

MID SUSSEX DISTRICT COUNCIL

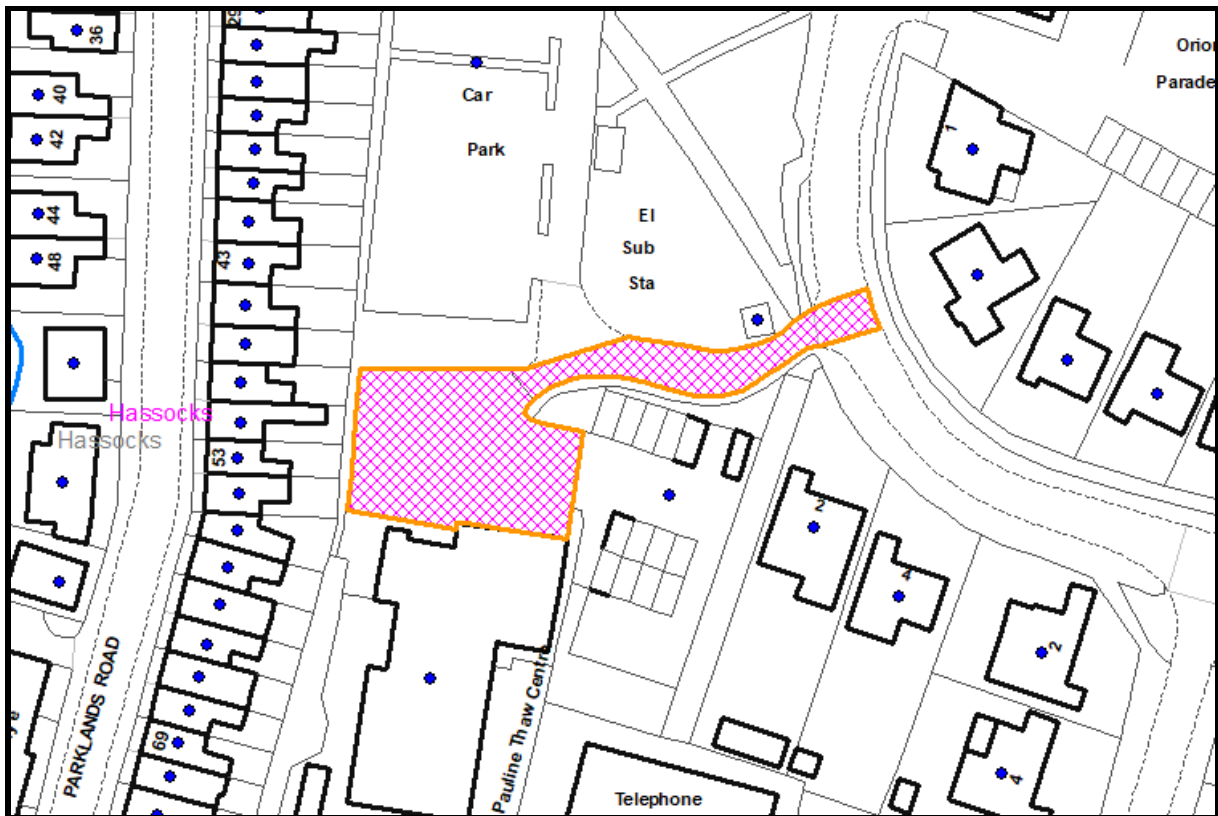
Planning Committee

12 JAN 2023

RECOMMENDED FOR PERMISSION

Hassocks

DM/22/3503



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**AGE CONCERN HAS SOCKS AND DISTRICT LTD THE PAULINE THAW
CENTRE DALE AVENUE HAS SOCKS WEST SUSSEX BN6 8LW
RELOCATION OF HAS SOCKS VILLAGE MARKET TO THE PAULINE
THAW CENTRE CAR PARK**

AMANDA FELIX

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) / Aerodrome Safeguarding (CAA) / Trees subject to a planning condition / Trees subject to a planning condition / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Minor Other

8 WEEK DATE: 10th January 2023

WARD MEMBERS: Cllr Sue Hatton / Cllr Benedict Dempsey / Cllr Alexander Sparasci /

CASE OFFICER: Hamish Evans

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

Planning permission is sought for a village market within the Pauline Thaw Centre Car Park Dale Avenue Hassocks BN6 8LW.

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 site lies within the defined built-up area of the village where the principle of development is acceptable under policy DP6 of the Mid Sussex District Plan. The proposed use would replace the same community facility which is being lost at another site and due to the provision of publicly accessible toilets it is considered to enhance the existing community facilities and support the local economy.

Taking into account the modest nature of the proposal, its relatively infrequent use and the existing boundary treatment the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents. The resulting parking arrangement and the proposals impact on highways safety is considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP3, DP6, DP21, DP25, DP26 and DP29 of the Mid Sussex District Plan, policies 9, 12 and 18 of the Hassocks Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

SUMMARY OF REPRESENTATIONS

No third-party representation letters have been received in respect of this application.

