

**Minutes of a meeting of District Planning Committee
held on Thursday, 13th July, 2023
from 2.00 pm**

Present: C Phillips (Chairman)
D Sweatman (Vice-Chair)

M Avery	R Jackson	R Whittaker
R Bates	M Kennedy	C Wood
K Berggreen	A Peacock	
A Eves	E Prescott	

Also Present: Councillors C Cherry and I Gibson

1. TO RECEIVE APOLOGIES FOR ABSENCE.

No apologies as all Members were present.

2. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

For transparency Cllr Prescott declared that he recently met Tristan Robinson, Thakeham Group in his role as a Member for Slaugham Parish Council for a non-planning matter out of the area.

In relation to item 6, DM/22/3049 Cllr Eves declared a registrable interest as she is a Member of Burgess Hill Town Council but is not a member of their Planning Committee. She advised that she had not been involved in the Town Council's objection to the application and she would review the application with an open mind.

For transparency Cllr Kennedy declared that he lives close to the development site for item 6, DM/22/3049; the application is not within his ward, and he would review the application with an open mind.

3. TO BE AGREED BY GENERAL AFFIRMATION THE MINUTES OF THE PREVIOUS MEETING HELD ON 22 JUNE 2023.

The minutes of the meeting of the committee held on 22 June 2023 were agreed as a correct record and signed by the Chairman.

4. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

The Chairman confirmed he had no urgent business.

5. DM/23/0002 - BYANDA, BRIGHTON ROAD, HASSOCKS, WEST SUSSEX, BN6 9LX.

Susan Dubberley, Senior Planning Officer set out the full planning application for the demolition of Byanda (a single residential property and ancillary buildings) and the erection of a 60-bedroom residential care facility, with associated access, ground works, car parking, servicing, private amenity space, landscaping, construction of unit and boundary treatment. She drew the Members' attention to the agenda update sheet which removed condition 3, a repetition of condition 10.

The Senior Planning Officer advised the Committee that the site is adjacent to the built-up boundary of Hassocks and highlighted the topography of the site. She noted that in 2015 residential use was approved for four houses, and there is an extant application from 2016. On 22 October 2022 the Committee refused an application on the site for reasons of the mass, size and domination of the building in the context of the surrounding area which could cause undue harm to nearby residents and neighbouring amenity. She noted that this refusal was appealed, and that there will be a hearing in connection with the appeal on 13 September 2023; the applicant advised they would withdraw their appeal if planning permission was granted for this current application. The Committee were advised of the critical need for houses for older people and the significant unmet need for the provision of registered care homes in Mid Sussex adds substantial weight to the proposal. All drainage, highway matters and ecology had been discussed at length at the October meeting and were not the reason for refusal. The drainage engineer remains satisfied that drainage details can be conditioned. The Committee had to decide if the reason the previous application had been refused had been addressed. (Post meeting note - The applicant advised they had withdrawn their appeal on Friday 14 July 2023.)

Cllr Bill Hatton, Hassocks Parish Council spoke in objection to the application.

Peter Tooher, spoke in favour of the application.

The Chairman reminded the Committee that the original application was refused on the grounds of overdevelopment of the site.

In response to a Member's request, the Committee were shown the plan which identified the reduction of the proposed development.

Cllr Berggreen, Ward Member for Hassocks noted that he had spoken against the previous application on behalf of Hassocks Parish Council, and he would review the application with an open mind. He expressed concern over the minimal reduction in the size of the proposed building, the narrow and steep access onto a congested road and potential stormwater issues. He noted that the highway survey was conducted during lockdown and there was a lack of parking spaces.

The Chairman reiterated that all other matters had been discussed at the previous meeting and the Committee were only debating the application in relation to the scale and mass of the proposed building.

Members discussed the reduced footprint noting there would still be 60 bedrooms, expressed concern over potential flooding issues but noted that some further work had been undertaken recently. Members approved of the proposed use of the site and noted the site is fairly well screened from neighbouring properties. Several Members thought the reduction of the proposed development was insufficient, however some other Members noted their support for the application.

Sally Blomfield, Assistant Director Planning and Sustainable Economy advised the Committee that the previous application had been considered fully by the previous Committee and that the only reason for refusal was over development. If any other reason for refusal had been deemed appropriate, it would have been listed.

The Senior Planning Officer highlighted that two potential drainage solutions have been put forward, and the condition must be discharged before construction can commence.

