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Planning Inspectorate
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Bristol BS1 6PN

20th November 2006

Dear Sir / Madam,

**Re: APP/D3830/A/06/2017345/NWF (refused renewal temporary permission
HH/05/0157/FUL)**

I write on behalf of Bolnore Village Residents Association ("BVRA") to object to the above application and I ask that the Inspector dismiss the appeal. I ask also that a copy of the decision letter be sent to BVRA at my address.

1. About BVRA

BVRA is a formally constituted residents' association representing residents in phases one to three of Bolnore Village. It is recognised by the Estate Management Company ("Peverel OM") as an official residents' association, a requirement of which is that BVRA must have more than half of the households it represents as current paid up members. BVRA is with other local community organisations a "Rule 6" party to a planning inquiry into Phases Four and Five of Bolnore Village.

2. Background to this appeal

By this application the appellant, Crest Nicholson (South) Ltd, seeks to retain a building they call "the Barn" at a site very close to existing housing. The Barn was built under temporary planning permission dated 01/02/2001, which permitted its use as a sales centre for the new Crest homes in Bolnore Village and required its removal by 31/12/05. A subsequent temporary planning permission dated 03/06/05 extended the deadline for the Barn's removal until 9th May 2006. This second temporary permission has now expired.

The appellant has not removed the Barn since the expiry of the second temporary permission, and accordingly is in breach of planning law. Although it has stopped using the Barn as a sales centre for the time being, it has continued to use the building intermittently to host meetings between parties to the local planning inquiry into phases four and five (see the enclosed timetable of meetings). It has also been used on occasion by local groups for community events.

The intention of the appellant is to use the building as a sales centre for the sale of homes in the proposed phases four and five of Bolnore Village. The building is not intended for long term community use.

3. Summary of BVRA's position in relation to the appeal

BVRA supports the Council in submitting that this appeal should be dismissed. We concur fully with the Council's reasons for refusing planning permission.

Without prejudice to the generality of our support for the Council's position, the particular planning considerations which we wish to highlight are:

1. The use of the Barn as a sales centre would result in continued nuisance to the occupiers of adjacent residential properties, contrary to Policies B3 and HH2 of the Mid Sussex Local Plan ("the Local Plan"), paragraphs 34-36 of Planning Policy Statement 1 *Delivering Sustainable Development* ("PPS1"), and paragraphs 10 & 14-15 of Planning Policy Guidance 4 *Industrial, commercial development and small firms* ("PPG4").
2. The appellant's second repeat application for temporary permission is contrary to the principles applying to temporary permissions set out in DOE Circular 11/95 *Use of Conditions in Planning Permission* ("Circular 11/95").

4. Impact on adjacent residential properties

4.1 Policy Framework

Policy B3 of the Local Plan states:

"Proposals for new development, including extensions to existing buildings and changes of use, will not be permitted if significant harm to the amenities of nearby residents is likely to be created due to noise and disturbance; loss of privacy; overlooking; reduction in sunlight and daylight; and reduction in outlook."

Policy HH2 of the Local Plan states, inter alia:

"Land is allocated to the south-west of Haywards Heath (including land at Weald Cottage, Bolnore Farm Lane) for approximately 800 dwellings. Developers shall have regard to supplementary planning guidance including design and infrastructure requirements.

Particular attention is drawn to the following general requirements:

...

- (b) Individual housing areas will be developed by making good use of existing tree belts and hedgerows and other natural features, and by careful attention to the design and layout of the road network and individual dwellings."

PPS1 states at paragraphs 34-36:

"34. Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

35. High quality and inclusive design should be the aim of all those involved in the development process. ...It means ensuring a place will function well and add to the overall character and quality of the area, not just for the short term but over the lifetime of the development. This requires carefully planned, high quality buildings and spaces that support the efficient use of resources. Although visual appearance and the architecture of individual buildings are clearly factors in achieving these objectives, securing high quality and inclusive design goes far beyond aesthetic considerations. Good design should:

- address the connections between people and places by considering the needs of people to access jobs and key services;
- be integrated into the existing urban form and the natural and built environments;
- be an integral part of the processes for ensuring successful, safe and inclusive villages, towns and cities;
- create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and,

– consider the direct and indirect impacts on the natural environment.

