

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                      |                                        |                    |
|----------------------------------------------|--------------------------------------------------------------------------------------|----------------------------------------|--------------------|
| <b>Ref. No:</b>                              | DM/25/1058                                                                           | <b>Case Officer:</b>                   | Katherine Williams |
| <b>Application Type:</b>                     | Full Application                                                                     |                                        |                    |
| <b>Proposal:</b>                             | Revision to floodlighting fittings and hours of operation.                           |                                        |                    |
| <b>Site:</b>                                 | Burgess Hill School For Girls, Keymer Road, Burgess Hill, West Sussex, RH15 0EG, , , |                                        |                    |
| <b>Validation Date</b>                       | 22 Apr 2025                                                                          | <b>Overall Expiry Date:</b>            | 23 May 2025        |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                      | <b>Pre-Com Conditions Date Agreed:</b> |                    |
| <b>Recommendation:</b>                       | Permission                                                                           | <b>Recommendation Date:</b>            | 28 Aug 2025        |
| <b>Target Date:</b>                          | 17 Jun 2025                                                                          | <b>Recommending Officer Signature:</b> | Katherine Williams |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 9 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |             |              |             |
|------------------------------|-------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | Steven King | <b>Date:</b> | 28 Aug 2025 |
| <b>Comments:</b>             |             |              |             |

## MID SUSSEX DISTRICT COUNCIL

**DM/25/1058**

**Burgess Hill School For Girls, Keymer Road, Burgess Hill, West Sussex, RH15 0EG, ,  
Revision to floodlighting fittings and hours of operation.  
Burgess Hill School For Girls**

### **SUMMARY OF REPRESENTATION**

11 letters of representation have been received which raise the following concerns:

- No reason to extend the existing 7pm restriction on the floodlighting, previously required by Environmental Health Officer
- Existing noise disturbance which is unacceptable in the evenings
- Proposed extended hours would cause further noise and disturbance, impact on neighbouring amenities
- Unaware that existing concerns and impact could be raised with Environmental Health
- Courts could be let out separate to the school use, more parking and traffic issues on Ferndale Road
- LED lights, not environmentally friendly and causes light pollution
- Impact on wildlife
- Impact on the Conservation Area, does not conserve or enhance its special character, appearance and activities that contribute to the conservation area

### **SUMMARY OF CONSULTEES**

Environmental Health - recommends temporary consent for further assessment

### **TOWN COUNCIL OBSERVATIONS**

Recommend Approval subject to the floodlights being suitably focused to reduce the light pollution effect on local residents.

### **INTRODUCTION**

The application seeks planning permission for the revision to floodlighting fittings and hours of operation.

### **RELEVANT PLANNING HISTORY**

04/00479/FUL - Extending existing play surface with astro-turf; 4no new tennis courts with ancillary maintenance buildings; and associated landscaping. Amended plans received 13.05.04 extending the existing play surface with astro-turf; 2 new tennis/netball courts; 2no. ancillary maintenance buildings and associated landscaping. Granted

DM/15/0562 - The erection of six no. 8.2m high floodlights. Granted

DM/15/0560 - The erection of six no. 8.5m high floodlights. Granted

DM/23/2988 - Variation of condition 4 in relation to DM/15/0562 - To extend the hours of use to 20:00 Monday to Friday. Granted

DM/25/1057 - Revision to floodlighting fittings and hours of operation. Under Consideration

### **SITE AND SURROUNDINGS**

Burgess Hill School for Girls is located on the eastern side of Keymer Road and to the north of Ferndale Road, within the built up area of Burgess Hill.

The school site is largely within the Silverdale Road/ Birchwood Grove Road Conservation Area, with a southern portion of the site outside the Conservation Area, which includes an astro pitch, carpark and open area. This area is considered to be within the setting of the Conservation Area.

The site comprises of a number of school buildings which vary in forms and designs with areas of open space and astro pitches. The site is bordered by metal fencing and planting which does allow public views of the site from the highway.

## **APPLICATION DETAILS**

The application seeks permission to replace the existing lighting to the astro pitch at the southern side of the site. The lighting would be installed on the existing columns.

The proposal also seeks permission to extend the hours of use for the floodlighting to 21:00 Monday to Friday, which is currently restricted to 18:00.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

*'In dealing with such an application the authority shall have regard to:*

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

*'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

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

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

### **Mid Sussex District Plan**

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

- DP21 - Transport
- DP26 - Character and Design
- DP29 - Noise, Air and Light Pollution
- DP35 - Conservation Area
- DP38 - Biodiversity

### **Site Allocations DPD**

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

No relevant policies.

