

MINUTES of the **PLANNING COMMITTEE**
held in the Council Chamber
on **18 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
Mathew Cornish
Robert Duggan
Robert Eggleston
Anne Eves
Joseph Foster
Sylvia Neumann

There were 24 members of the public present.

* *Denotes non-attendance.*

(19.00)

92. OPEN FORUM

Members of the public were invited to speak when the relevant site was being discussed.

93. APOLOGIES FOR ABSENCE

An apology for absence had been received from Councillor Kathleen Willis.

94. SUBSTITUTES

Councillor Peter Chapman substituted for Councillor Kathleen Willis.

95. DECLARATIONS OF INTEREST

Councillor Andrew Barrett-Miles declared an interest in SA 12 and 13 as he lived near the sites.

Councillor Peter Chapman and Councillor Graham Allen advised that with regard to any comment(s) they may make on any planning application on tonight's agenda, they reserved the right to alter their views on any application and submission should it come before the Mid Sussex District Council Planning Committees (District, A and B), following reading the planning officer's report, considering any verbal update the planning officer may provide and taking into account the views expressed by other members or members of the public at that meeting.

96. **CHAIRMAN'S ANNOUNCEMENTS**

Notification had been received from Mid Sussex District Council on 15 November of an application to change the layout of the premises. Details of this application were found at <https://www.midsussex.gov.uk/licensing-business/latest-licensing-applications/>. The deadline for comments on this application was 25 November 2019.

RESOLVED that:

The application was noted.

97. **MINUTES**

The Minutes of the meeting of the Planning Committee held on Monday 11 November 2019, having been previously circulated, were **AGREED** and signed by the Chairman as a correct record.

98. **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 11 November 2019, were considered.

99. **DRAFT SITE ALLOCATIONS DPD**

MSDC had published the Draft Site Allocations DPD for public consultation from 9 October closing midnight on 20 November 2019, as set out in Agenda Item 8, dated 18 November 2019.

RESOLVED that:

SA 2

The Committee noted that there was an inaccuracy in the description – there was no mention that Burgess Hill Shed were based at the centre. As this was a valuable community resource, they should also be found alternative accommodation, as well as a replacement facility for the adults with learning difficulties. There should be a comprehensive study of what is required in the town before Burnside is removed.

SA 3

It was noted that this site already had planning permission for industrial use. The Committee requested it was used for housing as in the Neighbourhood

Plan. It was noted that there was a traffic issue around the bend of Victoria road, and the Committee requested a link road.

SA 12 and 13

Discussion:

A Member of the public spoke on SA 12 and 13. They objected to the traffic on the mini roundabout at the junction of Keymer Road and Folders Lane, which was already congested. Building more houses would only make this worse.

A second member of the public from Ditchling Parish Council spoke on SA 12 and 13. They raised the issue of lorries coming through Ditchling. There were already 10,000 vehicles a day through the village. Adding houses to sites SA 12 and 13 would increase this. They had spoken to MSDC questioning why changing the Neighbourhood Plan had been allowed. They asked what was the precise law regarding changes to a Neighbourhood Plan. They referenced a government guidance document regarding 'Updating Neighbourhood Plans', which stated three reasons how a plan could be changed. These were: minor non material modifications, material modifications, and modifications which would change the plan, e.g significant new sites for development. The change to the Burgess Hill Neighbourhood Plan fell under this third category and the resident believed it would need a legal change to the plan. They asked the Committee to consider a judicial review. They stated that if this change got through it would nullify every neighbourhood plan in the country. The area did need new housing but where it was located was important.

In response it was noted that the District Plan was the most important.