36. Planning authorities should prepare robust policies on design and access. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its present defining characteristics. Key objectives should include ensuring that developments:

...

- respond to their local context and create or reinforce local distinctiveness;
- create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion;
- address the needs of all in society and are accessible, usable and easy to understand by them; and
- are visually attractive as a result of good architecture and appropriate landscaping.”

PPG4, at paragraph 10 sets out the objective of discouraging commercial development “where it would be likely to add unacceptably to congestion”. Paragraphs 14-15 PPG4 go on to state:

“14. The characteristics of industry and commerce are evolving continuously, and many businesses can be carried on in rural and residential areas without causing unacceptable disturbance through increased traffic, noise, pollution or other adverse effects. Individual planning decisions will of course depend on such factors as the scale of the development, the nature of the use of the site and its location.

15. It is now generally recognised that it may not be appropriate to separate industry and commerce-especially small-scale developments-from the residential communities for whom they are a source of employment and services. In areas which are primarily residential, development plan policies should not seek unreasonably to restrict commercial and industrial activities of an appropriate scale - particularly in existing buildings - which would not adversely affect residential amenity. Planning permission should normally be granted unless there are specific and significant objections, such as a relevant development plan policy, unacceptable noise, smell, safety, and health impacts or excessive traffic generation.”

The fact that the appellants are seeking temporary (as opposed to permanent) permission does not in any way diminish the importance of these policies. Thus paragraph 109 of Circular 11/95 states:

“the material considerations to which regard must be had in granting any permission are not limited or made different by a decision to make the permission a temporary one. Thus, the reason for granting a temporary permission can never be that a time-limit is necessary because of the effect of the development on the amenities of the area. Where such objections to a development arise they should, if necessary, be met instead by conditions whose requirements will safeguard the amenities. If it is not possible to devise such conditions, and if the damage to amenity cannot be accepted, then the only course open is to refuse permission.”

4.2 The appeal proposals’ inconsistency with the above policies

4.2.1 Traffic impact

The commercial activities of the appellant in the Barn would have an unacceptable impact of local residential amenity, owing to the associated traffic impact.

When the building was previously used as a sales office, it was open early to late 364 days a year. It was used principally for sales, but it also hosted regular meetings of Crest staff. BVRA members know from first hand experience that these activities resulted in a very substantial number of daily vehicle movements to and from the Barn.

This is bad enough, given that the Barn is sited at what is already the busiest junction in Bolnore Village, namely the junction between Parkfield Way North and Parkfield Way East. The impact of several additional vehicle movements at this junction will be compounded, however, by the fact that the same junction is also on the Crest's proposed construction access route for heavy goods vehicles (i.e. vehicles weighing over 7.5 tonnes) to exit the site of Phases Four and Five.

The use of Parkfield Way, a narrow residential road with tight radii junctions, for site construction traffic will already have a severe impact on residential amenity, and contradicts HSE guidance that residential roads and site construction routes should be separated where possible (HSG 144). If the additional vehicle movements to and from the Barn are superimposed on top of this, the effect will be to make what should be a quiet residential square and road into an integral part of the construction activities of Phases Four and Five.

In summary, if consent were granted the commercial activities of Crest would be almost omnipresent – a constant reminder of the construction activity close by. That would have a long term and serious impact on local residential amenity. Local letters of objection demonstrate quite clearly that people wish the building gone, and local views should be given weight.

Additionally, the additional vehicle movements associated with the Barn's commercial activities at this already busy junction poses a significant threat to pedestrian safety, in particular given the substantial number of families with young children resident in the vicinity.

