

**Minutes of a meeting of Planning Committee
held on Thursday, 13th October, 2022
from 4.00 - 7.10 pm**

Present: G Marsh (Chairman)
P Coote (Vice-Chair)

P Brown	T Hussain	R Webb
R Eggleston	C Phillips	
B Forbes	D Sweatman	

Absent: Councillors R Cartwright, J Dabell and M Pulfer

Also Present: Councillors Adams, Henwood & Trumble.

The Chairman noted the number of speakers present for particular items so proposed a new running order for the agenda. He confirmed that the order will run as follows:

5. DM/22/2015 – Land North of Staplefield Rd, Slaugham, RH17 6AG.
6. DM/22/0640 – Land north of Rydon, Reeds Lane, Sayers Common, BN6 9JG.
7. DM/22/0732 – Rear of 62-68 Folders Lane, Burgess Hill, RH15 0DX.
8. DM/22/2162 – 15 Portsmouth Lane, Lindfield, RH16 1SE.
9. DM/22/2160 – 15 Portsmouth Lane, Lindfield, RH16 1SE.
10. DM/22/2336 – 18 The Grange, Hurstpierpoint, BN6 9FD.
11. DM/22/2490 – Hickmans Lane Pavilion, Lindfield, RH16 2PX.
12. DM/22/2620 – Fat Face, The Orchards, Haywards Heath, RH16 3TH.
13. DM/22/2751 – Site of Former Martlets Hall, Burgess Hill, RH15 9NN.
14. DM/22/2034 – Land south of 25 & 27 Holtye Road, East Grinstead, RH19 3HT.
15. DM/22/2828 – Lidl, 38 The Martlets, Burgess Hill, RH15 9NN.

1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Dabell, Cartwright and Pulfer.

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

Councillor Eggleston declared personal interests in; Item 7: DM/22/0732 – Rear of 62-68 Folders Lane, Burgess Hill, RH15 0DX as he has advised the South Of Folders Lane Action Group (SOFLAG) on matters relating to the Site Allocations DPD; Item 13: DM/22/2751 – Site of Former Martlets Hall, Burgess Hill, RH15 9NN as he is the Leader of Burgess Hill Town Council who have made previous applications for the site; and Item 15: DM/22/2828 – Lidl, 38 The Martlets, Burgess Hill, RH15 9NN as he the Director of Burgess Hill CIC who are a tenant of the Martlets.

3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 8 SEPTEMBER 2022.

The minutes of the meeting of the Planning Committee held on the 8 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/22/2015 - LAND NORTH OF STAPLEFIELD ROAD, SLAUGHAM, RH17 6AG.

Lesley Westphal, Senior Planning Officer, introduced the report which sought planning permission for the change of use of the former nursery site to use for a Transit Site for Gypsy/Traveller's, comprising the formation of 6 Touring Caravan Pitches for nomadic use only, and the erection of 6 utility buildings, as well as the formation of a children's play area.

Cllr David Dunn, Slaugham Parish Council, spoke in objection of the application.

Romily Fowler, local resident, spoke in objection of the application.

James Keating, local resident, spoke in objection of the application.

Cllr Kristy Adams, Ward Member for Bolney, expressed support for the refusal. She stated that there was no planning need for a transit site because MSDC have worked with its partners to provide that provision elsewhere. She added that the site is in a countryside area of development restraint and in the High Weald AONB.

The Chairman supported the officer's recommendation. He reiterated that there is no need for this site within the AONB and that MSDC pay towards a site in Chichester which is currently undersubscribed.

A Member seconded the recommendation as the site contravenes District Plan policies DP12, DP16, DP26 & DP33.

A Member felt the site was unsustainable.

The Chairman then noted no further Members wished to speak so moved to the officer recommendation to refuse the application, which was proposed by Councillor Coote and seconded by Councillor Eggleston, which was approved unanimously.

RESOLVED

That permission be refused for the reasons set out in Appendix A.

6 DM/22/0640 - LAND TO THE NORTH OF LYNDON, REEDS LANE, SAYERS COMMON, BN6 9JG.

Joanne Fisher, Senior Planning Officer, introduced the report which presented a hybrid application seeking full planning permission sought for 36 one, two, three and four bedroom dwellings (including 30% affordable housing), associated infrastructure, landscaping, pedestrian and vehicular access from Reeds Lane and the demolition of Lyndon; and outline permission sought for 2 three bedroom self/custom build plots at land to the north of Lyndon, Reeds Lane, Sayers Common.

Tom Clark, Corporate Solicitor, read out a representation from Ian Simmons, a local resident who spoke in objection of the application.

Fay Goodson, applicant, spoke in favour of the application.

A Member enquired why photovoltaic solar panels need planning permission as he thought that permission was not required. He also enquired whether this was also the case for solar thermal panels.