A third member of the public spoke on behalf the South of Folders Lane Action Group (SOFLAG) and their 1000 supporters. They had prepared a 32 page representation against sites SA 12 and 13. They were concerned that the Committee, as one of the most important official bodies being consulted, was discussing this so close to the closing date. SOFLAG had given reasons why these sites should not be developed, and they hoped that these would be used in the Committee's submission. They noted that the District Plan clearly stated that Burgess Hill would not be required to put forward any additional sites during the remainder of the plan period, until 2031. This was not the case for Haywards Heath, yet MSDC was only proposing 25 more houses to be built there. The resident stated that this was unfair and made no sense. Throughout the year-long site selection process, Haywards Heath Golf Course was proposed as a site for up to 1000 homes. MSDC had given every indication to the developer that they agreed. However, at the last moment this site, which scored significantly higher than the Folders Lane sites in MSDC's own suitability assessment, was removed from the list. In planning terms, the golf course was an already developed site, and was not green field. The resident stated that it was more suitable and more sustainable. The Folders Lane sites were clearly greenfield and, as the Sussex Biodiversity Records Centre had shown, were an ecological wonderland in urgent need of protection.

The resident raised the traffic problems at Folders Lane/Keymer Road mini roundabout. The Mid Sussex traffic consultants had not considered this

junction as part of their assessment on the impact of the Mid Sussex proposals. The only mention of east Burgess Hill was their suggestion to convert Hoadleys Corner roundabout to a set of traffic lights, which SOFLAG believed would result in a reduced traffic flow and increased pollution.

SOFLAG asked that the Committee submit a strong representation against the inclusion of SA12 and 13 in the Mid Sussex proposals. They suggested that the Committee point out the more suitable, sustainable and deliverable site at Haywards Heath golf course.

A fourth resident spoke on SA12 & 13, regarding traffic issues. MSDC had commissioned a report in October. This identified traffic bottlenecks, principally regarding the east/west connection. These sites would have a significant impact, and MSDC were aware of this. The resident referenced District Plan policy DP7. There was no plan for an additional link road. Persimmon, who owned SA13 were proposing Broadlands as the access to the site, and this was inappropriate. This raised concerns over safety and access issues. The resident had been informed by West Sussex Highways that MSDC had not requested pre-planning advice. There was no sensible means of access to the site.

A fifth resident made a general comment about the consultation and the Town Council's approach, noting that it was very last minute, and the time period since the information had been made available was very short. This was an important process, and they would have liked to see more proactive engagement with the public.

In response to the fifth resident, it was noted that the Town Council had held a public meeting as part of the public consultation.

A sixth resident spoke on SA12 and 13, stating that these fields were part of a green arc. They noted that the traffic was already at a dangerous level, and it was hazardous to walk along Keymer Road. There had already been near misses on the pavement. This was not a suitable area for development, as the traffic was frequently reaching 60-70mph, and there were numerous blind spots. Even if they took out trees to improve the view, the road was unsuitable.

In response to the sixth resident, it was questioned how children crossed Folders Lane to access Birchwood Grove school.

Councillor Andrew Barrett-Miles declared an interest in SA 12 and 13 as he lived near the sites.

Traffic was a major issue. Previous developments of the area south of Folders Lane had all identified roundabouts at Folders lane and Keymer road as at or near capacity. They would be over capacity with further developments. During the previous developments near Kingsway, improvements were proposed at the junction of Kingsway and Folders Lane, however these had not occurred. Money had been put aside for this. There were now proposals to add more houses, together with 500 in Hassocks, which would use Keymer road. A proper traffic study needed to be done. WSCC had said that this would be an issue for the south of town and that development here was not approved because of excessive traffic.

The existing study was not thorough. Every other study had said development here would cause issues. A bypass linking to the A2300 would be the only solution, however this would be prohibitively expensive. The Committee should object on traffic grounds. Burgess Hill already had to absorb 5000 houses, including the Kingsway and Northern Arc developments. This was a 40% increase in the size of the town - they could not add another 5-600 houses. There had been no study done of traffic flow in the town centre, and we did not yet know that the streets could accommodate these houses. This applied to all of the proposed sites.

The proximity of the South Downs National Park was noted. Currently the only gap between Keymer and Burgess Hill was these fields.

