

**MID SUSSEX DISTRICT COUNCIL  
SOUTH AREA PLANNING COMMITTEE  
13<sup>TH</sup> MAY 2010**

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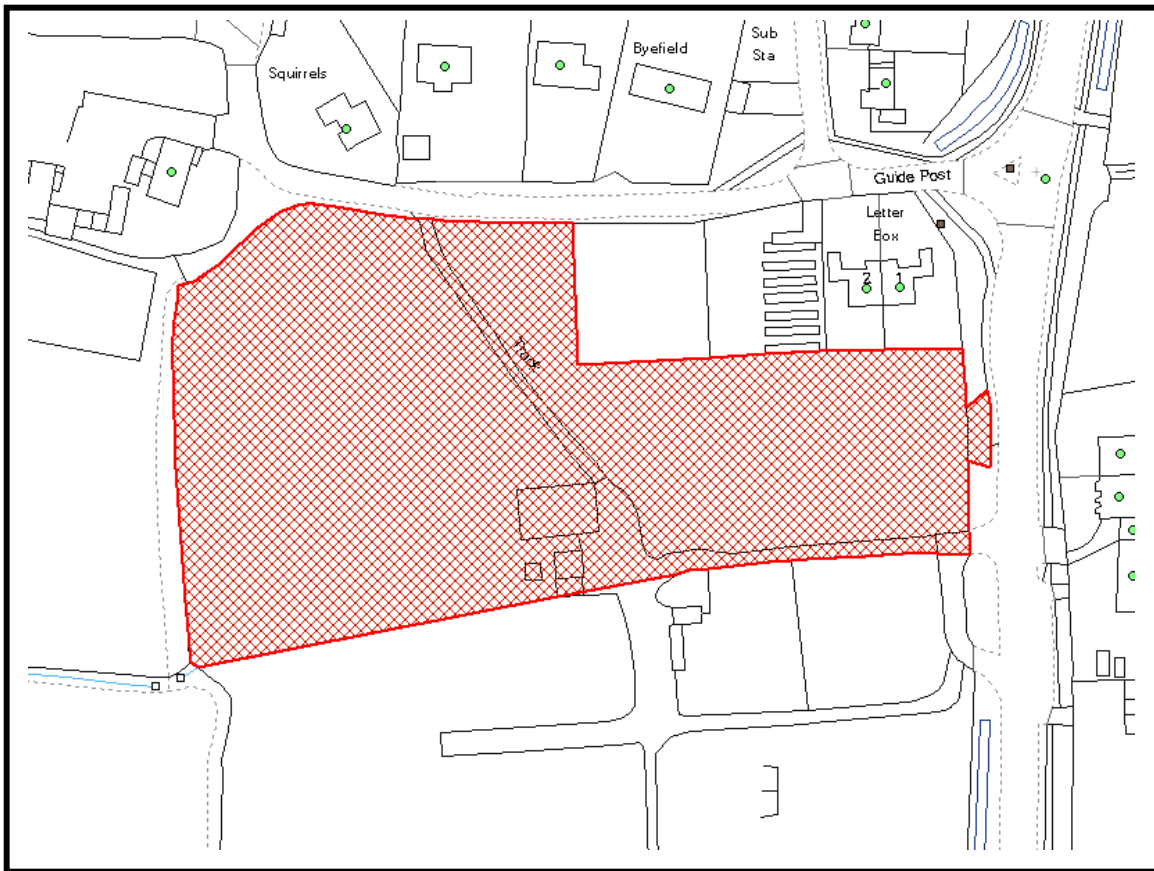
# MID SUSSEX DISTRICT COUNCIL

SOUTH AREA PLANNING COMMITTEE

**13 MAY 2010**

## **PART I - RECOMMENDED FOR APPROVAL**

**1. 10/00684/COND**



**HAZELDENS NURSERY LONDON ROAD ALBOURNE HASSOCKS  
APPLICATION TO VARY CONDITION 18 TO CHANGE HOURS OF  
WORKING TO MONDAY - FRIDAY 08:00 - 18:00 HOURS. SATURDAY 08:00 -  
15:00 HOURS. SUNDAY AND BANK HOLIDAYS NO WORK PERMITTED.  
MR SIMON GOULD**

POLICY: /  
Countryside Area of Dev. Restraint /

ODPM CODE: Other

8 WEEK DATE: 5th May 2010

## **EXECUTIVE SUMMARY**

### **PURPOSE OF REPORT**

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

### **EXECUTIVE SUMMARY**

Planning permission has been granted for the gospel hall at this site. This proposal seeks to amend the hours of construction condition that was attached to this permission. It is considered that the proposed change to the hours of work condition would be very unlikely to cause a significant loss of amenity to the occupiers of the neighbouring properties around the site. In order to safeguard the amenities of the neighbouring occupiers it is recommended that the extension to the construction hours condition is temporary for 6 months in order to allow a trial run of the extended hours. In light of the above it is considered the proposal complies with policy B3 in the Mid Sussex Local Plan and can be approved.

### **RECOMMENDATION**

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

## **SUMMARY OF CONSULTATIONS**

### **Environmental Health**

No objection

## **SUMMARY OF REPRESENTATIONS**

12 letters of support

1 letter of objection-will cause noise and disturbance

1 letter requesting only quiet work is undertaken within the extended hours

## **SUMMARY OF PARISH COUNCIL OBSERVATIONS**

Strongly object.

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## **OFFICER REPORT**

### **Introduction**

This application seeks planning permission to amend the hours of construction condition that was attached to planning permission 08/03337/FUL for a gospel hall at Hazeldens Nursery, London Road, Albourne.

## **Planning History**

Planning permission for the gospel hall was granted at the south area planning committee meeting on 15 January 2009 under reference 08/03337/FUL. Condition 18 attached to the permission states

"Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times, unless agreed otherwise in writing by the Local Planning Authority."

Monday - Friday 08:00 - 18:00 hours

Saturday 09:00 - 13:00 hours

Sundays and Bank Holidays no work permitted

Reason: To protect the amenities of the occupiers of adjoining properties and to comply with Policy B3 of the Mid Sussex Local Plan."

## **Site And Its Surroundings**

The site of the application is a roughly L shaped parcel of land located to the western side of the London Road. The site is to the south of the village of Albourne and lies within the countryside area of development restraint as defined in the Mid Sussex Local Plan (MSLP).

The site measures some 195m by 90m. There is a fall in levels from north to south and also from east to west. There is a public right of way (PROW) that runs alongside the southern boundary of the site. There are two existing buildings within the site. These are located towards the centre of the site. The largest of these buildings has a footprint measuring 16m by 13m. One of these buildings is brick with a metal roof and the other is part block work, part metal clad with a metal roof. There are a number of access roads within the site and areas of hard standing.

There are two access points onto the London Road to the east. Large areas of the site are grassed over.

The land rises to the north. There are trees and hedging along the boundary. Beyond this there are houses in the distance at a higher level. To the west there are trees and hedging along the boundary. Beyond this there are open fields. There is a PROW beyond the western boundary of the site.

To the south there is an area of land laid to grass. There are some areas of hard standing that are now cleared of buildings. Beyond this there are fields in the distance. To the east there are trees along the boundary with the road. There are a number of houses on the opposite side of the London Road.

The London Road is the former A23. As such it is a relatively wide road. At this point it is subject to a 40mph speed limit.

Works have commenced to implement the planning permission for the hall. The new access to the site has been constructed and ground works have commenced on the site.

### **Application details**

The applicants seeks to amend to the hours of work condition to the following times:

Monday to Friday 08.00 to 18.00

Saturday 08.00 to 15.00

No work Sundays and Bank holidays

The application therefore proposes an additional 1 hour on Saturday morning and two hours Saturday afternoons.

The applicants have submitted a detailed supporting letter with the application setting out the reasons for the application. In summary they state that much of the work to implement the planning permission will be carried out by voluntary labour. This means that much of the work will take place on Saturday rather than during weekdays. They state that the main earthworks/groundwork's, which would use heavy machinery, will be undertaken by an approved sub contractor and would take place within the normal working week. Volunteers to support the work programme will supplement this. They also state that as the project will attract support from the local Brethren community it puts considerable pressure on the time available for family communion and therefore it has become customary to allocate one Saturday per month when little or no work is done to allow the workforce a break for the promotion of family activity. Finally they point out that in their view it will be preferable to extend the construction hours, as this would allow the project to be completed in a shorter time span.

### **Relevant Policies**

#### **National Level**

Circular 11/95 The Use of Conditions in Planning Permissions

#### **Local Level**

#### **Mid Sussex Local Plan**

B3 Neighbour amenity

#### **Assessment**

Circular 11/95 provides the Governments guidance on the use of conditions in planning permissions. Planning conditions are required to satisfy 6 tests for them to be reasonable. These are that conditions should be:

- i) necessary;
- ii). relevant to planning;
- iii) relevant to the development to be permitted;
- iv) enforceable;

- v) precise; and
- vi) reasonable in all other respects.

The applicant's site plan shows that there are two residential properties to the northeast that are 10m from the boundary of the site. The houses on the opposite side of the road are 30m from the boundary of the site. The nearest house to the northwest is 16m from the boundary of the site and the nearest house to the south is 70m from the site boundary.

In your officers view it is not considered that an extension of the proposed construction hours for two hours on Saturday afternoon would cause a loss of amenity to the occupiers of the neighbouring properties. It is considered that the proposed additional hour on a Saturday morning has the potential to have more of an impact on the surrounding properties. However it is your officer's view that this is not likely to cause a significant loss of amenity.

It is an inevitable consequence of granting planning permission for a development that there is the potential for some disturbance during the construction phase. The purpose of the planning condition is to try and minimise this disturbance to an acceptable level. It is considered that there is some merit in the applicant's argument that by allowing an extension of construction hours it will shorten the overall length of the project, given the fact that much of the works will be undertaken by voluntary labour on Saturdays.

Given the fact that the project will rely to a significant extent on voluntary labour, the construction of the hall may well take several years. For this reason it is considered that it would be prudent to allow an extension of the construction hours for a temporary period to allow an assessment to be made of whether the additional hours on a Saturday have caused any significant problems to the occupiers of the neighbouring properties. A period of 6 months is considered to be reasonable, as this will allow an assessment of the additional hours in the summer months, when surrounding occupiers are likely to be using their gardens. This would enable the Council to properly assess whether the extended hours were suitable on a permanent basis until the gospel hall is built.

The applicants have referred to a planning permission in Burgess Hill for 20 flats on Keymer Road (reference 07/00301/FUL) that was granted by the Planning Inspector with no hours of construction condition. Following the Public Inquiry the Inspector stated in his decision letter "Conditions were also suggested seeking to control various aspects of the construction process. However, I consider that these matters are covered by other legislation so such conditions are not necessary". This site is bounded by residential properties on all sides.

It is clear from the above that an Inspector could take the view in the event of an appeal (should this current application be refused), that an hours of construction condition is not necessary at all. It is your officer's view that a reasonable compromise would be to extend the hours of construction time for a temporary period to allow a trial run. If this proves to be successful then the hours of construction could be extended on a permanent basis until the project is completed.

## **Conclusion**

In light of the above it is felt that the proposed extension of construction hours is not likely to cause a significant loss of amenity to neighbouring residents. However as the construction of the hall could take several years it is considered that it would be reasonable to allow a temporary extension of the construction hours to ascertain that works can take place in these additional hours without causing a problem to neighbouring occupiers.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

1. The extended hours of construction permitted by this permission (Monday to Friday 08.00 to 18.00, Saturday 08.00 to 13.00, no works on Sundays or Bank holidays) shall be permitted for six months from the date of this permission. After this period the contractor's hours shall revert back to those permitted by condition 18 of planning permission reference 08/03337/FUL.

Reason: To allow a trial run of the extended hours and to protect the amenities of the neighbouring occupiers.

## **INFORMATIVES**

1. You are advised that the District Council determined this application on the basis of the following drawings:

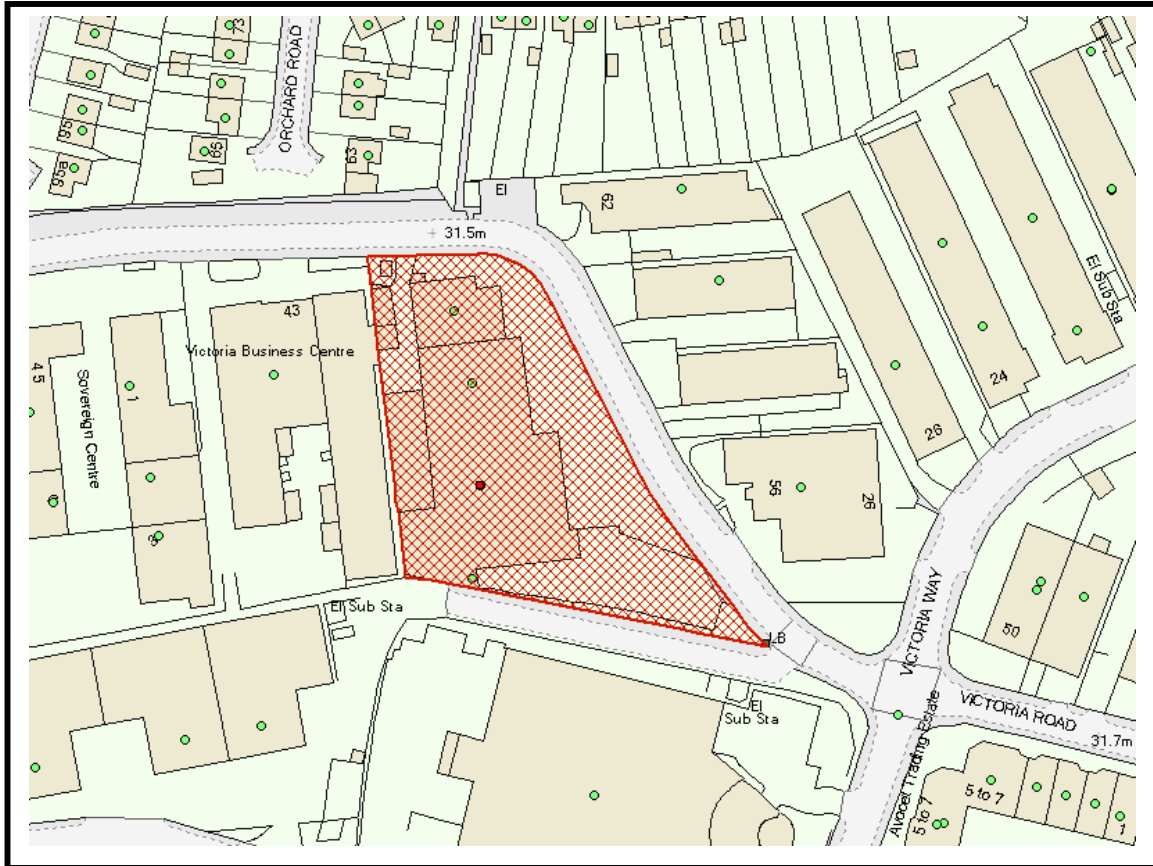
Site location plan

## **APPENDIX B – CONSULTATIONS**

### **Environmental Health Officer**

Having looked at the letter asking to vary condition 18 of 08/0337/FUL I am happy to accept their proposed change requiring prior LA approval prior to any work being undertaken outside of the hours.

2. 09/02324/COU



**33 - 35 VICTORIA ROAD BURGESS HILL WEST SUSSEX RH15 9LB  
CHANGE OF USE FROM INDUSTRIAL UNIT TO CHURCH.  
KINGS CHURCH MID SUSSEX  
GRID REF: EAST 530386 NORTH 118877**

POLICY: /  
In Built up Area /

ODPM CODE: Change of Use

8 WEEK DATE: 8th October 2009

13 WEEK DATE: 30th April 2010



## **EXECUTIVE SUMMARY**

### **PURPOSE OF REPORT**

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

### **EXECUTIVE SUMMARY**

Whilst the proposed re-use of the existing building will result in the loss of some employment floor space, the proposed use is considered to bring about wider community benefit and therefore complies with Policies E2 and CS8 of the Mid Sussex Local Plan. In addition, the impact on the nearby occupiers is considered acceptable and the access and parking provisions sufficient.

### **RECOMMENDATIONS**

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

## **SUMMARY OF CONSULTATIONS**

### **WSCC Highways**

Satisfied with Transport Assessment and Travel Plan.

## **SUMMARY OF REPRESENTATIONS**

43 letters of SUPPORT

1 letter of OBJECTION concerning the following points: concern on parking; impact on vehicle movements with business opposite; impact on viability of Industrial Estate and employment.

## **TOWN / PARISH COUNCIL OBSERVATIONS**

Recommend Approval.

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## **OFFICER REPORT**

### **Introduction**

This application seeks consent for the change of use of 33-35 Victoria Road from Class B2/B8 (General Industry and Storage and Distribution) to Class D1 (Church).

Members will recall that the application was deferred from the 8 October 2009 meeting, pending the submission of a Transport Assessment and Travel Plan, to be assessed by the County Highway Authority.

### **Relevant Planning History**

Planning permission was recently granted under planning reference 08/02328/FUL for the sub-division of the industrial unit into 2 no. separate units.

## **Site and Surroundings**

The existing industrial unit is a substantial building, which has been divided into a number of units. Part of the building is currently vacant and is being advertised. The building is brick built with part of the front area providing first floor accommodation with a flat roof, and the main unit being single storey with a pitched roof. To the front and side of the building is a large area of hardstanding and there are two vehicular accesses off Victoria Road serving these areas of hardstanding.

The application site is situated within the built up area of Burgess Hill within an established business area where there is a mixture of commercial uses within the units. Victoria Road benefits from on-street parking provision.

## **Application Details**

Planning permission is sought to change the use of part of the building to a church to be utilised by Kings Church. The building is to provide, a reception area, offices at ground and first floor, a church auditorium, meeting rooms, toilets and a bike store.

The offices are to be utilised by the current staff who work for the Church and are currently situated in offices elsewhere in Burgess Hill. There are currently 6 full time staff, 2 full time volunteers and 5-6 part time volunteers. The standard office hours are between 9am and 5pm Monday to Friday. As well as the main church use there are a number of ancillary uses such as youth work; parent and toddler groups; debt advice; parenting courses and marriage courses. In addition it is proposed to use the building as a conference facility.

Parking for the proposed use would be on the existing hardstanding area to the front and side of the building with the provision of 52 car parking spaces.

The existing business unit to the north is to remain which is currently occupied by a glazing company.

## **List of Policies**

### Mid Sussex Local Plan

Policy E2 of the Mid Sussex Local Plan relates to the retention of business land and is considered pertinent to this application. The policy states:

"Other than in exceptional circumstances, such as where an existing business use is inappropriately located, or where new development will bring about wider community benefit, proposals for redevelopment or changes of use which would result in the loss of existing business floorspace will not be permitted."

