



## **Agenda Update Sheet**

### **Planning Committee**

**Date: 11<sup>th</sup> November 2021**

## ITEM 5

### Application DM/20/4712

#### p. 14 – Balcombe Parish Council

Updated Parish Council comments following re-consultation on Phase 2 Habitat Survey and Net Biodiversity Gain Assessment as follows:

#### 1.0 Background to 2<sup>nd</sup> response from BPC:

This application has been re- advertised following the submission of environmental and other reports. The planning portal now contains many responses from consultees and planning officers. It is now entitled:

*Residential development to provide 17 dwellings made up of 1 and 2 bedroom flats and 3 and 4 bedroom, detached and semi-detached, houses. Associated landscaping, parking, vehicular access and a village car park. Phase 2 habitat survey and net biodiversity gain assessment received 22/09/2021. | Land Adjacent to Balcombe House London Road Balcombe West Sussex.*

#### 2.0 Introduction:

The Parish council's response from January 2021 remains. Nothing has been materially altered in this re-advertised application however several responses from consultees and officers are now available, as are additional environmental/ ecology reports and correspondence between MSDC and developer.

Furthermore, the promised amended application to provide a separate entrance to the village car park has not materialised and so we can only comment on current arrangements and ongoing attempts to deliver the 2<sup>nd</sup> entrance.

The main areas of concern remain as previously:

- The access road location and village car park (see sections 4.2)
- Parking in the development (see section 4.3)
- Overdevelopment of a site originally allocated for approx. 14 units, for 1, 2 and 3 bedroomed properties. (see section 4.1)
- Housing mix (see section 4.4), now including commuted sum for 6<sup>th</sup> affordable unit.

#### 3.0 Consultation:

Throughout the past year BPC have maintained an amicable and easy working relationship with the developers.

Regrettably MSDC have had little or no contact with the PC. The Parish Council's request for a meeting with MSDC in August for a status update and to run through issues on agreeing details of the car park was not answered and when prompted again in September was refused. We have been left to develop arrangements for the village car park in isolation from MSDC and the section 106 agreements.

In 2018, as a result of pre-planning advice given by MSDC on this site, MSDC undertook to provide a more connected approach to developments in Neighbourhood Plan sites by consulting and engaging with the PCs. This has yet again not happened.

#### **4.0 Comments on application:**

##### **4.1 Overdevelopment of the site**

The proposed developed area of the site remains 80% the size of the allocated site in the Neighbourhood Plan and has increased from 14 units to 17. This leads to some of the issues over parking and provision of open space/ biodiversity provision within the site.

The High Weald AONB have commented that they think the site is too densely developed and noted the same issues.

##### **4.2 Car Park**

###### **4.2.1 Location of Highways access and internal arrangement.**

Comments made in January 2021 remain. The access for the carpark running past the houses and flats to the east of the single entrance is not acceptable. It will cause disturbance to residents and lead to misuse of the car park by residents due to inadequate parking arrangements at the flats. It also requires an ongoing maintenance contribution to the management company for the residential development, which is an ongoing financial liability the PC are unwilling to agree to.

In agreement with the developer BPC have negotiated with WSCC for the transfer of a 'ransom' strip of land along the verge from WSCC to BPC in order to facilitate direct access from HH road to a public car park. HOTs have been agreed and the transfer is currently with the WSCC lands/ legal team for the drawing up of legal documents. BPC are currently bearing the cost of this transfer.

Having previously stated they would submit a second application with 2 entrances if BPC could secure the ransom strip, Shanley homes have now promised to present an amended application to MSDC upon receipt of planning permission for the proposal set out here. This however gives BPC no security that a second access can be achieved, so we have no alternative other than to object in the strongest terms to the current single access arrangement.

The Parish Council have little interest in taking on a maintenance and management liability for a carpark that does not meet our requirement for servicing the village centre shops and facilities with a visible, accessible car park that is easily managed.

It should also be noted that Shanley Homes 'could' have purchased the land from WSCC themselves but refused to pay a 'premium' for the land. This would have negated the removal of the hedge at the current proposed entrance location as there is no hedge nearer to the Rectory where the entrance could be. No hedge would be lost, a single access could be provided with the housing and car park splitting as per the previous withdrawn application of 2018. It is the developer's choice not to have done this.