At the public meeting on the Draft Site Allocation DPD the main issue raised was traffic. It was asked whether this had been followed up with MSDC, regarding the transport plan. The lack of any reference to Folders Lane and Keymer Road was noted. The Council questioned what the mitigations would be and were told the answer was in the Transport and Sustainability assessment; however it was not in there. There were no mitigations you could make; therefore the sites were not appropriate.

The biodiversity in area was raised. It was important to preserve the green corridors, whether these were fields or woodlands, and to create as much space as possible around the town to protect species. This area was like a nature reserve in its own right. Historically the Town Council had never said it was acceptable to build there. It was regrettable that MSDC allowed development to take place. Now we had the district plan, which by nature was a rolling plan. It was reprehensible that MSDC was now opening up these sites as possible.

A member noted SOFLAG's document and stated that their points were all valid.

These sites were contrary to the Neighbourhood Plan, as this area was designated as an area of countryside restraint.

It was stated that the bigger picture across Burgess Hill should be taken into account. Connectivity across the town would suffer hugely. There were already situations currently happening across the town due to traffic, and there were only a few arteries across town – these needed to be looked at.

It was asked that there could be an up to date traffic flow assessment of Keymer Road and Folders Lane roundabouts, including Hoadleys Corner roundabout, and the roundabout by Barclays bank.

A resident raised concerns over public transport.

A second resident stated that until we halted development within Burgess Hill this was irrelevant. Development must be stopped as it was destroying the neighbourhood. There were traffic issues and parking issues, and traffic jams were increasing exhaust pollution. The situation would continue unless it were stopped. We needed to look after the town. There was no street in Burgess Hill that didn't have cars parked. Junction Road in particular was a nightmare.

In response to the second resident, it was noted that WSCC deal with Highways issues.

The resident representing SOFLAG stated that they had met with MSDC and raised the traffic issue. MSDC had said that they relied on the traffic study, which said that everything was okay.

It was noted that many new developments contradicted the Neighbourhood Plan and District Plan. MSDC should consider the impact on countryside – there were other sites in the district that would be more appropriate and sustainable.

There were a significant number of problems with this site which made it unsustainable.

A member stated that the Northern Arc development was strategic. This site allocation plan was not strategic, and was a gap filling exercise where MSDC was trying to fill the gaps in the 5 year land supply, just to make up numbers. This was not the appropriate way of managing the housing supply. MSDC should take a more strategic approach and rethink the parameters used.

It was noted that the document stated that Haywards Heath golf course created an excess of housing and questioned if they could they make it a smaller size.

A member stated that MSDC's own traffic study said that there was a significant impact, which could be resolved with mitigations, including Public Transport, however these mitigations had not yet been decided.

The resident representing SOFLAG stated that in the traffic study no measurements were taken; it was all done on predictions. Hoadleys Corner was mentioned in the maps. The mitigations given were: Traffic lights at Hoadleys Corner, extra cycle racks in town and an encouragement to get more public transport.

The Town Council had asked for clarification of the mitigations; this had not been provided. The mitigations they had described were not appropriate.

The same volume of traffic would arrive at the junction regardless of traffic lights.

Comments:

The sites contravened District Plan policies DP7, DP12, DP13, DP18, DP20, DP21, DP26, DP37, DP38, and Neighbourhood Plan core objective 5, and policy H3.

There were a significant number of problems with this site which make it unsustainable.

There should not be any significant development until the impact of the existing major developments has been fully absorbed and understood. When looking at future housing sites it should be done in a more strategic manner, rather than looking at individual sites in

isolation.

This site allocation would contradict the Town Council's Environmental Charter, and any significant loss of trees would impact the aim to be carbon neutral by 2050. It was noted that we were now in a climate emergency.

Councillor Robert Eggleston arrived during this item.

SA 14

Comments: No objections.