In addition Policy CS8 of the Mid Sussex Local Plan relates to Community Facilities and states:

"Within the built-up area boundary proposals to develop, extend or improve education, health, social service, library and other community facilities will be permitted where:

- (a) there is no unacceptable impact on the residential amenity of nearby properties;
- (b) any new building or extension is in character with the surrounding area;
- (c) the location is easily accessible by foot, bicycle and public transport; and;
- (d) adequate parking, including provision for the disabled, is provided."

Also:

T4 (transport requirements in new developments)

T5 (parking standards)

T6 (cycle parking)

### **Assessment (Consideration of Key Issues)**

The main issues for consideration are the loss of employment of the existing business use, the impact to the highway and parking provision as well as the impact on the character of the area.

### **Policy**

Whilst the former level of employment of the Industrial Units will not be directly replicated with the proposed use of the building, there will be some employment opportunities associated with the new use albeit definite numbers cannot be assured until the building is in use. Along with these employment opportunities will come a number of other community benefits from this long established organisation in the form of youth work, debt counselling, community use, social activities, children's clubs, parenting course, marriage courses.

It is therefore considered that whilst there will be some loss of employment as a result of this proposal, there will be sufficient community benefit to comply with Policy E2 of the Local Plan.

With regard to the requirements of Policy CS8, there are very few immediately adjoining residential properties with the closest dwellings to the north. Whilst it is acknowledged that the proposed use is likely to attract large numbers of vehicles at peak times (Sunday mornings) during the remainder of the time vehicle movements are expected to be low, and significantly lower than could be associated with an industrial use of the building.

It is noted that the proposal meets 3 of the Council's 10 Key Community Objectives being: how strong and cohesive are local communities; how well are families supported and how good is the well-being of children and young people.

### **Highways and Parking**

Peak use of the building would occur on Sunday mornings when other activity on the industrial estate would be low and other activities during the week would occur at different times, therefore staggering the pattern of traffic to and from the site.

The Design and Access Statement submits, "Over 50 car parking spaces are provided on site. It is envisaged that quite a few people will either walk from the town, cycle or use public transport. This site is ideal for car parking as the main activities take place in the evenings or at weekends when the industrial estate is quiet and there is more than adequate parking in the surrounding area." Although the amount of parking spaces proposed is below the Councils maximum parking standards, PPG13 (transport, 2001) advises that developers should not be required to provide more car parking than they would wish to, unless such a level of provision would cause problems with highway safety that cannot be resolved through on street car parking controls. It is the District Councils responsibility to determine whether the level of car parking provision on a site is sufficient. There are no on street parking restrictions on the adjoining highway and it is considered that any overflow car parking will not cause any further significant impact on the surrounding industrial estate than that currently experienced during the operating hours of the surrounding industrial buildings.

The site is considered to be in reasonable walking and cycling distance of Burgess Hill town centre and associated services and facilities. The proposal is to provide a bike store, which can be conditioned as part of any approval. It is therefore considered that the proposal also complies with criteria c) and d) of policy CS8 of the Local Plan.

In addition, a condition can be placed on any approval to ensure a Travel Plan is submitted prior to occupation and thereafter carried out in order to reduce traffic movements to and from the site.

#### **Impact on the character of the area**

There are no external alterations proposed to the building, therefore the building remains visually in keeping with the surroundings area.

In terms of noise disturbance the main auditorium for the church would be located on the far side of the building where noise break out would be limited by the building itself. In addition the distance to the nearest residential dwelling is some 40 metres which is considered to be an acceptable distance so as not to cause significant detriment to the amenities of residential occupiers.

It is not considered significant harm would be caused to the nearby residents as a result of this proposed change of use.

#### **Conclusions**

Whilst the proposed re-use of the existing building will result in the loss of some employment floor space, the proposed use is considered to bring about wider community benefit and therefore complies with Policies E2 and CS8 of the Mid Sussex Local Plan. In addition, the impact on the nearby occupiers is considered acceptable and the access and parking provisions sufficient. The application is therefore recommended for approval.

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## APPENDIX A – RECOMMENDED CONDITIONS

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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. **Pre-commencement conditions**

No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan.

3. **Pre-occupation conditions**

The use hereby permitted shall not be carried on until provision for parking has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be used only for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways and to accord with Policy T5 of the Mid Sussex Local Plan.

4. The use hereby permitted shall not be carried on until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority for the parking of bicycles clear of the public highway and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy T6 of the Mid Sussex Local Plan.

5. The building hereby approved shall not be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The travel plan shall be prepared in accordance with the advice issued by the Department For Transport on travel plans. The implementation of such approved Travel Plan shall be within three months of the occupation of the development hereby permitted.

Reason: To promote sustainable transport and encourage less dependency upon the use of the private car and to comply with policy T4 of the Mid Sussex Local Plan.

6. The building hereby approved shall not occupied until visibility splays of 2.4 metres by 43 metres have been provided at the centre of the proposed site vehicular access onto Victoria Road. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of road safety and to comply with policy T4 of the Mid Sussex Local Plan.

7. **Post-occupation monitoring/management conditions**

Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan.

8. The proposed premises shall only be used as a church centre and other activities within Class D1 of the schedule of the Town and Country Planning (Use Classes Order, 1987) or as amended in the future.

Reason: Permission has been granted exceptionally for the proposed use, and to avoid excessive traffic movements and to accord with Policies E2 and CS8 of the Mid Sussex Local Plan.

9. The use hereby permitted shall not take place at any time other than between the hours of 8:00am to 23:00pm, unless otherwise agreed in writing in advance by the Local Planning Authority.

Reason: To safeguard the amenities of the surrounding area and to accord with Policy B3 of the Mid Sussex Local Plan.

## INFORMATIVES

1. You are advised that the District Council determined this application on the basis of the following drawings:

Location Plan 1:1250 date stamped 28 July 2009  
Site Plan 1:500 date stamped 28 July 2009  
747-03 Rev A date stamped 13 August 2009  
747-02 date stamped 13 August 2009

## APPENDIX B – CONSULTATIONS

### APPENDIX B : CONSULTATIONS

#### **WSCC Highways**

##### Original comments

The scale of the development would require the applicant to submit a transport assessment in line with WSCC guidance and as such this application cannot be determined until this information is supplied. The floor area for the proposed change of use also requires the provision of a Travel Plan to ensure that the proposal aims to promote sustainable modes of transport.

The application site area falls within WSCC thresholds for providing a Transport Assessment and Travel Plan therefore the applicant is requested to provide these documents to enable us to determine whether this application meets highway safety and capacity standards.

##### Second comments

This proposal has previously been commented upon by WSCC Local Development with further information requested in regards of a Transport Statement, Road Safety Audit and Travel Plan. This information has now been submitted.

In regards of vehicle movements, it is evident that the site has an existing use. Limited reference is made to this within the Transport Statement, although this is perhaps understood as the proposed and existing use have much differing traffic patterns, with the existing use generating a peak level of trips during the more typical week day AM and PM periods. In comparison, the proposed D2 use has development peak traffic flows primarily during the Sunday AM and then again during the late afternoon. Whilst there is some weekday traffic generation, this is relatively small scale. The proposal is also detailed as accommodating a range of different events, including mother and toddler groups and debt advice groups.

Movements relating to these uses may fall more within the existing trip patterns arising from the currently permitted use, and hence no material impact during the weekday AM and PM network peaks would be expected.

In accordance with the WSCC Transport Assessment guidance, any junction that would experience an increase of 30 or more vehicle movements in any given hour should be assessed for impact on capacity. With respects to the Sunday development traffic peaks, these are shown as generating in the region of 210 arrivals between 0830-0930 with these departing between 11-12, with a further 140 arrivals between 1100-1200 and with these departing between 1300-1400. This information is based on surveyed information from the current D2 use. It's evident that this proposal would result in increased flows exceeding the 30 or more movements on several occasions on a Sunday. These development peaks have not all been assessed for impact on the network. The traffic survey undertaken also appears to indicate a network peak between 1145 and 1245, and again impact during this peak should be assessed. The Transport Statement appears to have considered only the impact on the highway network between 1300-1400, which is identified as the network peak once existing traffic flow and traffic associated with the church are included. Impact on the network should have been considered between 0830-0930, 1100-1200, 1300-1400, and 1700-1800 on Sundays (development peaks), and during the existing network peak (1145-1245). Both base year (i.e. without development) and with development outputs should be provided. In conclusion, whilst it is accepted that this proposal would not result in any discernable impacts on the weekday AM and PM peaks that are any greater than those that could result from the permitted use, the Transport Statement does not adequately assess capacity impacts during the peak operating times on a Sunday.

In saying the above, the Transport Statement in considering possible traffic generation does consider all trips to be made singularly with no car sharing. The TS does though state that there is a high degree of car sharing, which would greatly reduce the total number of trips and likely car parking demand. In considering the total number of movements, then this should be based on a higher car occupancy as this will give a more realistic idea of movements and particularly if this is how car parking demands are being assessed. A survey of the existing congregation could give a good indication as to car occupancy rates.

With regards to car parking, it is accepted that the site has 50 spaces. Use of the site will occur outside of peak operating times of the industrial estate, and hence it would be expected that there would be on-street parking available to meet any additional needs.

A Designers Response to the Stage One Safety Audit would also be sought, although these problems could if necessary be addressed through planning conditions.

Comments on the Travel Plan will be provided in due course.

In conclusion, the Transport Statement is considered inaccurate and does not follow current WSCC guidance.



### Third comments

I've received some further information directly from the Highway Consultant regarding the above, not sure if this was provided directly to you. My comments on this are below and you'll see that I've raised no objection.

I attach also comments made on the travel plan for your information.

I'd suggest the following planning conditions are applied to any consent.

### Travel Plan

The development, hereby approved, shall not be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The travel plan shall be prepared in accordance with the advice issued by the Department For Transport on travel plans.

Reason: To promote sustainable transport and encourage less dependency upon the use of the private car.

### Visibility Splays

The development hereby approved shall not be occupied until visibility splays of 2.4metres by 43metres have been provided at the centre of the proposed site vehicular access onto Victoria Road. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of road safety.

### Cycle Parking

The development, hereby approved, shall not be occupied until covered secure cycle parking spaces have been provided in accordance with a detailed construction plan to be submitted to and approved by the planning authority.

Reason: To provide alternative travel options to the use of the car in accordance with PPG 13.

The Travel Plan has raised the point regarding cycle parking. In the event that the site accommodates a suitable number of existing spaces that are covered and securable then this condition may be ignored. However, I feel it's probably best for this to be a condition and it to be dealt with post determination.

### Third comments (specifically on Travel Plan)

- Given that the most trips will be generated on a Sunday, TRICS SAM monitoring (weekday trips) would not be appropriate. I would therefore suggest that the church conducts simple questionnaire travel surveys on an annual basis to cover the various different activities and uses of the building. A suggested survey template is contained within our Business Travel Plans Info Pack, which can be found on our website.

<http://www.westsussex.gov.uk/ccm/content/roads-and-transport/travelwise/business-travelwise.en>

- As the church is already operating at another site in Burgess Hill, it would be possible to conduct a survey of the existing congregation, to establish how they would travel to the new site. A simple analysis of home postcodes would help to demonstrate the potential for walking, cycling, public transport use and car sharing.
- It might be better to use the terms 'Car Driver (alone)' and 'Car with others (as driver or passenger)' in Table 4.5 and Table 4.6. This will more clearly demonstrate the proportion of people that are car sharing, and should also help to show that the 52 parking spaces provided will be sufficient to cater for demand.
- It is noted that 11 parking spaces will be provided for cyclists in line with the County Council's parking standards. Please clarify whether this level of provision would meet current and future demand, and sufficient to facilitate that target to increase cycling to 2.5%. Provision of additional spaces may allow the cycling target to be stretched. Please also confirm that the cycle parking will be covered.
- The Travel Plan Co-ordinator should seek to negotiate discounts with local cycle retailers for staff, parishioners and other users of the site. The Church should also seek to promote and support National Bike Week [www.bikeweek.org.uk](http://www.bikeweek.org.uk).
- Paragraph 6.4 states that the Church might have a minibus available to collect and drop-off parishioners. Please clarify whether or not this is the case, and if so, the number of people that might be expected to use this mode.
- The County Council has established [www.westsussexcarshare.com](http://www.westsussexcarshare.com) to facilitate car sharing by those living or employed in West Sussex. The website is completely free to use, although employers and other organisations can set up private groups for an additional fee. The county Council has also produced a poster to promote the scheme, which can be downloaded from the County Council's website

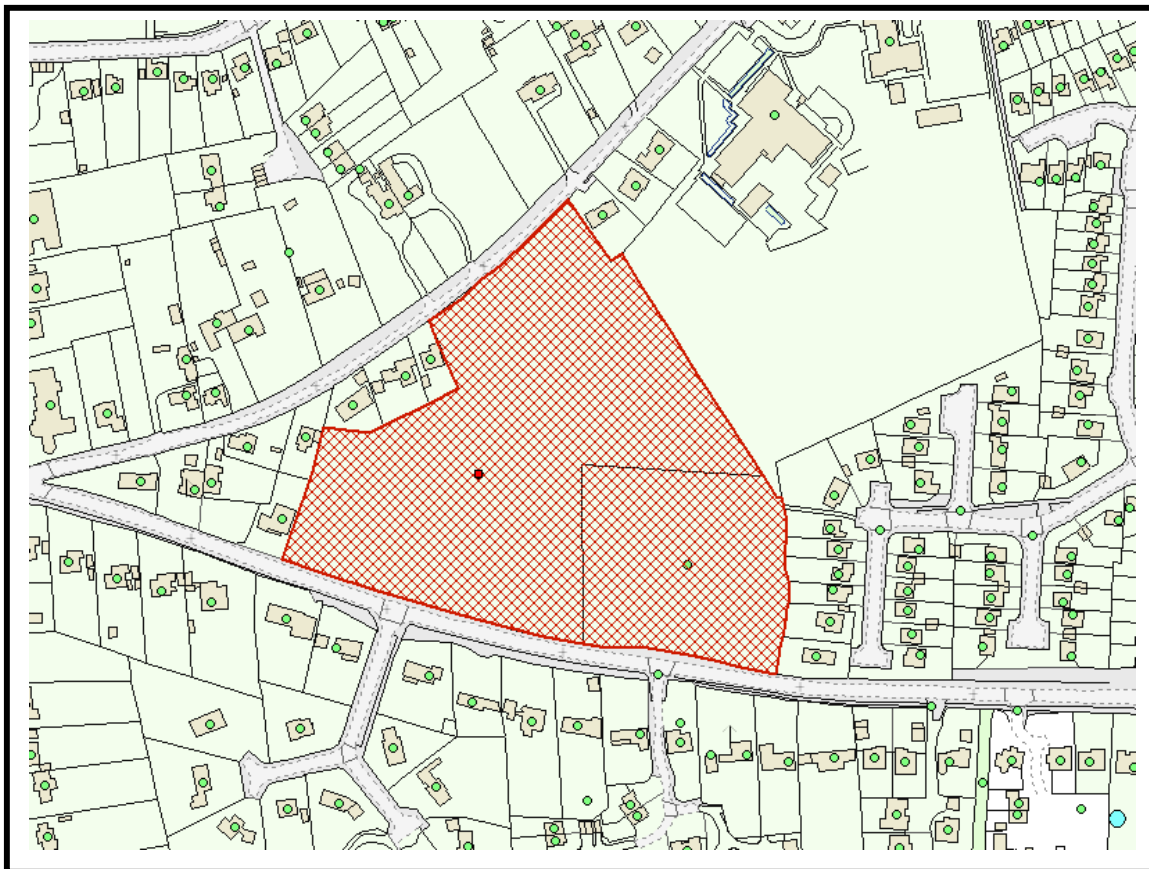
<http://www.westsussex.gov.uk/ccm/content/roads-and-transport/travelwise/supporting-material.en>

Hard copies of the poster can be obtained free of charge from this office.

- The County Council has also developed a series of promotional posters that can also be downloaded from the above web page.
- The Travel Plan does not make any reference to Powered Two-wheelers (PTWs). Initiatives for consideration include:

- provision of secure anchor points in a covered area
  - providing information about local retailers and negotiating discounts
  - providing information about the financial benefits of this mode of travel and routes to licenses.
- Section 6.7 states that monitoring will take place every two years. We require that monitoring be conducted on an annual basis for a period of not less than 5 years. The survey results should be submitted to this office in the form of an annual review.

3. 09/03877/FUL



**LAND ADJACENT FOLDERS MEADOW PLAYING FIELD FOLDERS  
LANE BURGESS HILL WEST SUSSEX  
AMENDED PLANS RECEIVED SHOWING THE CONSTRUCTION OF 77  
DWELLINGS INCLUDING 23 AFFORDABLE UNITS (COMPRISING 8 X  
ONE BEDROOM APARTMENTS; 10 X TWO BEDROOM  
APARTMENTS; 1 X 2 BEDROOM FLAT OVER GARAGE; 10 X TWO  
BEDROOM HOUSES; 32 X THREE BEDROOM HOUSES; 2 X  
THREE/FOUR BEDROOM HOUSES; 7 X FOUR BEDROOM HOUSES  
AND 7 X FIVE BEDROOM HOUSES); NEW VEHICULAR ACCESS;  
PUBLIC OPEN SPACE AND ANCILLARY WORKS ON THE SITE.  
WATES DEVELOPMENTS (FOLDERS MEADOW) LTD  
GRID REF: EAST 531999 NORTH 118213**

**POLICY:** Departure from the Development Plan / Major Development /  
Setting of Conservation Area /  
In Built up Area /

**ODPM CODE:** Smallscale Major Dwellings

## **EXECUTIVE SUMMARY**

### **PURPOSE OF REPORT**

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

### **EXECUTIVE SUMMARY**

The site is allocated for development within the Council's Small Scale Housing Allocation Development Document and the proposal is consistent with this. The previous appeal decision already considered issues relating to highway, ecology and density and there have been no material changes in circumstances since. The proposed scheme has dealt with previous concerns relating to the impact on adjacent residential amenities and it is not considered that significant harm will be caused. The design and layout will create a development of its own distinctive and sensitive character that will not have a detrimental impact on the overall character of the area, or the adjacent conservation area. It will also deliver affordable housing and significant improvement to an existing playspace. Therefore the application complies with Policies SSH/13, B1, B2, B3, B7, B9, B12, B15, H3, H4, T4, T5, T6, R3, CS12, Cs13 and CS15 of the Mid Sussex Local Plan and Policies CC4, CC7, H1, H3, H4, H5, T4, NRM4, NRM5, NRM11, BE1 and BE6 of the South East Plan.