Steve Ashdown, Planning Team Leader for Major Development & Enforcement, replied that usually solar panels can usually be installed under permitted development rights, however, Permitted Development Rights only apply once a dwelling has been completed and the suggested condition would enable the applicant flexibility, should they need it, to install them by providing details to satisfy the condition, instead of through a separate planning application.

The Member suggested the wording be revised to solar energy panels to cover all types of solar panels. Officers agreed that the suggested change to the wording of the condition was acceptable.

The Chairman then noted no further Members wished to speak so took Members to the recommendation, proposed by Councillor Coote and seconded by Councillor Forbes, which was approved unanimously.

RESOLVED

Recommendation A

That planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure infrastructure contributions and affordable housing and the conditions set in Appendix A and the Agenda Update Sheet.

Recommendation B

That if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and affordable housing by the 13th January 2023, then it is recommended that permission be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reasons:

1. 'The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure and affordable housing required to serve the development.'

7 DM/22/0732 - REAR OF 62-68 FOLDERS LANE, BURGESS HILL, RH15 0DX.

Rachel Richardson, Senior Planning Officer, introduced the report which sought full planning permission for 17, one, two, three and four bedroom dwellings and the replacement of 64 Folders Lane, Burgess Hill in addition to new access and associated infrastructure. She stated that the map displayed in the agenda is incorrect and drew Members' attention to the Agenda Update Sheet which provided the correct map.

Ed Cookson, applicant, spoke in favour of the application.

Andrew Black, agent of the applicant, spoke in favour of the application.

Cllr Janice Henwood, Ward Member, spoke in objection to the application. She felt that because of Site Allocation 13 the settlement boundary of Burgess Hill has extended and this plot is in Burgess built up area therefore Burgess Hill Neighbourhood Plan (BHNP) Policy H2, relating to backyard development, applies. She felt that the loss of 30 trees contravened BHNP Policy H3 and District Plan (DP) Policy DP37 and drew attention to the comments of the Tree Officer who noted the further impact on the green nature of Folders Lane. She asked whether it was realistic that a development that has 44 car parking spaces would only result in 7-9 traffic movements during peak hours as quoted by West Sussex County Council (WSCC) Highways and highlighted that there is no signal crossing over Folders Lane to access the nearest play space requiring children to cross the busy lane. She requested that applications have a water treatment assessment and that the application set a condition that no construction vehicles park on the road adjacent to the site.

The Senior Planning Officer replied that the applicants can remove the trees at their wish as they are not protected however the trees that front Folders Lane are with no proposal to remove them. She also confirmed that the Tree Officer did not raise an objection in principle and suggested a condition to mitigate the harm as well as confirming the play space, whilst not provided on the site, will be provided through secured financial contributions.

Tom Clark, Corporate Solicitor, explained that as the application is beyond the Neighbourhood Plan Boundary for Burgess Hill and the policies of the BHNP do not apply outside of the Neighbourhood Plan boundary..

The Chairman noted that WSCC Highways have not raised an objection.

A Member believed the access to be narrow and asked whether the waste collection service can access and turn around their freighters.

The Chairman confirmed that the waste collection service has different sized vehicles however it has been identified that the larger freighters can access the properties.

A Member enquired how much Total Access Demand (TAD) contributions will be given and whether the money will be going to put a cycle and walking path on Folders Lane. He also enquired if a Swept Path Analysis has taken place.

The Chairman replied that TAD Contributions total £66,099 and that WSCC Highways are working with Burgess Hill Town Council (BHTC) to get a scheme that benefits the whole town.

The Senior Planning Officer added that applicant has submitted a Swept Path Analysis and WSCC Highways are content with it.

A Member sought clarification on the reasons for refusal for the previous applications in 2010 & 2011. He also noted that the site did not come forward through the Site Allocations DPD and questioned why it was excluded from the process. He believed an argument could be made for backland development and that the design of the dwellings is not compatible with the other designs in the area.

The Senior Planning Officer explained that the previous sites were not within the built-up area boundary and they were in the countryside for the purposes of planning policy. The application came forward as a windfall site so will be considered under DP6 of the District Plan, in accordance with the development plan. She deemed the

design to be high-quality, with each unit given a variety of mixed styles picking up the local character of the area.

The Vice-Chairman raised concerns that if a waste collection freighter were to exit the entrance of the site and have a car coming in then passing would be challenging as he experiences it on his own housing estate.

The Senior Planning Officer reiterated that WSCC Highways have not raised an objection.

A Member sought a confirmation as to what the total area of the site under the construction, as the redline includes a large garden to the property at the front of the site, which impacts on the overall density stated in the report.

The Planning Team Leader for Major Development & Enforcement confirmed that the area of development includes everything in the redline of the application site, and the density set out in the report is correct. It was highlighted that the proposed density is slightly less than what you would normally expect to see within built up area.

