

MINUTES of the **PLANNING COMMITTEE**
held in the Council Chamber
on **11 November 2019**

Present: Janice Henwood Chairman
Sarah Lawrence Vice Chairman

Graham Allen
Andrew Barrett-Miles*
Tofojjul Hussain
Max Nielsen*
Kathleen Willis

Also Present: Peter Chapman
Robert Eggleston
Anne Eves
Lee Gibbs
Simon Hicks
Sylvia Neumann

* *Denotes non-attendance.*

(19.00)

81. OPEN FORUM

A resident spoke on DM/19/3331. The resident owned one of the flats in Church Walk which overlooked the car park. They raised concerns over the height of the new development, which would be detrimental to their light.

82. APOLOGIES FOR ABSENCE

An apology for absence had been received from Councillor Andrew Barrett-Miles.

83. SUBSTITUTES

Councillor Simon Hicks substituted for Councillor Max Nielsen.

84. DECLARATIONS OF INTEREST

Councillors Graham Allen, Peter Chapman and Robert Eggleston declared an interest in every planning application on the agenda as they were members of the District Council Planning Committee. They stated that any views they

expressed were preliminary comments and were not designed to predetermine.

Councillor Henwood declared an interest in DM/194481 as she knew the applicant.

85. CHAIRMAN'S ANNOUNCEMENTS

There were none.

86. MINUTES

The Minutes of the meeting of the Planning Committee held on Monday 21 October 2019, having been previously circulated, were **AGREED** and signed by the Chairman as a correct record.

87. TOWN & COUNTRY PLANNING ACT 1990 - PLANNING APPLICATIONS

Applications (as set out in the accompanying schedule) under the Town & Country Planning Act 1990, received by Mid Sussex District Council and forwarded for observations since Monday 21 October 2019, were considered.

88. MOTION FOR CONSIDERATION

Councillor Janice Henwood had requested a motion be considered, as set out in Agenda Item 8 dated 11 November 2019. This motion referred to application DM/19/3331, previously considered by the Committee on 30 September 2019.

RESOLVED that:

It was noted that the policy numbers referenced in the proposed motion were incorrect. The motion should have referenced District Plan Policy DP26 and DP34.

It was suggested that the Committee recommend a height of up to 6 storeys in accordance with the Draft Mid Sussex Design Guide SPD principles DG14 and DG32. In response to this, it was noted that the Draft Mid Sussex Design Guide did not rule out 11 storey buildings, and including this in the motion could be fettering their discretion and creating a policy which may not stand up to legal consideration.

The Committee discussed concerns over the height of the building and the impact this would have on the character of the town and the townscape, and that it would detract from St John's Church. The lack of affordable housing was also noted.

A discussion ensued over whether an additional motion was needed when the Committee had already raised concerns over the height of the proposed buildings when it was discussed on 30 September and these comments had been submitted to MSDC. It was questioned why the Committee was discussing this again. The response to this was that the phrase 'raised concerns' was not strong enough and it should be made clear that the Committee objected to the building height.

Concerns were raised over whether asking NewRiver REIT to decrease the height by 5 storeys would mean that they would lose out on the funds from these apartments, and whether this would push them to pull out of the project all together. In response to this, it was argued that the role of the Planning Committee was not to ensure that NewRiver REIT made money, but to ensure the development was in the best interest of the town.

It was suggested that the design could be reconfigured to have the same number of apartments but in a wider block with less storeys.

It was noted that there was a Townscape Assessment of the town as it was now compared to what would look like when the development took place. Yes there would be an impact, but the impact was not as overbearing as implied in the motion. It was argued that the motion was creating something not fairly reflective of what the town looked like, and that the comments already made were sufficient.

Concerns were raised over this item being discussed in the purdah period, as it was a sensitive issue that invoked emotion from the public, particularly as Councillor Robert Eggleston was a parliamentary candidate in the upcoming election. In response to this it was noted that the Chairman had discussed this motion with the CEO Steve Cridland and it did not contravene purdah guidelines.

It was suggested that the section of the motion referencing the Draft Mid Sussex Design Guide be removed.

It was suggested that a compromise could be made and the Committee discussed alternatives to the motion. It was suggested that the Committee could submit an additional comment objecting to the height. It was suggested that the minutes of the meeting on 30 September could be amended to reflect the objection, however in response to this suggestion it was noted that the minutes had been approved and could not be changed. It was suggested that the Chairman could make a representation to MSDC either as the Chairman of the Planning Committee, if the Committee agreed, or as an individual.

A resident stated that St John's Park had previously been used as a landing spot for the air ambulance, and they were concerned that an 11 storey building would cause obstacles to an air ambulance in the future. They were concerned that the height of the building could cause delays.

