

MID SUSSEX DISTRICT COUNCIL

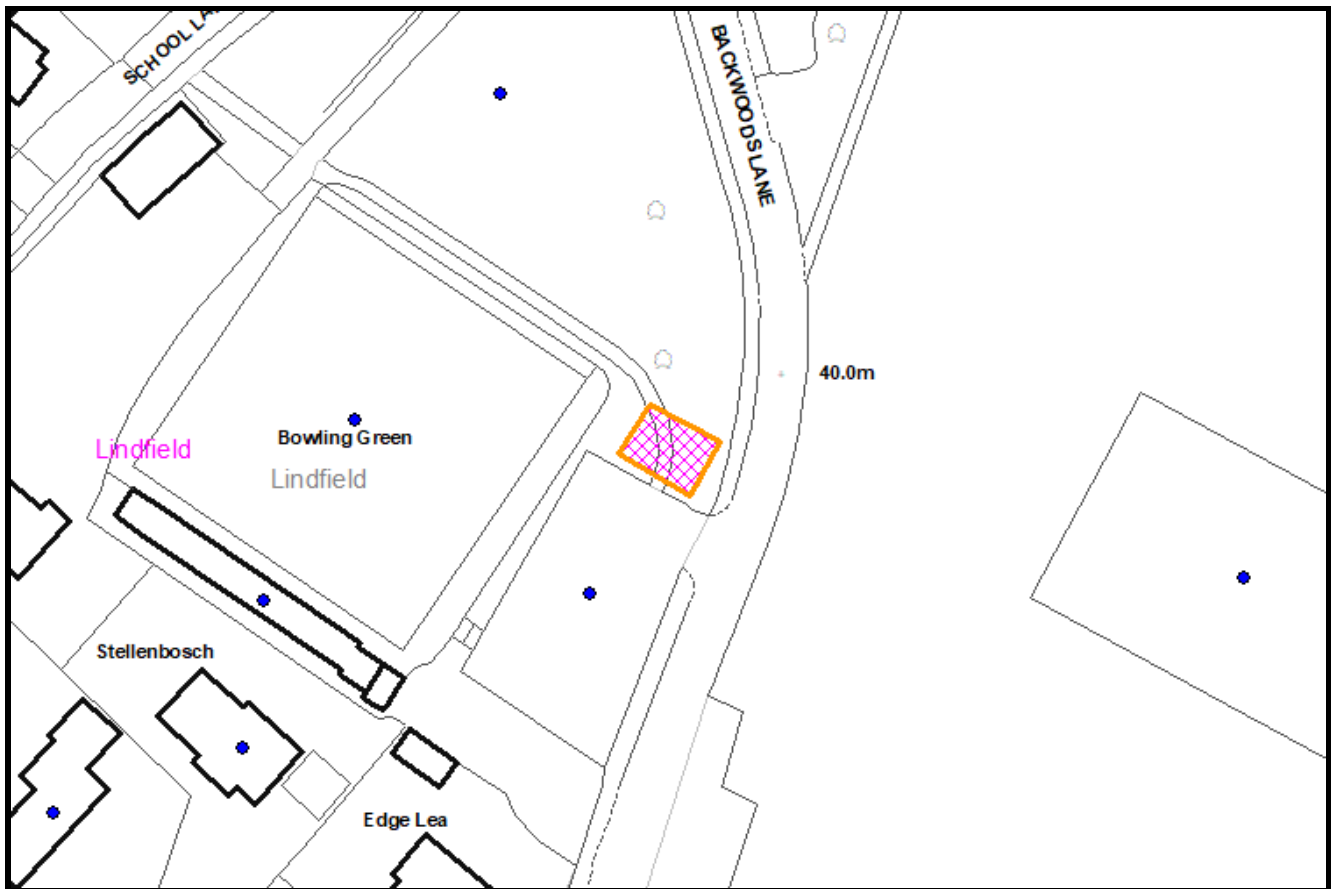
Planning Committee

9 MAR 2023

RECOMMENDED FOR PERMISSION

Lindfield

DM/22/3791



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**LINDFIELD BOWLING CLUB LINDFIELD COMMON BOWLING GREEN  
CAR PARK BACKWOODS LANE LINDFIELD WEST SUSSEX  
THE CONSTRUCTION OF A PUBLIC CONVENIENCE BLOCK ON  
COMMON LAND TO THE NORTH OF THE CAR PARK AT LINDFIELD  
BOWLING CLUB ON BACKWOODS LANE. THIS APPLICATION IS A RE  
SUBMISSION OF APPROVED APPLICATION DM/19/0071 AND HAS BEEN  
UPDATED TO INCORPORATE THE NEW CHANGING PLACES  
LEGISLATION.**

