

**Minutes of a meeting of District Planning Committee
held on Thursday, 10th August, 2023
from 2.00 pm**

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

M Avery	A Eves	R Whittaker
R Bates	R Jackson	
K Berggreen	E Prescott	

Absent: Councillors M Kennedy, A Peacock and C Wood

1. TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Kennedy, Peacock and Wood.

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

For transparency Councillor Bates declared whilst a Member of Haywards Heath Town Council he was a guest at a committee meeting when item DM/22/2272 - Land at Hurst Farm, Hurstwood Lane, Haywards Heath, West Sussex was discussed. He would review the application at item 7 with an open mind.

For transparency in relation to item 6, DM/23/1051 - The Farmers Stores, Gatehouse Lane, Goddards Green, Councillor Jackson advised that he is a member of Hurstpierpoint and Sayers Common but was not on their Planning Committee.

3. TO BE AGREED BY GENERAL AFFIRMATION THE MINUTES OF THE PREVIOUS MEETING HELD ON 13 JULY 2023.

The minutes of the meeting of the committee held on 13 July 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/22/0596 - NCP LTD HARLANDS ROAD CAR PARK, HARLANDS ROAD, HAYWARDS HEATH, WEST SUSSEX, RH16 1LA.

Andy Watt, Senior Planning Officer, set out the application for the clearance of the site and construction of a building containing 64 residential apartments (48 1-bed, 16 2-bed) with associated access, car parking, landscaping and ancillary works. He

drew the Members' attention to the agenda update sheet which detailed one further letter of objection, the design guide principles and an appeal decision relating to car parking provision on a nearby site.

The Senior Planning Officer noted the site topography, site layout, undercroft car parking, provision of cycle parking, ECV charging points, PV panels and floor plans. He highlighted the proposed design to break up the bulk of the building, recessed top floor, retention of trees on the site and fronting onto Milton Road with additional planting. He indicated the roof line of the proposed scheme in relation to the approved scheme DM/17/2384 and advised that all pre-commencement conditions of the approved scheme had been discharged. He noted that this is a brownfield site allocated for housing which makes optimal use of the site in line with Design Principles DG31 and DG32. The loss of the car parking facility has been assessed as acceptable, and there are no objections from the Highway Authority. The scheme is policy compliant, and has an acceptable impact on neighbouring amenity. The developer has conducted a viability report, which was independently assessed on behalf of the council and concluded that no on-site provision of affordable housing will be provided as part of the scheme; instead, a contribution of £155,458 will be sought for off-site affordable housing provision and this will be secured via a Section 106 agreement. During the course of the application, the car parking provision was reduced to improve the landscaping throughout the site.

Jane Wheatley, spoke in objection to the application.

Richard Chitty, spoke in objection to the application.

Damian Wood, agent spoke in favour of the application.

Councillor Bashar, Ward Member for Haywards Heath, Lucastes and Bolnore expressed concern over the number of units, noted the 7-storey building would be opposite Great Heathmead. He highlighted the lack of car parking provision, stating currently there is insufficient car parking spaces. He welcomed the contribution to affordable housing, but requested that Members reconsider the impact of the development on the neighbourhood, especially for residents of Great Heathmead

The Chairman noted the Members disappointment on affordable housing provision on the site, and confirmed a viability assessment system had been carried out in accordance with development plan policy. Due to the smaller dimensions of the apartments, they may not achieve the sales figure of other flats in the area, and there may be less profit. However, the viability of the scheme would be reassessed once 75% of the units are occupied. The Council would then claw back additional monies if higher profits had been achieved on the site; the Council would receive 60% of the additional profit. In response to a Member's enquiry, the Chairman advised that the Council had no control over who purchased the flats as it is a commercial development.

Sally Blomfield, Assistant Director Planning and Sustainable Economy, confirmed the housing mix of 48 1-bed and 16 2-beds meets the District's need and complies with Policy DP30. In terms of affordable housing, there will be a contribution to off-site affordable housing of over 155. The viability of providing onsite affordable housing has been independently assessed by the Dixon Searle Partnership using a prescribed process and methodology. A number of differences with the building costs and a number of residuals have been noted; there could be a surplus. The applicant has agreed to paying the Affordable Housing Contribution and to an advanced stage viability review clause within the Section 106 to review the actual

build costs compared to the estimated build costs when 75% of the units have been sold or let.