The Chairman then noted no further Members wished to speak so took Members to the recommendation, proposed by Councillor Coote and seconded by Councillor Sweatman, which was approved with five votes in favour and four against.

RESOLVED

Recommendation A

That full permission be granted subject to conditions listed in the appendix and the satisfactory completion of a Section 106 Agreement to secure financial contributions for infrastructure improvements and affordable housing provision.

Recommendation B

That if the applicants have not submitted a satisfactory signed S106 Legal Agreement/or legal undertaking securing the necessary infrastructure payments and affordable housing provision by the 13th January 2023, then permission be refused at the discretion of the Assistant Director for Planning and Sustainable Economy, for the following reason:

'The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development and the required affordable housing provision.'

8 DM/22/2162 - 15 PORTSMOUTH LANE, LINDFIELD, RH16 1SE.

Caroline Grist, Planning Officer, introduced the report which sought planning permission for a two storey side extension, single storey rear extension, new roofs over existing dormer windows and a new porch canopy at 15 Portsmouth Lane, Lindfield.

Tom Clark, Corporate Solicitor, read out a representation from Ryan Lewry, applicant, in favour of the application.

A Member confirmed he had visited the site and noticed a neighbouring property had a garage in a similar position. The Chairman clarified that the Planning Officer had advised that the whole property was moved forward of the street line

The Chairman also confirmed he had visited the site and understood both sides of debate. He believed the application to be subjective and after speaking to the Ward Member was aware that no one has complained about the proposals.

A Member felt the Committee should be consistent with its planning policies. He stated that it was forward from the boundary line and whilst the trees can be removed they could also be there forever. He stressed the need for consistency however and supported officer's recommendation.

The Chairman then noted no further Members wished to speak so t moved to the officer recommendation to refuse the application, which was proposed by Councillor Sweatman and seconded by Councillor Coote, which was approved with nine votes in favour and two against.

RESOLVED

That permission is refused for the reason outlined at Appendix A.

9 DM/22/2160 - 15 PORTSMOUTH LANE, LINDFIELD, RH16 1SE.

Councillor Forbes noted that the application presented is the same as the previous so proposed that the presentation is not needed.

The Chairman noted Councillor Forbes' proposal which was seconded by Councillor Coote and took Members to vote on the recommendation which was approved unanimously.

RESOLVED

That permission be granted subject to the conditions outlined at Appendix A.

10 DM/22/2336 - 18 THE GRANGE, HURSTPIERPOINT, BN6 9FD.

Andrew Clarke, Senior Planning Officer, introduced the application which sought planning permission for the retention of a rear dormer window. The application has been referred to the planning committee by the ward members.

Yvonne Tyler, applicant, spoke in favour of the application.

Councillor Colin Trumble, Ward Member, spoke in support of the application. He relayed the issues faced by the owner Yvonne Tyler and confirmed that the builder who built the window is no longer in business. He considered the application not to be a projecting balcony and referred to the officer's comment that there is no significant overlooking. He believed that the application would be approved under permitted development rights. He explained that the applicant has sought another builder to remediate the work and has so far been unsuccessful in doing so receiving responses that the work is not economical and will be time-consuming. He stated that both himself and fellow Ward Member Cllr Bennett support the application and asked the Committee to consider the application on a practical basis.

The Senior Planning Officer clarified that whilst some criteria of permitted development were complied with due to the presence of the balcony and when the development was built it would require planning permission and cannot benefit from permitted development rights.

The Chairman asked what would occur if the Committee were minded to refuse the application be not pursue enforcement action.

The Senior Planning Officer responded that the time limit of four years to address a breach of planning control is approaching and if reached would become lawful by default.

The Chairman recalled a similar application in East Grinstead earlier in the year and whilst the Committee was sympathetic it has to be consistent and refuse. He asked whether the applicant will have time to find a builder should the Committee be minded to vote for the recommendation.

The Senior Planning Officer outlined that the period of compliance for the enforcement notice would be 12 months therefore there should be adequate time to do so.

A Member also expressed sympathy to the applicant and found comfort that there is 12 month window to find an alternative builder.

A Member referred to the Mid Sussex Design Guide and whilst expressing sympathy the design was not compliant with the objectives of the SPD and the policies of the development plan.

The Chairman then noted no further Members wished to speak so took Members to vote on the recommendation, proposed by Councillor Coote and seconded by Councillor Eggleston, which was approved with seven votes in favour, one against and one abstention.

RESOLVED

That permission be refused for the reason set in in Appendix A and that an Enforcement Notice be issued.

