

**Minutes of a meeting of Planning Committee
held on 02 November 2023
at 4.00 pm**

Present: G Marsh (Chairman)
M Kennedy (Vice-Chair)

A Bashar	J Dabell	P Kenny
P Brown	J Henwood	D Sweatman
G Casella	J Hitchcock	
C Cherry	T Hussain	

1 TO RECEIVE APOLOGIES FOR ABSENCE.

None.

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

In relation to Item 5 DM/23/0925 – 9 Morton Road, East Grinstead, West Sussex, RH19 4AF, Councillor Dabell declared a registerable interest as he is a Member of East Grinstead Town Council and is not predetermined.

In relation to Item 6 DM/23/0941 – Phase 2E, Keymer Tile Works, Kilnwood Avenue, Burgess Hill, West Sussex, RH15 0ZE, Councillor Cherry declared a registerable interest as she is Ward Member for Burgess Hill St Andrews and had registered to speak against the application.

3 TO BE AGREED BY GENERAL AFFIRMATION THE MINUTES OF THE PREVIOUS MEETING HELD ON 5 OCTOBER 2023.

The minutes of the meeting of the Committee held on 05 October 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.

None.

5 DM/23/0925 - 9 MORTON ROAD, EAST GRINSTEAD, WEST SUSSEX, RH19 4AF.

Joseph Swift, Senior Planning Officer, introduced the application which sought full planning permission for the demolition of the existing dwelling and erection of four

pairs of semi-detached dwellings with carparking, modifications to the existing access and provision of soft landscaping.

He drew Members attention to the changes noted on the Agenda Update sheet, specifically to Recommendation A and condition 4 of Appendix A. There were 6 additional representations.

This application follows two previous refusals and an appeal that was dismissed in 2022. This application sought to overcome the concerns raised by the Planning Inspector and the reasons for refusal with the previous scheme. Application DM/22/2087 was refused under Officer delegated powers based on the Planning Inspector's comments on DM/21/1780, for the following reasons: 'the design of the proposed buildings was very contrived, and the limited outdoor space provided to plot 2 does not reflect the more spacious nature of Paddock Gardens and results in an unacceptably built up and squeezed in form of development.'

The Senior Planning Officer advised Members of the main changes to the current application from both the dismissed appeal and previously refused scheme. The main changes included the overall design, appearance and materials used. The dwellings had been reduced in height from three storeys to two storeys dwellings. Plots 1 and 2 were now semi-detached dwellings, rather than detached, increasing the distance from the site boundaries while providing larger gardens. All units would be identical with 2 parking spaces, resulting in the site being more in keeping with the existing pattern of development in the area. He drew Members attention to the comparison plan distinguishing the changes between the previous and current applications, taking into consideration the Planning Inspector's comments.

Councillor Craig Pond, Member of East Grinstead Town Council, spoke against the application.

Elly Hazael, resident, spoke against the application.

Tim Pope, resident, spoke against the application.

Warren Pierson, Planning Consultant for applicant, spoke for the application.

Councillor Adam Peacock, Mid Sussex District Councillor, spoke against the application.

The Chairman asked the Senior Planning Officer to update the Committee on the protected wildlife species, particularly badgers on the site. Following a site visit by the applicant's qualified ecologist' no badger setts had been identified, however, in accordance with the Ecologist's feedback from the site visit Condition 4 had been amended.

The Chairman reminded the Committee they must consider the application before them. Members discussed the application in detail and a number expressed concerns regarding the height of the dwellings and impact on privacy, the materials proposed were not in keeping with the surrounding area and access to the site was a concern. A Member asked if a condition could be included that materials are consistent with the surrounding buildings. The Senior Planning Officer confirmed Condition 3 could be reviewed to accommodate this.

Steve Ashdown, Planning Team Leader, drew Members attention to paragraph 8.11 of the report and reasons for refusal of the previous application when considering this

current application. It was the responsibility of the Committee to judge whether the overall design of the buildings on the site were now an appropriate design in terms of appearance and whether this application had addressed those reasons for refusal at paragraph 8.11, should it result in a further appeal. All other issues of previous decisions had been considered acceptable. The Chairman reminded Members it was plot 2 that was the issue, and the Committee must determine whether the current application had overcome the Inspector's concerns and the previous reason for refusal.

Members asked for clarity on the space between properties. The Chairman observed the designs indicated the space between the properties was reduced, this was due to the properties being moved from the boundary to increase the garden size. The Planning Team Leader clarified the distances between the properties had actually increased.

Councillor Henwood wished to refuse the application as plot 2 conflicts with policy DP26 of the Councils District Plan and policy EG3 of the East Grinstead Neighbourhood Plan and this was seconded by Councillor Cherry. The Chairman reminded Members of the improvements to the current application based on the previous refusals. The Planning Team Leader reiterated Members must be clear on the reasons for refusing this application and a Member asked whether a motion was needed to be declared and if so, it must be clarified.

Upon advice from the Solicitor, the Chairman advised the Committee they must be clear on the proposed motion and how it affects Plot 2. Councillor Henwood proposed the following motion;

'Plot 2 does not reflect a more spacious development or appearance which contradicts the surrounding environment'.

This was seconded by Councillor Cherry.

The Chairman, Vice Chair and Officers removed themselves from the meeting at 5.22pm to discuss the motion.

The Chairman, Vice Chair and Officers returned to the meeting at 5.28pm.