### **Burgess Hill Neighbourhood Plan (made January 2016)**

Relevant policies:

Policy G3 - Nature Conservation and Biodiversity

Policy H1 - Protecting and Enhancing Heritage Assets and Conservation Areas

### **Other Material Considerations**

#### **Mid Sussex District Plan 2021-2039 Consultation Draft**

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPN1 - Biodiversity, Geodiversity and Nature Recovery

DPN2 - Biodiversity Net Gain

DPN7 - Noise Impact

DPN8 - Light Impacts and Dark Skies

DPB1 - Character and Design

DPB3 - Conservation Areas

DPT4 - Parking and Electric Vehicle Charging Infrastructure

#### *Mid Sussex Design Guide Supplementary Planning Document (SPD)*

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

#### National Planning Policy Framework (NPPF) (December 2024)

Paragraph 12 of the NPPF states *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

Paragraph 39 of the NPPF states *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

## National Planning Policy Guidance

### *National Design Guide*

### *Ministerial Statement and Design Guide*

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

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

## **ASSESSMENT**

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

- Design and Impact on the setting of the Conservation Area
- Impact on neighbour amenities
- Impact on Parking Provision
- Biodiversity Net Gain
- Other Matters

## **Design and Impact on the Setting of the Conservation Area**

Paras 205, 212-215 of the NPPF state:

*'205. In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

*212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Mid Sussex District Plan policy DP35 states:

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

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

*Development will also protect the setting of the conservation area and in particular views into and out of the area.*

*New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'*

Policy H1 of the Burgess Hill Neighbourhood Plan echoes the ethos of this policy.

Policy DP26 of the Mid Sussex District Plan states:

*'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:*

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*

- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

The Mid Sussex Design Guide requires all development to be of a high standard of design.

The proposed floodlighting would replace the existing lighting for the astro pitch and be positioned on the existing columns, which would result in limited visual change to the site and the setting of the Conservation Area. The proposal also includes an extension of the hours of use of this lighting to 21:00, which is currently restricted to 18:00. Although this would be a marked visual change within the months of restricted daylight this would be seen within the existing context of the school site and the nature of the use of the pitch. The pitch is also partly screened from Ferndale Road and has been designed to reduce light spillage. Due to this it is considered that the proposal would preserve the setting of the Conservation Area.

### **Impact on neighbouring properties**

DP26 seeks to ensure that development:

*'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);'*

Policy DP29 states:

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

*Noise pollution:*

- o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- o If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

*Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.*

*In appropriate circumstances, the applicant will be required to provide:*

- o an assessment of the impact of noise generated by a proposed development; or*
- o an assessment of the effect of noise by an existing noise source upon a proposed development;*

*Light pollution:*

- o The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- o The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

*Air Pollution:*

- o It does not cause unacceptable levels of air pollution;*
  - o Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
  - o Development proposals (where appropriate) are consistent with Air Quality Management Plans.*
- The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'*

Environmental Health have been consulted on the application, and raised no objection to the proposal initially in part as no complaints have been received regarding the existing lighting on the site. A number of letters of representation received raising concerns about the impact from the existing lighting the resulting noise and disturbance. These letters also said that they were unaware that these concerns could be raised as a complaint to the Council. In light of this it is considered that a one year temporary consent for the extended hours of use for the floodlighting would be appropriate in order for this impact to be fully accessed. It is considered that the extended hours of use of the floodlighting would not cause significant harm to the amenities of neighbouring properties but the temporary consent would allow this matter to be reassessed at a later date once there has been experience of the lights in operation.

### **Impact on Parking Provision**

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking.

Paragraph 115 of the NPPF is relevant in respect of transport matters and states that:

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

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

In addition, para 116 states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

Concerns have been raised regarding the potential increased parking demand resulting from the extended hours of use of the floodlighting. However, the extended hours would occur within the evening beyond school hours. It is therefore considered that any parking requirements resulting from the extended hours of use of the floodlighting this can be accommodated by the existing parking on site.

### **Other Matters**

Concerns have also been raised regarding the impact of the proposal on wildlife, however as the proposal relates to the replacement of the existing lighting on the existing columns it is considered that the proposal would not have an impact on ecology.

### **Biodiversity Net Gain**

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

### **CONCLUSION**

In conclusion, the proposal is considered to be appropriate in terms of the character and appearance of the area, setting of the Conservation Area, would not cause significant harm to the amenities of neighbouring properties and acceptable in terms of parking and biodiversity. Therefore, the proposal complies with Mid Sussex District Plan policies DP21, DP26, DP29, DP35 and DP38, Burgess Hill Neighbourhood Plan policies G3 and H1, and the relevant provisions of the NPPF. The application is therefore recommended for a temporary planning permission.

Decision:        Permission

Case Officer: Katherine Williams