## **MR ANDREW FUNNELL**

POLICY: Article 4 Direction / Built Up Areas / Conservation Area / Pre 1974 Conservation Area Boundary / Common Land / Aerodrome Safeguarding (CAA) /

ODPM CODE: Minor Other

8 WEEK DATE: 10th March 2023

WARD MEMBERS: Cllr Andrew Lea / Cllr Anthea Lea / Cllr Jonathan Ash-Edwards /

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**

The application seeks planning permission for the construction of a public convenience block at Land North of Lindfield Common, Bowling Green Car Park, Backwoods Lane, Lindfield.

The application is before the committee as the application site is located on land owned by Mid Sussex District Council.

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

The site is located within the built up area boundary of Lindfield and the site falls within the Lindfield Conservation Area as defined by the Mid Sussex District Plan and Lindfield and Lindfield Rural Neighbourhood Plan. The provision of public toilets at Lindfield Common is an identified infrastructure project to support the development proposals in the Neighbourhood Plan (Proposal 3).

Taking into account the nature of the proposal, its design and appearance it 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 proposal is considered to conserve the special character and appearance of the Lindfield Conservation Area. Due to the position of the proposal its impact on existing trees and impact on highways safety is considered acceptable and can be secured by a suitable worded condition.

For the above reasons, the proposal is deemed to comply with policies DP21, DP25, DP26, DP35, DP37 and DP41 of the Mid Sussex District Plan, policy 1 and proposal 3 of the Lindfield and Lindfield Rural Neighbourhood Plan, the Mid Sussex Design Guide SPD, West Sussex County Council Guidance on Parking at New Development (September 2020) and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

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

## **SUMMARY OF REPRESENTATIONS**

23 third-party representation letters have been received in respect of this application. 10 object to the proposal due to the below reasons:

- Impact on character and appearance of Lindfield Common,
- Impact on highways safety,
- Site not easily accessible,
- Additional parking need attracted by the proposal,
- Permission needed to build on common land,
- Not accessible as west of Backwoods Lane,
- Proposal will open on to car park,
- Car park may be impeded during construction,
- Overbearing impact,
- Loss of outlook, and
- Increased noise and disturbance.

12 letters support the proposal due to the need of this type of facilities in the area.

1 letter neither object or supports the proposal but supports a toilet block being built but concern over the proposals impact on highways safety.

A representation letter has been received which states that the application wasn't advertised for public consultation. Several representation letters have proposed alternative sites for the proposal.

## **SUMMARY OF CONSULTATIONS**

### **LINDFIELD AND LINDFIELD RURAL PARISH COUNCIL**

No comment.

## **MSDC CONSERVATION OFFICER**

I consider that the proposal will comply with policy DP35 of the District Plan and the relevant paragraphs of the NPPF. Conditions are recommended to secure details of roofing, external doors and facing materials, also details of hard and soft landscaping.

## **WSCC HIGHWAYS AUTHORITY**

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

## **MSDC TREE OFFICER**

No objection subject to compliance with conditions.

## **MSDC ANTI-SOCIAL BEHAVIOUR OFFICER**

No objection subject to toilets being locked in the evening and a RADAR key system being in place for the disabled toilets.

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## **INTRODUCTION**

Planning permission is sought for the construction of a public convenience block on common land to the north of the car park at Lindfield Bowling Club on Backwoods Lane. The application is before the committee as it is located on land owned by Mid Sussex District Council.

