditions as set out by paragraph 57 of the NPPF.

CONCLUSION

The proposed development complies with policies DP21 and DP26 of the Mid Sussex District Plan.

The application is therefore recommended for approval subject to the conditions listed in Appendix A.

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. **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. 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.
2. 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	AC51422/LP	-	25.10.2022
Block Plan	AC51422/SP	-	25.10.2022
Existing and Proposed Floor Plan	AC	-	25.10.2022

APPENDIX B – CONSULTATIONS

Parish Consultation

Recommend Approval.

Environmental Protection

DM.22.3287 Wider hard standing, Euro Car Parts, 31 Victoria Gardens BH

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20.12.22

Nick Bennett

Environmental Protection