SA 15

Discussion:

A resident spoke on SA15 as a representative of residents of the nearby existing estate from Croudace homes. They had submitted 50 objections from residents. The site was part of an arable field left as a protected space. They had 10 major points of concern:

1. Highways – there would be an increase of 70 cars. The roads were narrow with cars on both sides. The proposed access was between two blind bends. The residents had undertaken a traffic survey, which had shown problems between 6am and 9pm.

2. Parking – the increase in vehicles would remove visitor parking. Where would this be moved to? Employees from the industrial estate also parked there. A lot of residents only had one or no allocated parking spaces. Junctions of minor roads had staggered parking which often meant driving on the wrong side of the road. Extending yellow lines would push the problem further away.

3. Pedestrian access – the pavement was too narrow. There were footpaths through the site, including an un-adopted footpath along the northern edge alongside an adopted footpath. This linked up with an un-adopted footpath which provided access to park. There was now a 6ft drop. Rubbish and excess soil had been left there. One footpath had been cleared by a resident to allow children to walk to school.

5. Cycling – there should be safe routes to school. The area had already had cyclists come off of their bikes in accidents.

6. Ecology – There were mature oak trees, as well as numerous oak saplings on the site. This was a woodland area with a huge variety of native species. It needed official protection and binding measures to prevent future damage. Sussex Wildlife Trust stated that hedgerows and wildlife habitats should be protected, and there should be a net gain in biodiversity.

7. SA15 was an amenity, and a site of expediency.

8. Noise – due to construction vehicles. This would have a detrimental impact on wildlife.

9. Ownership – The drawings from the original meeting showed HML managed the land, and residents paid into this company to maintain these areas.

10. Buyers information – Buyers were told by the developer that there was no development proposed for 20-25 years. The residents believed they were mis-sold their properties.

The member of the public noted the State of Nature report, and stated that this habitat should be protected.

They asked that MSDC strongly reconsider putting SA15 on the Site Allocation Plan.

A second member of the public spoke on SA15, stating that the plan seemed to have been rushed, and was not in line with the National Planning Policy Framework. For an example, this stated that it should not be taken for granted that unmanaged land was not used. The member of the public noted that disabilities had not entered the debate. The nearest off-site parking was too far away for someone with a disability. Removing further spaces would exacerbate this problem. They stated that it seemed to be members from Haywards Heath not wanting development in their area, and it was ad-hoc, and NIMBYous.

In response to this a councillor explained that the output appeared to be ad-hoc and targeting Burgess Hill over other towns. MSDC had started with 220 sites. They then set parameters around what could be included, for example they wouldn't select site if it was more than 150m away from an existing settlement boundary, however this seemed to be an arbitrary number. There was a structured set of criteria which knocked out a lot of sites, until it was down to around 40. The working group meeting took place after the local election, and the final decision was made by 4 councillors, and none from the South of Mid Sussex. The working party comprised initially of 9 councillors. There was a set of criteria used to select the sites, but was this appropriate.

The member of the public stated that MSDC should have waited until there were representatives for these wards.

In response it was stated that MSDC had said they consulted a QC. The resident may pursue through a Freedom of Information request.

The Neighbourhood Plan had designated this site as an area of local green space for these reasons.

The member of the public representing the residents of the Croudace estate stated that a footpath officer from WSCC would be coming to meet onsite and walk these footpaths, which had been used since 1975.

Comments:

The Committee noted that this site was supposed to be part of the 'Green lung', and had a significant number of trees. This Site Allocation would contradict the Town Council's Environmental Charter, and any significant loss of trees would impact the aim to be

carbon neutral by 2050. It was noted that we were now in a climate emergency. The Committee wished that it be highlighted that the area was a habitat for nightingales, a species on the red list and in danger of extinction.

Site Allocation SA15 contravened District Plan policies DP7, DP21, DP22, DP26, DP37, DP38, Neighbourhood Plan core objective 5, and Neighbourhood Plan policies G1 and G3.

There should not be any significant development until the impact of the existing major developments has been fully absorbed and understood. When looking at future housing sites it should be done in a more strategic manner, rather than looking at individual sites in isolation.