## **RELEVANT PLANNING HISTORY**

DM/19/0071. Planning permission is sought for the construction of a public convenience block on common land to the north of the car park at Lindfield Bowling Club on Backwoods Lane. PERMISSION

## **SITE AND SURROUNDINGS**

The application site is located within the Lindfield built up area boundary and the Lindfield Conservation Area. The site forms part of the Lindfield Common and is located to the west of Backwoods Lane and the north of the Bowling Green car park. It is located to the west of Lindfield Common. There is an existing Lime tree located to the north of the proposed building and there is a some 2.0 metres high hedgerow to the west of the site which borders the existing Bowling Green. Backwoods Lane is an unclassified road subject to a speed restriction of 30 mph.

## **APPLICATION DETAILS**

The proposed toilet block measures some 5.1 metres in depth, 7.4 metres in width, an eaves height of 2.5 metres and a total height of 5.0 metres. It is to be finished in bare brown brick work walls, grey slate roof tiles and powder coated aluminium doors. It would consist of one unisex toilet, two unisex and baby changing toilets, one changing places toilet and one storage room. It has been confirmed that the Changing Places toilet will be Radar Key accessible and the remaining facilities will operate via electronic locks which will be open from dawn to dusk. The proposal also includes LED downlights and a panic alarm flashing beacon.

## **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, Turners Hill 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:

DP6 - Settlement Hierarchy  
DP21 - Transport  
DP25 - Community Facilities and Local Services  
DP26 - Character and Design  
DP35 - Conservation Areas  
DP37 - Trees, Woodland and Hedgerows  
DP41 - Flood Risk and Drainage

## **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.

## **Lindfield and Lindfield Rural Neighbourhood Plan (adopted January 2016)**

Policy 1: A Spatial Plan for the Parishes

Proposal 3: Infrastructure Investment (whilst not a statutory policy, it is included in the NP as a community aspiration)

## **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**

### *Ministerial Statement and Design Guide*

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

## **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
- Impact on existing trees
- Impact on Conservation Area
- Highways matters
- Drainage,
- Other Matters, and
- Planning balance and conclusion.

### **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, Lindfield and Lindfield Rural 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 1 of the Lindfield and Lindfield Rural Neighbourhood Plan states in part:

*"Only development proposals within the built up area boundaries of Lindfield and Scaynes Hill, as shown on the Proposals Map, will be supported and the re-use of previously-developed sites will be encouraged, provided that the development is appropriate in scale, massing, and character, and that the proposals for development have had due regard to the policies contained elsewhere in this Plan and the Local Development Plan."*

District Plan policy DP25 in part states that:

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

*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."*

The Lindfield and Lindfield Rural Neighbourhood Plan proposal 3: Infrastructure Investment states in part:

*"The Parish Councils propose the financing and delivery of the following infrastructure projects using the Lindfield and Lindfield Rural allocation of the Mid Sussex Community Infrastructure Levy (once applicable) and other previous and future sources of funds as appropriate:*

*1. Provision of public toilets at Lindfield Common and Scaynes Hill Millennium Centre."*

The site is located within the defined built-up area boundary of Lindfield and it is identified in the Lindfield and Lindfield Rural Neighbourhood Plan proposal 3: Infrastructure Investment as a non-statutory community aspiration. Taking into account the above the principle of development is considered acceptable and the proposal complies with policies DP6 and DP25 of the Mid Sussex District Plan and policy 1 and proposal 3 of the Lindfield and Lindfield Rural Neighbourhood Plan.



## 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 the policy 1 of the Lindfield and Lindfield Rural Neighbourhood Plan and the Mid Sussex Design Guide SPD.

The proposed external materials are to be similar in appearance to external materials used within the surrounding area and they are of a traditional design and appearance. Details of the proposed external materials can be secured by a suitably worded condition.

The proposed building is of a modest single storey nature and it is located near existing structures and hardstanding such as the bowling club and car park. Due to the appearance and design of the proposal it is sympathetic to the surrounding setting. Due to the appearance of the proposal and the scale of the existing hedgerow to the west of the site it would blend in with the hedgerow.

Taking into account the above 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 1 of the Lindfield and Lindfield Rural and the Mid Sussex Design Guide SPD.

Several representation letters have been received which object to the proposal due to its impact on the character and appearance of the Common. However, given the above assessment the proposal is considered to address the character and scale of the surrounding buildings and landscape, including the Common.

