

**Minutes of a meeting of District Planning Committee  
held on Thursday, 20th October, 2022  
from 2.00 pm - 3.34 pm**

**Present:** D Sweatman (Chairman)  
B Forbes (Vice-Chair)

R Bates  
P Coote  
A Eves

S Hatton  
R Jackson  
C Laband

G Marsh  
R Whittaker

**Absent:** Councillors A Peacock and C Trumble

**Also Present:** Councillors Henwood, Phillips & Salisbury.

**1. TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillors Peacock & Trumble.

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

Councillor Marsh declared a non-predetermined interest in Item 5: DM/21/1653 - Byanda, Brighton Road, Hassocks, BN6 9LX as he is Mid Sussex District Council's representative on the South Downs National Park Authority who have objected to the application. He confirmed that comes to the meeting with an open mind to consider the representations of the public, officers and Members of the Committee.

**3. TO CONFIRM MINUTES OF THE PREVIOUS MEETING OF THE DISTRICT PLANNING COMMITTEE HELD ON 15 SEPTEMBER 2022.**

The minutes of the meeting of the committee held on 15 September 2022 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/21/1653 - BYANDA, BRIGHTON ROAD, HASSOCKS, BN6 9LX**

Susan Dubberley, Senior Planning Officer, introduced the application which sought planning permission 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 and boundary treatment. She drew attention to the Agenda Update Sheet which included an additional condition and correction of typographical errors.

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

Jon Jayal, Local Resident, spoke in objection to the application.

Jon Jayal, spoke on behalf of Sadie Roberts another Local Resident, spoke in objection to the application.

Tina Ainslie, Local Resident, spoke in objection to the application.

Peter Toother, Agent, spoke in support of the application.

Julian Burgess, Applicant, spoke in support of the application.

A Member enquired whether there are lifts within the building for the purposes of evacuating people in cases of fire.

The Senior Planning Officer replied that there are lifts within the building and pointed that people would not be able to use lifts in cases of fire. In any event this would be a matter for Building Regulations.

The Chairman highlighted the main aspects of the application. He also confirmed that the Urban Designer is happy that the application sits well within the site.

A Member questioned whether the Design and Review Panel visited the site due to its unique topographical change in levels.

The Senior Planning Officer explained that the Design and Review Panel does not visit sites however the Urban Designer has and is content that his concerns and those of the DRP have been addressed.

A number of Members felt concerned that the site was too big and overbearing.

The Senior Planning Officer outlined the site and the extant permission.

A Member believed the application before the Committee is worse than extant permission of four buildings given the spread of the buildings across the site compared to the one big building. He noted similar applications for C2 use that are not even comparable in terms of size.

A Member complimented the design but agreed the size is considerable given the location. He expressed concern over the impact of privacy and sought clarification on the distance between the western side of the proposed building and properties to the west.

The Senior Planning Officer referenced P.32 of the Report and clarified that the distance is 24m.

A Member stated that the development would certainly draw eyes of walkers on the South Downs.

A Member felt content about the access as long as it complies with West Sussex County Council (WSSCC) Highways and noted that rights of access are a legal matter for the neighbours to negotiate.

The Chairman highlighted that the access will be widened in addition to a footpath being built and confirmed it will still enable a bin lorry and a car to pass. He also stated that the applicant has access rights to the plot.

A Member accepted the application before the Committee however noted a potential legal dispute.

Zak Moallim, Corporate Solicitor, explained that any agreement or potential agreement between parties are not relevant planning considerations.

A number of Members believed that access is likely not going to be used by people on foot due to the nature of care homes using cars and minibuses as well as the gradient of the access road into the site which would challenge the fittest of individuals.

A Member raised concerns over the access to the bin store using the collection freighters and the difficulties in collecting the waste due to the gradient of the site.

The Senior Planning Officer responded by confirming that the bin stores are to the west of the site and tracking has been done to enable the contractors to access and turn around on land the applicant has access rights over.