Members expressed concern over the car parking provision, the loss of trees, the lack of affordable housing on-site and asked if the results of the viability review would be accessible. Members discussed maximising the potential of the site, the sustainable location of the site and the installation of swift bricks.

A Member advised the benefits of the scheme outweighed the disadvantages and they supported the application.

The Senior Planning Officer noted the trees identified for removal were not protected, were poor quality, a condition would ensure further details on the replacement trees, and condition 12 covered the enhancement of biodiversity. In relation to the loss of the car parking facility, the previous application was accompanied by a report which advised there was sufficient capacity at the weekends, there would be a minimal shortfall for a limited time during the week, and the Highway Authority had not objected to either application. The pandemic had reduced the use of the car park, and it was a private car park over which the Council had no control were it to be unilaterally closed by the owner.

The Assistant Director confirmed the officers would use delegated authority when reviewing the viability assessment and would work with the legal department to claw back any excess profit under the viability review mechanism clause in the section 106 agreement. The documents of the advanced stage viability review will be on the online planning register.

Paula Slinn, Solicitor to the committee, confirmed that if a surplus arises after the advanced stage review has been carried out, the surplus would be shared 60:40 in favour of the Council; and would have to be paid in full to the Council before completion of the sale or letting of the 49th dwelling.

In response to a query regarding Car Clubs, the Chairman advised condition 26 required the applicant to provide a travel plan.

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

RESOLVED

Recommendation A

It is recommended that planning permission is granted subject to the conditions listed in Appendix A and the completion of a section 106 legal agreement to secure the required infrastructure contributions and the necessary affordable housing contribution and the viability review mechanism.

Recommendation B

If a satisfactory planning obligation has not been completed by 25th August 2023 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:

The proposal fails to provide the required affordable housing contribution, the viability review mechanism or the infrastructure contributions. The application therefore conflicts with Policies DP20 and DP31 of the Mid Sussex District Plan and the Mid Sussex Supplementary Planning Documents 'Development Viability', 'Affordable Housing' and 'Development Infrastructure and Contributions'.

6. DM/23/1051 - THE FARMERS STORES, GATEHOUSE LANE, GODDARDS GREEN, WEST SUSSEX, BN6 9LE.

Susan Dubberley, Senior Planning Officer set out the outline application for a proposed mixed use commercial park including a wellness centre Class E(d) indoor sport recreational or fitness and 19 units for Class E(g), B2 or B8 storage and distribution uses. She outlined the location and current use of the site, noting the site is allocated as an existing employment site in the SA DPD. The existing access would be widened to two lanes, would be a complete redevelopment of the site, with a contemporary design to reflect the proposed industrial use, the outdoor open area for the wellness centre was highlighted along with the out-of-date facilities. It was noted that the application complies with SA 34 which supports the expansion of existing employment sites, and makes efficient use of existing employment land. The Wellness centre however would not comply with SA34 but would be ancillary to the main use and integrated into the development so the sequential test would not apply. The design and layout is acceptable, and the development has a neutral impact on highways and drainage.

Sarah Sheath, agent spoke in favour of the application.

The Chairman noted this application was not an officer's delegated decision due to the inclusion of a wellness centre on the site.

Members noted the dilapidated site and welcomed the application. They discussed the proposed installation of green roofs and air source heat pumps and provision of ECVs.

The Officer advised there would be 136 car parking spaces and 20% as passive space for future demand.

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 Bates. The application was approved unanimously.

RESOLVED

It is recommended that planning permission be approved subject to the conditions set in Appendix A.

7. DM/22/2272 - LAND AT HURST FARM, HURSTWOOD LANE, HAYWARDS HEATH, WEST SUSSEX, RH15 7QX.

Steven King, Planning Applications Team Leader, set out the outline application with all matters reserved except for access for the erection of up-to 375 new homes, a two-form entry primary school, burial ground, allotments, open space with associated infrastructure, landscaping and parking areas. He drew the Members' attention to the agenda update sheet which listed additional representations, a change to the date of recommendation B to 10th November 2023, amendment to the description of