## **Conservation Areas**

Policy DP35 of the District Plan states:

*Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:*

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials,*
- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character,*
- *Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located,*
- *Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area,*
- *Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported,*
- *New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*
- *Development will also protect the setting of the conservation area and in particular views into and out of the area.*
- *New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area."*

The site is located within the Lindfield Conservation Area, as designated in 1969. A Conservation Area is defined as an area of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance".

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the heritage asset (the Lindfield Conservation Area), the site being within its boundary, and any features of special

interest, as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Council's Conservation Officer has been consulted on the proposal and they raise no objection to the proposal subject to conditions securing details of external materials and hard and soft landscaping. The proposed building is modest in its scale and characterised by external materials that are in-keeping with the surrounding area. As such the proposal is considered to conserve the character and appearance of the Conservation Area and meets the requirements contained within policy DP35 of the Mid Sussex District Plan.

### **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),"*

There are no residential properties within the immediate vicinity of the proposal and the neighbouring bowling club has a boundary hedge measuring some 2.0 metres in height. The proposal is of a modest single storey nature and the proposed openings would not have direct views into the private amenity spaces of residential properties within the surrounding area. The proposed external lighting is modest in its nature and will be un-operational when the facilities are closed. The Council's Anti-social Behaviour Officer has commented on the application and raised no objection subject to the proposal being locked at night, which can be secured by a condition. 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.

Several representation letters have been received objecting to the proposal due to its overbearing nature, the loss of outlook and increased noise and disturbance. Given the modest nature of the proposal and the above assessment the proposal is not considered to cause significant harm to the amenities of nearby residents and complies with policy DP26.

### **Trees, Woodland and Hedgerows**

Policy DP37 of the Mid Sussex District Plan in part states:

*"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected."*

*Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted."*

There is an existing Lime tree which is sited to the north of the proposed building which will be retained. An Arboricultural Impact Assessment has been submitted as part of the application which sets out tree protection methods, these can be secured by a suitably worded condition. The Council's Tree Officer does not object to the proposal subject to the adherence of the protection measures set out within the Arboricultural Impact Assessment. As such the proposal complies with policy DP37 of the Mid Sussex District Plan.

## **Highways Matters**

District Plan policy DP21 in part states:

*"The scheme protects the safety of road users and pedestrians, and"*

Paragraph 110 of the NPPF is relevant in respect of transport matters and states that:

*"In assessing sites that may be allocated for development in plans, or specific application for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location,*
- b) safe and suitable access to the site can be achieved for all users,*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance. Including the National Design Guide and the National Model Design Code, and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

In addition, paragraph 111 of the NPPF states:

*"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

Several representation letters have been received which object to the proposal due to its impact on highways safety and its impact on the existing car park to the south of the proposal.

The local highways authority have been consulted on the proposal and raised no objection to the proposal due to it not having an unacceptable impact highway safety or result in "severe" cumulative impact on the operation of the highway network. Taking into account the above the proposal is considered acceptable and the proposal complies with policy DP21 of the Mid Sussex District Plan.

A similar application was also permitted previously under application DM/19/0071. The proposal is not located within the existing car park to the south of the proposal and there are several car parks within the surrounding area. The construction works are considered to be temporary and as such are not considered to impede the workings of the existing car park. As such the proposal is considered acceptable in relation to highways safety and impact on the existing car park to the south.

### **Drainage and Surface Water Flooding**

Policy DP41 seeks to ensure that development is safe across its lifetime and to restrict development that would increase the risk of flooding. The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. It is proposed that the development will manage surface water drainage through the use of a soakaway and the foul water drainage through the use of the main foul sewer. Details of this can be secured by a condition and as such the councils Drainage Engineer has no objection subject to the details, and hence the proposal would comply with Policy DP41 of the Mid Sussex District Plan.

### **Other Matters**

Representation letters have been received which in part object to the proposal due to the site not being easily accessible, permission being needed to build on common land and that the proposal was not adequately advertised to the public. The site is located within a publicly accessible common where there are no physical obstructions to the site. Permission to build on common land is a separate legal issue not dealt with by the planning regime. Site notices were posted around the application site and an advertisement was put in the local newspaper. Neighbour notification letters were sent out and as such the application is considered to have been advertised in-line with the relevant legislation.

Several representation letters have been received which propose alternative application sites. However, the Local Planning Authority must determine the application that has been submitted.

