

**Minutes of a meeting of Planning Committee  
held on Thursday, 15th July, 2021  
from 4.00 - 6.47 pm**

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

J Dabell  
R Eggleston  
B Forbes

C Phillips  
M Pulfer  
D Sweatman

N Walker

**Absent:** Councillors R Cartwright, E Coe-Gunnell White and S Hatton

**Also Present:** Councillors J Ash-Edwards and R de Mierre

**1 TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillors Coe-Gunnell White, Cartwright and Hatton.

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

Councillor Pulfer declared an interest in item 5 as he is a Member of Haywards Heath Town Council Planning Committee but he comes to the meeting with an open mind.

**3 TO CONFIRM THE MINUTES OF THE MEETINGS OF THE COMMITTEE HELD ON 8 APRIL AND THE MEETING OF THE ANNUAL PLANNING COMMITTEE HELD ON 28 APRIL 2021.**

The minutes of the meetings of the Planning Committees held on 8 April and 28 April 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 had no urgent business.

**5 DM/20/3310 - 23-25 BOLNORE ROAD, HAYWARDS HEATH, WEST SUSSEX, RH16 4AB.**

Andy Watt, Senior Planning Officer introduced the application for the demolition of 25 Bolnore Road and garage to 23 Bolnore Road and the erection of a 67 bedroom residential care facility with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment. He also drew Members attention to the amendments and conditions noted in the Agenda Update Sheet.

He took Members through the access arrangements and location of the proposed building within the site and noted that the Norway Maple Tree will be retained as part

of the application. He also noted the planning history as the site benefits from permission for 15 sheltered dwellings and therefore the principle of the demolition of Number 25 Bolnore Road and 2 garages has already been established and could be implemented.

The new application amends the proposed layout and landscaping following consultation with the Urban Designer. It is now proposed to be a single block of 4 stories with set back entrance with landscaping retained to the front. There will be 20 parking spaces plus an ambulance bay residents' gardens to the side and front and an orchard with managed access as well as a staff break out area. The application is also for a change of use from C3 to C2 and therefore no affordable housing requirement applies.

Zeb Nash-Henry provide a written statement in opposition to the application to be read in his absence and Lulu Kaynes also spoke against the application.

Damien Wood developer spoke in support of the application.

Councillor de Mierre spoke as Ward Member for the application noting concerns about overdevelopment of the site and that it is out of character with the area which may impact negatively on neighbouring properties. She noted that the road was protected when access to Bolnore Village Phase 4 was planned and raised concern over the future of 23 Bolnore Road as to whether it would be possible to sell as a private residence with the proposed car parking right up to the rear of the property.

A Member noted the significant number of care homes already within Haywards Heath but it was also noted that the market suggests a number of elderly residents looking to downsize into suitable application, therefore making family houses available. Discussion was held around the construction management plan to ensure all contractor vehicles are parked on site following demolition, that dust suppression takes place during demolition and that there is wheel washing apparatus on site. It was also confirmed that electric charging points will be available on site. The Senior Planning Officer confirmed that wheel washing is included in the current construction management plan conditions as recommended by the Highways Authority and with Members in agreement the dust suppression will be added to this condition as well.

The Chairman took Members to a recorded vote on the item. This was proposed by Councillor Coote and seconded by Councillor Pulfer and agreed unanimously.

Councillor	For	Against	Abstain
P. Coote	y		
J. Dabell	y		
R. Eggleston	y		
B. Forbes	y		
G. Marsh	y		
C. Phillips	y		
M. Pulfer	y		
D. Sweatman	y		
N Walker	y		

## **RESOLVED**

That the application be approved subject to the following recommendations and amendments contained in the Agenda Update Sheet:

### **Recommendation A**

That subject to the completion of a satisfactory S106 Legal Agreement and/or legal undertaking to secure the required level of infrastructure contributions, planning permission be granted subject to the conditions set out in Appendix A.