11 DM/22/2034 - LAND SOUTH OF 25 & 27 HOLTYE ROAD, EAST GRINSTEAD, RH19 3HT.

Anna Tidey, Planning Officer, introduced the application which sought the determination of prior approval for a new 5G telecoms installation comprising of a 15m high H3G street pole and additional equipment cabinets sited on land south of 25 and 27 Holtye Road and adjacent to the mini roundabout at the junction of Holtye Road and Blackwell Farm Road in East Grinstead.

A Member believed that the 5G mast would be distracting for drivers and would cause a detrimental impact to the street scene. He proposed that the Committee move as recommended.

The Chairman noted no further Members wished to speak so took Members to the recommendation, proposed by Councillor Coote and seconded by Councillor Sweatman, which was approved unanimously.

RESOLVED

That the application be refused for the reason set out at Appendix A.

12 DM/22/2490 - HICKMANS LANE PAVILION, LINDFIELD, RH16 2PX.

Anna Tidey, Planning Officer, introduced the application which sought planning permission for changes to the use of, and for internal and external alterations to, the Hickmans Lane Pavilion located on the recreation ground off Hickmans Lane in Lindfield. She confirmed that the application is being reported to committee as MSDC is the landowner.

A Member noted the support of the Parish Council and highlighted the comments in the representations referring to the sale and consumption of alcohol however he stated that all those concerns are matters to be dealt with the Licensing Department.

The Chairman noted no further Members wished to speak so took Members to the recommendation, proposed by Councillor Coote and seconded by Councillor Sweatman, which was approved unanimously.

RESOLVED

That permission be granted subject to the conditions listed at Appendix A.

13 DM/22/2620 - FATFACE, UNIT B, THE ORCHARDS, HAYWARDS HEATH, WEST SUSSEX, RH16 3TH.

The Chairman confirmed that the Committee did not require a presentation from the officer so took Members to the recommendation, proposed by Councillor Coote and seconded by Councillor Sweatman, which was approved unanimously.

RESOLVED

That the application be approved subject to the conditions outlined at Appendix A.

14 DM/22/2751 - SITE OF FORMER MARTLETS HALL, BURGESS HILL, RH15 9NN.

Steve Ashdown, Planning Team Leader for Major Development & Enforcement, introduced the application which sought temporary permission for the creation of a pop up urban park on the site of the former Martlets Hall, in Burgess Hill Town Centre. He confirmed that site is currently derelict and made up of a hard surfaced area.

A Member referenced the Mid Sussex Design Guide and stated that whilst the application is not a material development it is however a symbolic one. He felt disappointed the applicant had not approached him as Ward Member or Burgess Hill Town Council before the application was submitted. He raised concerns regarding the surface of the site, the provision of green coverage throughout the year and the shipping container kiosk. He questioned whether the kiosk would require power, water and drainage.

A Member drew attention to residents who have mobility problems and asked for a variety of benches, so that they are accessible to all.

The Planning Team Leader for Major Development & Enforcement explained that Condition 2 encompasses landscaping elements such as the benches and table tennis tables as well, and Condition 3 covers the external appearance of the kiosk. He added that, as he understands it, the kiosk will not require utilities.

The Chairman encouraged communication Burgess Hill Town Council and Mid Sussex District Council to ensure the setting is right and progressed well.

A Member enquired who would be responsible for the maintenance of the planting around the site.

The Chairman confirmed it is the Council's contractor idVerde.

A Member referenced the seating request for those with mobility issues and suggested signs be erected to direct users.

The Chairman confirmed that the Planning Team Leader for Major Development & Enforcement had noted the suggestions from Members and then noted that no further Members wished to speak so took Members to the recommendation, proposed by Councillor Eggleston and seconded by Councillor Hussain, which was approved with eight votes in favour and one abstention.

RESOLVED

That permission be approved subject to the conditions set out in Appendix A.

15 DM/22/2828 - LIDL, 38 THE MARTLETS, BURGESS HILL , RH15 9NN.

Stephen Ashdown, Planning Team Leader for Major Development & Enforcement, application seeks a determination under the prior notification procedure as laid out under Schedule 2, Part 4, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the use of the former Lidl building (unit 38) and Martlets Heights - (unit 49) in Burgess Hill town centre for commercial filming purposes. He also directed Members' attention to the Agenda Update Sheet which corrected that the Martlets Hall isn't been used as parking as this is instead provided under the former Lidl building.

A Member suggested that fellow Members watch the ITV drama Grace, commended the work of the camera tech in how they changed the appearance of the Lidl building in the series and fully supported the recommendations.

The Chairman noted that no Member wished to speak so took Members to the recommendation, proposed by Councillor Eggleston and seconded by Councillor Hussain, which was approved unanimously.

RESOLVED

Members agreed that Prior Approval is not required, and the proposal can therefore proceed in accordance with the submitted details.

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

None.

The meeting finished at 7.10 pm

Chairman