### **RECOMMENDATIONS**

It is recommended that planning permission be granted subject to the completion of a Section 106 legal agreement to secure affordable, contributions towards infrastructure, leisure and the loss of open space and subject to the conditions listed at Appendix A.

## **SUMMARY OF CONSULTATIONS**

### **West Sussex County Council:**

No objections on planning, ecology, archeologically or highways grounds, subject to the conditions and the completion of the legal agreement.

### **Natural England:**

Referred to standing advice and submissions of further surveys.

### **Environment Agency:**

No objection subject to conditions.

### **Sussex Police:**

No Objection

### **MSDC Urban Designer:**

Remaining issues have now been resolved. No objection.

### **MSDC Housing Officer:**

No Objection.

**MSDC Contaminated Land Officer:**

No objection.

**MSDC Drainage Officer:**

No objections, subject to conditions.

**SUMMARY OF REPRESENTATIONS**

A total of 145 letters of objection have been received in relation to the original submitted scheme and the amended scheme stating the following:

- many sites in the area have/are being developed.
- morning traffic is already back up past the roundabout with Kingsway heading into the town centre.
- schools over subscribed.
- no shops or doctors.
- open space diminishing.
- will affect price of house.
- believe Folders Lane is being swamped with development.
- Burgess Hill has not got the infrastructure to support further development.
- increase in accident risk.
- Folders Lane is already close to or even at capacity.
- water supplies inadequate in area.
- there is a short fall in green spaces within Burgess Hill.
- loss of land represents loss of amenity for those in local area and also detrimental to the adjacent Conservation Area.
- the situation is no different from the previous refused schemes on the site.
- the development is premature pending the provision of proposed peripheral road to south of Folders Lane.
- parking is already over stretched in the town.
- further deterioration would occur to the local wildlife if more of their valuable habitats are destroyed.
- already land drainage problems in the area of the newly created properties along Folders Lane.
- high density housing will lead to a development which is totally out of keeping with adjacent properties.
- this is a greenfield site.
- the proposed access via Folders Lane is unsuitable.
- development does seem inevitable but still premature given unresolved strategic issues.
- 3 and 2.5 storey buildings will dominate the outlook to the south from our property, Birchwood Grove Road, and the Conservation area.
- this is the first time a full 3 storey building has been proposed on the site.
- the height and mass of buildings is more appropriate to a high density town style development.
- the case against development is now even stronger following other developments along Folders Lane.
- this area of grassland is necessary to act a soakaway when it rains.
- the development will add to the risk of flooding.

- the play area belongs to the children of this area.
- Folders Lane is losing another hedgerow.
- the proposed density is excessive.
- limited benefits are being offered in terms of improving the inadequate infrastructure.
- the proposed landscaping is inadequate.
- Birchwood Grove is an ancient bridleway.
- if development is necessary then it should include green space or even woodland.
- Folders Lane and Birchwood Grove Road are both of a rural nature.
- existing trees and hedgerows to Folders Lane should be preserved.
- Amended plans have not address previous concerns.

### **TOWN / PARISH COUNCIL OBSERVATIONS**

**OBSERVATIONS:** Strongly Recommend Refusal : the Committee asked that the report from the Town Council's retained planning consultant be submitted and, in addition, made the following comments.

- Concern was expressed that the Inspector's comments had not been fully addressed by this application;
- The density, overall design, height and layout remained out of keeping with the area;
- Whilst the Wates replacement planting with semi mature trees and hedges scheme was welcomed, concern was expressed that by removing the existing plants the ecology of the area would be affected. Birchwood Grove Road was part of the Green Circle wildlife corridor and this development an important spoke. The Committee queried whether the managing trustees and the Fields in Trust owned the hedges and whether an ancient hedgerow survey had been undertaken;
- A report from the Accessibility Group is attached and the Committee questioned whether sufficient had been done to allow people with disabilities to live in and move around the site;
- The application should be refused until Southern Water confirmed they have the sewage capacity at Goddards Green to support this development. This was to prevent the cumulative effect of a piecemeal approach to any developments ; and,
- It was felt that there was more room for consultation with residents by the developers to reduce planning by condition.

The Town Council have also submitted a report form their retained consultant , which is available to view on the file.

## **OFFICER REPORT**

### **Introduction**

Planning application 09/03877/FUL seeks consent for construction of 77 dwellings, new vehicular access, public open space and ancillary works at land adjacent Folders Meadow playing field, Folders Lane, Burgess Hill

### **Relevant Planning History**

The site has an extensive planning history. There have been numerous attempts in the past to develop the site for residential purposes, each of which have been refused.

The Council, under references BH/02/01976/OUT, BH/03/00255/OUT and BH/03/01672/OUT, consider schemes for the development of the site for 70 dwellings, and up to 90 dwellings in the case of the later two. All these applications were refused on the basis that the land was not required for housing at that particular time. As a result of the later application, the then applicants appealed against the Council's decision and at a public inquiry held in 2003, while the Inspector agreed with the Council over the timing of the release of the land, he did state in addition "that there would be no enduringly unacceptable harm to the local environment" where the site to be released for development.

Under application reference 07/01814/FUL, the Council considered a scheme for the erection of 69 dwellings, including vehicular access, associated infrastructure, open space and landscaping. The application was refused by a notice dated the 24th September 2007 on the grounds that it was premature ahead of an Inspector report on the Council's Small Scale Housing Allocation Development Plan Document, layout and design issues, lack of travel plan and lack of signed legal agreement.

A further application was considered under application reference 08/01388/FUL for a scheme that involved the erection of 78 dwellings, including access, associated infrastructure and open space. While recommended for approval by officers, the application was refused at the South Area Planning Committee held on the 12th March 2009 for the following reasons;

1. The proposed elevations and details are not of a sufficiently high standard of design and the application is therefore contrary to Policy B1 of the Mid Sussex Local Plan and Policy DEV1 of the West Sussex Structure Plan.
2. By virtue of their height, bulk, proximity to the boundary and the resultant overlooking, plots 13-15 would have an unneighbourly impact on the existing properties to the north, to the detriment of their residential amenities. Therefore the application is contrary to Policies B3 and H3 of the Mid Sussex Local Plan and Policy DEV1 of the West Sussex Structure Plan.



3. The development fails to satisfy policy DEV3 of the West Sussex Structure Plan and policy G3 of the Mid Sussex Local Plan in respect of the infrastructure required to serve the development

The applicants lodged an appeal against the Council's decision and the Inspector dismissed the appeal through a letter dated the 19th October 2009. The Inspector agreed with the Council in respect of the first two reasons, while he considered that the completion of a Sec 106 agreement ahead of the site visit was sufficient to secure the necessary infrastructure and affordable housing to over the third reason for refusal.

### **Site and Surroundings**

The site covers 3.09 hectares and is largely made up of open meadowland, which was previously grazed by horses and is sub-divided by post and wire fences. The southern part of the site is flat but the northeastern part slopes down to the east. The southern boundary is formed by Folders Lane (a 145m frontage) and there is a belt of trees that screen the site. Folders Lane is generally characterised by detached properties, although a number of properties have developed their rear gardens.

The northern part of the site has an 85m frontage to Birchwood Grove Road, which comprised of mature trees. The boundary of the Silverdale Road/Birchwood Grove Road Conservation Area runs down the middle of Birchwood Grove Road, where there is no mix of housing types and designs. There is no overall prevailing character.

The eastern boundary of the site comprises a dense hedgerow with mature trees. Immediately to the east of the site are the playing fields of Birchwood Grove and Newick House Schools.

The existing Folders Meadow play area is located in the southeastern corner of the application site and the boundaries are formed by a continuous dense hedgerow, which screen the play area from public views.

The western boundary is formed by the rear gardens of properties in Birchwood Grove Road and Folders Lane and is generally made up of close-boarded fencing.

### **Application Details**

The scheme before members involves the erection of 77 dwellings on a site covering approximately 3.09 hectares. The proposal would provide for a total of 23 affordable dwellings (30%) and a good mix of dwelling types, which is set out below;

- 8 x 1 bed apartments
- 2 x 2 bed apartments
- 1 x 2 bed flat over garage
- 11 x 2 bed houses
- 35 x 3 bed houses
- 7 x 4 bed houses
- 6 x 5 bed houses

The proposed scheme involves a number of different dwellings types, with the applicants adopting a traditional design approach that reflects elements on other residential properties and buildings in the locality. A wide palette of materials is proposed including red brick, render, hanging tiles and plain clay tiles to roofs. The majority of the buildings will be of 2 storey height, although 3 buildings will 2 ½ storeys high (2 storey eaves height) and the 2 larger apartment buildings will be 3 storeys in height. The taller buildings are generally well away from existing residential dwellings and are located, in the main, around the open space.

Access to the site will be from Folders Lane, where a new access will be provided almost opposite Woodward's Close. In order to achieve this satisfactorily, Folders Lane will be widened and a ghost island priority junction will be installed. Links will be provided to the local cycle and pedestrian network along Folders Lane and Birchwood Grove Road and pedestrian refuges are to be provided along Folders Lane.

In terms of parking, the applicants are proposing a total of spaces across the site in line with the Council's adopted maximum car parking standards.

The existing play area to Folders Meadow will be opened up, enlarged and integrated into the proposed development with the developer proposing an upgrade to this facility. It should be noted that the play area is in separate ownership and is managed by Burgess Hill Town Council.

## **List of Policies**

### **South East Plan**

- CC4 (Sustainable Construction)
- CC7 (Infrastructure and Implementation)
- H1 (Housing Provision)
- H3 (Affordable Housing)
- H4 (Housing Mix)
- H5 (Quality of houses)
- T4 (Parking)
- NRM4 (Flooding)
- NRM5 (Biodiversity)
- NRM11 (Renewable Energy)
- BE1 (Built Environment)
- BE6 (Historic Environment)

### **Mid Sussex Local Plan**

- G2 (Sustainable Development)
- G3 (Infrastructure)
- B1 and B2 (Design and layout)
- B3 (Residential amenities)
- B4 (Sustainable development)
- B7 (Loss of important trees)

B9 (Designing out crime)  
B12 (Conservation Area)  
B15 (The Setting of Conservation Area)  
C5 (Nature Conservation)  
H2 (Density and dwelling mix)  
H3 (Infill development)  
H4 (Affordable housing)  
T4 (Sustainable transport)  
T5 and T6 (Parking and cycle standards)  
R3 (Playspace)  
CS12 (Land drainage)  
CS15 (Flooding)  
SSH/13 (Land at Folders Meadow)

### **National Policy**

PPS1 (Delivering Sustainable Development)  
PPS3 (Housing)  
PPS 9 (Biodiversity and Geological Conservation)  
PPG13 (Transport)  
PPG15 (Planning and Historic Environment)  
PPS25 (Development and Flood Risk)

### **Assessment (Consideration of Key Issues)**

Given the refusal of the planning application and the decision by the Appeal Inspector last year, a number of the principle issues associated with the development of the site have already been established and these issues relating to density, highway and ecological issues. For the sake of completeness, the report will address all the relevant issues however, the main factors that members need to consider in this case is the impact of the proposal on adjacent residential amenities and the design and layout of the scheme.

### **Principle of Development**

While there may be local concern about the release of this land for development, the site is allocated for residential development under Policy SSH/13, which forms part of the Council's Small Scale Housing Allocations Development Plan Document. This document has been subject to independent inspection and it was concluded that it is appropriate for this land to be developed in order to meet the Council's housing requirement needs. No objection was raised in the refusal of the 2008 application in relation to this issue.

The principle of the development of this site has been accepted and it is the Council's adopted policy that this site can come forward for development.

### **Affordable Housing**

The application makes provision for a total of 23 affordable units and this reflects the Council's policy, H4, which requires a total of 30%. The mix of the proposed units has been agreed with your Housing Officer and they are to be provided to the north and west of the proposed open space.

Given the proposed units juxtaposition with the main access route through the site, the open space and the surrounding open market units, it is considered that the applicants have managed to successfully integrate them into the overall scheme.

The provision of the affordable units will be secured through the proposed legal agreement.

### **Impact on the Conservation Area**

The boundary of the Silverdale Road / Birchwood Grove Road Conservation Area runs along the centre line of Birchwood Grove Road, which forms part of the northern part of the site. The proposed scheme shows 5 detached houses set back behind the retained trees, which form the current boundary. This is very similar to that proposed under the last application and considered acceptable by the Inspector at the appeal.

While the concerns raised within the representations relating to the impact on the Conservation Area are noted, the siting, design and form of the proposed dwellings are consistent with past proposals, where the impact was deemed acceptable. With this in mind and having due regard to the details of the scheme it is not considered that the proposal would have a detrimental impact on the character and appearance of the adjacent Conservation Area. The application in this respect complies with policies B12 and B15 of the Mid Sussex Local Plan.

### **Impact on the Character and Appearance of the Area**

Much has been raised in the letters of representation received relating to the proposed density, building height and removal of vegetation to Folders Lane and the detrimental impact that they will have on the general character and appearance of the area. While the general design and layout of the proposal will also have an impact in this regard, these specific issues will be tackled under a separate heading.

The applicants are proposing a development of 77 dwellings, which is 1 less than considered by the last appeal Inspector, and this represents a development of approximately 35 dwellings per hectare. The Council's adopted policy states that the site could accommodate around 90 dwellings. The principle of this level of development has previously been accepted on the site and is wholly acceptable within a built up area such as this.

Objections have been raised, within the representations, to the use of 3 storey buildings within the development, as it is considered that they are inappropriate within the area.

The scheme that was considered by the Inspector did contain a number of 3 storey buildings and while there were specific concerns over 2 of the buildings (in relation to the impact on existing properties to the north), there were others against which no issues were raised, including their appropriateness within the general character of the area. The principle of the 3 storey buildings on the site is therefore acceptable.

Another issue that has come out of the representations is the impact the proposed access to Folders Lane will have, as a result of the removal of a large proportion of the existing vegetation that current forms this boundary. The Appeal Inspector accepted that there is sufficient room for an appropriate planting scheme to be implemented and that once established, would create an attractive tree/hedgerow belt. The details of the planting scheme will be secured by a condition.

In relation to the above issues, the principle of these have been established by last application/appeal and given the similarities of the current scheme in these respects, what is before members is acceptable.

### **Impact on Highway Safety**

A significant proportion of time was spent on the last application under taken additional works with regard to the highway issues associated with the development of the site and the Council did not forward a highway's reason for refusal.

There has been no material change in the highway matters since the last application/appeal, with the design of the proposed access to Folder Lane the same, as well as the required junction improvements to the Keymer Road /Folder Lane mini roundabout. The Highways Authority has raised no objections and as such the application complies with Policy T4 of the Mid Sussex Local Plan and the Policy T4 of the South East Plan.

### **Infrastructure**

Under the Council's adopted Supplementary Planning Document 'Infrastructure and Development', applicants are required to make contributions to mitigate against the impact of their development. In respect of this application there will be a requirement for the development to make contributions towards the following;

- Community Buildings
- Local Community Infrastructure
- Public Art
- Formal Sport provision
- Play Space provision
- Education
- Libraries
- TAD (Total Access demand)

The above contributions will be secured, along with the affordable housing provision, within a legal agreement, which it is hoped that the agreement will be completed by the committee date.

In addition to the above contributions, under policy SSH/13 there is a requirement for the developers to make an additional financial contribution to reflect the loss of open space, as a result of the development.

Within the representations, concern has been raised regarding the extent of the general infrastructure within the area to support additional households. These issues were put before the Inspector when the site was originally allocated, and while it was recognised the Burgess Hill Town Council were looking at producing a town wide plan to help address these issues, this was not a sufficient reason to withhold the release of the site for development.

The proposed scheme makes the necessary infrastructure contributions, as required by the Council's adopted policy, and therefore it complies with Policy G3 of the Mid Sussex Local Plan and Policy CC7 of the South East Plan.

### **Impact on Residential Amenities**

The appeal Inspector upheld the Council's refusal of the 2008 application in respect of the impact on the residential amenities of Glassbrook House, which is located within Birchwood Grove Road in respect of a specific plots, 13-15, which was a 3 storey apartment building. The Inspector considered that it would have an unacceptable impact upon the current outlook, which would arise due to the height of the building, coupled with its width across the area of view.

The current application has sought to address this previous reason for refusal by ensuring that only 2 storey buildings are located adjacent to existing residential properties.

The scheme before members shows the erection of 2 detached dwellings (plot 14-15) to the rear of Strebor House, Carmel and Everest, which are located to the north of the application site. The proposed dwellings are positioned to be flanked onto the northern boundary at a distance of 9.5m (plot 14) and 7.5m (plot 15). The proposed dwellings will have an eaves height of 5m, with a full hipped roof taking the ridge height up to 9m (plot 14) and 8.8m (plot 15). The relative distances to the existing properties to the north are Strebor House (20m), Carmel (21m) and Everest (26m).

When the height and location of the proposed dwellings is considered against the relative distance to the properties to the north, it is not felt that there would be any significant harm to existing residential amenities. While it is appreciated that the development will be visible to existing occupiers of these properties, this in its own right does not make it unacceptable and there is scope for additional landscaping along this boundary to help soften the impact further. The scheme in this respect is acceptable.

Turning to Glassbrook House, the nearest residential building to the south is some 32m (plot 16), with plot 33 some 21m at an oblique angle to the south east. All these buildings are at 2-storey height. It is considered that the scheme as now proposed overcomes the previous concerns both in respect to loss of privacy and loss of outlook.

Officers have noted the comments set out in the consultants report forwarded by the Town Council with regard to future residential amenities. It is not accepted that the relationship between the proposed properties within the development would have a detrimental impact on the amenities of future residents.

The front-to-front distance between properties along the main entrance avenue, of around 17.5m, is an acceptable distance where you have a public road and realm separating properties. This form of relationship is reflected in many new developments where any potential buyers are fully aware of the relationship when they make the purchase. The previously refused layout had some tighter relationships than this and was not forwarded as reason for refusal nor found to be unacceptable by the Inspector.

In relation to the back-to-back relationships commented upon, the concerns expressed about the relationship of plots 35-36 and 39-40 are accepted, other relationships, which are in the region of 18.5m are considered acceptable in the context of this new development. Again, occupiers will be aware of the surrounding relationships when they choose to purchase the properties and similar relationships have been found to be acceptable on other new developments, the most recent being Land North of Malthings Park.

As mentioned above, the concerns about the proposed relationship between plots 35-36 and 39-40 have been accepted by officers and the applicants have looked at addressing this. At the time of writing this report an amended plan is awaited, but the applicant is intending to turn plots 35-36 around to replicate plots 31-32, with a double garage on the northern side of the dwellings. This will overcome any concerns in relation to overlooking and loss of privacy as the relationship will be flank to rear. Amended plans reflecting this will be available to members to view at the meeting. There is no intention or need to formally reconsult on this issue.