A second resident, who had spoken on this application in the open forum stated that NewRiver REIT were only interested in making money, and the Committee had to consider the populace of Burgess Hill and their views. The resident had only recently found out about the proposal and it would affect their flat. The property had already been devalued due to the compulsory purchase of its parking space. They stated that not enough consideration had been given and that the public had not been informed. They were concerned about retail units as flats would bring in instant income for NewRiver REIT. They questioned the lack of social housing and the amount of car parking space.

In response to the second resident, it was noted that the application had received a lot of press locally, that NewRiver REIT had held public

consultations in the town, and that residents of the affected flats should have received letters from MSDC.

It was noted that the relevant fact was the loss of sunlight, and that loss of property value was not a planning concern. The Committee had previously expressed concern over the lack of parking.

RESOLVED that:

4 votes against the motion
1 vote in favour of the motion
1 abstention
Therefore the motion failed.

Councillor Graham Allen abstained from the vote as he was a member of the District Planning Committee.

Councillor Lee Gibbs arrived during this item.

Councillor Peter Chapman left the room after this item.

89. DRAFT MID SUSSEX DESIGN GUIDE

MSDC had published the Draft Mid Sussex Design Guide for public consultation, as set out in Agenda Item 9 dated 11 November 2019.

RESOLVED that:

The Committee noted the valuable guidance in the document 'West Sussex Cycling Design Guide' (August 2019 – prepared to deliver the aims of the adopted West Sussex Walking and Cycling Strategy 2016-2026) and suggested that a reference to this guide be included as a design requirement under DG19.

DG41 appeared to be merely aspirational and not directly targeted to zero carbon emissions. There were several weasel-worded phrases such as 'demonstrate how this has informed'; 'must consider'; 'low embodied energy'; 'high thermal mass'; 'use of sustainable materials'; and 'renewable or low carbon energy systems'. Such phrases were not sufficiently specific or binding and unravelled the stated commitment (in 6.4.1) 'to reach zero carbon emissions by 2050'. This Committee therefore requested that DG41 be revised to include specific achievable sustainability targets for zero carbon emissions.

The Committee stated that the following phrases were too vague and needed clarification: page 37, 'coarse grain and fine grain'; page 94 'improving legibility'; and page 83, DG30 'rationalise parking'.

Individual Councillors could make their own further comments.

90. TEMPORARY ROAD CLOSURE

Councillors welcomed the application for the French Market on Saturday 7 December 2019, as set out in Agenda Item 10 dated 11 November 2019.

RESOLVED that:

Mid Sussex District Council be advised.

91. **PRE-APPLICATION NOTICE 60-64 CHURCH WALK**

Notice was received from WSP Indigo on behalf of NewRiver REIT of a proposal for residential dwellings at 60-64 Church Walk, above the Iceland foodstore, as set out in Agenda Item 11 dated 11 November 2019.

RESOLVED that:

NewRiver REIT wished to visit the Town Council to discuss this pre-application on either 20 November or 26 November.

The Committee would postpone discussion until after this visit.

91. Meeting terminated at 20.27 hours.

OBSERVATIONS

DM/19/3166

Location: Development Site Rear of 88 Folders Lane Burgess Hill West Sussex RH15 0DX

Desc: Variation of condition 2 relating to planning reference 14/04492/FUL to allow for amended plans to take account of sub-station requirement.

Applicant: David Stewart
Jones Homes (Southern) Ltd Ground Floor Unit 3 White Oak Square Swanley BR8 7AG

Case Officer: Susan Dubberley

Ward: Burgess Hill - Franklands

App. Type: Removal/Variation of Condition

OBSERVATIONS: Recommend Approval

DM/19/3268

Location: Co-Op Priory Chase Burgess Hill West Sussex RH15 0NT

Desc: 3 no. fascia signs, 1 no. projecting sign, and 1 no. totem sign. (Amended plans received 16/10/2019)

Agent: Miss Cameron Banks-Murray
Peacock and Smith Ltd 8 Baltic Street London EC1Y 0UP

Applicant: Mr C Smith

Case Officer: Katherine Williams

Ward: Burgess Hill - St Andrew's

App. Type: Advertisement Application

OBSERVATIONS: Recommend Approval

DM/19/3845

Location: Land To The West Of Freeks Lane Freeks Lane Burgess Hill West Sussex

Desc: Approval of reserved Matters pursuant to Condition 1 of DM/18/0509 for the erection of 460 dwellings, including public open space, play areas, associated infrastructure including roads, surface water attenuation and associated demolition.

Agent: Mr Nick Challis
33 Margaret Street London W1G 0JD

Applicant: Countryside Properties

Case Officer: Stuart Malcolm

Ward: Burgess Hill - Leylands

App. Type: Reserved Matters Application

OBSERVATIONS: The following comments were made:

The Committee raised concerns about Freeks Lane itself, as there was not a clear responsibility for maintenance and upkeep of the lane. The Lane was swamped and waterlogged from the vehicles already. The Committee wished to ensure a public right of way continues as Freeks Lane was not currently fit for pedestrian access.