### **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 proposal is identified in the Lindfield and Lindfield Rural Neighbourhood Plan proposal 3: Infrastructure Investment and the site is located within the Lindfield built up area boundary. As such the principle of development is considered acceptable under policies DP6 and DP25 of the Mid Sussex District Plan and policy 1 and proposal 3 of the Lindfield and Lindfield Rural Neighbourhood Plan.

The proposal would be of an appropriate design, size and scale that address the character and scale of the surrounding buildings and landscape and it is not considered to cause a significant harm to the amenities of nearby residents in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook. A condition can be applied to secure an appropriate palette of materials. Due to the design and scale of the proposal it is considered to conserve the character and appearance of the Conservation Area and the Council's Conservation Officer has raised no objection to the proposal subject to the imposition of conditions securing the external materials.

The Highways Authority does not consider that the proposal would have a 'severe' impact on the operation of the Highway network. The councils Drainage Engineer has no objection subject to the details and the Tree Officer has raised no objections and the councils Anti-Social Behaviour Officer has not raised any concerns subject to certain conditions detailed in the report.

As such the proposed development complies with DP6, DP21, DP25, DP26, DP35, DP37 and DP41 of the Mid Sussex District Plan, Policy 1 and Proposal 3 of the Lindfield and Lindfield Rural Neighbourhood Plan and the relevant policies within the NPPF.

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

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## **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.

### **Approved Plans**

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

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

3. The development hereby permitted shall not be open except between the below times frames:

Between the 1st March and 1st October: 0700 to 2100 Monday to Sunday

Between the 2nd October and 29th February: 0700 to 1800 Monday to Sunday

Reason: To safeguard the amenities of nearby residents and to accord with policy DP26 of the Mid Sussex District Plan 2014 - 2031.

4. 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 (2014 - 2031) and the Lindfield and Lindfield Rural Neighbourhood Plan.

5. No development shall commence unless and until there has been submitted to an approved in writing by the Local Planning Authority sample and details of facing materials and finishes to be used for external walls, roof and doors of the proposed building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031

6. The proposed works shall be carried out in accordance with the Arboricultural Implications Assessment submitted on 12.12.2022.

Reason: To ensure the works are carried out to a satisfactory standard, to protect the existing trees on the site 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. 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.

### 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 and Block Plan            | PL001     |         |                |
| Proposed Floor Plans               | PL010     |         |                |
| Proposed Floor and Elevations Plan | PL011     |         |                |
| Topographical Survey               | GH340     |         |                |
| Tree Survey                        | GH340     |         |                |
| Planning Statement                 |           |         |                |

## APPENDIX B - FULL CONSULTATION RESPONSES

### MSDC Conservation Officer

The application site is an area of grass located to the north of the Lindfield Bowling Club car park, on the western side of Backwoods Lane, and forming part of the open space of Lindfield Common. The entire Common, including the site, is within the Lindfield Conservation Area. The current proposal is for the construction of a public WC block. The block is relatively modest in size and is proposed to have brick elevations and a half-hipped slate roof.

Although there is not currently an adopted appraisal for the Lindfield Conservation Area, the Council's document Conservation Areas in Mid Sussex includes a brief assessment of the Area's key characteristics:

*"Lindfield Conservation Area was designated in 1969 in recognition of the special architectural quality and historic interest of the High Street and the area around the Common... Lindfield has a strong individual village identity with a pond, a common, a church dating from the 13th century and a High Street... Black Hill forms an important approach to the village, the hill and the bend in the road providing changing views of trees and buildings and a glimpse of the Common beyond."*

The Common represents a considerable percentage of the Conservation Area by area and is the most important open space within it. It makes a very strong positive contribution to the significance of the Conservation Area, enhancing the appreciation of the historic village centre as the heart of a rural Sussex settlement. Its key characteristics would include its open and verdant nature, and the presence of many mature and semi-mature trees.