With the changes proposed in relation to plots 35-36, the relationships between properties within the site, and to those that are adjacent, are acceptable and the application complies with Policies B1 and H3 of the Mid Sussex Local Plan.

### **Sustainability**

The application is supported by a sustainability statement that outlines the proposed measures that will be included/incorporated into the proposed development. Measures proposed include, solar heating panels, rainwater harvesting and water efficiency devices. The statement confirms that all the new homes will achieve Code for Sustainable Homes Level 3. A suitably worded condition is proposed in this regard.

The applicants have also confirmed that the development will achieve 10% energy contribution from renewable sources, in line with Policy NRM11 of the South East Plan.

### **Biodiversity / Ecology**

In support of their application the applicants have undertaken a ecology survey of the site that concluded that the site is generally not of a high nature conservation value. There was no conclusive evidence of protected species being present of on site, although some additional survey work is suggested. The County Ecologist has not raised an objection and the comments by Natural England, in relation to their standing advice and survey submissions, are noted.

The circumstances in relation to this issue have not changed since the previous application/appeal, where there were no objections and additional survey work / mitigation was the subject of appropriate conditions. Given the circumstances it is considered that this, again, is the appropriate manner to deal with the issue, in relation to this specific site.

It should be noted that the protect species are covered by other legislation that prevents any harm being caused to them.

With appropriate conditions, the application complies with Policy c5 of the Mid Sussex Local Plan and Policy NRM5 of the South East Plan.

### **Space Standards**

The proposed scheme has been designed in line with the Council's Dwelling Space Standards Supplementary Planning Document, which came into affect, for new applications, on the 1st July 2009.

### **Design / Layout**

The scheme before members broadly reflects the layout that was considered acceptable in relation to the previous application/appeal, with the existing play area being opened up into the site, a strong entrance drive and a well articulated pedestrian/cycle link to Birchwood Grove Road.

The layout has considered the impacions of the previous appeal and the proposed 3 storey buildings are located well away from existing properties. The dwellings front up the road and corner plots have been treated in such a way that active frontages are present in all the key locations. The layout also provides good natural surveillance for the proposed parking areas.

Similar to the previous scheme, the applicants have adopted a traditional approach to the design of the dwellings, with the use brick, tile hanging and in some instances render, finishes to the elevations. The general feel is that of a vernacular type scheme and the applicants have worked through the comments of the your Urban Designer to the point that all the relevant issues have been resolved. Consideration has also been given to ensure that elevational finishes (such as tile hanging) are appropriately dealt with on return elevations, which lifts the overall quality of the scheme.



Paragraph 13 of the appeal decision is relevant in this case and is set out below for member's reference;

*I further consider that the consistent design approach of the new housing would create a residential area displaying its own distinctive and sensitive character. The overall layout would represent an area of housing with a firm frontage to the adjoining roads and to the retained public open space, whilst within the site there would be a clear and legible arrangement of properties. The spacing of properties would be closer than the prevailing character seen in the area, but due to the strength of the overall design approach I consider the Government's objectives of seeking effective use of land for housing would be achieved without comprising the quality of the overall concept for developing the site.*

The sentiment of the views expressed above can equally be applied to the current scheme and it should be remembered that the Inspector only upheld the Council's reason for refusal in relation to design, as there were specific elements that could be addressed via a condition, due to this view on the inappropriateness of the 3 storey plots 13-15, in relation to amenities of Glassbrook House.

While the concerns of the presentations in relation to the design and layout of the scheme, and subsequent impacts on the character of the area, are noted however, it is felt that the scheme before members is of a quality that is worthy of support and is consistent with the views expressed by the Inspector at the appeal. The applicant has addressed the outstanding issues identified by your Urban Designer and some amended plans are awaited. These will be available for members to view at the meeting.

The scheme therefore complies with Policies B1, B2 and H3 of the Mid Sussex Local Plan and H5 of the South East Plan.

### **Drainage**

The issue of flooding and drainage was addressed under the previous application and no objections were raised by consultees, as with this application. While there is the ongoing issue relating in relation to foul water treatment capacity, the suggest conditions reflect the manner which this has been dealt with on other sites within Burgess Hill.

### **Conclusions**

The site is allocated for development within the Council's Small Scale Housing Allocation Development Document and the proposal is consistent with this. The previous appeal decision already considered issues relating to highway, ecology and density and there have been no material changes in circumstances since. The proposed scheme has dealt with previous concerns relating to the impact on adjacent residential amenities and it is not considered that significant harm will be caused. The design and layout will create a development of its own distinctive and sensitive character that will not have a detrimental impact on the overall character of the area, or the adjacent conservation area. It will also deliver affordable housing and significant improvement to an existing playspace.

Therefore the application complies with Policies SSH/13, B1, B2, B3, B7, B9, B12, B15, H3, H4, T4, T5, T6, R3, CS12, Cs13 and CS15 of the Mid Sussex Local Plan and Policies CC4, CC7, H1, H3, H4, H5, T4, NRM4, NRM5, NRM11, BE1 and BE6 of the South East Plan.

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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.

### **Pre-commencement conditions**

2. No commencement of development, hereby approved, shall be permitted until the proposed site vehicular access has been constructed in accordance with the approved site plan to be submitted to and approved by the Local Planning Authority.

Reason: To ensure that suitable access to the development and to accord with Policy T5 of the Mid Sussex Local Plan.

3. No construction of the dwellings, hereby approved, shall be commenced until visibility at the location of the proposed site vehicular access have been constructed in accordance with the approved site plan, and shall thereafter be kept free from obstruction to a height of 600mm.

Reason: For the reasons of highways safety and to accord with Policy T5 of the Mid Sussex Local Plan.

4. No development shall take place unless and until details of the layout and specification of and construction programmes for the roads, footpaths and casual parking areas, the foul and surface water drainage and means of disposal have been submitted to and approved by the Local Planning Authority. No house shall be occupied until it is provided with access constructed in accordance with such approved details to the established highway network.

Reason: To secure satisfactory standards of access and drainage for the proposed development and to accord with Policy T4 of the Mid Sussex Local Plan.

5. Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to and approved

by the Local Planning Authority. The scheme as approved shall be operated at all times during the construction phases of the development.

Reason: To safeguard the amenities of nearby residents and to accord with Policy B3 of the Mid Sussex Local Plan.

6. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan.

7. No development shall be carried out unless and until samples and a schedule of materials and finishes to be used for external walls and roof of the proposed buildings have been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy B1 of the Mid Sussex Local Plan.

8. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Policies: refer PPG 16 (Archaeology and Planning), November 1990, sects. 28-30; The South East Plan, May 2009, Policy BE6 (Management of the Historic Environment); Mid Sussex Local Plan, May 2004, Saved Policy B18 (Archaeological Sites).

9. No development, hereby approved, shall commence until the Green Travel Plan has been approved to the satisfaction of the Highway Authority, and implemented in accordance with the requirements of the Business Travelwise Officer, Andy Mouland, (tel. 01243 642105).

Reason: In the interest of sustainability and to accord with Policy T4 of the Mid Sussex Local Plan.

10. The development hereby permitted shall not proceed until details of the proposed foul drainage and means of disposal have been submitted to and approved by the Local Planning Authority, in consultation with Southern Water, and no dwelling shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority. The development shall not be carried out other than in accordance with such details.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policies CS13 and CS14 of the Mid Sussex Local Plan.

11. The development hereby permitted shall not proceed until details of the proposed surface water drainage and means of disposal have been submitted to and approved by the Local Planning Authority, and no dwelling shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority. The development shall not be carried out other than in accordance with such details.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policies CS13 and CS14 of the Mid Sussex Local Plan.

12. The development hereby permitted shall not proceed until details of the proposed surface water drainage and means of disposal have been submitted to and approved by the Local Planning Authority, and no dwelling shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority. The development shall not be carried out other than in accordance with such details.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policies CS13 and CS14 of the Mid Sussex Local Plan.

### **Construction Phase**

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

Reason: To safeguard the amenities of nearby residents and to accord with Policy B3 of the Mid Sussex Local Plan.

14. No work shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details approved by the Local Planning Authority and such facility shall be retained in working order and operated throughout the period of work on the site.

Reason: To ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance or hazard on the road system in the locality and to accord with Policy T4 of the Mid Sussex Local Plan

15. No construction work shall be carried out on site unless there is available within the site in accordance with details approved by the Local Planning Authority provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the building or other operations on the site throughout the period of work required to implement the development hereby permitted.

Reason: In the interests of road safety and to accord with Policy T4 of the Mid Sussex Local Plan.

16. No work shall be carried out on site unless provision is available within the site (or other adjacent land within the applicants control) in accordance with details approved by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site.

Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with Policy T4 of the Mid Sussex Local Plan.

17. Details of proposed windows, doors and garage doors shall be submitted to and approved by the Local Planning Authority prior to work commencing in respect of this part of the development. The development shall not be carried out otherwise than in accordance with such details.

Reason: To ensure that this aspect of the development is compatible with the design of the building and to accord with Policy B1 of the Mid Sussex Local Plan.

18. **Pre-occupation conditions**  
The building(s) shall not be occupied until the parking spaces and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy T5 of the Mid Sussex Local Plan.

19. No dwelling, hereby approved, shall be occupied until covered secure cycle parking spaces have been provided in accordance with a detailed construction plan to be submitted to and approved by the Local Planning Authority.

Reason: To provided alternative travel options to the use of the car and to accord with Policy T6 of the Mid Sussex Local Plan.

20. The dwellings hereby approved shall not be occupied until space has been laid out within the site in accordance with details approved by the Local Planning Authority for the turning of vehicles clear of the public highway and such space shall not thereafter be used other than as a turning area.

Reason: In the interests of road safety and to accord with Policy T4 of the Mid Sussex Local Plan.

21. The use hereby permitted shall not be carried on until all access(es) to the site other than hereby approved have been stopped up permanently and obliterated.

Reason: In the interests of road safety and to accord with Policy T4 of the Mid Sussex Local Plan.

22. Prior to the occupation of the dwellings hereby approved, a Travel Planning Statement shall be submitted to and approved in writing by the Local Planning Authority. The developer will then provide a copy to the occupiers of the approved dwellings.

Reason: For the reasons of highways safety and to accord with Policy T5 of the Mid Sussex Local Plan.

23. Prior to the occupation of the approved dwellings, the proposed off site works subject to the Section 278 Agreement shall be completed in their entirety.

Reason: To encourage the use of alternative modes of transport and to accord with Policy G3 of the Mid Sussex Local Plan.

24. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy of the Mid Sussex Local Plan.

## **APPENDIX B – CONSULTATIONS**

### **West Sussex County Council**

#### Summary

West Sussex County Council has considered this application in terms of its impact on local ecology, landscaping, archaeology and highways and transportation.

The applicant is advised that, should the Local Planning Authority be minded to approve such an application the proposed development would attract service and infrastructure contributions that would be secured through a Section 106 Agreement. A summary of the required contributions in relation to WSCC Services and Infrastructure is given above and more detail relating to the calculation of the contributions provided in addition to this report.

The site has recent planning history with a similar scale application submitted in 2008 (08/01388). WSCC did not raise an objection to the 2008 application, subject to agreed highway works, S106 Obligations and Planning Conditions. It is accepted that the current application, while the site layout has been amended to address issues supported at the Planning Appeal related to the previous application, does not differ in the quantum of development or highway impact.

With regard to Ecology, Landscape and Archaeology, no objections are raised subject to the conditions listed later in this report and landscape details to be addressed.

With regard to Highways and Transportation, it is accepted that the current proposal does not differ in terms of highway impact than the previous proposals.

#### Recommendation

Subject to S106 and Conditions, no objection is raised to the current proposals.

#### Landscape

No Strategic Landscape Objection is raised by the County Landscape Architect. However, the applicants are recommended to review the current WSCC Landscape Character Assessment for the area and ensure plant species and mixes are appropriate. An extract of the County's Landscape Management Guidance is supplied in support of this response. The County Council Landscape Architect recommends the applicants select planting material from the attached list appropriate to the Low Weald

#### Ecology

The County Ecologist does not raise any strategic objections to the proposed development. However, should the Local Planning Authority be minded to approve this application the following should be conditioned to comply with legislation, policy and best practice:

### Trees & shrubs

All retained trees and shrubs to be protected during construction, in accordance with BS 5837 : 2005 'trees in relation to construction'.

### Birds

The applicant is to ensure that trees and shrubs programmed for removal are cleared during the Autumn or Winter period. The plants can be removed at any time if an ecologist confirms that there are no breeding birds are using them (Ref: Breeding birds - Wildlife and Countryside Act 1981).

### Bats

Prior to the commencement of works on-site and in accordance with the bat survey, an Ecological Clerk of Works will be commissioned to oversee the all tree clearance work. The applicant is advised that should protected species be present work must stop and Natural England informed. A licence may be required from Natural England before works can re-commence, Natural England will advise.

### Grassland enhancement

No dwelling shall be occupied until the 50% of grassland outside of formal pitches has been sown with a suitable conservation seed mix such as British Seed Houses RE1 with a small selection of the optional species.

Reason: to provide for some ecological enhancement in accordance with PPS9 paragraph 14, South East Plan NRM 5 and the submitted ecological report reflecting the National Vegetation Class MG5 that would have been found in the local area.

### **Archaeology**

1. Several sites on the fringes of Burgess Hill have in recent years been found to contain evidence of prehistoric and Roman occupation, still an uncommon occurrence in the low weald of western Sussex. It is possible that archaeological remains may exist on this site
2. No objection is raised on archaeological grounds to the proposed development, subject to archaeological safeguards, as proposed above, and a planning condition to secure those safeguards.
3. In the event that Mid Sussex District Council decide to approve this application, provision should be made, through the use of a suitable planning condition, for archaeological investigation and recording of the site. The following wording is suggested:



## Planning Condition (Archaeology)

"No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority".

Policies: refer PPG 16 (Archaeology and Planning), November 1990, sects. 28-30; The South East Plan, May 2009, Policy BE6 (Management of the Historic Environment); Mid Sussex Local Plan, May 2004, Saved Policy B18 (Archaeological Sites).

### Comments

Comments on Archaeology have previously been made by West Sussex County Council in respect this site, in connection with planning applications BH/07/01814/FUL and BH/08/01388/FUL. These previous comments, and recommendations, have been referred to in Paragraph 6.29 of the Planning Statement.

As stated there, no objection is made on archaeological grounds to the proposals, subject to archaeological safeguards (see below).

The site is thought in the medieval period to have been part of the wooded hunting chase of Frekebergh, belonging to the de Warennes of Lewes. The part of the chase that included this site was enclosed to make agricultural fields after 1507.

On a large site such as this, within the Weald of Sussex, the presence of some buried archaeological remains should be anticipated, particularly those of the Mesolithic period, which are widespread in the Weald. Such sites are likely to comprise concentrations of flint tools, flint flakes and tool manufacturing waste material, lying within or at the base of topsoil. On some sites shallow pits may exist, containing flint material.

For example, archaeological remains of later prehistoric, Roman and Saxon date have been observed during housing development in the 1990s on the western side of Burgess Hill; whilst finds of prehistoric date have recently been recorded in advance of housing development at the east end of Folders lane, north of Folders Farm.

Any archaeological remains on the site are likely, from previous observations in the Burgess Hill area, to be either within topsoil, or overlying or cut into the top of the underlying clay deposits, at shallow depth. They could therefore be affected adversely by development-related ground excavations (foundation and road-building, landscaping and principal service works).

It will be important for provision to be made, in the event of development, for any such surviving remains to be adequately investigated and recorded.

For this purpose it is suggested that initially, trial archaeological investigation "to comprise trial trench investigation" should be carried out on the site.

Should this trial investigation show archaeological remains on the site, these should be recorded in more detail through wider-scale investigation and recording, within the overall development and landscaping footprint.

### **Natural England**

The ecological survey report submitted with the application highlights the need for further species specific ecological surveys but these have not been submitted. These surveys should be submitted by the applicant before determination of this proposal in accordance with our standing advice that can be found at;

[http://www.naturalengland.org.uk/regions/south\\_east/ourwork/standingadvice/default.aspx](http://www.naturalengland.org.uk/regions/south_east/ourwork/standingadvice/default.aspx)

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The Council should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 14 of PPS9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

### **Environment Agency**

The proposed development will only be acceptable to us if the following two planning conditions are imposed. Without these planning conditions our position would be to object to the proposed development .

#### **Planning Condition 1**

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

Details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

It is unclear why it is intended to dispose of surface water to the public sewer. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal whereby connection to public sewer is the final option if it is unfeasible to dispose via infiltration or to a watercourse. The Flood Risk Assessment (FRA) states that there is a ditch in the vicinity of the site which could be utilised but no reason is given why this is not the preferred option. Land topography would suggest the majority of the site currently drains to this ditch.

We would also advise the applicant seek the advice of Southern Water, and whether they would be prepared to accept surface water flows from a Sustainable Drainage System (SuDS).

This planning condition is necessary for the development to comply with Planning Policy Statement 25 Development and Flood Risk (PPS25), PPS23 Planning and Pollution Control, PPS1 Delivering Sustainable Development, PPS9 - Biodiversity and Geological Conservation, Mid Sussex Local Plan Policy CS13 and the following three policies from the South East Plan: Policy NRM2 Water Quality, Policy NRM4 Sustainable Flood Risk Management & Policy NRM5 Conservation and Improvement of Biodiversity.

#### Planning Condition 2

No development shall commence until additional details of enhancements have been submitted to and approved in writing by the LPA. Ecological enhancements may include enhancing existing wet interests and also creation of new wetland features. Particularly, provision of ecological enhancements through use of SuDS would be encouraged. Such drainage methods may include surface water fed features such as swales (wide grassed ditches), wet balancing ponds incorporating reedbeds, and wetland areas which will help to store and clean surface water. These techniques can also be designed as beneficial wildlife, amenity and landscape features as part of an open space or a landscaping scheme for a development. Thereafter, the scheme shall be completed in accordance with the approved plans.

Reason: This is a large scale development and ecological enhancements should be an intrinsic part of the plans. Policy NRM5 Conservation and Improvement of Biodiversity of the South East Plan seeks to avoid a net loss of biodiversity and to actively pursue opportunities to achieve a net gain of biodiversity across the region. PPS9 states how planning decisions should maintain, enhance, restore, and add to biodiversity interests, and recognises that development proposals provide opportunities for including beneficial biodiversity features as part of good design. Furthermore, PPS9 recognises the need to maintain, strengthen and integrate networks of natural habitats within development. Fragmentation and isolation of habitats should be avoided.

This planning condition is necessary for the development to comply with PPS1 Delivering Sustainable Development, PPS9, Policy NRM5 of the South East Plan and Mid Sussex Local Plan Policy CS14.