The Vice-Chairman reminded the Committee of the extant permission for four houses, the critical need for care homes within the District, the footprint of the proposed development had been reduced and keeping 60 beds would maintain the viability of the scheme. He recommended the application for approval.

A Member reminded the Committee of Site Allocation Development Plan Document (SA DPD) Policy SA39 which states that proposals for specialist accommodation for older people will be supported where they are outside the built-up boundary, are contiguous and the development is sustainable; they also supported the application.

The Chairman noted that no further Members wished to speak so moved to the recommendations to approve the application, Councillor Sweatman proposed the recommendations, and it was seconded by Councillor Whittaker. The application was approved with 8 votes in favour, 2 votes against and 2 abstentions.

RESOLVED

Recommendation A

It is recommended that planning permission is approved subject to the conditions listed in Appendix A, Agenda Update Sheet and the completion of a section 106 legal agreement to secure the required infrastructure contributions.

Recommendation B

If a satisfactory planning obligation has not been completed by 22nd September 2023 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reasons:

The proposal fails to provide the required infrastructure contributions to serve the development. The application therefore conflicts with policy DP20 of the Mid Sussex District Plan 2014-2031.

6. DM/22/3049 - LAND EAST OF KEYMER ROAD AND SOUTH OF FOLDERS LANE, BURGESS HILL.

Steve Ashdown, Planning Team Leader Major Development and Enforcement set out the outline application for a residential development, consisting of 260 dwellings with vehicular, pedestrian and cycle access, car parking, open space, play space, ecological areas, attenuation ponds, landscaping and all other associated works.

He drew the Members' attention to the agenda update sheet which provided clarification. He highlighted that the site has been allocated for residential development in the SA DPD Policy SA13 and the built-up area boundary was moved to include the site. Members were advised that a small portion of the site falls within the Neighbourhood Plan boundary for Burgess Hill but not the main part of the site, where SA DPD and District Plan policies apply. He noted that the developer produced a constraints and opportunities plan to feed into the Landscape Visual

Impact Assessment (LVIA) and inform the site layout; this also fed into the landscape master plan.

The full application was for 260 dwellings, with vehicular access from Willowhurst. Separate access to the site for pedestrians and cyclists are proposed in three locations. He highlighted the veteran trees, significant enhanced buffers, and future enhancement of woodland areas. A mix of 1,2,3,4 units of apartments and houses is proposed, and a total of 78 affordable units are proposed to comply with DP 31; 75% would be for affordable rent and 25% as first homes, these will be pepper potted across the site. The provision of 490 parking spaces: allocated / non allocated, garages, car barns and accessibility spaces would be below the guidance of West Sussex County Council, but the Local Highway Authority (LHA) had not raised an objection. To meet Policy SA13 the properties in the southern part of the site would be less dense. He noted that the roads would not be adopted by the LHA, but there would be links between all land parcels for pedestrians and cyclists. To address an identified impact on the privacy of Brookwood as a result of the proposed pedestrian link, a condition is proposed, and an existing boundary would have additional planting of a hedge to be secured by planning condition 21.

The Team Leader confirmed that in addition to improvements to existing footways in the area, a £831,000 contribution towards sustainable transport improvement in Burgess Hill will be secured; this is in addition to a residential travel plan. The application was not considered to be contrary to Policy DP 26, as significant negative impacts on existing amenities was not considered likely. PV panels will be installed on the properties as the developer is aiming for net zero during the operational phase; a condition will secure the final PV details for each property. The Members were advised that the application had to be determined in accordance with the District Plan, SA DPD and Burgess Hill Neighbourhood Plan. He confirmed the site is located within the built-up area and has been allocated for 300 units in SA13, and the principle of development on the site had been established. Some road junctions will be impacted by the new development but not severely and the LHA had not objected. The layout has been commended, and there is a balance between public open space and retained sensitive spaces. The number of properties, their scale and spread were acceptable.

The Team Leader advised when the proposal is considered as a whole, the scheme has followed a landscape led approach. The scheme complies with the NPPF and Mid Sussex Design Guide, the Urban Designer and Mid Sussex Review Panel had not objected and there would be minimal adverse impact on the South Downs National Park. He clarified that the proposed 10% biodiversity net gain is not mandatory until November 2023. In summary the benefits of the application outweigh the adverse impacts.