As such, the construction of a new building on the open space of the Common is likely in many instances to be considered potentially contentious in principle, in terms of the impact on its open and verdant character. In this instance however the proposed WC block, as above, is modest in size and is positioned to the edge of the Common adjacent to an existing car parking area, such that in some views the building will be seen against the existing bulk of the Bowling Club clubhouse and adjacent houses to the south and south west. Although it will be visible in views from several directions looking across the Common, including from the direction of Black Hill, the size and location of the building will reduce the potential impact on the character of the Common. The design and materials (subject to



detail), given the proposed use of the building, are also relatively sympathetic to the context. I further note, subject to confirmation by the Tree Officer, that the proposal is not considered likely to have adverse effect on the adjacent mature lime tree, which in itself makes a positive contribution to the character of the area.

For these reasons, although I consider that the proposal will comply with Policy DP35 of the District Plan and the relevant paragraphs of the NPPF.

If approval is recommended, I would suggest conditions requiring details of roofing and facing (including to the roof vent) and of external doors, and a detailed hard and soft landscaping scheme to the surrounding area including details of materials and any alterations to boundary treatments.

### **MSDC Tree Officer**

I have reviewed the AIA in respect of this application and I note the encroachment into the RPA of the lime tree is expected to be minimal. I also note there is to be some further hardstanding within the RPA. For this reason it is important the details given within the AIA to mitigate the impact of any excavations within the RPA are strictly adhered to throughout.

I would not object on arboricultural grounds.

### **MSDC Anti-Social Behaviour Officer**

I spoke to Kate about this and it was agreed that as long as the toilets are opened in the morning and closed locked in the evening and that the disabled toilet has a radar key and that the times of opening and closing are set to be early morning and early evening I do not think it would be to much of a problem. For special events the Parish Council can open or close when they deem appropriate. We just need to make sure that the Parish Council have someone that can open and close. We had issues at the village toilets as this was being left open late and we had drug dealing going on. The Police took action and the toilets closed earlier which stopped the complaints.

### **WSCC Highways**

This application is for the construction of a Public Conveniences block on Common Land to the north of Lindfield Bowling Club car park. The site is located on Backwoods Lane, an unclassified road subject to a speed restriction of 30 mph.

WSCC in its role as Local Highway Authority (LHA) previously provided consultation advice for this site for similar application DM/19/0071, raising no highway safety concerns. The Local Planning Authority (LPA) permitted the application.

For the current application, the proposals appear similar to what was permitted under application DM/19/0071. The proposed block appears to have minor internal alterations, to incorporate the new Changing Places legislation. As per previous LHA comments at this site, the existing access/parking arrangements will be unaffected, and the proposed development is not anticipated to lead to a material intensification of use of the existing access. Therefore, the LHA raises no concerns to the proposed resubmission.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

## **MSDC Drainage Engineer**

### flood risk

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is shown to be at very low surface water flood risk (comparable to flood zone 1).

Mid Sussex District Council's records do not contain records of the site flooding. Our records also contain no records of flooding within the area immediately surrounding the site.

Mid Sussex District Council's records are not complete, and flooding may have occurred which is not recorded. A site having never flooded in the past does not mean it won't flood in the future.

### Sewers on site

The Southern Water public sewer map does not show any public sewers located within the redline boundary of the site. A public foul sewer is located on the southern corner of the carpark.

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site may be considered a public sewer. Advice in relation to this situation can be found on the relevant water authority's website.

### surface water drainage information

Surface water drainage will ultimately need to be designed to meet the latest national and local drainage policies. The drainage system will need to consider climate change, the allowances for which should be based on the latest climate change guidance from the Environment Agency.

### application specific comment

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible on site. To ensure the drainage hierarchy is followed this will need to be confirmed through infiltration testing on site as part of detailed drainage design.

It is proposed that the development will utilise a soakaway to manage surface water drainage. This is considered acceptable in principle and subject to design.

Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section. This level of information will be required to address the recommended drainage condition.

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required in relation to climate change etc prior to undertaking detailed design.

### foul water drainage

It is proposed that the development will connect to the existing public foul sewer. This is considered acceptable in principle, subject to design and relevant approval from Southern Water.

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section.

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required prior to undertaking detailed design.

#### CONDITION recommendation

##### C18D - Single unit

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 brought into use, 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, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

#### General drainage requirement guidance

Mid Sussex District Council's flood risk and drainage requirements are based on relevant national and local policies and guidance.

#### Surface Water Drainage

Finalised detailed surface water drainage design is required to be submitted and approved prior to construction starting on site. The design should be based on the Environment Agency's latest climate change allowances and follow the latest West Sussex Lead Local Flood Authority Policy for the Management of Surface Water.