### Planning Informative

Under Section 23 of the Land Drainage Act 1991, if it is proposed to fill, divert, obstruct or culvert a watercourse, the applicant would require the prior consent of the Environment Agency. The applicant should note that in determining an application for consent, there would be a presumption against the culverting of watercourses. Therefore the Environment Agency would recommend that the applicant investigate the use of a clear span structure as it is unlikely that the Environment Agency's consent will be forthcoming for any culverting works.

### Planning Advice

#### Foul Water Disposal

It is necessary to ensure that there is capacity in the foul sewerage network to accommodate flows from the proposed development to avoid flooding of properties and pollution of controlled waters. We recommend that the applicants/developers liaise with Southern Water to ensure that the necessary infrastructure is in place prior to the completion of the development,

#### Watercourses

Any watercourse within or adjoining the site would be classified as an ordinary watercourse and would not be maintained by the Environment Agency. In the absence of any express agreement to the contrary, maintenance or repair of the watercourse banks and any structures affecting the channels is the responsibility of the riparian owners.

#### Pollution Prevention

When carrying out construction and demolition activities, potential sources of pollution from site activities will need to be identified so that appropriate pollution prevention measures are taken to avoid any contamination of controlled waters. Controlled waters include lakes, rivers, coastal waters and groundwater.

It will be necessary to prevent pollution of surface and/or groundwaters especially during site works. Therefore there should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters whether direct or via soakaways.

The risk of pollution at construction and demolition sites can be significantly reduced by providing secondary containment measures for storage tanks. Oil tanks must comply with the requirements of the Control of Pollution (England) (Oil Storage) Regulations 2001.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings should be passed through an oil interceptor with an overall capacity compatible with the site being drained.

Information for identifying what size and type of separator is appropriate can be found through our Pollution Prevention Guidance (PPG) note 3.

## **Sussex Police**

The Safer Places document from the ODPM (2004) offers a good practice guide for the creation of well designed and safe places through the planning system. The Crime and Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime Disorder Act.

The level of crime in this area is relatively low when compared with the rest of Sussex and concerns with the proposals I do not identify any major concerns with the proposals.

I have been engaged in pre application discussions with the project architects and I am pleased that my previous areas of concern have been addressed in the submitted application. All 3 parking courts towards the south of the development site will now be gated which will deter trespass and promote confidence in their use by residents.

Those dwellings designated as affordable will require accreditation under the secured by Design Scheme and I look forward to receiving an application in due course.

## **Urban Designer**

### **ADDITIONAL COMMENTS IN CAPITALS**

#### **History**

This proposal follows in the wake of the Charles Church scheme dismissed at appeal last year. While there were a few elevational issues, the inspector concluded that the Charles Church scheme could have been addressed by condition. The overall layout, which resulted from considerable negotiation, was not in dispute.

#### **Proposed Layout**

This proposal like the CC scheme appropriately addresses the open space; however while it has other similarities to the CC scheme it is generally inferior to the appeal scheme. In particular I have the following concerns:

- It has poor pedestrian links. The CC scheme allowed for a fairly direct pedestrian route that is easily navigable across the site linking Folders lane with Birchwood Grove Lane. The current proposal has a circuitous route and cul de sacs that appear to be more geared around car parking requirements than the need to promote convenient pedestrian movement. The series of twists and turns also undermine navigation / legibility. Overall I don't feel it meets the movement hierarchy standards set out in Manual for Streets. **ADDRESSED**

There are also narrow rear alleyways that are poorly overlooked and are only partially gated – these could cause security and community safety problems. **ADDRESSED**

- The street frontages in the northern half of the site are rather fragmented which undermines a sense of place. The CC scheme was characterised by stronger enclosure arising from more continuous street frontages that defined the streets and open spaces better. This was helped by its more legible and straightforward layout that allowed for longer continuous run of buildings. ADDRESSED

The current proposal features a contorted road layout and awkward geometry that contributes to creating more isolated frontages (eg. 34/35; 32-33; 41/42; 51-56; 57-59), a larger proportion of flank returns and awkward gaps and/or juxtapositions between buildings (eg. 17+18;20+21;31+32; 56+57). ADEQUATELY ADDRESSED

Building lines also would benefit from being more strongly adhered to: 36-40 is untidy – the angled frontages appear to be an attempt to mimic the more informal layout of the existing houses in the other part of Birchwood Grove Lane. I feel this looks contrived as they do not have the big plots / separation distances to make this avoid looking awkward/squeezed. The long frontage of 43-50 also lacks coherence because of the absence of a strong building line and rhythm and the inconsistent spacing; I feel this needs to be addressed even though the consistent line of trees will partially screen these deficiencies during the summer months.

- 36-40 ADDRESSED;
- 42-49 BUILDING LINE ADDRESSED BUT INCONSISTENT SPACING + BUILDING TYPOLOGY STILL MAKES THIS AN UNTIDY FRONTAGE;
- 6-13 + 72-77 VARIATION IN BUILDING LINE + FRONT THRESHOLDS WOULD BENEFIT FROM BEING ADDRESSED 16-18 ALSO NEEDS TO BE BANG ON THE CENTRAL AXIS
- FOLDERS LANE FRONTAGE ALSO NEEDS A MORE CONSISTENT BUILDING LINE ACHIEVED BY BRINGING THE GARAGES IN AND ALIGNING THE GARDEN WALLS WITH THE BUILDING FLANKS SEE BELOW (APOLOGIES FOR NOT RAISING THIS BEFORE)
- On the plus side (and unlike the CC scheme) there is no car parking on the open space. But otherwise, the car parking is less satisfactorily integrated. The rear court parking is rather large and dominant and appears to reduce the opportunity to create better links through the site; as well as being visually imposing large car parks are also more difficult to self police around the vulnerable rear sides of houses. I do nevertheless note that the incorporation of a FOG at plot 8 helps things here however it does look a bit isolated. The car parking behind 18-28 is particularly unfortunate because it occupies such a central part of the site that appears to be organised as part of the public realm and creates a poor rear threshold for the block of flats 24-28. Garage 16/18, 32/33 and 43/44 occupy inappropriately dominant positions at the head of street axis. In summary, it appears as if the car parking is defining the shape and character of the streets and spaces too much and the building frontages too little.

- 18-28: PARKING ENVIRONMENT BEHIND IMPROVED BY RECONFIGURATION OF 33-34 : THIS COULD NEVERTHELESS BE FURTHER HELPED BY REINFORCING THE NATURAL SYMMETRY WHICH CAN BE DONE BY RELOCATING THE BIN/CYCLE STORE FROM GARAGE 31/32 TO 18/20 : REFER TO MY DIAGRAM.
- 1-11: MARGINALLY IMPROVED THROUGH LOSS OF 2 SPACES
- 60-77: PARKING LAYOUT IMPROVED AS A RESULT OF RECONFIGURATION OF 75-76 + 66-71. AREA OF HARD STANDING NEEDS TO BE FURTHER REDUCED BY BRINGING GARAGE 60-61+76-77 FORWARD INTO THE PARKING COURT
- 47-53 : PARKING APPEARS TOO DOMINANT UPON THE STREET ENVIRONMENT PARTICULARLY AS IT IS OPPOSITE 29-31: SUGGEST 50-52 IS ACCOMMODATED WITHIN A GARAGE/CAR BARN WHICH WOULD ALSO HELP REINFORCE STREET ENCLOSURE.
- The ground floors flats of the block of flats 24-28 51-56 and 66-71 do not appear to enjoy any private aspect / threshold. The defensible space appears to be nothing/negligible in some of the frontages. Right angle car parking will also cause headlights in windows problems.
- 22-27 ADDRESSED BUT SIDE AREAS NEED TO BE IDENTIFIED AS PRIVATE GARDENS FOR THE OCCUPIERS OF THE GROUND FLOOR FLATS 22+23 ONLY.
- 50-56: DEFENSIBLE SPACE BEEN BUILT IN ON ALL SIDES BUT STILL NO PRIVATE ASPECT FOR GROUND FLOOR FLATS; FLAT 55 COULD AT LEAST BENEFIT FROM SOLE USE OF TRIANGULAR SPACE ON THE EAST SIDE OF THE BUILDING – WOULD BENEFIT FR FRENCH DOORS ON TO THIS SPACE
- 66-71: GD FLR FLAT 67 HAS DEFENSIBLE SPACE BUT NO PRIVATE ASPECT; FLAT 66 HAS NO DEFENSIBLE SPACE ON THE NORTHERN SIDE. THIS IS NOT ADEQUATE AND THEY NEED AT LEAST 3 M DEEP DEFENSIBLE SPACE ON THE OPEN SPACE FRONTAGE TO OFFSET THE LACK OF PRIVACY AT THE REAR.

#### Proposed Street Elevations

NO REVISED STREET ELEVATIONS HAVE BEEN RECEIVED SO HAVE TO WORK FROM INDIVIDUAL BUILDING ELEVATIONS – THESE NEED TO BE SUPPLIED WITH THE ADDITION OF 21-31 - THE COMMENTS BELOW ARE SUBJECT TO THIS

## AA

This also needs to be looked at in respect of its relationship with the opposite elevations and 18-20 at the head of the street. The entrance / approach into the site is a grand gesture. However the suggested formality has been compromised by the plethora of different house types; for instance 9-11 could be mirrored on the opposite side and the semi's occupying 6/7, 12/13, 73/74, 77/78 would provide more order/formality and rhythm if they were a single type employing the same facing materials (ie. Clay tile/brick not render). The avenue of trees would also benefit from being extended, with the loss of the different paving surface at the entrance to the parking courts (as it only serves to disrupt the natural rhythm and linearity of the street). NO DWGS FOR 6-11 SO ASSUME THEY ARE UNCHANGED. 12/13 NOW A BETTER FIT WITH THE REST OF THE STREET THE CLAY HANGING TILES REALLY NEED TO EXTEND DOWN TO THE FIRST FLOOR LINE DITTO 72/73. ON THE OTHER SIDE OF THE STREET 74/75 + 72/73 HAVE BEEN RECONFIGURED SO THEY HAVE THE APPROXIMATELY THE SAME APPEARANCE AS OPPOSITE – THIS IS BETTER BUT STILL A SHAME THAT THIS FORMAL ACCESS CANNOT BE GIVEN A MORE REPLICATED RHYTHM. NEVERTHELESS THIS HAS BEEN ADEQUATELY ADDRESSED SUBJECT TO CLAY HUNG TILES AND BUILDING LINE.

## BB

The central gable and symmetry of 18-20 works well enough compositionally but the building undermines the opportunity of creating a direct pedestrian link (refer above). 16/17 will not have the relationship with 18-20 suggested in the elevation as it is angled away with the leading corner and flank rather untidily pushed out in front of 18-20's building line. The squat proportions of the en-suite window is unfortunate (same applies to 14/15) better omitted particularly as there is no space for a mirror. 21 works reasonably well, it nevertheless still reads as a flank. Clay hung tiles would benefit from being extended to the eaves line. 18-21 FINE BUT NEEDS TO BE ON THE CENTRAL AXIS! FLANK OF 22 UNCHANGED. THE HOUSES TO THE WEST OF 18-20 ARE NOW DETACHED HOUSES ARE SUFFICIENTLY TUCKED AWAY AND I HAVE NO OBJECTIONS TO THEM.

## CC

Folders lane is characterised by detached houses in large plots well set back from the street. The proposed houses 1-5 read as a terrace of narrow fronted houses albeit with a small gap : the hipped roof on 1-3 appears to have been incorporated to reduce this appearance unfortunately it does not succeed and just looks odd. This needs to be addressed by making these frontages feel more generous. I would therefore suggest one unit needs to be lost with the frontage configured as 2 pairs of symmetrically configured semi's with a larger gap between them and the adjacent garages.

If the bathroom of 60 was reorganised it would be possible to centre the 1st floor window and achieve 3 replicated symmetrical gable ends. Brick at the base makes sense as it will seamlessly integrate with the brick wall and the garage building.



1-5 IS BETTER WITH THE CONSISTENT HIP TREATMENT AND SYMMETRICAL CONFIGURATION OF BOTH BUILDINGS. 60 NOW SHOWN WITH SYMMETRICAL PAIR OF 1ST FLR WINDOWS. 60/61+80/81 GARAGE PROJECTS OUT INAPPROPRIATELY FROM THE NATURAL BUILDING LINE, CREATES AWKWARD CORNERS/RECESSES AND EXTENDS THE AREA OF HARD STANDING WITHIN THE PARKING COURT (REFER ABOVE).

DD

This is an untidy frontage which lacks order or rhythm despite the repeated identical houses 45-48. The block of flats is rather monolithic and lacks architectural integrity/coherence with its variety of window, projections and untidy roofline. It also reads too much as a single building that is rather dominant in relation to the surrounding houses.

The asymmetric semi of 49-50 appears to collide with 48 : its different configuration and building line results in an unharmonious mix. The symmetrical semi of 43-44 with its mini gabled dormers also sits awkwardly with the detached houses. The rendered upper floor of no.46 looks so isolated that it appears that someone forgot to colour it in.

50-55: THE RECONFIGURATION OF THE BLOCK OF FLATS 50-55 IS AN IMPROVEMENT. IN PARTICULAR THE PYRAMIDAL ROOF PUNCTUATES THE PROMINENT CORNER AND HELPS TO COHERE THE BLOCK TOGETHER. THE REAR ELEVATION IS STILL WEAK AND NEEDS TO BE IMPROVED GIVEN ITS PROMINENCE DOWN THE AXIS FROM BIRCHWOOD GROVE LANE: THIS COULD BE ADDRESSED BY THE PYRAMIDAL ROOFED PART OF THE BUILDING TO PUNCTUATE THE ELEVATION AND AXIS IN THE SAME MANNER AS THE FRONT, THIS COULD BE ACHIEVED BY MARGINALLY ENLARGING THE SQUARE FOOTPRINT (THIS WILL ALSO MARGINALLY RAISE THE HEIGHT OF THE ROOF BUT I DO NOT THINK THIS IS A PROBLEM) SO THAT IT EXTENDS AROUND THE REAR IN A SIMILAR MANNER TO THE FRONT : THE ATTACHED SKETCHES SHOW HOW THIS SHOULD BE ACHIEVED WHILE MAINTAINING THE SYMMETRICAL POSITIONS OF THE WINDOWS ON THE SOUTH AND WEST ELEVATIONS AND MAINTAINING THE SAME LENGTH OF FRONT AND REAR FRONTAGE - SEE DIAGRAM

42-49: THE LONGER GAP BETWEEN 50-55 AND 42-49 ALLOWS THE LATTER TO WORK IN ITS OWN TERMS. THE FACING MATERIALS AND BUILDING LINE HAS ALSO BEEN RATIONALISED. HOWEVER THIS FRONTAGE IS STILL AN UNTIDY FRONTAGE THAT LACKS ORDER / RHYTHM. THIS COULD BE IMPROVED BY RECONFIGURING 45 AND 46 BY REPLICATING AND CONTINUING THE RUN OF HOUSES 42-45 : MINUS THE BEDROOM OVER THE GARAGE IF AN EXTRA BEDROOM IS NOT NEEDED

EE

Except for the angled configuration these houses work ok; their variation and detached nature houses echoes to some extent the informality (if not the generous spacing) of the Birchwood Grove Rd properties. As plot 37 and 38 are the same house type, it would nevertheless be better if they mirrored each other (again the render on 37 is a bit of an oddity) with a more formalised squared off relationship that announces the northern entrance to the site. ADDRESSED

FF

The 3 building types employed do not hang together well. My criticisms of 66-71 are the same as 51-56 (if anything it is worse because of the length of the frontage facing the open space and the more awkwardly stepped corner and roofline; the Juliet balconies also do not fit their window apertures). 62-65 appear as if they are from toy town compared to the more generous proportions of their neighbours. THE HIGHER EAVES LINK AND BIGGER GABLES OF 62-65 APPEARS NOW TO WORK BETTER WITH 60-61 : HOWEVER A STREET ELEVATION IS NEC TO DEMONSTRATE.

THE PYRAMIDAL ROOFED CORNER BAY OF 66-71 HELPS TO PUNCTUATE THE CORNER AND PULL THIS BUILDING TOGETHER IN A SIMILAR MANNER TO 50-55. THE REAR ELEVATION FROM A PUBLIC REALM PERSPECTIVE IS THE FRONT. THERE ARE TOO MANY DIFFERENT WINDOW TYPES (AND IN THE NORTH ELEVATION) AND THE STUCK ON BALLUSTRADING BENEATH THE KITCHEN WINDOW AND THE GABLE IS NOT CONVINCING; THIS NEEDS TO BE RATIONALISED : REFER TO SKETCH.

21-31

As this is a highly prominent frontage facing the open space it would be helpful to have a street elevation. The composition has some order that derives from its symmetry. However the horizontal proportions / large size of the windows and the shallow swiss chalet style gable on the block of flats sits awkwardly/dominantly with the verticality and restrained character/modest scale of the terraced housing.

The terraced housing needs to be underpinned by the rhythm of a replicated frontage (the mirrored arrangement currently upsets this). The façade also looks a little odd because the front doors don't align with the upper floor windows.

The block of flats is a back to front building with its entrance at the back. This serves to disconnect the activity to and from the building from its street context. It also requires pedestrian access around the side which further undermines the privacy of the ground floor flats and also creates an un-overlooked area on each side that could be a security / community safety problem in the future. Indeed this organisation of the building suggests it has been planned for the convenience of the car user rather than pedestrian. The absence of a street frontage also contributes to its horizontal proportions and monolithic character as like the other blocks of flats it needs doorways to help break its scale down. The french doors and absence of a front threshold area will make the ground floor living area feel like a goldfish bowl.

The rear of the block has a utilitarian appearance. The verticality of the stairwell bay looks out of place in relation to the horizontality of the remainder of this elevation. The entrance appears like a stuck on afterthought.

THIS HAS BEEN ADEQUATELY ADDRESSED EXCEPT AT THE REAR OF 22-27 : THE REAR ELEVATION APPEARS TO NEED TO BE EXTENDED SO THAT IT ALIGNS WITH THE FRONT TO ALLOW THE ENTRANCE AT THE REAR TO BE CENTRED RATHER THAN APPEAR LIKE A BOLT ON AFTERTHOUGHT. ALSO THE FAKE/BLIND WINDOW AT THE FRONT ADDS NOTHING AND SHOULD BE OMITTED.

#### 66-73 North Elevation

Except for the consistency of materials this group of buildings does not sit well together. The block of flats is too dominant and the house at 72 looks isolated and too dominated by its double garage.