A Member believed the application to be counter to District Plan (DP) Policy 26 and Site Allocations (SA) Housing Site 38 and that no amount of electric vehicle charging points will mitigate the impact.

A Member referenced P.37 and asked for the officer's comment on the applicant's provision of a drainage strategy.

Natalie James, Drainage Engineer, stated that the applicant has shown that in principle the site could be satisfactorily drained with a soakaway with discharge to the north and a permeable pavement however both options will require an investigation secured through a condition.

The Chairman asked if either option required third-party consent.

The Drainage Engineer confirmed that the discharge off site to the north will require third-party consent however that will be a private matter to be dealt with once the designs have been made.

The Chairman noted that the consent sits outside of the planning remit.

A Member questioned whether there be a pumping station on site.

The Drainage Engineer explained that there is however the pumping station is for foul drainage however not for surface water drainage.

A Member noted that the soakaway to the north is stated as a public waterflow area.

The Drainage Engineer replied that the area is not in the ownership of the applicant and they would require consent to use it.

A Member asked if the officer was satisfied that the condition and building regulations can cover the surface water.

The Drainage Engineer responded that the drainage condition covers both foul and surface water and that is an intention to place surface water underneath as the surface is permeable to work in a similar way to a soakaway.

A Member believed it to be regrettable that ecology investigations were only done in 2 of the 3 ponds on the site.

The Chairman said it was regrettable there is any loss of ecology however noted the extant permission on the site.

A Member accepted that the loss is determined by the extant permission.

Steven King, Planning Applications Team Leader, explained that the issue of ecology is one that should be considered along with all the other policies. He noted the reference in the Report which stated conflict with DP38 as a result of the proposal but drew attention to the fall-back permission of the four separate buildings. He added that survey work has found no protected species on the site and believed that the weight of compliance with the other policies identified in the development plan, together with the support in national policy for this type of accommodation and the fact that there is an extant permission on the site outweighs the conflict with policy DP38.

A Member raised concerns over the potential subsequent change of use if permission is granted from a C2 care home unit to C3 residential unit which was believed to be easier to obtain once the site had been constructed.

The Chairman said the Member had to consider the application before the Committee.

The Planning Applications Team Leader added that there isn't a permitted development right to change from a C2 use to a C3 use and if someone were minded to do so then it would require full change of use planning permission.

Councillor Marsh reiterated his objection to the application over concerns of the dominating size of the proposal and believed it unacceptable to construct a care home of this size on the site. He moved a motion to refuse the application on the grounds of it being overbearing due to its size.

The Chairman highlighted that there is a critical need for this type of accommodation in the District which is a material consideration.

The Member did not disagree that is not a need for the site however he did disagree about the size of the site which he stated is far too big.

The Planning Applications Team Leader echoed the comments of the Chairman regarding need and stated that in recent appeals within the District the Planning Inspectors had given significant weight to the need for this type of proposal. He explained that it is a judgement for the Committee as to whether there is harm from the size and scale of the proposal however he noted that it would be difficult to demonstrate wider landscape impact give the garden centre next to the site and the fact that the site is well enclosed and is at a lower level than the Brighton Road.

A Member stated that the size and scale of the site would also result in a loss of privacy to nearby residents and felt it contravened Hassocks Neighbourhood Plan Policy 9.

Councillor Marsh put forward his motion to refuse the application against the officer recommendation due to the mass, size and domination of the building in the context of the surrounding area which causes undue harm to nearby residents and neighbouring amenity.

The Chairman noted the motion to refuse the application, proposed by Councillor Marsh and seconded by Councillor Coote, so took Members to vote on the motion which was agreed with five votes in favour, two against, and three abstentions.

### **RESOLVED**

That planning permission is refused due the design and scale of the building being too large and inappropriate for the site.. The detailed wording of the reason for refusal was to be agreed by the Officers in consultation with the Chairman.

### **6. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

The Chairman confirmed that no questions were received.

The meeting finished at 3.34 pm

Chairman