The Committee suggested that the application's consideration for the environment could go further. They suggested ensuring photovoltaic roof tiles were built into the design from the start as they would be difficult to add after. The Committee wished the applicant to adhere to District Plan Policy DP7 as it was a greenfield site, and DP9. There was no mention of renewable energy in the application.

It was noted that this development was a flagship of the Northern Arc development, and the Committee would expect the highest standard. The programme as a whole was aiming to increase net biodiversity. The Committee asked how would this be increased and measured. The Committee wished the applicant to adhere to District Plan Policy DP38.

The Committee wished to reiterate their previous statement:

'Burgess Hill Town Council will encourage Mid Sussex District Council to ensure that applicants comply with DP39 of the District Plan and that this is reinforced in any subsequent supplementary design and access statement documents on sustainable development.'

DM/19/3920

Location: 100 Folders Lane Burgess Hill West Sussex RH15 0DX
Desc: T1 Ash - Fell. T2 Oak - Reduce the easternmost stem only by up to 3.0m. T3 Oak - Reduce the lateral growth over the garden only by approximately 3.0m to rebalance the crown. G1 Group of 6 Oak Trees - Raise crown to a height of 5m above ground level.
Agent: Mr Nicholas Jones
Nicholas Jones Consultants Limited 1 Spring Gardens Station
Road Glynde BN8 6SA
Applicant: Mr Michael Underwood
Case Officer: Irene Fletcher
Ward: Burgess Hill - Franklands
App. Type: Tree Surgery

OBSERVATIONS: No Objections

DM/19/3938

Location: Land Off Greenlands Drive Burgess Hill West Sussex
Desc: Outline application for 3 no. dwellings with detached garages. All matters reserved except for access and layout.
Agent: Peter Rainier
DMH Stallard Griffin House 135 High Street Crawley RH10 1DQ
Applicant: Dyson
Case Officer: Deborah Lynn

Ward: Burgess Hill - Franklands
App. Type: Outline Application

OBSERVATIONS: Recommend Approval subject to proper root protection and safe access.

Councillor Peter Chapman re-entered the room during this item.

DM/19/3969

Location: Sorrento Keymer Road Burgess Hill West Sussex RH15 0AN
Desc: Erection of 2 storey, 4 bedroom detached dwelling with associated car port and new access via Keymer Road.
Agent: Mr Christopher Pickering
Fluid Architecture Ltd Orlingbury House Lewes Road Forest Row RH18 5AA
Applicant: Ms Catherine Crisp
Case Officer: Andrew Watt
Ward: Burgess Hill - Franklands
App. Type: Full Application

OBSERVATIONS: Recommend Refusal

The application contradicted Neighbourhood Plan policies H2 and H3. It was a backyard development. It contradicted District Plan policy DP26. There were issues with surface water run-off, narrow access, the design and materials were out of keeping with the area, and there were no garden facilities. A 4 bedroom house was overdevelopment of the site.

DM/19/4233

Location: 153 London Road Burgess Hill West Sussex RH15 8LH
Desc: Change of use from A1 (shops) to A1/A2 (shops/professional and financial services) and C3 (dwelling houses). This is an application to establish whether the development is lawful. This will be a legal decision where the planning merits of the proposed use cannot be taken into account.
Agent: Gerald Moore
Gerald Moore RIBA 1 Exmoor Crescent Worthing BN13 2PL
Applicant: Mr and Mrs P Fassam
Case Officer: Joseph Swift
Ward: Burgess Hill - Victoria
App. Type: Lawful Development Certificate –Proposed

OBSERVATIONS: The legal situation was noted.

DM/19/4239

Location: 2 Park Close Burgess Hill West Sussex RH15 8HL
Desc: Single storey rear extension. First floor rear extension above existing flat roof. Obscure glazed window to side elevation.
Agent: Mrs Sarah Breeze
Applicant: Colin and Francine Smith
Case Officer: Anna Tidey
Ward: Burgess Hill - Leylands
App. Type: Householder Application

OBSERVATIONS: Recommend Approval

DM/19/4255

Location: Burgess Hill Trade Centre York Road Burgess Hill West Sussex RH15 9AD
Desc: T1 Ash - removal of 1 large branch section on heavily leaning bough to South, leaving the main upright section. TG2 Tree group 6x Ash, 7x Oak, 2x Field Maple, 5x Goat Willow - reduce radial spread on Southern aspect of trees by 0.5 to 1m according, to clear buildings by 1m.
Agent: Mr Paul Tulley
Greensmiths Tree Surgery 19 Stanford Acre Littlehampton BN17 7FN
Applicant: Mr Simon Vlock
Case Officer: Irene Fletcher
Ward: Burgess Hill - Victoria
App. Type: Tree Surgery