THE STREET ENCLOSURE ALONG THIS FRONTAGE HAS BEEN REDUCED BY THE SHORTER FRONTAGE OF 66-71 AND LOSS OF 72 : THIS INAPPROPRIATELY INCREASES THE VISIBILITY OF THE REAR GARDENS AND COURTYARD PARKING. THE LARGE GAP BETWEEN 66-71 AND THE REAR OF 72 WILL ALSO MAKE THE BLANK END FLANK PROMINENT. IT WILL CONSEQUENTLY BE A RATHER DEAD HAND. THIS NEEDS TO BE ADDRESSED.

66-71: THE SIDE / NORTH ELEVATION THE GABLE AGAIN IS NOT CONVINCING AS THERE IS NO NATURAL HIERARCHY IN THE WINDOW SIZES : THIS COULD BE ADDRESSED BY MINOR INTERNAL ORGANISATION THAT COULD ALLOW A GROUPED ARRANGEMENT OF WINDOWS : REFER TO SKETCH.

THE HORIZONTAL BANDING AND THE SINGLE LINE OF CLAY HUNG TILING ON THE FAÇADE IS WEAK AND INAPPROPRIATELY EXAGGERATES THE HORIZONTAL PROPORTIONS : THE CLAY HANGING TILES NEED TO EXTEND DOWN TO THE GD FLOOR WINDOW HEADS.

#### 32/33 East Elevation

This asymmetric pair of semis looks odd and lacks coherence. As they have the same internal configuration I do not understand why their external expressions are different. The upper floor windows of 33 appear disconnected from the gable above. The junction of the roof of the bay window and the double pitch entrance canopy on 32 is awkward, Could be addressed by a mirrored pair incorporating the best bits of both (ie. As per 43/44). ADDRESSED AS 31/32

33/34 PLAN CONFIGURATION WORKS WELL BUT THOUGHT NEEDS TO BE GIVEN TO RWP'S ON FRONT ELEVATION AND STAIRWELL WINDOW LOOKS MAROONED : NEEDS TO BE AT FIRST FLOOR LEVEL AND SUGGEST 2 OF THE GABLES ARE OMITTED TO ADDRESS THE RWP ISSUE

41/42 South Elevation

This composition looks odd because the garages are inappropriately dominant as a result of the large gap, their central position and the large dormers above them. NOT ADDRESSED BUT LESS OF AN ISSUE AS NOT ON THE MAIN DRAG NOW.

57-59 South Elevation

Same criticism as per 21-23/29-31. ADDRESSED

### **Proposed Elevations - General Points.**

Architectural Language/Sense of Place

The so-called entrance boulevard does have some individual characteristics (which would benefit from being reinforced) that distinguishes it from other parts of the scheme. As does the Folders lane and, to a lesser extent, the Birchwood Grove Road frontages. The open space also helps to give the scheme an identity. However the rest of the proposal lacks significant distinguishing characteristics and suffers from the generally unimaginative nature of the architecture (as well as the fragmented layout) which has the ubiquitous feel of so many similar schemes. It is a shame the interesting precedent building shown in the left hand photograph of page 67 does not appear to have had any influence in the evolution of the design. STILL LACKING BUT THE PYRAMIDAL CORNER BAYS ON THE FLATS PROVIDES SOME ICONOGRAPHY.

Stuck on Facades

Some of the elevations also feature stuck on street facades with more utilitarian rear elevations and side elevations sometimes featuring spurious termination point for the peeled away frontages. This contributes to undermining the integrity of the architecture, as does the mixing of different façade treatments on the same standard house types. As there are a number of gaps in the street frontages and visible rear elevations within parking courtyards, the disparity between the front and back is sometimes very visible. NOT SUFFICIENTLY ADDRESSED OF PARTICULAR CONCERN ARE 1-5; 31-32; 62-65.

Blocks of Flats

Further to my points above, consideration needs to be given to redesigning these so they have more of the appearance of a run of terraced houses. This can be achieved by incorporating dedicated front entrances for ground floor flats. These ground floor flats also need a private aspect. ADDRESSED SUBJECT TO ABOVE COMMENTS

Sustainability

I could not find any indication of how the shape and form of the buildings has been influenced by the sustainability agenda.

Photovoltaic panels are proposed for the roof of the flats but are not shown on elevation. These may further contribute to the poor appearance of these large prominent buildings.  
NOT ADDRESSED

RWP'S NEED TO BE SHOWN - THESE CAN EITHER UPSET AN ELEVATION OR REINFORCE THE RHYTHM/ORDER

### **MSDC Housing Officer**

The applicant is proposing a development of 77 units which will give a requirement of 23 affordable housing units. The mix of these units is good and will meet a wide range of housing needs in the local area. The units are integrated. We will require 6 units(25%) to be shared ownership and these should be the 6 x 2 bed flats. We recommend early discussions with one of our preferred partner housing associations. The homes with need to meet the Homes and Community Agency's Design and Quality Standards and the relevant level of the Code for Sustainable Homes.

### **MSDC Contaminated Land Officer**

I've reviewed the Geo-Environmental Site Investigation report submitted as part of the above application. The report is satisfactory and concludes that there is a low risk to human health and that the topsoil is suitable for re-use on-site. Therefore, at present I have no further comment.

### **MSDC Drainage Engineer**

I have looked through all the drainage information relating to the above site and I am happy that the drainage can be managed by conditions as on previous applications.

I have some observations that should be taken into consideration when the detailed designs are finalised.

1. The Southern Water foul water capacity issue appears to be unresolved. The capacity check from Southern Water stated that some upgrading work would be needed to a lot of pipes downstream of the site but in the recent Utilities statement it states that there may be a way around this and negotiation with Southern Water is needed. MSDC will need to see evidence of the decisions made.
2. I am slightly confused about the need for crate storage systems and ponds. If the roads were constructed using permeable paving as a storage device then the crates would not be needed and the water going into the ponds would be cleaner.
3. The ponds and swale are part of a reasonable drainage strategy for the site but I wonder if there is any mileage in looking at their sizing or maybe even utilising some of the area on the playing field as the paths and boundary are all to be changed as part of the scheme anyway, this would reduce/remove the crate storage systems.

4. I just wanted to reinforce the point that the finalised flood flow routes should go towards the ponds and swale once the properties have been constructed.

### **Highways**

In transport terms the site is in a relatively sustainable location with a range of services and amenities including public transport, education, employment, healthcare and food retail within both walking and cycling distance.

The current proposals would be likely to generate similar levels of traffic as the previous, 2008, application. The TRICS analysis for the proposed development would suggest AM peak traffic generation of 12 movements to the site and 41 movements from the site (53 total); PM peak traffic generation of 27 movement to the site and 16 from the site (43 total); with total daily movement in the region of 433 two way trips.

This level of traffic was accepted by the County Council under the previous application and is still considered acceptable by WSCC. In capacity terms the development traffic would not be likely to result in significant queuing or delay beyond the current Keymer Road / Folders Lane mini-roundabout. As per the previous application, the applicants are proposing modifications to the current roundabout that would improve its capacity and operation and would be likely to mitigate the impact of development traffic and improve general capacity for other highway users.

The proposed site access is also similar to that previously accepted by the County Council. The access would provide adequate capacity and would not be likely to result in any adverse impact on the operation of the highway. The access provides adequate visibility also provides for safe pedestrian crossing to access the southern footway.

While the speed limit on Folders Lane was reduced from 40mph to 30mph a number of years ago, it is acceptable to consider the pedestrian crossing provision may have a further, but limited traffic calming influence.

Both the access and the propose amendments to the Keymer Road / Folders Meadow roundabout were subject to Stage 1 Road Safety Audit / Designers Response during the 2008 application and the audit process was approved by WSCC. Considering the proposed access and highway works are no different to those reviewed under the previous application, the County Council would not require a further Stage 1 Audit. However, please note that if the LPA grant permission, the applicants will need to undertake Stage 2 / 3 Safety Audits as part of the Highway Agreements process.

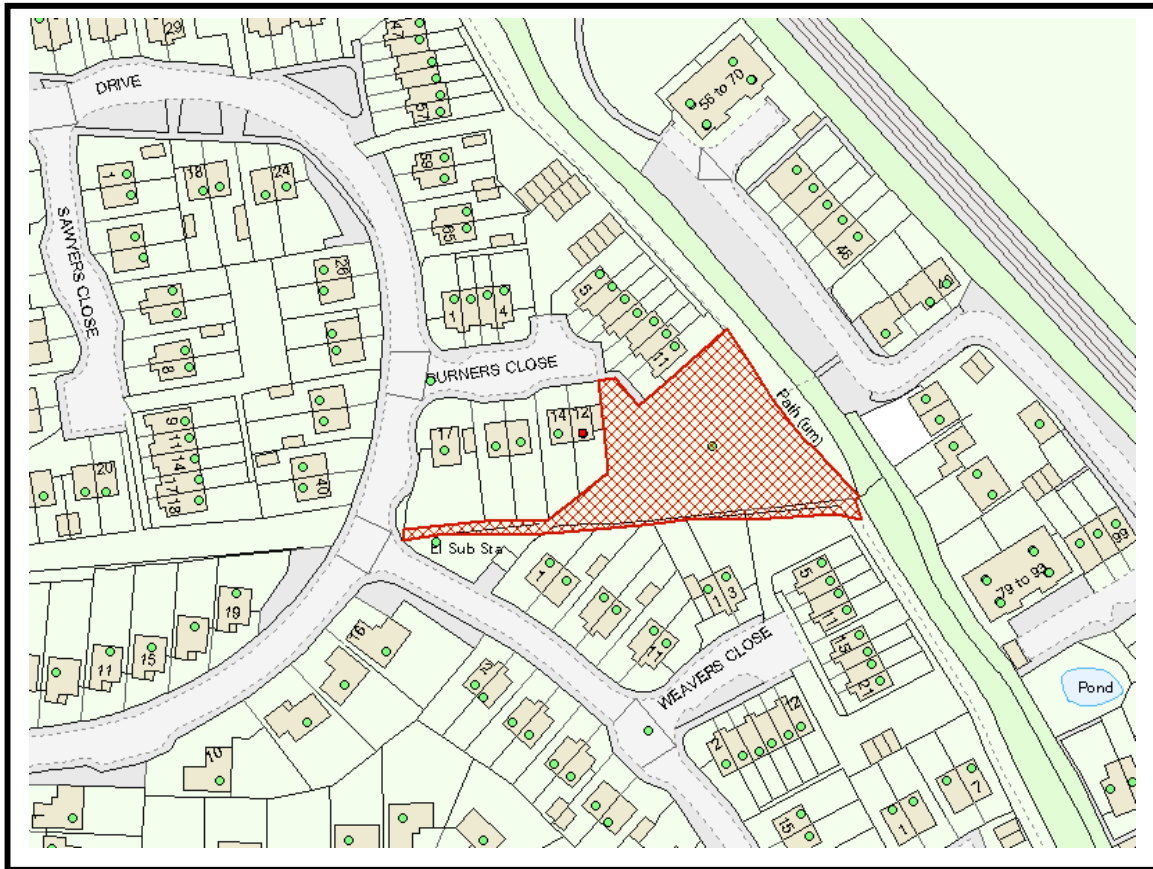
With regard to the internal layout of the site the proposed level of vehicle and cycle parking is acceptable to the County Council – please note that where garages are proposed to be used for cycle storage, the garage would need to be a minimum of 6m x 3m internal dimension.

The site would be considered permeable to both pedestrian and cycle movements including links to Chilcomb Way and Birchwood Grove Road. However, it is noted in Drawing Number ITB 135-GA005 that the link to Birchwood Grove Road is not to be put forward for adoption as public highway. Please note that general public should be able to use this link so a right of access should be provided.

The proposed highway layout as shown on Drawing Number ITB 135-GA005 appears to accord with the philosophy of Manual for Streets in providing a low speed environment and it is noted that the layout is supported by tracking plots for typical refuse vehicles.

One concern to raise with the layout is the main 'spine road' would be difficult to navigate for typical refuse or emergency vehicles if cars were parked along its length. A number of property frontages the spine road with parking courts etc to the rear. The applicant will need to introduce measures to ensure residents fully utilise the parking courts and measures to deter parking on the spine road as any such parking may cause obstruction.

4. 10/00719/TREE



**PUBLIC OPEN SPACE TO THE SOUTH OF 12-15 BURNERS CLOSE  
BURGESS HILL WEST SUSSEX  
HORNBEAMS IN G1 - TRIM BACK BY 2-3M ON THE NORTH SIDE.  
REDUCE HEIGHT BY UP TO 25%  
HEAD OF LEISURE AND SUSTAINABILITY  
GRID REF: EAST 532723 NORTH 118368**

POLICY: /  
In Built up Area /

ODPM CODE: None

8 WEEK DATE: 6th May 2010

**OTHER REPRESENTATIONS RECEIVED**  
None.



## **TOWN COUNCIL'S COMMENTS**

No objections.

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## **OFFICERS REPORT**

### **REPORT**

This application has been submitted from the Head of Leisure and Sustainability - hence the need for it to be considered by Committee.

The Hornbeams the subject of this application are situated along the southern boundary of a small public open space where some of the branches overhang the rear gardens of properties in Burners Close. These branches block out a considerable amount of daylight.

The proposal is to trim back the lateral branches on the northern side by 2-3m and to reduce the height of the trees by up to 25%. This would be in line with other trees further to the west in the same line. There would be no loss of screening and it is considered that there would be no significant impact on visual amenity in the locality.

### **RECOMMENDATION**

Recommend that CONSENT be granted subject to the following condition:

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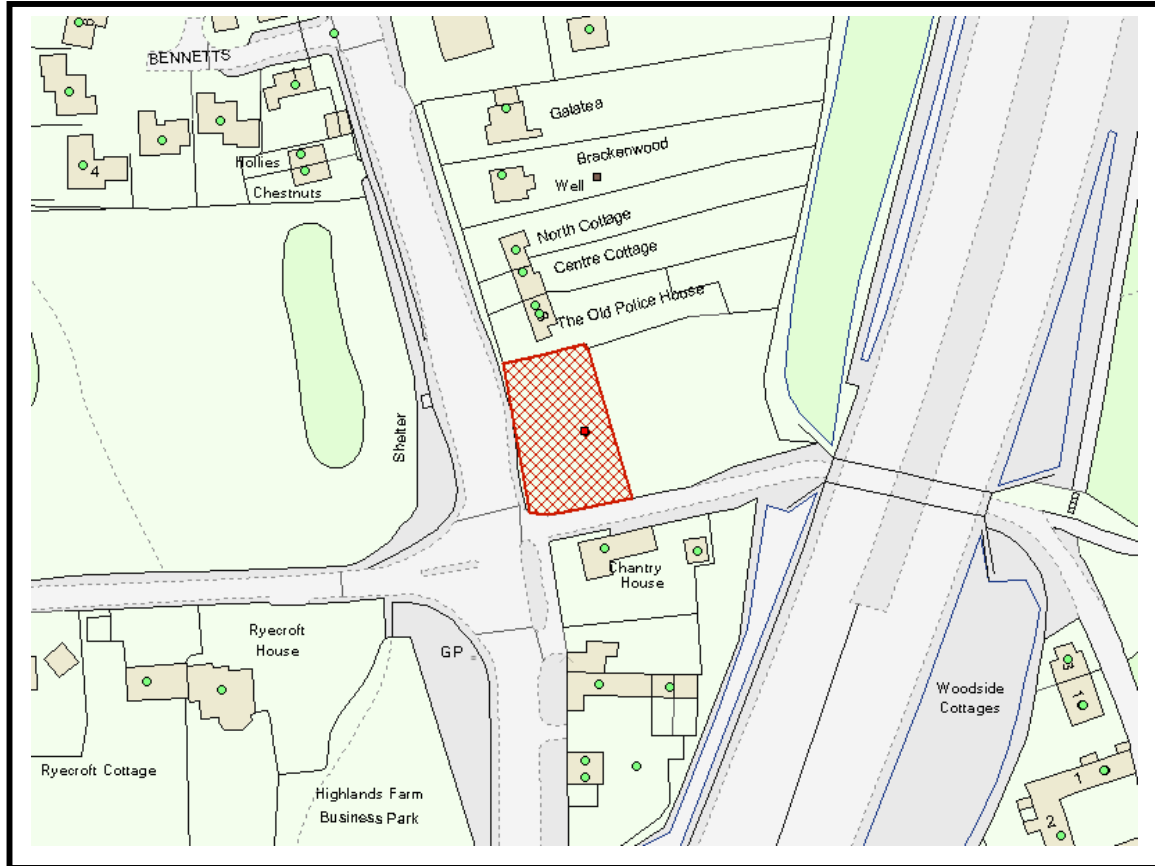
### **APPENDIX A – RECOMMENDED CONDITIONS**

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1. The work shall be carried out in accordance with BS 3998:1989 "Recommendation for Tree Work".

Reason: To ensure that the work is carried out to a satisfactory standard.

5. 09/03600/FUL



**FORMER CAR PARK TO QUEENS HEAD PUB LONDON ROAD  
BOLNEY WEST SUSSEX  
ERECTION OF 3 HOUSES TOGETHER WITH PARKING AND  
ASSOCIATED LANDSCAPING. AMENDED PLANS RECEIVED  
08/03/2010 SHOWING REVISED DESIGN OF PROPOSED HOUSES.  
SUSSEX AGENCY LTD  
GRID REF: EAST 526549 NORTH 123337**

POLICY: Departure from the Development Plan /  
Countryside Area of Dev. Restraint /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 19th January 2010

## **EXECUTIVE SUMMARY**

### **PURPOSE OF REPORT**

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

### **EXECUTIVE SUMMARY**

The site lies outside the built up area boundary of Bolney village where there is a general presumption against new development. However in this case it is considered that there are other material planning considerations that justify an approval of planning permission contrary to the general policy of restraint that applies. It is considered that the proposal would improve the character of this unattractive previously developed site and would not cause significant harm to the amenities of the adjoining properties. The proposal would also assist in the delivery on new housing at a time when the Council does not have a 5 year land supply as required by PPS3. In light of the above it is considered the proposal complies with PPS3 and policies B1, B3 and T4 in the Mid Sussex Local Plan and can be approved.

### **RECOMMENDATION**

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

## **SUMMARY OF CONSULTATIONS**

### **Highway Authority**

No objection subject to conditions

### **Environmental Health Officer**

To be reported.

## **SUMMARY OF REPRESENTATIONS**

Original plan:

5 Letters of objection-contrary to planning policy, adverse effect on residential amenities including a loss of light, loss of view and loss of privacy, inadequate car parking, highway safety concerns, drainage problems, over development, could prevent work on electricity pylon within the site and prevent a sub station being built

Amended plans:

7 letters of objection-comments as above

## **PARISH COUNCIL OBSERVATIONS**

Original plan:

Assuming MSDC were minded to consider allowing this limited development of a brownfield site outside but immediately adjacent to the village built up area boundary and subject to the resolution of necessary connections to the existing services infrastructure, Bolney Parish Council would have no objection in principle to these proposals.