SA 16

Discussion:

A member of the public spoke on SA16, stating that they were arguing for a site that had no protection. It should be looked at as part of a whole. In light of NewRiver REIT's application for an 11 storey building, what was to stop St Wilfrid's being developed in the same way? SA16 would lead to a loss of amenities, overcrowding and traffic.

A second member of the public spoke on SA16. They stated that St Wilfrid's school was a valuable asset to the town. Their main concern was that the document itself just talked about the school. It did not mention the doctors surgery, NHS social community care centre, fire station, the residential buildings, or the emergency services. It said the site was of no archeological interest, however there were landmarks of a Roman Road – due diligence should be taken when digging this up. There were lots of trees around the site, and one particular tree outside the fire station that had a nameplate dedication. The maps provided in the document were unclear, you could not see the details. There was not enough information in the document to give people a full understanding. They questioned whether these sites had been looked at properly. The information was not accessible.

A councillor responded that in the Statement of Community Involvement, it asked that comments and queries about the document be directed to the officer responsible, Jacob Lane, who could be contacted at Jacob.lane@midsussex.gov.uk.

It was noted that realistically it would require a great amount of time before this site could be developed. They would have to move the school, as well as the Doctors surgery and the emergency services. There was no suggestion for where these services would go.

It was noted that the site was put forward assuming St Wilfrid's would be rebuilt next to St Paul's.

The area next to the emergency services was already designated as a development area. It was previously suggested to move the emergency services to Hickstead. The relocation of these services would take a long

time.

There were issues with traffic. This development would add significantly to the traffic load within the town centre. We needed to look at how traffic would move around the town centre in the future, and the impact of other developments on the traffic.

It was questioned whether the two sections of the development could be commented on separately.

A resident wished the committee to comment on transport, and District Plan Policy DP21.

Comments:

The Committee questioned the deliverability of this scheme within the current time frame, as it involved numerous aspects of the development coming together.

The Committee wished to further understand the impact on primary education in this area of the town. What was the plan to re-provision places from residents in the South side of the town?

There should not be any significant development until the impact of the existing major developments has been fully absorbed and understood. When looking at future housing sites it should be done in a more strategic manner, rather than looking at individual sites in isolation.

There should be a holistic approach to the impact from all of the developments and how they impacted on the traffic flow within the town.

SA 17

Comments: No objections.

100. Meeting terminated at 21.13 hours.

OBSERVATIONS

DM/19/4385

Location: 4 Unicorn Way Burgess Hill West Sussex RH15 0UU
Desc: Conversion of existing double garage into a habitable space with hard standing parking area to the front
Agent: Mr Graham George
Georgere refurbishments 2 Longwood View Furnace Green Crawley RH10 6PB
Applicant: Mr Graham George
Case Officer: Hamish Evans
Ward: Burgess Hill - St Andrews
App. Type: Householder Application

OBSERVATIONS: Recommend Refusal due to the loss of 2 parking spaces.

DM/19/4479

Location: 70 Potters Lane Burgess Hill West Sussex RH15 9JS
Desc: Removal of existing UPVC flat roofed porch and replacement with brick built flat roofed extension.
Agent: Mr Jonathan Burley
JH Burley Ltd 1 Rackham House Rackham Pulborough RH20 2EU
Applicant: Mr And Mrs James
Case Officer: Andrew Horrell
Ward: Burgess Hill - Meeds
App. Type: Householder Application

OBSERVATIONS: Recommend Approval

DM/19/4499

Location: 39 Silverdale Road Burgess Hill West Sussex RH15 0ED
Desc: Retrospective application for single storey front, side and rear extension with internal alterations.
Agent: Mr Richard Ewen
Richard Ewen Architects The Moat House 38A Beacon Road Ditchling BN6 8UZ
Applicant: Mr James And Mrs Emily Chadburn
Case Officer: Joseph Swift
Ward: Burgess Hill – Franklands
App. Type: Householder Application

OBSERVATIONS: Recommend Approval