### **Recommendation B**

If by 15 October 2021, the applicants have not submitted a satisfactory signed S106 Legal Agreement and/or legal undertaking securing the necessary financial contributions, then it is recommended that planning permission be refused at the discretion of the Divisional Leader for Planning and Economy for the following reason(s):

*'The application fails to comply with Policy DP20 of the Mid Sussex District Plan and paragraphs 54 and 56 of the National Planning Policy Framework in respect of the infrastructure required to serve the development.'*

## **6 DM/20/4659 - LAND SOUTH EAST OF TILTWOOD EAST, HOPHURST LANE, CRAWLEY DOWN, WEST SUSSEX, RH10 4LL.**

Susan Dubberley, Senior Planning Officer introduced the application for 3 detached dwellings each with detached garages. The site is designated as within the countryside in the District Plan and the site is within 7km of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). The Senior Planning Officer noted that the southern edge of the site is contiguous with the built-up area boundary of Crawley Down and as it proposes only three dwellings it therefore complies with policy DP6. The proposal does not result in an incursion into the wider countryside and therefore the quality of the rural and landscape character of this part of the District is maintained, thereby complying with policy DP12.

It was noted as a material consideration that there is extant approval for 2 properties on the site and that there are new houses on the estate from prior applications, as well as other new applications which have been granted. It was also noted that Worth Parish Council has objected on the grounds of piecemeal development which has resulted in a loss of affordable housing, however this is due to the estate not being under the ownership of one individual.

A Member noted the multiple applications for the site had resulted in more traffic on the lane into Hophurst Road which was of concern to local residents. The Chairman acknowledged the concern but noted that the current application had to be considered individually and no objections had been raised by the Highways Authority.

A Member queried the lack of construction management plan for this application. The Senior Planning Officer confirmed that a plan was not required as it was a small development, and similar applications on site also did not require one in the past. A Member requested that Officers make it clear to the contractors that the site should be kept tidy.

The Chairman took Members to a recorded vote on the item. This was proposed by Councillor Coote and seconded by Councillor Phillips and agreed unanimously.

Councillor	For	Against	Abstain
P. Coote	Y		
J. Dabell	Y		
R. Eggleston	Y		
B. Forbes	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		
N Walker	Y		

## RESOLVED

That permission be granted subject to the following recommendations:

### Recommendation A

That planning permission be granted subject to the completion of a section 106 legal agreement to secure the necessary SAMM and SANG contributions and the conditions listed in the appendix.

### Recommendation B

That if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary SAMM and SANG payments by 15th October 2021 then the application should be refused at the discretion of Divisional Lead for Planning and Economy for the following reason:

*The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, policy DP17 of the District Plan and Paragraph 175 of the National Planning Policy Framework.*

## 7 **DM/21/0041 - HUMPHREYS BAKERY, 65 HIGH STREET, LINDFIELD, WEST SUSSEX, RH16 2HN.**

Hamish Evans, Planning Officer introduced the application for a change of use of the bakehouse to residential C3 use. He noted that the Highstreet to the east is a mixture of residential and commercial properties and the site is within the Lindfield built up area boundary, Lindfield Conservation Area and the setting of a Grade II\* Listed Building to the east of site.

In discussing the proposal for a 2-bedroom single story unit the Planning Officer noted that it is within a sustainable location in the built-up area of Lindfield and with minimal external changes it is acceptable in terms of design and visible impact. It would not seek to convert the existing commercial unit at 65A High Street. It proposed no significant harm to neighbouring amenities, it would provide a good standard of accommodation for future occupiers and there has been no objection from the Highways Authority. It would also preserve the setting and special interest of Lindfield Conservation Area and the setting of the Listed Building.

David MacMillan spoke against the application.

Roger Harris spoke in support of the application.

Councillor Ash-Edwards spoke as Ward Member acknowledging that the site has a lot of local affection based on the business that has been there for many years. He noted resident's concerns that the bakehouse was of significant importance to the retail unit and that without that it may not be able to function, and that loss of commercial space is potentially detrimental to the economic vitality of the village. He also noted the recent change on permitted development brought in by the Government since this application had been called in.

The Chairman acknowledged the emotions involved but noted that this should not detract from the application. He noted that consideration should be made regarding the loss of a facility that may not come back.

The Planning Applications Team Leader clarified the definition of Grade II\* listing which accounts for roughly 6% of listed buildings and that the same test applies regarding the impact on the settings of listed buildings as set out in p102 of the report. He also noted that the site is now Class E, as established by the Government in September 2020 which is a significant change to the use class order as it has amalgamated a lot of uses into one class. It is a fundamental change as it means a property can swap between a number of previous use classes without the need for planning permission.