SUMMARY OF CONSULTATIONS

HASSOCKS PARISH COUNCIL

RECOMMEND APPROVAL. Hassocks Parish Council offers its full support to this application.

MSDC ENVIRONMENTAL PROTECTION

No objection

WEST SUSSEX COUNTY COUNCIL HIGHWAYS AUTHORITY

WSCC consider there is no highway safety or capacity concerns associated with the current proposal, therefore, no objection is raised for the proposal.

Introduction

The application seeks planning permission for a village market within the Pauline Thaw Centre Car Park Dale Avenue Hassocks BN6 8LW. The application has been referred to Committee because the land is owned by the District Council.

Relevant Planning History

11/00448/FUL - Extension of Car Park. PERMISSION.

11/03198/FUL - Widening of car park entrance, re-routing of pedestrian pathway and reinstatement of road surface. PERMISSION.

SITE AND SURROUNDINGS

The application site consists of a private car park used in association with the Age Concern at the Pauline Thaw Centre Dale Avenue Hassocks BN6 8LW. The car park is located to the north of the centre and the site is located within the Hassocks built up area boundary.

A public car park is located to the north of the site, private garages are located to the east of the site, the Pauline Thaw Centre is located to the south of the site and residential properties are located to the west of the site.

The vehicular and pedestrian access to the site is located to the north-east. The residential properties to the west of the site are of a two-storey and terraced nature and the rear of the dwellings are immediately adjacent to the application site. Their rear boundary treatment consists of some 1.8 metre high closed board fencing.

APPLICATION DETAILS

The proposal seeks planning permission for a village market that would take place on the fourth Saturday of the month apart from December when it is held on the third Saturday of the month. The market previously took place at the forecourt of National Tyres 60 Keymer Road Hassocks BN6 8AR.

The proposal does not include any permanent structures as it has been confirmed that stallholders will set up and dismantle their own trestle tables and gazebos. It has also been confirmed that the car park will be closed for vehicles between the opening of the market and the closing of the market.

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, Hassocks Neighbourhood Plan and the Site Allocation DPD.

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 is up to date and was adopted at Full Council on 28th March 2018.

Relevant policies:

DP3 - Village and Neighbourhood Centre Development

DP6 - Settlement Hierarchy

DP21 - Transport

DP25 - Community Facilities and Local Services

DP26 - Character and Design

DP29 - Noise, Air and Light Pollution

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 runs to 19th December 2022. No weight can be given to the plan at this stage due to the very early stage that it is at in the consultation process.

Hassocks Neighbourhood Plan (adopted June 2020)

Policy 9 - Character and Design

Policy 12 - Community Facilities

Policy 18 - Village Centre

Site Allocations DPD (June 2022)

No relevant policies

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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.

National Planning Policy Framework (NPPF) (July 2021)

Paragraph 12 of the NPPF states:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 38 of the NPPF states:

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

National Planning Policy Guidance

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows -

- The principle of development
- The design and character
- The impact on neighbouring amenities
- Highways matters, and
- Planning balance and conclusion.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Hassocks Neighbourhood Plan and the Site Allocation DPD.

Policy DP6 of the Mid Sussex District Plan states in part:

'Development will be permitted within towns and villages with defined built-up area boundaries'

Policy DP3 of the Mid Sussex District Plan states in part:

'To support the village centres, development, including for mixed uses, will be permitted providing it:

- helps maintain and develop the range of shops and services to enable the village centre to meet local needs, and*
- is appropriate in scale and function to its location including the character and amenities of the surrounding area, and*
- is in accordance with the relevant Neighbourhood Plan.'*

Policy 18 of the Hassocks Neighbourhood Plan states:

'Development proposals which would enhance the character and sense of place of the central retail and commercial area of Hassocks will be supported.

Proposals to enhance parking facilities, traffic flow, pedestrian and cycling facilities, shop frontages, green spaces, public realm and signage will be particularly supported.'

Policy DP25 of the Mid Sussex District Plan states:

'The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.

Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:

- that the use is no longer viable, or*
- that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility, or*
- that a replacement facility will be provided in the locality.*

The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure onsite facilities. Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document.

Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.'

Policy 12 of the Hassocks Neighbourhood Plan states:

'Development proposals which result in the loss of community facilities will not be supported.

Development proposals for the alteration and/or replacement of community facilities will be supported where:

- 1. Equivalent (in qualitative and quantitative terms) or enhanced facilities are provided to serve local needs, and*
- 2. Proposals for the replacement of a community facility ensure the replacement facility is made available before the closure of the existing facility.'*

The application site is located within the Hassocks built up area boundary which is considered to be an accessible and sustainable location. Due to the potential non-availability of the existing market site, the proposal, including access to public toilets, is considered to enhance the range of services within the village centre and support the local economy. The proposal's impact on the character of the area and impact on amenities is to be assessed in a subsequent section of this report. Taking into account the above the proposal is considered to comply with policies DP3, DP6 and DP25 of the Mid Sussex District Plan and policies 12 and 18 of the Hassocks Neighbourhood Plan and acceptable in principle.