Amended plan:

No objection

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## **OFFICERS REPORT**

### **Introduction**

This application seeks full planning permission for the erection of a terrace of 3 houses on the car park adjacent to the former Queens Head public house, London Road, Bolney

### **Planning history**

The land that forms the site of the application was formally the car park for the public house, which was located to the south. The public house closed in 2001 and planning permission was granted on appeal for its change of use to a single dwelling house (00/00656/COU). This permission has been implemented and the building is in use as a single dwelling house (Chantry House). In 2006 planning permission was granted for the change of use of the former coach house to Chantry House to be used as a separate dwelling (06/00343/COU). This permission has also been implemented.

### **Site and its surroundings**

The site of the application is a rectangular piece of land that measures some 21m by 39m. The site is at a lower level than the London Road. There is a fall in levels from north to south on the London Road, although the former car park itself is fairly level. There is an existing access onto the London Road.

To the north there is a terrace of houses at a higher level. There is a 1.8m fence on the mutual boundary. There are two secondary windows in the ground floor of the end elevation of this terrace facing the application site. To the south there are 1.5m railings along the mutual boundary. Beyond this is a dwelling house. This has one first floor window facing the application site.

On the opposite side of the road to the west is a wooded area. To the east there is a 1.8m fence. Beyond this is the new A23.

The site lies just outside the built up area boundary of Bolney, with the northern edge of the site marking the built up area boundary. As such the site is within the countryside area of development restraint as defined in the Mid Sussex Local Plan (MSLP). The site is not with the High Weald area of outstanding natural beauty (AONB).

### **Application details**

In detail the plans propose the erection of a terrace of 3 properties. As originally submitted these would each have had 3 bedrooms with each unit having a flat roof dormer to the front and rear serving the third bedroom. Amended plans have been received removing the rear dormer and reducing the units to 2 bedroom houses. The properties would be brick at the ground floor level, with tile hanging at first floor level and a plain clay tile roof. The terrace would step downwards in line with the fall in levels down the London Road.

The site would utilise the existing access located in the southern corner of the site. There would be 3 car parking spaces located in the southeastern corner of the site with an area for turning in front of these.

### **Relevant policies**

National level

PPS3 Housing  
PPG13 Transport  
PPG24 Planning and Noise

South East Plan

CC1. Sustainable development  
T4. Parking  
H5. Housing density and design  
C5. Managing the urban-rural fringe

Mid Sussex Local Plan

C1. Development in the countryside  
H11. Housing in the countryside  
B1. Design  
B3. Neighbour amenity  
B23. Noise  
T4. Highways

Dwelling Space Standards supplementary planning document

### **Assessment**

The starting point for this application is the principle of the development. The site lies within the CADR. Within this area only certain categories of development are allowed as an exception to the general policies of restraint that apply. The proposal does not fall into one of these exceptions, as the houses are not required in association with an identified need for an agricultural purpose. As such the application is contrary to local plan policy.

PPS3 was published on 29 November 2006. As such it is more recent than the adopted local plan. PPS3 requires Local Planning Authorities (LPAs) to set out in Local Development Documents their policies and strategies for delivering the level of housing provision, including identifying broad locations and specific sites that will enable a continuous delivery of housing for at least 15 years from the date of adoption. LPAs should identify sufficient specific deliverable sites to deliver housing in the first 5 years.

As Members will know the Council does not have a 5-year land supply as required by PPS3. Paragraph 71 of PPS3 outlines that where a five-year supply of deliverable sites cannot be demonstrated, local planning authorities should consider favourably planning applications for housing, taking into account such factors as the quality of the development, housing mix and density, the suitability of the site and wider housing objectives. In other words, even if the site is unallocated and outside a built up area, the presumption will be that it should be permitted unless harm to these objectives can be demonstrated.

Given the above position, the fact that the site is outside the built up area of Bolney does not automatically mean that the proposal should be rejected. It is necessary to consider whether the site is suitable for development, having regard to the above criteria.

### **Impact on the character of the area**

The application site currently makes little positive contribution to the character of the area. It is a cleared and unused area of land that is bounded by residential properties to the north and south. It is considered that the application can be viewed as a positive form of infilling.

It is considered that the staggered terrace that is proposed would make a positive contribution to the character of the area. The footprint of the block would be similar to that of the terrace to the north. It is felt that 3 well-designed houses would make a more positive contribution than the current unused former car park. It is considered that the reduction in the scale of the proposed units from two and a half to two storeys is an improvement that will be more in keeping with the surrounding properties.

### **Impact on neighbour amenity**

The occupiers of the property to the north of the site have objected to the application. The end elevation of the neighbouring house facing the application site has two secondary windows, serving the lounge. The lounge is a double aspect room with patio doors on both the front (west) and rear (east) elevations. There will clearly be some impact from the proposal on the two secondary windows that face the site. However these are both secondary windows. Given this fact it is not considered that this in itself would cause a significant loss of amenity, either through a loss of light, or by being over bearing, that would justify a refusal based on policy B3 in the MSLP. Whilst concerns have been raised about the loss of a view to from these secondary windows, as Members will be aware, there is no right to a view under planning law.

Concern has also been raised about the potential loss of privacy from the first floor windows on the rear elevation of the new properties. It is clear that these windows, serving the rear facing bedrooms and bathrooms of the new properties, would introduce some new over looking to the property to the north. However as The Old Police House is the end property of a terrace, there is already a degree of mutual over looking. It is your officers view that the level of over looking that would result from the proposal would not cause a significant loss of amenity as set out in policy B3 of the MSLP.

Chantry House is located some m to the south of the site. Whilst the new dwellings would be clearly visible from this property, it is not considered that this would cause a significant loss of amenity that would justify a refusal of planning permission on this ground.

### **Highways**

The Highway Authority has not objected to the application. It is considered that the proposal will provide a satisfactory means of access onto the London Road.

The plans show 1 car parking space per unit. Whilst another 3 cars could be parking in front of the delineated spaces, this would reduce the turning area. It is the Local Planning Authorities responsibility to assess whether the level of car parking provision is adequate. PPG13 advises that developers should not be required to provide more car parking than they wish, unless this would result in a highway safety problem that could not be resolved through on street car parking controls.

In this case there are no on street parking restrictions. The London Road is now lightly trafficked now that the new A23 has been constructed. There are no highway safety objections from the Highway Authority. The District Councils maximum car parking standards for two bedroom properties is for 2 spaces per unit. Given all of the above it is considered that the level of car parking proposed is acceptable and there are no grounds to resist the application on this basis.

### **Other issues**

Dwelling space standards

The proposal meets the Councils dwelling space standards.

### **Drainage**

The applicants have stated that foul sewerage is to be connected to the existing mains and surface water to the existing drainage system. The means of drainage can be controlled through a condition, as recommended by the Councils Drainage Engineer.

### **Sustainable design**

The applicants have provided a statement relating to sustainable design. This includes using timber window frames and doors, A and A+ rated white goods, boilers with an A or A+ rating, restricted flow rates for taps and showers, low energy lighting, water butts and porous external paving. It is considered that this statement has satisfactorily addressed the issue of sustainable design. The implementation of the applicant's statement can be secured by a planning condition. As Members will know, without a policy in a Core Strategy requiring developments to meet a particular level of the Code for Sustainable Homes, the Council cannot require developments to meet any particular level of the Code.

## **Noise**

PPG24 deals with noise. It lists four noise exposure categories (NECs) for assessing noise when dealing with residential applications, ranging from A to D. Within category A, noise need not be a determining factor in granting planning permission. If the site falls within NEC D planning permission should normally be refused. Within categories B and C noise should be taken into account and where appropriate, conditions imposed to ensure an adequate protection against noise. This could include particular levels of sound insulation within a property.

The properties would be some 60m away from the new A23 at their closest point. Chantry House to the south is some 40m away from the A23 at its closest point. Whilst comments from the Councils Environmental Health Officers (EHO) are awaited at the time of writing this report, it is your officer's view that it is very unlikely that the scheme would fall within noise category D where planning permission should normally be refused. There are examples of other properties along the A23 that are as close or closer to the road. A further update on this point will be provided at committee.

## **Conclusion**

This is a case where there are number of material considerations that need to be carefully considered. The site is previously developed, unattractive and is located in-between existing residential properties. The site will not come forward to be allocated for housing in the Local Development Framework because it is simply too small to be an allocated site.

The site is outside the built up area boundary. If the development was to be permitted, the built up area boundary would be redrawn when they are next considered.

The site is available for development. Given the land supply position the Council faces and the content of PPS3, it is considered that the site can be looked on favourably for residential development, notwithstanding the fact that the site is outside the built up area boundary. Taken on its individual merits, it is considered that the proposals are well designed and will enhance the character of the area in comparison to the unattractive area of hard standing and open storage that is currently on the site. This is not a scheme for isolated new housing in the middle of the countryside; it is for new housing on the edge of Bolney village, in-between existing residential development.

The main impact from the proposal would be on The Police House to the north. For the reasons that have been outlined above it is not felt that this would result in significant harm to their amenities.

An approval on this site would not set any sort of precedent. As Members will know, each case must be determined on its individual merits. In this case for all the reasons that have been set out, it is felt the application can be supported.



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## APPENDIX A – RECOMMENDED CONDITIONS

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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.

### Pre-Commencement Conditions

2. No development shall take place until details of proposed walls and fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such walls and fences associated with them have been erected or planted.

Reason: In order to protect the appearance of the area and to accord with Policy B1 of the Mid Sussex Local Plan.

3. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan.

4. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan.

5. No development shall be carried out unless and until samples of materials and finishes to be used for external walls and roof of the proposed dwellings have been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy B1 of the Mid Sussex Local Plan.

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

Reason: To safeguard the amenities of nearby residents and to accord with Policy B3 of the Mid Sussex Local Plan.

7. No work shall be carried out on site unless provision is available within the site (or other adjacent land within the applicants control) in accordance with details approved by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site.

Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with Policy T4 of the Mid Sussex Local Plan.

8. No construction work shall be carried out on site unless there is available within the site in accordance with details approved by the Local Planning Authority provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the building or other operations on the site throughout the period of work required to implement the development hereby permitted.

Reason: In the interests of road safety and to accord with Policy T4 of the Mid Sussex Local Plan.

### **Pre Occupation**

9. The planning permission shall be implemented in accordance with the details submitted in the document entitled Proposed Sustainable Design Features submitted with the application.

Reason: To ensure the development is sustainable and to comply with Policy B4 of the Mid Sussex Local Plan.

10. The development hereby permitted shall not proceed until details of the proposed surface water and foul drainage and means of disposal have been submitted to and approved by the Local Planning Authority and no building shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policy CS13 of the Mid Sussex Local Plan.

11. The dwelling hereby permitted shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority for the parking of bicycles clear of the public highway and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy T4 of the Mid Sussex Local Plan.

12. The dwellings, hereby approved, shall not be occupied until a pedestrian visibility splay of 2 metres by 2 metres have been provided on the eastern side of the proposed site vehicular access onto footpath no. 10/1Bo. This visibility splay shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of road safety.

13. The building(s) shall not be occupied until the parking spaces and turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy T5 of the Mid Sussex Local Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or as amended in the future, no enlargement, improvement or other alteration of the dwellinghouse, whether or not consisting of an addition or alteration to its roof, nor any other alteration to its roof, shall be carried out, (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwellinghouse) without the specific grant of planning permission by the Local Planning Authority.

Reason: To prevent the overdevelopment of the site and to accord with Policy B1 of the Mid Sussex Local Plan.

## INFORMATIVES

1. You are advised that the District Council determined this application on the basis of the following drawings:

01 D

02 B

## APPENDIX B – CONSULTATIONS

### **Highway Authority**

The site has most recently been used as a car park, both informally and then previously in connection with the former Queens Head PH. The site has an existing vehicular access onto the London Road. No concerns would be raised in respects of visibility onto the London Road and it is evident that the former car park use could generate more vehicular movements than the proposed dwellings. In any case, the proposed traffic generation would be immaterial.

Footpath no. 10/1Bo follows the line of the access road from where access into the car park is taken. A pedestrian visibility splay of 2x2metres should be allowed for on the eastern side of the access onto the footpath.

Three car parking spaces are proposed for the dwellings. The proposed parking provision is within the WSCC Parking Standards. The Planning Authority may wish to consider the implications of this proposal upon on-street parking. The car parking area is overly large and would potentially accommodate tandem parking without significant impacting upon turning provision.

Cycle parking is shown to be provided within the site. Details of this should be secured via condition.

In respects of the layout and just as a passing comment, pedestrian access to the dwellings is not clearly shown and the plan appears to show the provision of continuous railings and an embankment along the site frontage.

No objection would be raised to this proposal.

### CONDITION

#### Car parking space

The dwellings, hereby approved, shall not be occupied until the car parking and turning areas have been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for there designated use.

Reason - To provide car-parking space for the dwelling.

### Cycle parking

The dwellings, hereby approved, shall not be occupied until covered secure cycle parking spaces have been provided in accordance with a detailed construction plan to be submitted to and approved by the planning authority.

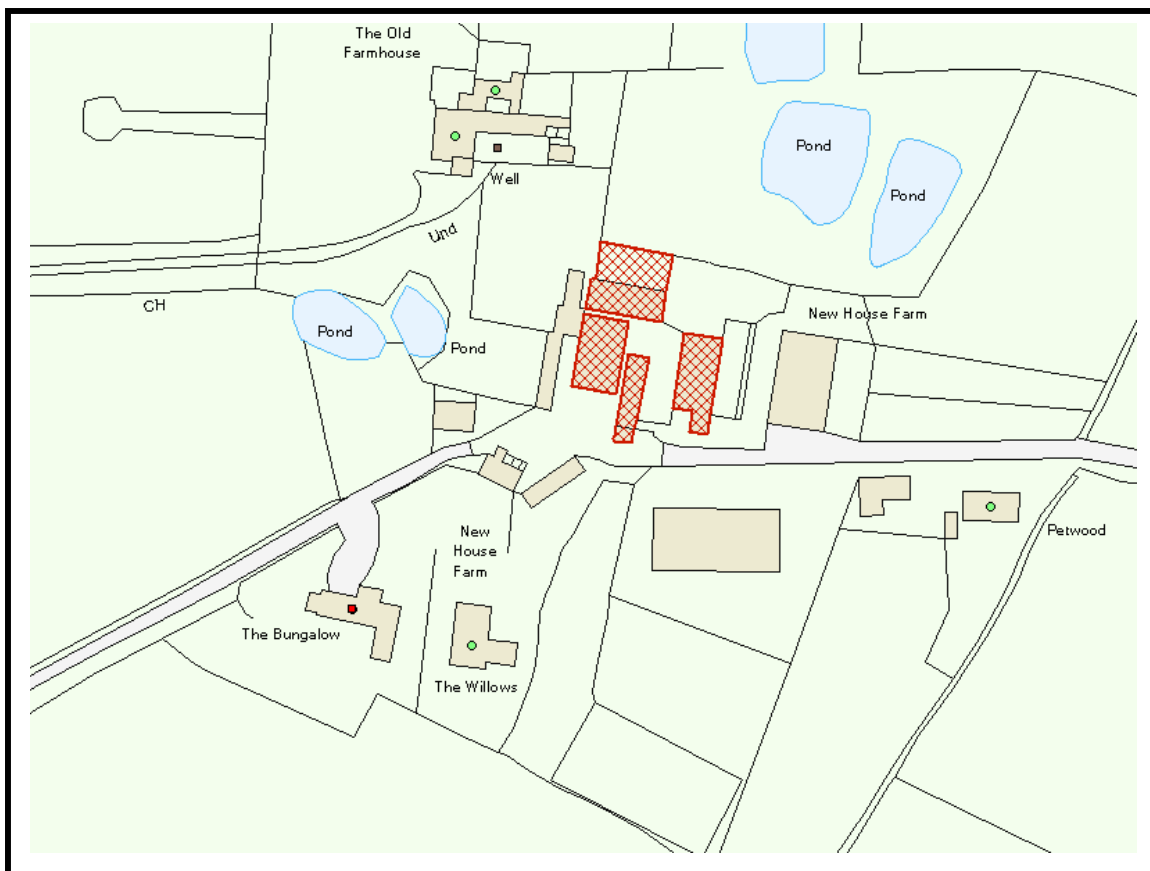
Reason: To provide alternative travel options to the use of the car in accordance with PPG 13.

### Construction Traffic

No construction work shall be carried out on site unless there is available within the site in accordance with details approved by the Local Planning Authority provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the building or other operations on the site throughout the period of work required to implement the development hereby permitted.

Reason: In the interests of road safety.

6. 10/00169/COU



**NEW HOUSE FARM TWINEHAM LANE TWINEHAM HAYWARDS  
HEATH  
CHANGE OF USE OF REDUNDANT DAIRY FARM BUILDINGS,  
NAMELY THE OLD DAIRY (A) TO PROVIDE A WORKS OFFICE,  
PARLOUR (B) WORK SHOP STORAGE AREA, THE REDUNDANT  
SILAGE CLAMP AREA (C) FOR THE STORAGE OF WOOD CHIPPING.  
ALL NAMED AREAS TO BE USED BY ONE COMMERCIAL  
ARBORICULTURAL CONTRACTOR. RETROSPECTIVE.  
MRS M L DAVIES  
GRID REF: EAST 525557 NORTH 118959**

POLICY: /  
Countryside Area of Dev. Restraint /

ODPM CODE: Change of Use

8 WEEK DATE: 30th March 2010

## **EXECUTIVE SUMMARY**

### **PURPOSE OF REPORT**

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

### **EXECUTIVE SUMMARY**

This application seeks retrospective planning permission for the change of use of redundant dairy farm buildings to a workshop / storage area, a wood chipping storage area and a works office at New House Farm, Twineham Lane, Twineham. The use commenced in June 2008.

It is considered that the proposed change of use is of a scale consistent with the farms location within the countryside. The proposal is not considered to have significantly increased traffic movements to and from the depot, and has not had a significantly detrimental impact on the amenities of neighbouring properties. The application complies with policies B3, C1, C12, C13 and E7 of the Mid Sussex Local Plan and PPS 4: Planning for Sustainable Economic Growth.

### **RECOMMENDATIONS**

It is recommended that the application be approved.