A Member sought clarification on what would occur from 1 August when new rules apply, should the committee decide to reject the application. The Team Leader confirmed that if the application was rejected, from 1 August permitted development rights to change the building from class E to residential use apply subject to a prior approval process where the Council looks at specific criteria such as transport impact, flooding, noise from commercial premises or the impact on the character and sustainability of conservation area. The Planning Applications Team Leader advised that in his view this was more directed at frontage properties to prevent the loss of retail floor space on a high-street but in this case as it's not on the frontage it would be hard to say in a prior approval application that it has adverse impact on character and conservation area.

A number of Members acknowledged the history of the site and concerns for the future but noted that the application has to be determined based on what is in front of the committee now.

A Member sought clarification on recent case law concerning listed buildings. The Team Leader noted that the Courts have clarified that here there is some harm caused to the setting of a listed building, this should be given significant weight by the decision maker to reflect the fact that preservation of the setting of listed buildings is desirable as per the Listed Buildings Act. However in this application Officers do not consider there is harm to the setting of the listed building. It was also clarified that the bakehouse building itself isn't listed, just those buildings to the east of the site referred to in the committee report.

The Chairman took Members to a recorded vote on the item. This was proposed by Councillor Coote and seconded by Councillor Dabell and agreed unanimously.

Councillor	For	Against	Abstain
P. Coote	y		
J. Dabell	y		
R. Eggleston	y		
B. Forbes	y		
G. Marsh	y		
C. Phillips	y		
M. Pulfer	y		
D. Sweatman	y		
N Walker	y		

# **RESOLVED:**

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

## **8 DM/21/0485 - MILTON HOUSE, BLACK HILL LANE, LINDFIELD, WEST SUSSEX, RH16 2HE.**

Deborah Lynn, Planning Officer introduced the application for a two storey replacement rear extension. She drew Members' attention to the location of the site noting that residents had concerns that it would be detrimental to the setting of nearby listed buildings. As the Conservation Officer advises that there would be limited intervisibility between the proposal and listed properties, it is the Officer's opinion that there would be no harm to the setting of the listed buildings. The Planning Officer noted that the new extension would have a slightly larger footprint than the existing but would be no closer to Primavera to the north. The existing extension is not considered sympathetic to the character of the original dwelling whereas the new extension would be, and amendments have been made to the atrium extension so that the original gothic windows are not obscured. As the proposed extension would represent an improvement upon the existing, the proposal is considered to enhance the appearance of the building and conservation area, thereby complying with policy DP35 of the District Plan. There is also no anticipated harm to the non-designated heritage asset and whilst there may be some impact upon neighbouring amenities, the proposal is not considered to cause significant harm in terms of affecting outlook, light levels or appearing overbearing due to the scale proposed and existing relationship between properties.

Michael Crofts and Simon Tollit provided a statement in their absence in objection to the application.

Adam Heyburn spoke in support of the application. James Minett also provided a statement in his absence in support of the application.

Councillor Ash Edwards waived his right to speak as Ward Member.

The Team Leader clarified policy DP26 regarding development and the assessment in terms of its design as set out on p125. The policy sets out to achieve a high standard of design and in terms of the impact on neighbouring amenities an application must not cause significant harm. He noted that this application proposes a superior design to the existing extension, and no significant harm to the amenities therefore it does comply with DP26.

The Chairman took Members to a recorded vote on the item. This was proposed by Councillor Coote and seconded by Councillor Walker and agreed unanimously.

Councillor	For	Against	Abstain
P. Coote	Y		
J. Dabell	Y		
R. Eggleston	Y		
B. Forbes	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		
N Walker	Y		

Councillor Eggleston left the meeting at 6.09pm

**RESOLVED:**

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

The Chairman advised the Committee that it is unacceptable for Members to call in an item and not attend to speak.

**9 DM/21/1524 - BRIDGE HALL, CUCKFIELD ROAD, BURGESS HILL, WEST SUSSEX, RH15 8RE.**

Steve King, Planning Applications Team Leader introduced the application for the erection of 35 residential dwellings with new access created onto Cuckfield Road, landscaping, open space and parking. He noted that the site recently came to the committee and has full planning permission. He drew Members attention to the Agenda Update Sheet with clarification regarding carparking spaces and the County Council's comments regarding infrastructure contributions.

He noted that the house that used to be on site has been demolished and the site lies within the built up area boundary of Burgess Hill as defined in the District Plan in an area allocated for development within the Northern Arc. The layout is similar to the previous proposal and the access remains the same. The main change is that the flats originally proposed to the front of the site have been swapped for houses of a similar external appearance to the previously approved flats in response to market conditions. He also noted that works have started on site pursuant to the previous planning permission and the principle of development is accepted.