Design and Character

Policy DP26 of the Mid Sussex District Plan in part 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,*
- protects valued townscapes and the separate identity and character of towns and villages,*
- 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 DP27),*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible,*
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed,*
- positively addresses sustainability considerations in the layout and the building design,*
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre, larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element,*
- optimises the potential of the site to accommodate development.'*

A similar ethos is found within policy 9 of the Hassocks Neighbourhood Plan and the Mid Sussex Design Guide SPD.

The proposal does not include any permanent structures and temporary structures such as canopies and trestle tables would be modest in their nature. These structures would only be in place when the market was in operation which would be relatively infrequent and it is not considered uncommon to have the proposed use take place in car parks. As such the proposal is considered to address the character and scale of the surrounding buildings and landscape and complies with policy DP26 of the Mid Sussex District Plan, policy 9 of the Hassock Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Impact on amenities of neighbouring properties

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),'

Policy DP29 of the Mid Sussex District Plan states in part:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area,*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures,*
- *Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.*
- *In appropriate circumstances, the applicant will be required to provide:*
- *an assessment of the impact of noise generated by a proposed development,*
or
- *an assessment of the effect of noise by an existing noise source upon a proposed development,*

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

The Council's Environmental Health Officer has been consulted on the application and they have raised no objection to the proposal. Whilst the site is in relative close proximity to the residential properties to the west of the site the proposed use of the site would be relatively infrequent and it would be a similar use to the Age Concern

building currently at the site. There is also relatively significant boundary treatment to the east of the site. The proposed use is also considered relatively common within built up areas.

Taking into account the above the proposal is not considered to cause significant harm to the amenities of nearby residents including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. As such the proposal is considered to comply with the above part of policies DP26 and DP29 of the Mid Sussex District Plan, policy 9 of the Hassocks Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Highways Matters

Policy DP21 of the Mid Sussex District Plan in part states:

- *'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*
- *The Scheme protects the safety of road users and pedestrians.'*

The proposed use will take place within an existing car park that is used in association with the Age Concern at the site. The car park will be closed to vehicles during the time the market is open and whilst this would mean a reduction in off-street parking spaces at the site, the use of the market will be relatively infrequent, and the benefits of providing a market is considered to outweigh the short term loss of car parking spaces. The Local Highways Authority have been consulted on the proposal and they raise no objection. As such the proposal is considered to comply with the above-mentioned parts of policy DP21 of the Mid Sussex District Plan.

Planning Balance and Conclusions

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 site lies within the defined built-up area of the village where the principle of development is acceptable under policy DP6 of the Mid Sussex District Plan. The proposed use would replace the same community facility which is being lost at another site and due to the provision of publicly accessible toilets it is considered to enhance the existing community facilities and support the local economy.

Taking into account the modest nature of the proposal, its relatively infrequent use and the existing boundary treatment the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not

cause significant harm to the amenities of nearby residents. The resulting parking arrangement and the proposals impact on highways safety is considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP3, DP6, DP21, DP25, DP26 and DP29 of the Mid Sussex District Plan, policies 9, 12 and 18 of the Hassocks Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

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.
3. The proposed village market shall only take place on the fourth Saturday of the month between January and November inclusive and the third Saturday of December, unless otherwise agreed with by the local planning authority.

INFORMATIVES

1. 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 | | | 15.11.2022 |
| Block Plan | | | 15.11.2022 |

APPENDIX B – CONSULTATIONS

Environmental Protection

No objection.

Parish Consultation

RECOMMEND APPROVAL. Hassocks Parish Council offers its full support to this application.

WSSC HIGHWAYS AUTHORITY

West Sussex County Council (WSSC), in its capacity as Local Highway Authority (LHA), have been consulted on the above Full Planning Application, with regards to any highway safety or capacity concerns. The application is supported by way of a Planning Statement.

The application site is Age Concern / Pauline Thaw Centre car park, located approx. 600m to the east of Hassocks Train Station. The proposal is for relocation of Hassocks Village Market from National Tyres Forecourt to Age Concern / Pauline Thaw Centre car park due to the former building under threat of demolition.

Age Concern / Pauline Thaw Centre car park is accessed from Dale Avenue via a short access road which also provides access to the long-stay village car park. Hassocks Village Market is held on fourth Saturday of the month, apart from December when it is on third Saturday to offer Christmas shopping opportunities. During the market days Age Concern / Pauline Thaw Centre car park will be closed but part of the access road serving the long-stay village car park will remain open. There is a well-maintained footway to the south of the access road leading into the Age Concern / Pauline Thaw Centre car park which the visitors could make use of on market days.

WSSC consider there is no highway safety or capacity concerns associated with the current proposal; therefore, no objection is raised for the proposal.