

## **Minutes of a meeting of the District Planning Committee held on 9 August 2018 from 2.00 p.m. to 4.04 p.m.**

**Present:** Robert Salisbury (Chairman)  
John Wilkinson (Vice-Chairman)

Pru Moore  
Christopher Hersey  
Colin Holden

Norman Mockford  
Edward Matthews  
Dick Sweatman

Anthony Watts Williams\*  
Peter Wyan

\* Absent

**Also Present:** Councillors Margaret Hersey, Rod Clarke, Garry Wall, Andrew McNaughton and Norman Webster.

### **1. SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE RULE 4**

The Committee noted that Councillor Margaret Hersey substituted for Councillor Watts Williams.

### **2. APOLOGIES FOR ABSENCE**

The Committee noted that apologies had been received from Councillor Watts Williams.

### **3. DECLARATIONS OF INTEREST**

None.

### **4. MINUTES**

The Minutes of the Committee held on 12 July 2018 were agreed as a correct record and signed by the Chairman.

### **5. APPLICATIONS AND OTHER MATTERS CONSIDERED**

DM/17/2739 - Land To The East And West Of, Hurst Farm, Hurstwood Lane, Haywards Heath, West Sussex, RH17 7QX

The Chairman advised the attendees in the public gallery that the starting point for the committee's consideration of planning applications is the development plan which comprises the Mid Sussex District Plan 2014 - 2031 which was adopted on 28 March 2018 and the Haywards Heath Neighbourhood Plan 2014 -2031. In addition, Members must also consider the National Planning Policy Framework (NPPF), as this is a material consideration in the assessment of planning proposals. As this NPPF was revised only 12 days ago, Mr Richard Moules of Landmark Chambers was present to advise on any legal matters.

Steven King, Planning Applications Team Leader, advised the Committee that although the District Council were part applicant and part landowners it made no difference to the planning process. Members must follow the correct legal process using the development plan documents that the Chairman had already detailed in his opening address to the Committee as the starting point. The Team Leader introduced the report for outline application for development of up to 375 new homes, a 2 form entry primary school with early years provision, a new burial ground, allotments, country park, car parking, a 'Green Way', new vehicular accesses and associated parking and landscaping.

The Team Leader highlighted the items on the Agenda Update Sheet, including the change to the proposed condition 30, the additional proposed conditions and the additional wording to the recommendation to authorise Officers to negotiate and complete a satisfactory planning obligation. The eastern part of the development is in the administrative area of Lewes District Council and Lewes District Council has a duplicate application which will be reviewed on 28 August 2018. The location of the site was described and has already been allocated for development under Policy H1 in the Haywards Heath Neighbourhood Plan. The sloping site is currently laid to grass with no public access. He advised that there is ancient woodland within and adjacent to the site and listed buildings adjacent to the site as detailed in the committee report. The Team Leader highlighted that the illustrative layout plans that had been received were to demonstrate that the quantum of development applied for could be built on the site. If outline planning permission was granted, the Team Leader advised that a subsequent reserved matters application would be submitted to the Local Planning Authority at a later date. The parameter plans show the residential areas within the western side of the site with a country park, school, burial ground and allotments within the eastern part of the site, of which the majority is in the Lewes District Council area.

The Team Leader advised Members that they were today considering the principle of the development together with access only and that the access to the southern end of the site would be from the southern end of Hurstwood Lane, and access to the northern end of the site would be the northern end of Hurstwood Lane; the central part of Hurstwood Lane would be closed to traffic and become a Green Way. The Team Leader showed a plan which indicated the block parameter layout of the site and other illustrative plans showing a possible layout and design although such details would need to be approved at the reserved matters stage.

The Team Leader informed Members that there would be a revised signalised junction onto the A272 and diversion of Hurstwood Lane. The junction with Rocky Lane would be revised for the green way / cycle lane. There would be a new pedestrian link and signalised junction on the A272 relief road.