Tom Davies provided a written statement in his absence in support of the application.

The Chairman noted there is no construction management plan as one has already been provided for the prior permission. Condition 2 refers back to the original one, as the details have already been approved.

A Member queried if there is a piling machine onsite as one may have been visible in a photograph in the Planning Officers presentation. If so he requested that work is being carried out properly. The Team Leader noted that the development would require building control consent to ensure everything is done correctly in respect if construction work on site.

The Chairman noted that more than 30% affordable housing is being provided which is very much welcome.

The Chairman took Members to a recorded vote on the item. This was proposed by Councillor Coote and seconded by Councillor Walker and agreed unanimously.

Councillor	For	Against	Abstain
P. Coote	Y		
J. Dabell	Y		
B. Forbes	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		
N Walker	Y		

**RESOLVED:**

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

**10 DM/21/1963 - 11 THE STENNINGS, EAST GRINSTEAD, WEST SUSSEX, RH19 1PF.**

The Chairman noted that this application is before the Committee as it relates to a District Councillor. Permission is sought for the reduction of the apex of both stems of one Cedar by up to 2m and thin by up to 30% at 11 The Stennings, East Grinstead.

He confirmed with Members that they did not require a presentation from the Planning Officer and took Members to a recorded vote on the item. This was proposed by Councillor Coote and seconded by Councillor Sweatman and agreed unanimously.

Councillor	For	Against	Abstain
P. Coote	Y		
J. Dabell	Y		
B. Forbes	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		
N Walker	Y		

**RESOLVED:**

That permission is granted.



**11 DM/20/4676 - HIGH TREES, 54A LEWES ROAD, HAYWARDS HEATH, WEST SUSSEX, RH17 7SN.**

Andrew Horrell, Planning Officer introduced the application for replacement windows to white UPVC. He noted that the site is set back from Lewes Road and is a modern built 2 story hip roof dwelling with soft wood windows. The external materials and finish in 2007 were considered to complement the design and character of dwelling and the wider conservation area and therefore condition 14 removed permitted development rights to preserve it and avoid harmful alterations. Therefore UPVC windows are not considered appropriate and the Officers recommendation is for permission to be refused. He noted that several properties nearby still have permitted development rights so they could replace existing timber with UPVC windows but as permitted development rights are removed in this case it is contrary to DP35 of the District Plan and Haywards Heath Neighbourhood Plan. The Conservation Officer noted that where there is less than substantial harm to a heritage asset, the harm as outlined under paragraph 196 of the National Planning Policy Framework (NPPF) should be weighed against the public benefits. As the sole benefit is private to the occupier it is seen that the harm caused outweighs public benefit as it fails to preserve and enhance the building.

Kevin Stagg provided a written statement in his absence in support of the application.

The Chairman noted comments from Ward Member Councillor Clarke which were circulated prior to the meeting.

Councillor Pulfer, also the Ward Member concurred with Councillor Clarke's comments. He noted that when looking at a conservation area it is always subjective. In this case the new windows would benefit the house in terms of efficiency and would reduce the use of hard woods. It was also noted that other properties nearby retained the permitted development rights and already had UPVC windows so there was no consistency. He proposed a separate motion that the application be approved. This was seconded by Councillor Dabell who noted that the new windows will be similar in look, will improve thermal efficiency and the house is set back far enough from view to not harm the conservation area.

A Member disagreed, noting that the Council's Design Guide and District Plan should be acknowledged. The application does not comply and therefore the committee needs to be consistent.

The Chairman acknowledged both sides of the issue. He agreed there was a need to maintain the character of the conservation area, but not the detriment of making a house as economical and sustainable as it could be.

The Team Leader noted that Members could put forward a motion to approve the application on the grounds that it does not adversely impact the conservation area, however if they believe there is some harm, this must be balanced against the public benefit, of which there is none in this application. He also noted that this application must be looked at in isolation and not on the basis of what might happen in future applications.

The Chairman took Members to a vote to approve the application on the grounds that it does not cause harm to the conservation area due to the distance that the house is set back. This was proposed by Councillor Pulfer and seconded by Councillor Dabell and approved with 6 votes in favour and 2 against.

Councillor	For	Against	Abstain
P. Coote	Y		
J. Dabell	Y		
B. Forbes	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman		Y	
N Walker		Y	

**RESOLVED:**

That permission be approved.

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

None.

The meeting finished at 6.47 pm

Chairman