the school, removal of duplicate condition 26, and additional conditions regarding archaeology, digital infrastructure and a residential travel plan. He noted that part of the site is within the Lewes District Council area and a duplicate application was approved by Lewes District Council's Planning Committee on 9th August 2023, subject to the completion of a legal agreement. Most of the site is allocated in the Haywards Heath Neighbourhood Plan (HHNP) for approximately 350 dwellings; the Neighbourhood Plan also allocates land on the opposite side of the road. He highlighted the new development permitted by Lewes District Council at the end of Greenhill Way. He noted the constraints of the site, areas of ancient woodland, the relief road, housing on ancient woodland, listed buildings and heritage assets adjacent to the site. The principal difference with the previous application for development the District Council resolved to grant permission for in August 2018 is that the location of the school has been changed. The revised location of the school has been put forward by the applicant because it has better transport links and access; the previous location would have had access through ancient woodland which is no longer acceptable. The previous application was withdrawn in 2021 as the proposed legal agreement was not signed.

The Officer advised the reserved matters application would need to conform with approved parameter plans. The four parcels of land would have their own access points, and a section of Hurstwood Lane would be closed to through traffic. The illustrative layout plans show a perimeter block style road layout with a pedestrian cycle link, junction improvements within the site with further improvements off-site within Haywards Heath. He highlighted the difficulties of adding signals to the junction of Hurstwood Lane and Fox Hill due to existing private access points.

The Officer noted that the application should be considered with reference to the Development Plan; Haywards Heath Neighbourhood Plan (HHNP), District Plan (DP), and Site Allocation Development Plan Document. He confirmed the NPPF is not part of the development Plan but is an important material planning consideration as it is national guidance. Most of the land is allocated in HHNP and the DP; but the application does not wholly conform with the Development Plan due to housing on the east side of Hurstwood Lane. However, the Team Leader advised that Officers considered the overall impact on the wider landscape was acceptable. The Country Park would be transferred to Haywards Heath Town Council providing a permanent area of extensive open space, including allotments and a burial ground. The listed buildings: Hurst House, Hurst Farm and Middle Field Cottages would have some harm to their setting, but this was assessed as less than substantial and it was considered the benefits to the public of additional housing and economic benefits outweighed the harm. The layout plan was a reserved matters and the highest density would be in the centre of the site.

The Highway Authority had not objected to the application, there would be no severe impact on the highway network, and as part of condition 23 a section of Hurstwood Lane would be closed to traffic. This would require a Traffic Regulation Order which is a separate process that is dealt with by WSCC. He highlighted Haywards Heath Town Council's (HHTC) concerns for the junction of Hurstwood Lane and Fox Hill. A safe crossing of Fox Hill would be provided by the installation of a signalised crossing. With regard to biodiversity net gain, the officer advised there is no policy requirement for BNG on the site as the land is an old allocation; however the developer has an aspiration to deliver the BNG 10% net gain which could be secured by a condition. He noted the concerns of third parties about the existing infrastructure, but reminded the Committee that the developer is only required to mitigate the impact of their development. The Committee should determine the application as a whole in relation to the development plan unless material

considerations indicate otherwise. The site is important as part of the Council's 5-year land supply.

Graham Hunt, resident spoke in objection to the application.

Charlotte O'Mahony, agent spoke in favour of the application.

Michael Wood, agent spoke in favour of the application.

Stephanie Howard, agent spoke in favour of the application.

Councillor Stephen Hillier, WSCC Ward Member for Haywards Heath East advised he was generally supportive of the application and noted that Homes England are a good partner, the site was allocated in the District Plan and the primary school is urgently needed. He noted that there have been major incidents at the junction of Fox Hill and Hurstwood Lane, the area is blighted by excessive speed, highlighted the comments of HHTC on speed data and safety, and the complaints of Gamblemead's residents of speed. He acknowledged the work of Ian Glenhill, WSCC Highways and expressed concern that the junction would also be used by future developments after approval by Lewes District Council, along with traffic from Wivelsfield Green when dropping off/collection from the school. He commented that there was no legal requirement for a school to have a travel plan, noted the lack of street lighting. He suggested a 20mph zone and a condition so the Highway Authority were committed to looking at the junction of Fox Hill and Hurstwood Lane to engineer a solution to prevent speeding at the junction.

The Assistant Director noted paragraph 17.2 of the Constitution. The Chairman asked Members to vote whether to continue the meeting once the Committee had been sitting for three hours; the vote was unanimous to continue the meeting.