The Team Leader advised Members that there is a legal duty to preserve the setting of the listed buildings and page 33 of the committee report detailed the potential impact on the development on listed buildings following an amendment to the application that had been received that had addressed issues previously raised by Officers. As a result, Historic England no longer has any objections as a greater viewing corridor has been provided. Whilst it was acknowledged that there would be harm to the setting of the listed building it would be less than substantial harm. Although the benefit of the scheme to the public outweighs the less than substantial harm, Members were advised that the harm should nonetheless be given substantial weight.

The Team Leader advised Members that there had been no objections from the Landscape Architect and confirmed that the plans received are only an illustration of what could be possible, detailed plans of any development would be reviewed at the reserved matters stage. He also advised that the housing mix would include 30% affordable housing. Any layout would seek to avoid significant harm to neighbourhood amenity and any such impact on individual neighbours would be considered at the reserved matters stage.

The Team Leader informed Members that there would be no conflict between the businesses at Hurstwood Grange Estate and the residential development.

The Team Leader advised Members that page 43 of the committee report detailed accesses and highways which is in accordance with the District Plan and NPPF. The Highway Authority completed a traffic modelling exercise and advised there would be some queues at peak times. However they concluded that the proposal would not cause severe capacity impacts on the local network and as such they were happy with the development, therefore they had no objection. The issue of air quality is detailed on page 48 and has been assessed by the District Council's environmental health officers who consider there are no grounds to refuse the application

The Team Leader advised that page 50 of the committee report deals with ecology and the ancient woodland, part of which is in the Lewes District Council area. The issue of protected species is dealt with in pages 51-54 and there were no objections. The revised NPPF at paragraph 175 advises how to deal with the loss of ancient woodland as set out in page 54 onwards and referred to the wholly exceptional reasons for permitting the loss of ancient woodland at page 58 of the report which set these reasons out. He noted that the compensation strategy would also be secured by way of planning condition. He advised that access to the eastern part of the site will cut through an area of ancient woodland; there would be some new planting on the site and translocation of the soil. Officers think there is no conflict and the loss of ancient woodland has been compensated for in this application.

The Team Leader informed Members that the drainage would link to existing ponds and water courses and highlighted that any issues would be addressed at the reserved matters stage. Southern Water and the District Council's Drainage Engineer had no objections in principle to the development of the site.

The Team Leader informed Members that Policy DP20 sets out that the infrastructure would be secured through the use of a S106 planning obligation to mitigate the impact of the development.

The Team Leader concluded that taking all issues into account the application does comply with the development plan when taken as a whole and recommended that the application be approved.

Mr Pulfer, the Leader of Haywards Heath Town Council and Vice Chair of Planning, spoke that the made Neighbourhood Plan supports such an application. He welcomed the provision of affordable housing but had concerns with parking provision, which is poorly integrated, future traffic congestion and the sloping nature of the site.

Mr Ian Dawson from Wivelsfield Parish Council, spoke in objection to the application in its current form. He advised he had significant reservations about the location of the various amenities, the parking at the school and the shared access and the

impact on the local highway network. He also requested the Wivelsfield residents be considered for the allotments.

Mrs Went and Mr Roger Brocklehurst, both from the Fox Hill Association, both spoke in objection to the application. On being shown a Plan by Mrs Went, the Team Leader confirmed that she had a copy of the current Master Plan. Mrs Went spoke about the impact on air quality, congestion on the local highway network, the requirement to have a TRO and the ancient woodland. She also stated that there would be fewer buses and the train station is 2 miles away. Mr Brocklehurst spoke about the conflict of interest as the District Council are land owners of part of the site and that the modelling data used by Highways was deficient meaning that it was not fit to make a determination as the application was flawed.

Mr Silander, on behalf of Mr Dan McQuillan from Hurstwood Grange Estate, spoke in objection to the application. He spoke about current traffic congestion, the safety of the single access to the school and requested the application be deferred for new modelling by Highways using revised data.