In response to the proposed motion, the Planning Team Leader drew Members attention to the fact that under the current revised plans, the garden of Plot 2 had increased in size and now exceeds the sizes of other plots which have been considered acceptable. The Chairman reminded Members of their duty as Committee Members and the costs incurred to the Council should a further appeal be submitted.

The Chairman took Members to a vote on the proposed motion for the reason for refusal of the application. The motion was not carried, with 3 in favour and 9 against.

The Chairman took Members to a vote on the recommendations as amended, proposed by Councillor Kenny and seconded by Councillor Hitchcock. This was approved with 9 in favour and 3 against.

RESOLVED

Recommendation A

That planning permission is approved subject to the completion of a satisfactory S106 Legal Agreement to secure infrastructure contributions and Ashdown Forest mitigation payments and the conditions set in Appendix A and as amended in the Agenda Update sheet.

Recommendation B

If the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and Ashdown Forest mitigation payments by the 2nd January 2024, then permission will be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:

- 1.'The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'
2. 'The proposal fails to mitigate its impact on the Ashdown Forest Special Protection Area. The proposal therefore conflicts with policy DP17 of the Mid Sussex District Plan 2014-2031 and policy EG16 of the East Grinstead Neighbourhood Plan.'

6 DM/23/0941 - PHASE 2E, KEYMER TILE WORKS, KILNWOOD AVENUE, BURGESS HILL, WEST SUSSEX RH15 0ZE.

Councillor Cherry removed herself from the meeting at 5.36pm.

Steve Ashdown, Planning Team Leader introduced the application which sought planning permission for an apartment block containing 15 apartments with associated access, car parking, refuse and cycle storage in place of the health centre approved as part of the wider Kings Weald development. He drew Members attention to the important changes on the Agenda Update sheet, specifically to paragraph 2.2 and the revised wording of Recommendation A.

The Planning Team Leader explained the background to the application. As part of the outline planning permission for the wider Kings Weald development, granted in April 2010, provision was secured within the associated s106 Legal Agreement for a suitable site to be made available for a Health Centre. A site and building were approved in January 2017 as part of the Reserved Matters permission for phase 2 of the wider development. In the section 106 Agreement, there was no requirement of the applicants to either construct the Health Centre or provide the land at nil cost to any interested party. Officers were content that the applicant had taken steps to market the Health Centre and used reasonable endeavours to secure the disposal of the site in accordance with the provisions of the section 106 agreement. In the event that the site cannot be disposed of the s106 Agreement allows for the use of the site to be used for other purposes, subject to the necessary consents being secured. He emphasised that NHS Sussex was actively exploring opportunities to meet the increasing demand for Primary Care in Burgess Hill, working with Homes England at the Brookleigh development.

The Planning Team Leader reminded Members it was important to consider the planning application before them, based on its own merits. He noted the materials of the units, the increase in the number of units, parking provision with EV chargers and cycle and bin storage. Whilst the parking provision does not comply with the Burgess Hill Neighbourhood plan, it does comply with WSCC guidance, and it is considered that the proposal does comply with the Development Plan as a whole.

Councillor David Eggleton, spoke as a Member for Burgess Hill Town Council, against the application.

Rita Pinho, resident, spoke against the application.

Mike Holmes, Associate Planner for K LW, spoke in favour of the application.

Greg Roberts, Croudace Homes, spoke in favour of the application.

Councillor Christine Cherry, spoke as Ward Member for Burgess Hill, St Andrews, spoke against the application.

The Chairman thanked the public speakers and reminded Members they must consider the application before them independently of previous considerations.

Members discussed the application and raised their concerns for the lack of adequate Health Care provision on the East side of Burgess Hill given the increase in development. They understood the Developers had done all they could to make provision for a Health Care facility, however NHS Sussex had changed the model for supply and although they were exploring other sites these were all on the West side of Burgess Hill. Members agreed further scrutiny of NHS Sussex and the CCG were required and asked if the planning decision could be adjourned. Paula Slinn, Solicitor advised this was not possible. A Member asked that the Council review the legal obligations of s106 Agreements to include Health Care facilities.

The Chairman reaffirmed the concerns of the Committee and agreed the lack of Health Care provision should be addressed at the relevant Scrutiny Committee. A written request would be submitted by the Chairman to the Monitoring Officer on behalf of the Committee with the guidance of the Planning Team Leader to address this issue.

As there were no further questions the Chairman took Members to a vote on the recommendations as amended, proposed by Councillor Hitchcock and seconded by Councillor Sweatman. These were approved with 9 in favour and 2 abstentions.

RESOLVED

Recommendation A

That planning permission is approved subject to the completion of a satisfactory section 106 Legal Agreement to secure the affordable housing contribution and infrastructure contributions and suggested conditions at Appendix A and as reference on the Agenda Update sheet.

Recommendation B

If the applicants have not entered into a satisfactory s106 Legal Agreement to secure the affordable housing and infrastructure payments by the 2nd February 2024, then

the application should be refused at the discretion of Assistant Director Planning and Sustainable Economy for the following reason;

'The proposal fails to provide the required infrastructure contributions and the required affordable housing Contribution to mitigate the impacts of the development. The proposal therefore conflicts with policies DP20, and DP31 of the Mid Sussex District Plan 2014 – 2031.'

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

None.

The meeting finished at 6.26 pm

Chairman