Councillor Paul Kenny, Ward Member for Haywards Heath, Franklands spoke in objection to the application noting the number of objections on accessibility and access. He expressed concern with the northern junction due to existing issues when joining the by-pass and noted that developments in East Sussex would increase traffic movements. He noted that the junction of Hurstwood Lane and Fox Hill and lighting had already been raised by other speakers. He highlighted that all sustainable transport would go to the top of the Lewes Road by the Birch Hotel. He recognised the need for new housing and was supportive; highlighting the new school affordable housing provision. He queried the provision of 4 bed housing and advised the main issue was access to the site. He questioned whether detailed analysis had been undertaken to provide direct access to site from Rocky Lane. He welcomed the involvement of Homes England, supported the principle of the development. He requested a condition to require a study for direct access to the site from the relief road which would protect the ancient woodland.

The Chairman invited Ian Gledhill to speak on the highway issues raised.

Ian Gledhill, Principal Planner for WSCC Highways advised that the issue was whether improvements at the Hurstwood Lane and Fox Hill that had been suggested by Members were required and were reasonable. He advised that the junction as proposed complies with design standards and after modelling the junction is within capacity. He commented that it was not the developer's responsibility to resolve any existing speeding issues, the proposed puffin crossing on Fox Hill would be installed to create a safe crossing point, and the applicant had accepted conditions that will further measures to enforce the existing speed limit. In response to a question from

the Chairman he confirmed that the signalised junction at the intersection of Hurstwood Lane and the relief road conforms to standards and provides a safe exit on to the A272. He noted the significant change of levels to achieve a direct access to the site and advised it was unlikely to be a feasible option.

The Team Leader in relation to an alternative access to the site, reminded the Committee that they must assess the application that had been put forward. They should give significant weight to the opinions of the Highway Authority, who are the statutory body responsible for the road network within the District, and they had not objected to the application.

Members discussed biodiversity net gain, excess speeding, the topography of the junctions, private accesses at the junction of Fox Hill and Hurstwood Lane, alternative junction layouts at the junction of Hurstwood Lane and Fox Hill, and the width of Hurstwood Lane. They welcomed the provision of a new school. The exposed location of the allotments was highlighted.

The Chairman reiterated that the committee should not redesign the application and the issue of biodiversity net gain was a reserved matter.

In response to a Member's comment the Assistant Director highlighted that condition 22 which required a scheme to deliver speed management.

With regard to the closure of Hurstwood Lane at the junction with Fox Hill, the Principal Planner confirmed various options had been investigated, noted the number of private accesses and thought it would not be feasible. control them within the traffic signal phase. Phasing loops could be incorporated into the signal design to introduce a delay for the green man signal. He noted that Hurstwood Lane is two way and is used by many cars, closing the centre section will reduce some traffic. A mini roundabout was not suitable as an alternative junction as there would be little visibility.

The Assistant Director reminded Members that condition 22 stated that no property accessed from the B112 will be occupied until a scheme for speed management measures has been approved.

The Team Leader reiterated that most of the site was allocated for housing development and the majority conforms with the Development Plan. An extensive area has been allocated for open space and national policy now provides greater protection to the area of ancient woodland alongside Hurstwood Lane. There must be wholly exceptional reasons to accept development that adversely affects ancient woodland, this explains why the school was relocated. He confirmed that the concerns of the Environmental Agency on drainage at the burial ground had been addressed.

The Vice-Chairman noted that overall HHTC supported the application. He highlighted condition 22, speed control measures and that the Highways Authority supported the application. He advised the site is crucial for the Council's 5-year land supply, and the Committee must review the overall scheme. They would have to have valid reasons to refuse the application.

The Assistant Director gave the Committee a brief history of the application and noted the work with the community to date to bring the application forward. The land has been allocated, with land areas set aside for allotments and a burial ground. The

Highway Authority supported the application, and the Committee must consider the application that was in front of them.

Councillor Bates noted his opposition to the application and requested a recorded vote. As no other Members supported him, the request was lost.

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 Avery. The application was approved with 7 votes in favour, 1 vote against and 1 abstention. Councillor Bates requested that his vote was recorded, he abstained.

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, infrastructure contributions and highways works, the primary school land transfer, the burial ground, allotment and country park transfer 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 and highway works, and the primary school land transfer, the burial ground, allotment and country park transfer by 10th November 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, the primary school land transfer, the burial ground, allotment and country park transfer 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.’

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

None.

The meeting finished at 5.29 pm

Chairman