Cllr Peter Williams, Burgess Hill Town Council spoke in objection to the application.

Peter Egan, Wellhouse Lane Residents Association spoke in objection to the application.

Keith Sullens, SOFLAG spoke in objection to the application.

Sean Kelly, spoke in objection to the application.

Ben Walker, Charles Church Developments Ltd spoke in favour of the application.

Sam Sykes, ECE Planning spoke in favour of the application.

Tristan Robertson, Thakeham Homes spoke in favour of the application.

Cllr David Eggleton, Ward Member for Burgess Hill, Franklands did not object to the principle of development. He expressed concern over biodiversity issues, noting there would be a net loss of 38.42%, and a potential negative impact on 130 species including 17 protected species, data from an independent survey. He noted that the mitigation plan would be outside of the District and suggested other sites that could be developed instead. He listed the vulnerable species, which included the permanent loss of bat and nightingale species impacting the food chain both ways.

Cllr Janice Henwood, Ward Member for Burgess Hill, Franklands highlighted that the Urban Designer had concerns that net zero would not be achieved. She expressed concern over the size of air source heat pumps, the negative impact on neighbouring residents, as the application would directly overlook nearby properties, the impact of the pedestrian link on a residential property, and the proposed car park provision was under WSCC guidance. She advised unique historical heritage assets should be protected. The Ward Member highlighted that the South Downs National Park (SDNP) does not support the scheme, there would be unacceptable negative effects with the proposed scheme, and a smaller scheme would be better. In contrast to the benefits of more affordable house units, increased revenue, and more short-term jobs; the development would result in the rural landscape becoming urbanised.

In response to speakers' comments Sally Blomfield, Assistant Director Planning and Sustainable Economy clarified several matters. She reminded the Committee that the Inspector, in his consideration over the proposed allocation of this site as part of the Site Allocations DPD, stated in his report at para 140 that he had considered the visual impact of SA13 on the character and appearance of the adjacent countryside and nearby setting of the SDNP from both close range and long-range impacts, and subject to the modifications, which were included into the final policy, would not be harmful. The modifications were changes to the planning policy: requiring the inclusion of an LVIA which incorporates the findings of an opportunities and constraints plan. With regard to comments that housing targets are no longer mandatory, she reminded Councillors that the Site Allocation documents were prepared to enable the delivery of the housing requirement which was set out in the District Plan which was adopted in 2018. There was nothing in the Levelling Up and Regeneration Bill that indicated past housing requirements would be reviewed.

The Team Leader reiterated that Biodiversity Net Gain (BNG) would be mandatory in November 2023, the requirements of the Environment Act 2021 are that BNG can be delivered on-site, off-site, and through Government credits or combination of the methods. The proposal meets the mandatory requirement for November 2023; it covers habitats and other legislation cover protected species. On infrastructure, he reminded the Committee that developers are not required to resolve current deficiencies in existing infrastructure, they are only required to mitigate the additional impact of their development.

The Chairman advised the application is recommended for approval unless material considerations indicate otherwise; he noted a recent case of a city council which had to pay huge damages as the reasons for refusal were vague, there must be substantive reasons backed by evidence that can be successfully defended at an appeal.

Members expressed concern over non-adoption of the roads and cycle links, provision of local bus routes, asked how access to field four would be restricted,

potential coalescence of Burgess Hill and Hassocks, proximity of the proposed building to neighbouring properties, under provision of car parking, disruption to local residents during construction and the suitability of the local roads for construction traffic. The impact on veteran trees, heritage properties and ecology were also noted.

The Team Leader confirmed access to field four would be restricted by a fenced enclosure to allow views across the area; there would be a condition to ensure the area is protected. The Committee were not reviewing the Construction Management Plan and by condition a plan had to be agreed prior to any construction commencing on site.

Steven Shaw, Team Manager for West Sussex Highways confirmed the adoption of a road is not a material planning consideration; it is up to the applicant whether they put the road up for adoption, this estate will remain private. The roads and cycle paths will be maintained by a management company. He advised the Inspector found no key impact on the highway network; further modelling work had identified that some junctions would be over capacity. However, the LHA determined that in line with NPPF guidance there would not be a severe impact on the network and had not objected to the application.

The Assistant Director confirmed the gaps between the settlements would be reduced but a pronounced gap would still remain, and there would be no merging of settlements.