We also note that a tracked vehicle sketch is now provided on the portal showing the refuse lorry turning in the village car park. This is both dangerous and unacceptable. Movements should be accommodated within the residential development.

###### **4.2.2 Pedestrian access to the Car Park**

We note that the RSA raised an issue with the proposed footway from car park to Haywards Heath Road not following a direct route. It recommends the provision of a direct path at the east end of the site. The applicants have proposed that rather than provide this they discourage this route by using planting. Again, this is at odds with the aim to make the car park visible to passers-by, secure and easy to use to access the village centre amenities and shops. It is contrary to the Police's recommendations on visibility and security.

#### **4.2.3 Agreement on provision of village carpark**

This has yet to be achieved. MSDC hold all the decision cards but have refused to either include this in s106 negotiations or to help BPC achieve the car park. We have been left to negotiate with no bargaining power. Shanley have agreed to send BPC further details of paving, kerbs, planting and actual area of transfer of land, but this has yet to be received.

#### **4.3 Parking for flats and houses**

Previous comments in January 2021 stand. Tandem parking for the houses is problematic and will lead to on road parking.

Parking at the flats is inadequate and residents will have to cross the car park access road to reach the spaces. This is not a good arrangement.

This is caused by an overdeveloped site.

#### **4.4 Housing mix**

The 4 bedroomed house remains, contrary to the policy for this site, but now it would seem that a 6<sup>th</sup> affordable unit is to be provided as a commuted sum for a partial unit. Where is this to be accommodated? What will MSDC do to ensure that this is in Balcombe?

The land here is given over to development in order to provide affordable (small) homes within the village. That is the 'need' identified within the village. The market housing is largely in order to provide the affordable element. This is a village entirely in the AONB and affordable housing resulting from it must be provided within the AONB. We would argue that it should be provided within the same parish from which the requirement arises.

We Strongly object to the provision of a proportion of the due affordable element by commuted sum whilst the site also profits from a larger unit out of policy. This is unacceptable.

It's worth mentioning that the closure of the housing association owned flats at Wynstay (this last weekend) with the housing provider intent on selling the building and using the funds in East Grinstead removes 6 or 7 affordable homes from the Parish, and there has been no council resistance to this from MSDC.

#### **4.5 Amenity space at the flats**

As we commented in Jan 2021 the shared amenity space at the flats is less than desirable. The previously withdrawn application had individual gardens where outside spaces were alongside the flat to which they belonged. Noise/disturbance from outside activities was localised and direct access to a private outside space provided from all flats. We helped develop this strategy with the then developer and were really pleased that the arrangement met the ideals of our NP. The current shared and overlooked arrangement is far from perfect

and again is a function of the overdevelopment of the site. Side gardens and better parking could be achieved by removal of the 2 housing units next to the flats.

#### **4.6 Ecology/ Environmental loss and gain**

Since new reports are now provided we have a few comments on the ecology loss and gain proposals.

There is little or no attempt to provide mitigation for loss of central woodland on the site and yet an area approx. 20% of the allocated site sits unused by the current proposal in the far northern part of the site, beyond the car park. This could easily be used for mitigation or open space.

Placement of the current access removes 60m of hedgerow but could be avoided if the applicants acquired the verge strip from WSCC and placed the access where there is no existing hedge. This seems counter productive on all parts. Replacement plans for new hedgerow as described are tenuous and provide no real new habitat.

**Please read the fuller commentary in Balcombe Parish Councils response in January 2021.**

#### **Pg. 11 Executive Summary**

3<sup>rd</sup> para down, should refer to para 202 of the NPPF.

**Pg. 43 Local Community Infrastructure Contribution** to be spend on traffic calming and / or cemetery provision and / or upgrade footpath 8 (path to access Ardingly Reservoir).

#### **Pg. 47 Planning Balance and Conclusion**

7<sup>th</sup> para down, should refer to para 202 of the NPPF.

The public car park is to be secured through the S106 legal agreement.

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