Mr Martin Carpenter, Director of EnPlan, Agent0020 on behalf of the land owners, spoke in support of the application. He advised that the application met Development Plan objectives and the significant benefits to the community outweigh the negative impacts. He advised that the phasing of the development could be adjusted so that the school could be built earlier together with the transfer of the open space land. The application conforms to H1 of the made Neighbourhood Plan.

Councillor Clarke, Ward Member for Haywards Heath – Franklands, spoke in support of the application in principle. He informed Members that the affordable housing was needed and welcomed the provision of a country park, new primary school, allotments and burial ground. He commented that the traffic on Fox Hill would increase once Hurstwood Lane was closed, that there was no provision for a footpath on the west side of Fox Hill as walking to school should be encouraged and traffic calming was needed on Fox Hill as residents are crossing the road, which is currently dangerous. Councillor Clarke requested new talks with Highways so the junction layouts, including the southern end of the scheme, should be re-evaluated.

Councillor Wall, Ward Member for Haywards Heath – Franklands, advised Members he had received many letters and emails raising valid concerns in relation to this application. He advised that this was a significant plan with many benefits, the proposed community amenities that cannot be underestimated, the substantial number of houses and affordable housing that are especially at a premium, which was all supported by the Haywards Heath Neighbourhood Plan, but it has also raised many concerns which needed addressing. He advised that the Haywards Heath Society and the Town Council supported the plan but had concerns that needed to be looked at. He commented that Members had received a detailed report and would make a robust decision but they should check the application with regard to highway concerns, which is at the heart of the decision.

The Chairman informed Members that the number of affordable housing units was not detailed in this report but DP3 required 30%. He asked Mr Richard Moules of Landmark Chambers to comment on the fact that the District Council's Property Asset Division are part land owners and part applicant. Mr Moules thanked the speakers for raising their concerns. He informed Members that the District Council, as the Local Planning Authority under the Town and Country Planning Act 1990, had to decide all planning applications even if they are also the land owners/applicants and they must decide this application on a lawful basis just like any other application.

The status of the District Council as land owner is not a material planning consideration and the application should be judged on planning merits only.

A Member commented that he had sympathy with the residents and agreed with Councillor Clarke that the road layout at the southern end with the junction of Fox Hill should be re-evaluated and queried the way the land falls in relation to the burial ground and allotments with regard to drainage. The Chairman advised that highway matters would be dealt with first.

A Member commented that this was an outline application for the site with access being approved and asked the Officers to define the accesses that are to be considered today as part of the application. The Team Leader confirmed that the application concerned all accesses to the site, southern and northern ends, and all highway works to the site. The Member then commented that he was content with the traffic lights at the northern access and asked if there would be provision for traffic lights and a pedestrian crossing at the southern end. He advised that there is poor visibility exiting Hurstwood Lane when heading right onto Fox Hill. He accepted the principle of the development in line with the Haywards Heath Neighbourhood Plan.

Several other Members also commented that they had sympathy with the residents on the highways matters that had been highlighted with some querying whether the surrounding infrastructure could cope with the increased traffic flow and the need for a signalised junction at the southern end of the site.

Ian Gledhill, West Sussex County Council Highway Authority, advised Members that the traffic modelling was a mathematical and computer based process but used actual data gathered by people monitoring specific traffic movements at the junctions, i.e. traffic flows and queue lengths. They had factored in other local committed developments and also included an element for traffic growth; he advised that the modelling was robust as it was based on real world data. In response to a Member request, he stated that the surveys were undertaken at least 2 hours in the morning and 2 hours in the afternoon at peak periods. With regard to the southern end of the site the traffic data shows high use but the closure of part of Hurstwood Lane would reduce its usage and mitigate the need for traffic lights. In response to the request for a pedestrian crossing he advised that there was no need as the distance was deemed too far for primary school children to walk.