Members discussed the need for social and affordable housing, the impact on biodiversity, mitigation for potential flooding, the visual impact of PV panels and 15-minute neighbourhoods.

Members also discussed the density and layout of site, the dispersal of the affordable homes, the future upgrading of the pedestrian access around Burgess Hill and noted potential issues elsewhere with low-level lighting.

In response to a Member's the Team Leader noted this was the second application where the mitigation for BNG would be secured off-site, and condition four secures the completion of the off-site BNG plan. The existing BNG Plan lacked evidence that the off-site land had been secured and that the Local Authority (SDNP) will regularly provide monitoring reports for 30 years; a Section 106 agreement provides the funds so a consultant ecologist can be employed to review the reports. He also confirmed the SDNP work to monitor the site will be funded by a Section 106 agreement. The parts of the site that were within the Burgess Hill Neighbourhood boundary were highlighted, the pedestrian and cycle accesses and a section between; therefore, the application complied with the Neighbourhood plan policies. He reminded the Committee they must consider the application that had been put forward, for parking provision a difference of 10% either way can be permitted, and the LHA had not objected.

The Assistant Director advised Members that the current adopted Policy on biodiversity issues in the District Plan indicated that there should be no net loss, and that whilst Policy SA Gen of the Site Allocations DPD requires a net gain, it does not set out a minimum requirement for the net gain.

The LHA Team Manager advised modelling of the junction at Mill Road, Church Road and Station Road had been undertaken with the roundabout, and new road layout. The principle of development has already been considered and the

sustainability was considered with the short walk to the town centre and its facilities. He confirmed the Section 106 funds for improvements to sustainable transport connections to the town and the site is reasonably connected and existing connections can be enhanced.

The Team Leader advised that the impact on High Chimneys would be less than substantial (in NPPF terms) and any development on the site would have an impact. The NPPF advises less than substantial harm must weigh against the public benefits, and while additional planting will reduce the visibility of the new site, it was considered that the public benefits in this instance outweighed the harm. The setting of Well Cottage will not be impacted, and the application complies with Policy DP 34 of the District Plan in this respect. Condition 32 covers the installation of the PV panels, which will be integral to the scheme achieving its net zero aspiration and a condition requires the applicants to comply with their energy statement commitments.

A Member thanked the Committee, the speakers and the officers and noted that there were still technical matters to be resolved, however, they supported the application.

The Assistant Director reminded the Committee that any development on the site in accordance with SA13 will impact landscape and biodiversity but that this had clearly been considered and accepted by the Inspector when considering the allocation of the site through the Site Allocations process. With regard to the location of BNG, legislation allows it to be provided on-site, off-site or a combination of both and the offsite BNG can be provided out of the District.

The Team Leader advised the drainage officers would look at SUDS principles when discharging the drainage condition, and additional conditions to restrict further development of the site would be appropriate, as any additional development would require a new planning application to be submitted and determined.

The Chairman thanked all the speakers, reminding the Committee that many matters had been considered by the Inspector when the site was allocated for residential development. He confirmed no material matters had been raised and that he was of the view that there was no justification to refuse the application.

The Chairman noted that no further Members wished to speak so moved to the recommendations to approve the application, Councillor Sweatman proposed the recommendations, and it was seconded by Councillor Whittaker. The application was approved with 7 votes in favour, 3 votes against and 2 abstentions.

RESOLVED

Recommendation A

It is recommended that planning permission be approved subject to the completion of a satisfactory s106 Legal Agreement to secure affordable housing, biodiversity net gain, and infrastructure contributions, and the suggested conditions in Appendix A.

Recommendation B

Recommend that if the applicants have not entered into a satisfactory s106 Legal Agreement to secure the affordable housing, biodiversity net gain and infrastructure payments by 15th October 2023, then the application should be

refused at the discretion of Assistance Director Planning and Sustainable Economy for the following reason.

‘The proposal fails to provide the required infrastructure contributions and highway works to serve the development, fails to ensure appropriate biodiversity net gain and the required affordable housing. The proposal therefore conflicts with policies DP20, DP21 and DP31 of the Mid Sussex District Plan 2014 – 2031 and policies SAGEN and SA13 of the Site Allocations Development Plan Document 2022.’

7. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

The Chairman confirmed that no questions were received, and he thanked everybody who had attended the meeting.

The meeting finished at 5.17 pm

Chairman