4.2.2 Impact on drainage

As the enclosed correspondence and survey makes clear, the temporary drainage system serving the Barn has caused substantial problems to the drainage system of at least one neighbouring property, preventing the effective conveyance of foul and surface water. Crest's sole response, by letter dated 28th March 2006, was to indicate that the Barn would be removed on the expiry of temporary planning permission on 9th May 2006. Plainly this has not happened. If fresh temporary permission is granted, this adverse effect on the drainage system will continue and may be exacerbated.

4.2.3 Conclusion

Accordingly, the appellant's proposals would cause an unacceptable disturbance on adjacent residential properties and, owing to their traffic impact, would jeopardise the safety of local residents. As such, they are:

- i. contrary to Policy B3 of the Local Plan, in that significant harm to the amenities of nearby residents is likely to be created due to noise and disturbance;
- ii. contrary to Policy HH2 of the Local Plan, in that careful attention is not given to the design and layout of the road network and individual dwellings;
- iii. contrary to Paragraphs 34-36 of PPS1, in that they do not respond to their local context or adequately integrate into their environment, and they frustrate the requirement to promote the success and safety of Bolnore Village.
- iv. Contrary to paragraphs 10 and 14-15 of PPG4, owing to their adverse effect on residential amenity and their unacceptable traffic impacts.

5. Response to points raised in favour of the appeal proposals

5.1: 'Demolition of the Barn is a greater evil than its continued use as a sales centre'

A key argument advanced in favour of the continued use of the Barn as a sales centre is that the disruption caused during its demolition would be a greater evil than the inconvenience caused by its continued operation (see the planning officer's 26th May 2005 report on the March 2005 application).

This argument is flawed in two respects:

- i. It ignores the fact that this is an application for temporary planning permission (the third such application made in respect of the Barn). Paragraph 109 of Circular 11/95 makes abundantly clear that temporary permission should not be repeatedly applied for with a view to being renewed indefinitely: the proposed development must genuinely be temporary. Accordingly, the Barn must be removed at some point. This being so, the disruption caused during the disposal of the building is an inevitable burden which the residents have always had to bear; and local opinion is that it should be borne sooner rather than later.
- ii. It assumes, without any evidential basis for doing so, that the barn could not be used for residential accommodation. It is conceivable that some of the adverse impacts of the Barn's continued use as a sales centre (described above) might not apply if it was used for residential accommodation. Accordingly, the appellants cannot rely on the alleged impacts of demolition in support of the Barn's continued use as a sales centre without having assessed the possibility of it being used for residential accommodation.

5.2 Alleged need for a sales centre

It is wrong to assume that an on-site sales centre is necessary to enable new homes at Bolnore Village to be marketed. Many developments of a similar size operate perfectly satisfactorily from show homes – indeed Crest themselves have previously operated a show home as a 'marketing suite' for Phase Two of Bolnore Village; Bovis at phase two do the same now. Accordingly, the appellants' alleged need for a sales centre should be given limited weight when set against the adverse impacts described above.

5.3. Possible future use as a community centre

Finally, I deal with an argument that has been put to residents personally by Crest Nicholson employees (but not in writing): how the potential for the building to be used as a community centre after all Crest's commercial operations have ceased argues for planning consent to be granted.

BVRA's view is that no such argument can reasonably be made. The building is a poor design for community use – it is of a difficult layout over two stories with a steep staircase; it has a high glass content and low ceilings; and its wooden columns interrupt the space. All this makes a poor building for such use. Its location is at the sparsest edge of the development, meaning that reliance on a car to get to the building would be much higher. That would be clearly contrary to the principles of sustainable development set out in PPS1.

6. Conclusion

Under s.38(6) of the Planning and Compulsory Purchase Act 2004, the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise.

As set out above, the appeal proposals are contrary to Policies B3 and HH2 of the Local Plan, which is part of the development plan. They are also contrary to policies within PPS1 and PPG4, which are important material considerations that must be taken into account.

Accordingly, we ask that the Inspector dismiss this appeal. I also ask the Inspector's permission to give evidence on these points in person at the hearing.

Yours faithfully,

Richard Carter
Chair, BVRA