He advised that with regard to Greenhill Way further modelling work had been received from the developer and had been assessed and was included in the report. In the NPPF there was no definition of 'severe impact' and this was decided on a case by case basis and in view of Inspector's decisions. In this case the County Council considered it not to be severe. In response to the request for sequential lights on the minor road near Greenhill Way he advised that the existing lights at the junction had a 90 second cycle which gave adequate time for traffic to filter in.

In response to a Member's question the Team Leader advised that, with these outline illustrative plans, 181 units would use the junction at the southern end of the site and 194 units at the northern end. He confirmed that the site had been allocated in the Neighbourhood Plan and therefore the principle of this development accorded with the development plan. The Team Leader advised that as the site had been allocated for the development as specified in the Neighbourhood Plan, by definition there would be an increase in vehicular movements associated with this development.

Another Member commented on the issue of the shared car parking for the school and burial ground however the Chairman confirmed that this was an item for reserved matters.

Fiona Bishop, Team Leader and Drainage Engineer, replied in response to a drainage query. She advised that surface water from the burial ground would run off the site towards the boundary in a south/south westerly direction and so not towards the allotments. The Chairman confirmed that Condition 8 required that, prior to any works commencing on the burial ground, a hydrological risk assessment must be undertaken to show that there are minimal risks to the environment either at the time of the burial or in the future.

Mr Richard Moules advised that Condition 8 would be upheld as a lawful condition.

A Member commented that the site had previously been acquired for use as public open space and noted residents' concerns regarding the referendum procedures for the Haywards Heath Neighbourhood Plan. He also commented that there was an adverse impact on air quality at the junction and asked whether this infringed the Human Rights Act. With regard to the land being used for public open space Sally Blomfield, Divisional Leader for Planning and the Economy, replied that this had been addressed in February 2016 at the Examination into the Neighbourhood Plan at which the independent Examiner had considered the issue and concluded that the site was not currently open space but farmland and that the precise location of the open space was an appropriate matter for the Neighbourhood Plan. Policies H1, E3 and E4 of the made Neighbourhood Plan address this matter. She continued that the opportunity to challenge the Neighbourhood Plan had passed, it has been made and is part of the development plan to be used to assess the planning application. In response to the Member's question on air quality policy DP29 sets out the Council's policy and pg 48 of the report states that para 181 of NPPF has been met. With regard to Human Rights and Article 2, the right to life, Mr Richard Moules advised that as there was a negligible change in the air quality, Article 2 is not engaged as a matter of law.

The Chairman advised the Committee that two thirds of the woodland in Mid Sussex is ancient woodland. The NPPF has increased the protection of this type of woodland and states that loss of such habitats should be refused unless there are wholly exceptional reasons and a suitable mitigation strategy exists.. Mr Richard Moules advised the Committee that there is compensation, and not mitigation, for the loss of the woodland, i.e. new planting and translocation of the soil. Members confirmed that they were happy with the issue about the Ancient Woodland as set out in the report.

The Chairman then confirmed with the Committee that the report had details on the impact on listed buildings, landscape, neighbourhood amenities, highways, air quality. The drainage issues would be dealt with in reserved matters, the land can be drained but needed careful consideration at that stage. He advised the Committee that West Sussex County Council Highway Authority had no objections to the application. He highlighted the benefits to the community; with the location of the burial ground, in relation to the school, could be looked at in reserved matters. He reminded the Committee that this was an application for up to 375 houses and the additional recommendation set out in the Agenda Update Sheet gives the Officer delegated powers regarding Section 106 planning obligation.

Therefore, as there was no other motion proposed, the Chairman took Members to the recommendation as set out in the report, as amended in the Agenda Update

Sheet including the delegation to Officers on the negotiation and completion of the planning obligation, which were approved with 9 votes in favour and 1 vote against.

**RESOLVED**

That permission is to be granted subject to the conditions listed in Appendix B, and additional conditions as listed in the Agenda Update Sheet, and the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure provision. In addition, that authority be delegated to Officers to negotiate and complete a satisfactory S106 planning obligation.

**6. ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS**

None.

**7. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10**

None.

Meeting closed at 4:04.

Chairman.