## **SUMMARY OF CONSULTATIONS**

**MSDC Access Officer** Standard response making access recommendations.

**MSDC Environmental Health** No objection subject to conditions.

## **SUMMARY OF REPRESENTATIONS**

Three letters of objection:

- noise
- traffic
- fire risk

## **PARISH COUNCIL OBSERVATIONS**

**Hurstpierpoint Parish Council:** No objection.

**Twineham Parish Council:** No overall objection, although concern was raised regarding noise, traffic and fire risk.

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## **OFFICER REPORT**

### **Introduction**

This application seeks retrospective planning permission for the change of use of redundant dairy farm buildings to a workshop / storage area, a wood chipping storage area and a works office at New House Farm, Twineham Lane, Twineham. The use commenced in June 2008.

### **Relevant Planning History**

04/03177/FUL sought permission for the internal conversion of a covered yard to a kennels. This application was approved by South Area Planning Committee in September 2004, and has been implemented.

### **Site and Surroundings**

New House Farm is a former dairy farm located to the south of Twineham, on the eastern side of Twineham Lane. The farm is currently used to farm beef cattle, with kennelling as an additional use. The nearest neighbouring dwelling is The Old Farmhouse, a grade II Listed Building also accessed from Twineham Lane.

To the north of the application site is a pond and field area. To the south are further farm buildings, including dwellings associated with the farm. To the east are further farm buildings, and to the east is the boundary with The Old Farmhouse, with the main dwelling being positioned some 40.0 metres from the application site.

### **Application Details**

The scheme subject of this application commenced at the farm in June 2008. The application relates to the former dairy and parlour, converted to a works office and workshop area, and the former silage clamp, which is used for the storage of wood chippings. These buildings are used by Connick Tree Care, a commercial arboricultural contractor.

The nature of Connick Tree Care's business means that the depot is vacant for the majority of the day. Workers arrive to collect their equipment and orders for the day, vacating the depot within approximately 1 hour of arriving. The depot is usually empty between 8.30am (once managers have vacated) and 15.30 when staff begin to return. When returning, equipment is stored and woodchips and logs are piled up in the silage clamp area. Routine maintenance of equipment is performed at the depot once contractors have returned from site.

The woodchips are pushed into the silage clamp once a day and the bulk chips are removed from the depot three times a month.

Occasionally, in emergency situations, it is necessary for the contractors to return late to the depot. Further to this, owing to the nature of the work, occasional Sunday working is necessary. For example in town centre locations when tree work is not possible when the shops are open. In these circumstances the depot is used only to collect equipment and no machinery is used.

The former dairy and parlour are one single storey building measuring, 7.5 metres in width and 30.0 metres in total length, positioned in excess of 20.0 metres from the boundary with The Old Farm House. Adjacent to this building are agricultural buildings used for the storage of feed and cattle. The parlour has been converted into an area storing tools and tree care equipment. The dairy is used as an office.



The former silage clamp is an area 8.5 metres in width and 24.5 metres in length enclosed along the northern and western sides by a 3m timber wall. This area is located to the north of the dairy and parlour building, and is used to house wood chippings, which are brought to the depot from the workers vehicles at the end of the working day. According to the applicants Impact Assessment Report, it is very rare for chipping to be performed at the depot, only when the equipment fails on site. The chippings are bulk loaded out of the depot three times per month, and according to the information supplied by the applicant, it takes 40 minutes to load the bulker and this is done whilst the employees are away from the depot.

11 full time field staff and 3 managers are employed by Connick out of New House Farm, with the associated vehicles including 5no. brushwood chippers, 2no. 6.1 ton vehicles, 4no. 3.5 ton vehicles and 3no. managers vehicles. All associated vehicles are stored on the hard standing areas immediately surrounding the former dairy and parlour, and the hard standing to the north of the kennels.

### **List of Policies**

#### **Mid Sussex Local Plan**

B3 (neighbour amenity).  
E7 (economic development in the countryside).  
C1 (development in the countryside).  
C12 (farm diversification).  
C13 (reuse of rural buildings).

#### **National Policy**

PPS4: Planning for Sustainable Economic Growth

Policy EC6 of PPS4 states,

Local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all.

In rural areas, local planning authorities should:

- c) support the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns or villages) for economic development.
- f) set out the criteria to be applied to planning applications for farm diversification, and support diversification for business purposes that are consistent in their scale and environmental impact with their rural location.

Further to this, Policy EC12 of PPS4 states,

*Re-use of buildings in the countryside for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations and for some types of building. In determining planning applications for economic development in rural areas, local planning authorities should:*

- b) support small-scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport.*
- c) take account of the impact on the supply of employment sites and premises and the economic, social and environmental sustainability of the area, when considering planning applications involving the loss of economic activity.*
- d) approve planning applications for the conversion and re-use of existing buildings in the countryside for economic development, particularly those adjacent or closely related to towns or villages, where the benefits outweigh the harm in terms of:
  - i. the potential impact on the countryside, landscapes and wildlife*
  - ii. local economic and social needs and opportunities**

#### **Assessment (Consideration of Key Issues)**

##### **Farm Diversity and the Rural Economy.**

This planning application seeks an additional use on an existing farm. The farm is no longer a dairy farm, and now breeds beef cattle. This change in focus has left empty buildings, which Connick Tree Care have occupied since June 2008.

Policy C12 states that:

*Proposals for the diversification of activities on existing farm units will be permitted if they:*

- (a) are of a scale which is consistent to the location of the farm holding;*
- (b) are, in terms of scale, nature and location commensurate with maintaining and where possible enhancing the character and appearance of the countryside;*
- (c) are not contrary to policies for the protection of the countryside, particularly for those areas with special qualities and to those for the conversion of buildings in the countryside;*

- (d) *do not unreasonably affect the amenities of adjacent residents;*
- (e) *would not prejudice the agricultural use of a unit; and*
- (f) *would not generate a level of traffic which would result in substantial additional use of the local road network or which would prejudice highway safety.*

The scale of the operation is considered to be consistent with the location of the site, and is not considered to detract from the character and appearance of the surrounding countryside. The diversification of the farm to allow for the operation of the commercial aboricultural contractors has not prejudiced the agricultural use of the unit. Both uses have now coexisted for in excess of 18 months, with no complaints having been received by Environmental Health. It is considered that the use is consistent with the countryside location. Further to this the reuse of the existing buildings is also considered acceptable owing to their state of permanent construction, and the use not requiring any reconstruction or alteration.

With regards to traffic generation, it is considered that the level of movements is satisfactory and will not detrimentally impact highway safety.

The type of activity proposed does not have an adverse effect on the character or appearance of the locality, and provides a business premises for local employment generation (14 in total) in a rural area.

Further to local policy, the scheme also complies with national policy. PPS4: Planning for Sustainable Economic Growth requires Local Planning Authorities to support applications for the conversion or reuse of rural buildings for economic development purposes. Policy EC6: Planning for Economic Development in Rural Areas states that in rural areas, local planning authorities should:

*c. support the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside for economic development,*

and,

*f) support diversification for business purposes that are consistent in their scale and environmental impact with their rural location.*

Further to this, policy EC12: Determining planning applications for economic development in rural areas, also supports the re-use of existing buildings in the countryside for economic development. It is considered that the buildings have been demonstrated as being capable of reuse without prejudicing the farming operations since June 2008, and that their use for an aboricultural contractor is consistent with the scale of the farm and its previous use.

Accordingly, it is considered that the proposal complies with both of the relevant policies of this National Government statement in that it is a suitable form of economic development providing employment for 14 people within a countryside location.

It is therefore considered that the scheme is acceptable in terms of farm diversification and economic development in rural areas. The application complies with the relevant criteria of policies E7, C1, C12 and C13 of the Mid Sussex Local Plan, and PPS4: Planning for Sustainable Economic Growth.

**Impact on amenity of neighbouring property**

Concerns have been raised by the residents of the neighbouring property over traffic generation, noise and disturbance, and fire risk.

Whilst the neighbouring property is a grade II Listed Building, it is not considered that the proposal affects the setting of this listed building owing to fact that all the buildings and areas forming part of the application are as existing. Therefore, the current situation would not be worsened in approving this scheme.

It has previously been stated that Mid Sussex District Council's Environmental Health Department have received no complaints in respect of the scheme being discussed, and that they raised no concerns to the application subject to conditions restricting the working hours of the depot and the hours when machinery can be operated. Whilst the Environmental Health Officers have raised no issue with the application, the Council's Planning Officers have concerns that uncontrolled chipping at the depot could have an adverse impact on both the countryside setting and the neighbouring property. The information submitted with the application states that the wood chipping machinery could fail out on site, at which times chipping must be performed at the depot. It would be unreasonable for the Council to set a condition restricting chipping to a certain number of times a month, or within certain hours, and so, in agreement with Connick Tree Care it is suggested to condition that no chipping can be performed at the depot in order to protect the amenities of the neighbouring property. To this end, the main concern of the Council with regards to noise and disturbance can be overcome. The other ancillary noise is not considered significant enough to warrant the refusal of the application bearing in mind the depots location on a working farm, where an element of noise and disturbance should be expected. Further to this, the depot is vacant for the majority of the day owing to the nature of aboricultural contractors work. Accordingly, it is not considered that the noise generated by the use being discussed would worsen with the approval of this application, and that in allowing the application conditions relating to the use could be enforced, thereby controlling a use that has been operation for nearly two years without any formal restrictions.

Further to the recommendations of Environmental Health, it is considered necessary for the condition regarding hours of operation to be flexible. It has already been mentioned that on occasion the depot is visited on Sundays in order for contractors to collect equipment for work that can only be done on Sundays. This use is minimal, and does not include the use of heavy machinery.

Accordingly it is considered appropriate to allow the use of the office and storage buildings on Sundays with the same time allowances as Saturdays. This flexibility is not extended to the use of machinery in order to protect the amenities of the neighbouring property.

It has already been considered in the previous section that the level of traffic movements is considered satisfactory and does not prejudice highway safety.

With regards to the fire risk, this is not something that Environmental Health has raised as an objection. Connick Tree Care have stated that there is no evidence of woodchip self-combustion, and that if ignited the chippings will smoulder and burn slowly. If piles of chippings are allowed to measure in excess of 4.0 metres in height, additional heat can be created, therefore a condition is recommended to prevent the height of the piles exceeding 3m, (the height of the silage clamp wall). This condition would also reduce the potential visibility of the wood chippings from the neighbouring property. Accordingly, it is not considered reasonable to refuse the application on this basis.

It is not considered that the use of the silage clamp, dairy and parlour significantly affect the amenities of The Old Farmhouse. The application complies with policies B3 and C12 of the Mid Sussex Local Plan.

### **Conclusions**

It is considered that the proposed change of use is of a scale consistent with New House Farm's location within the countryside. The proposal is not considered to have significantly increased traffic movements to and from the site, and has not had a significantly detrimental impact on the amenities of neighbouring properties. The application complies with policies B3, C1, C12, C13 and E7 of the Mid Sussex Local Plan and PPS 4: Planning for Sustainable Economic Growth.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

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### **1. Restrictions on use**

The use hereby permitted shall not be operated on Public Holidays or at any time otherwise than between the hours of 07:00 to 17:00 Monday to Friday and 08:30 to 13:00 Saturday and Sunday.

Reason: To safeguard the amenities of neighbouring properties and to accord with Policy B3 of the Mid Sussex Local Plan.

2. No plant or machinery shall be operated on the premises before 08:30 on weekdays and 09:00 on Saturdays nor after 17:00 on weekdays and 13:00 on Saturdays, nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenity of adjacent residents and to accord with Policy B3 of the Mid Sussex Local Plan.

3. The wood chippings and logs associated with the change of use, shall at all times be stored in the area shown on the Block Map submitted with the application.

Reason: To safeguard the amenities of neighbouring properties, and to accord with Policy B3 of the Mid Sussex Local Plan.

4. The height of the wood chippings and logs stored within the area shown on the Block Map submitted with the application shall not exceed 3 metres.

Reason: To safeguard the amenities of neighbouring properties, and to accord with Policy B3 of the Mid Sussex Local Plan.

5. The parking spaces shown on the approved drawings shall be provided and retained permanently for the parking of vehicles of the occupiers (including employees) and persons calling at the building for the purpose of conducting business with the occupiers thereof.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways and to accord with Policy T6 of the Mid Sussex Local Plan.

6. All wood chipping shall be carried out on the site where the associated tree works take place, with no wood chipping taking place at New House Farm.

Reason: To safeguard the amenities of neighbouring properties, and to accord with Policy B3 of the Mid Sussex Local Plan.

7. The use hereby permitted shall be used solely by a Commercial Arboricultural contractor for the purposes of a works office, workshop / storage area and wood chip storage unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of adjacent residents and to accord with Policy B3 of the Mid Sussex Local Plan.

## INFORMATIVES

1. You are advised that the District Council determined this application on the basis of the following drawings:

Block Map.

Block Map showing parking.

## APPENDIX B – CONSULTATIONS

### **Environmental Health**

Environmental Health were consulted and recommended the following conditions.

- 1) Hours of working  
'Hours of working should be restricted to 0700 to 1700 Monday to Friday, 0830 to 1300 Saturday. No working on Sunday and Bank Holidays'.
- 2) Use of heavy machinery.  
'Use of heavy machinery on site shall be restricted to 0830 to 1700 Monday to Friday, 0900 to 1300 Saturdays'.

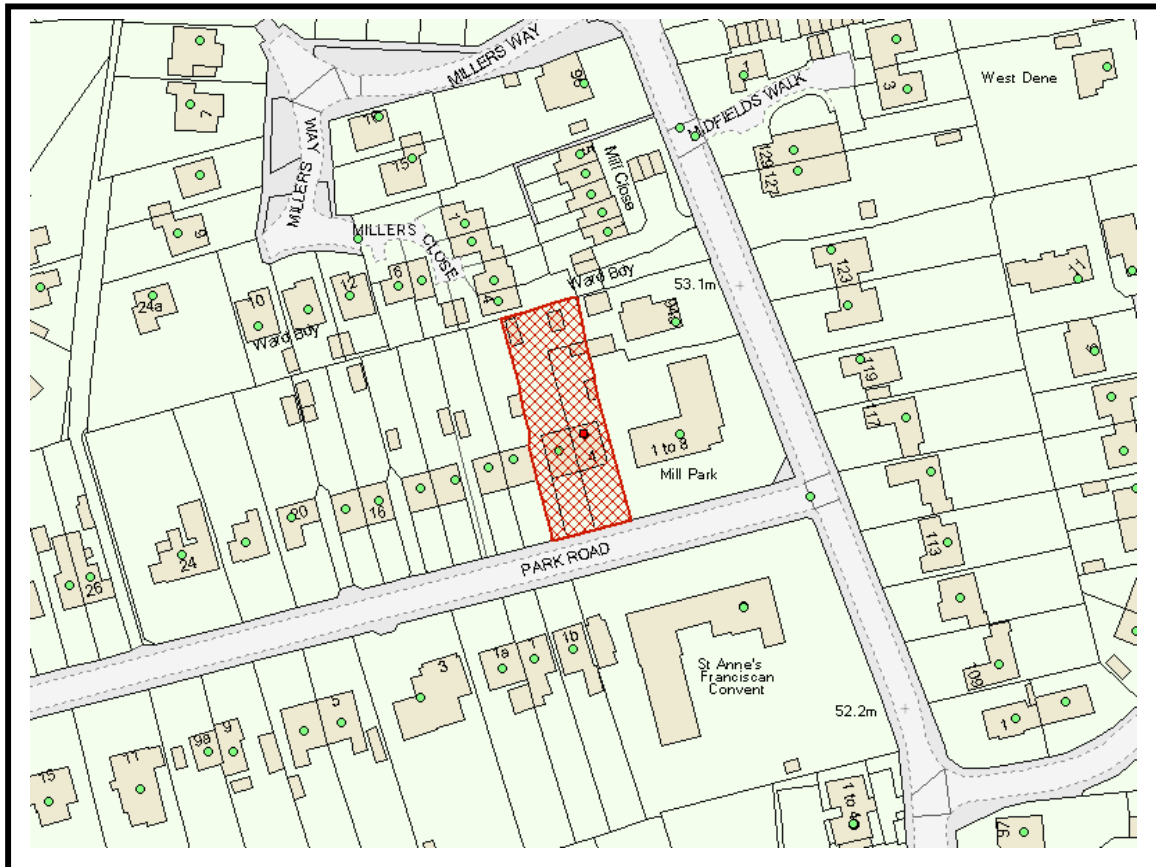
# MID SUSSEX DISTRICT COUNCIL

SOUTH PLANNING COMMITTEE

**13 MAY 2010**

## **PART II - RECOMMENDED FOR REFUSAL**

**1. 10/00560/TREE**



**4 AND 6 PARK ROAD BURGESS HILL WEST SUSSEX RH15 8ET  
FELL CUPRESSUS MACROCARPA (T1)  
MR M P MADDEN**

POLICY: Conservation Area /  
In Built up Area /

ODPM CODE: None

8 WEEK DATE: 26th April 2010



## **REPRESENTATIONS**

One letter has been received from a local resident who states that the tree is right next to a public footway and that it is a native of California and can grow to over 30m in the UK. Further, he states that the tree has a negative impact on the landscape of Park Road due to its height (about 25m) and is out of scale with surrounding buildings and trees. It dominates nearby houses and takes the natural light from his first floor flat. Finally he states that there is the likelihood of renewed damage to the surface of the adjacent public footway due to root disturbance as occurred in 2007/2008. He supports the proposal to fell the tree.

## **TOWN COUNCIL'S COMMENTS**

Objections. The Committee supported the Tree and Landscape Officer's comments as the tree still has significant public amenity value.

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## **REPORT**

This matter is being brought before Committee as the applicant is a member of staff.

This tree is a prominent feature in Park Road and was made the subject of a Preservation Order in 2008 following the owner's submission of Notice of Intent to fell it. This was on the advice of the County Highway Authority who had stated that the roots of the tree were causing damage to the adjacent pavement. The Tree and Landscape Officer and the County Council's own Tree Officer were not convinced that the bump in the pavement was due to the tree's roots and it was agreed that excavation should be carried out to investigate the cause. This was done when it was discovered that there were no roots close to the surface of the pavement. In the circumstances there was no need to remove the tree and the pavement was successfully repaired. The owner objected to the Order but the Committee resolved to confirm it at its meeting on 22nd May 2008.

During the heavy snow falls earlier this winter a few of the branches were broken and these have now been removed. The owner considers that the tree now has a lopsided and unbalanced appearance and that much dead wood has been revealed. He fears that further damage could occur during periods of strong wind.

The removal of the broken branches has, indeed, revealed small areas of brown inner wood. However it is not considered that this has significantly affected the tree's obvious visual amenity value. It still remains a striking feature in the Conservation Area.

## **RECOMMENDATION**

Recommended that consent to fell the tree be **REFUSED** for the following reason:

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## **APPENDIX A – RECOMMENDED CONDITIONS**

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1. The tree is a significant feature in Park Road where it makes an important contribution to visual amenity in the Conservation Area.