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable, this includes areas of increased surface water flood risk.

Table 1 overleaf sets out a list of information the detailed surface water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

#### Foul Water Drainage

Finalised detailed foul water drainage design is required to be submitted and approved prior to construction starting on site. The use of public foul sewer connection should always be prioritised over non-mains drainage options.

The use of non-mains foul drainage should consider the latest Environment Agency's General Binding Rules.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the latest Binding Rules will need to be replaced or upgraded.

Table 2 overleaf sets out a list of information the detailed foul water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

Table 1: Detailed drainage design requirements – surface water

| Requirement                                                                                                                                  | Information | Location of information / drawing number |
|----------------------------------------------------------------------------------------------------------------------------------------------|-------------|------------------------------------------|
| For all designs                                                                                                                              |             |                                          |
| Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)                                           |             |                                          |
| On-site infiltration test results                                                                                                            |             |                                          |
| Plans / details of areas to be drained based on finalised development plans                                                                  |             |                                          |
| Calculations showing the system has been designed to cater for the 1 in 30 with climate change and 1 in 100 with climate change storm events |             |                                          |
| Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system                                          |             |                                          |
| Maintenance and management plan <sup>1</sup>                                                                                                 |             |                                          |
| For soakaways                                                                                                                                |             |                                          |
| Sizing calculations (to cater for 6-hour, 1 in 100-year plus climate change event)                                                           |             |                                          |
| Half drain time (<24 hours)                                                                                                                  |             |                                          |
| Construction details                                                                                                                         |             |                                          |
| For discharge to watercourse                                                                                                                 |             |                                          |
| Discharge rate (1 in 1 or QBar Greenfield rate for drained area) <sup>2</sup>                                                                |             |                                          |
| Outfall location and construction details                                                                                                    |             |                                          |
| Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event <sup>3</sup> )                                         |             |                                          |
| For discharge to sewer                                                                                                                       |             |                                          |
| Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)               |             |                                          |
| Discharge location and manhole number                                                                                                        |             |                                          |
| Outline approval from sewerage provider in relation to connection, discharge rate and connection location <sup>4</sup>                       |             |                                          |
| Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event <sup>5</sup> )                                         |             |                                          |

Table 2: Detailed drainage design requirements – foul water

| Requirement | Summary | Location of |
|-------------|---------|-------------|
|-------------|---------|-------------|

<sup>1</sup> The scale of this document should reflect the scale of the development and the complexity of the drainage system.

<sup>2</sup> If the 1 in 1 or QBar Greenfield runoff rate cannot be achieved, then evidence into why a higher discharge rate has been proposed should be provided as part of the detailed design. Due to improvements in drainage systems the 2l/s minimum will not be accepted without justification.

<sup>3</sup> If system does not attenuate up to the 1 in 100-year with climate change event, then evidence that the system shall not increase flood risk on or off site shall be required.

<sup>4</sup> Formal approval via S106 etc is not required.

<sup>5</sup> If system does not attenuate up to the 1 in 100-year with climate change event, then evidence that the system shall not increase flood risk on or off site shall be required.

|                                                                                                                                      |  | information / drawing number |
|--------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------|
| For all designs                                                                                                                      |  |                              |
| Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location                 |  |                              |
| Foul flow calculations and confirmation proposed system is sized appropriately                                                       |  |                              |
| For connection to main foul sewer                                                                                                    |  |                              |
| Discharge location and manhole number                                                                                                |  |                              |
| Evidence of communication with Water Authority regarding connection <sup>6</sup>                                                     |  |                              |
| For non-mains system with drainage field                                                                                             |  |                              |
| Evidence of permeability (infiltration) test results specific to treated effluent drainage fields                                    |  |                              |
| Evidence that either:<br>The system meets latest General Binding Rules, or<br>An Environmental Permit application is to be submitted |  |                              |
| For non-mains system with discharge to open water                                                                                    |  |                              |
| Evidence that either:<br>The system meets latest General Binding Rules, or<br>An Environmental Permit application is to be submitted |  |                              |
| Outfall location and construction details                                                                                            |  |                              |

<sup>6</sup> Formal approval via S106 etc is not required.