OBSERVATIONS: No Objections

DM/19/4256

Location: 14 The Blackthorns Burgess Hill West Sussex RH15 8HW
Desc: English Oak tree (02MG) - Reduce lateral spread back from garden by 3m.
Agent: Glen Poole
County Tree Surgeons Ltd Turners Hill Road Crawley Down Crawley RH10 4HQ
Applicant: Miss Jo Reid
Case Officer: Irene Fletcher
Ward: Burgess Hill - Leylands
App. Type: Tree Surgery

OBSERVATIONS: No Objections

DM/19/4304

Location: 19 Woodcrest Road Burgess Hill West Sussex RH15 9JW
Desc: Single storey extension of existing, previously converted, outbuilding to form a new bedroom.
Agent: Mr Robert Thomas
RT Architectural Services 61 Coulstock Road Burgess Hill West Sussex RH15 9XZ
Applicant: Mr and Mrs Roberts
Case Officer: Deborah Lynn
Ward: Burgess Hill - Meeds
App. Type: Householder Application

OBSERVATIONS: Recommend Approval

DM/19/4312

Location: 10 Golden Hill Burgess Hill West Sussex RH15 0TS
Desc: (T1) - Oak (T2) - Oak (T3) - Oak. Treat all 3 trees as one canopy and reduce the height by up to 2m. Thin all 3 trees as a group by up to 20%. (T1) Remove the 2 lowest branches.
Applicant: Amanda Colley
10 Golden Hill Burgess Hill West Sussex RH15 0TS
Case Officer: Irene Fletcher
Ward: Burgess Hill - St Andrew's
App. Type: Tree Surgery

OBSERVATIONS: No Objections

DM/19/4327

Location: Land Opposite Mill House Mill House Mill Road Burgess Hill West Sussex RH15 8SZ
Desc: Demolition of existing structure and erection of a 1 bed single storey dwelling.
Agent: Mr Alex Beattie
Lightbox Architecture Limited 121 Greenbank Avenue Saltdean East Sussex BN2 8QP
Applicant: C/O Lightbox Architecture Limited
Case Officer: Joseph Swift
Ward: Burgess Hill - Meeds
App. Type: Full Application

OBSERVATIONS: Recommend Refusal

The application contradicted District Plan policies DP26, DP27 and DP28. The Committee were concerned over whether the application met with Dwelling Space Standards, and over the lack of a back exit in the case of fire. The application did not

meet West Sussex car parking standards or the Neighbourhood Plan car parking standards.

DM/19/4376

Location: Land between 20 And 22 Meadow Lane Burgess Hill West Sussex
Desc: Replace existing garage and storage area with a double bay garage.
Applicant: Mr Martin Taylor
164 Mackie Avenue Patcham Brighton East Sussex BN1 8SB
Case Officer: Deborah Lynn
Ward: Burgess Hill - Meeds
App. Type: Full Application

OBSERVATIONS: Recommend Approval

DM/19/3815

Location: 8 Amberley Close Burgess Hill West Sussex RH15 8JB
Desc: Oak - Reduce by 2 metres all around. Ash (with Ash die back) - remove dead and weakened branches.
Applicant: Mr Anthony Webb
8 Amberley Close Burgess Hill West Sussex RH15 8JB
Case Officer: Irene Fletcher
Ward: Burgess Hill - Leylands
App. Type: Tree Surgery

OBSERVATIONS: No Objections

DM/19/4193

Location: Providence House 76 Park Road Burgess Hill West Sussex RH15 8HG
Desc: T1 Idesia Polycarpa - Remove and replant native tree. T2 Quercus Rober - reduce by no more than two metres. T3 Acacia - reduce to 1.5 metres below the power lines.
Agent: Mr Antony Geer
16 Capenors Burgess Hill West Sussex RH15 9QL
Applicant: Ms Lisa Sullivan
Case Officer: Sarah Nelson
Ward: Burgess Hill - Meeds
App. Type: Trees in a Conservation Area

OBSERVATIONS: No Objections

DM/19/4481

Location: Oak House Oakwood Road Burgess Hill West Sussex RH15 0HZ
Desc: Holly (T1 & T2) - Reduce crown by up to 1m to clear from utility lines
Agent: Justin Lee
J Lee Trees 37A Cuckfield Road Hurstpierpoint Hassocks West Sussex BN6 9RW
Applicant: Mrs Holmes
Case Officer: Irene Fletcher
Ward: Burgess Hill - Franklands
App. Type: Tree Surgery

OBSERVATIONS: No Objections
