

21 March 2018.

PLEASE NOTE START TIME OF MEETING

Dear Councillor,

A meeting of **PLANNING COMMITTEE A** will be held in the **Council Chamber** at these offices on **THURSDAY, 29 MARCH 2018 at 7.00 p.m.** when your attendance is requested.

Yours sincerely,

KATHRYN HALL

Chief Executive.

A G E N D A

1. To note Substitutes in Accordance with Council Procedure Rule 4
– Substitutes at Meetings of Committees etc.
2. To receive apologies for absence.
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
4. To confirm the Minutes of the meeting of the Committee held on 1 March 2018. **Document A (attached)**
5. To consider the report of the Head of Economic Promotion and Planning upon planning applications and other matters submitted to the Committee for determination. **Document B (attached)**
6. To consider any items that the Chairman agrees to take as urgent business.
7. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

Human Rights Act

The reports and recommendations set out in this agenda have been prepared having regard to the requirements of the Human Rights Act 1998.

Risk Assessment

In formulating the recommendations on the agenda, due consideration has been given to relevant planning policies, government guidance, relative merits of the individual proposal, views of consultees and the representations received in support, and against, the proposal.

The assessment of the proposal follows the requirements of the 1990 Town and Country Planning Act and is based solely on planning policy and all other material planning considerations.

Members should carefully consider and give reasons if making decisions contrary to the recommendations, including in respect of planning conditions.

Where specifically relevant, for example, on some applications relating to trees, and on major proposals which are likely to have a significant impact on the wider community, potential risks associated with the proposed decision will be referred to in the individual report.

NOTE: All representations, both for and against, the proposals contained in the agenda have been summarised. Any further representations received after the preparation of the agenda will be reported verbally to Members at the meeting. Any other verbal or additional information will be presented at the meeting.

The appropriate files, which are open to Member and Public Inspection, include copies of all representations received.

Members are also reminded the representations, plans and application file will also be available for inspection at these offices from 6.00 p.m. on the day of the meeting.

To: **Members of Planning Committee A:** Councillors Ash-Edwards, Heard, M. Hersey, Marsh, Matthews, Mockford, Walker, Watts Williams, Wilkinson and Wyan.

**Minutes of a meeting of Planning Committee A
held on Thursday, 1 March 2018
from 7.00 p.m. to 8:00 p.m.**

Present: Edward Matthews (Chairman)
Antony Watts Williams (Vice-Chairman)

Jonathan Ash-Edwards
Ginny Heard*

Margaret Hersey*
Gary Marsh*
Norman Mockford*

Neville Walker
John Wilkinson
Peter Wyan

* Absent

Also Present: Councillors Edward Belsey and Dick Sweatman

1. SUBSTITUTES

None.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillors M. Hersey, Heard, Marsh and Mockford.

3. DECLARATIONS OF INTEREST

None

4. MINUTES

The minutes of the meeting of the Committee held on 1 February 2018 were agreed as a correct record and signed by the Chairman.

5. APPLICATIONS AND OTHER MATTERS CONSIDERED

DM/15/2830 – Land at Dunnings Mill, Dunnings Road, East Grinstead, West Sussex, RH19 4AT

Stuart Malcolm, Senior Planning Officer, introduced the report of the outline application for the erection of 12 dwellings and drew Member's attention to the Agenda Update Sheet. He noted the amendments to conditions 4 to 9 and also a deletion to a sentence within condition 6.b. Reference was also made verbally to two additional letters of representation that had been submitted since the update sheet had been finalised. The Senior Planning Officer then confirmed that in the officer's opinion the historical flooding issue on this site, or upstream or downstream, will not be exacerbated due to the development and that there were no sustainable planning reasons to object to the scheme.

William Glenister, local resident, spoke against the application.

Councillor Edward Belsey, spoke both as a neighbour and against the application. He

noted that the site is a community asset of open space which will be lost due to this development and expressed that the design is out of keeping with the area. Councillor Belsey then explained that Dunnings Mill and Dunnings Road have suffered flooding in the past and believed this scheme is more flood diversion rather than flood mitigation. He concluded by drawing attention to a second stream which was not mentioned in the report.

Councillor Dick Sweatman, Ward Member for Herontye, spoke against the application. He felt that the site lies in an area of development constraint which won't allow for proper mitigation of the risk of flooding. He also mentioned that policies EG2 and EG2a of the East Grinstead Neighbourhood Plan should be given full weight in the consideration of the application and stated that the application does not meet Policy 61 of the Habitat Regulations Assessment.

The Chairman enquired if the officers were aware of the second stream mentioned by Cllr Belsey.

Fiona Bishop, Team Leader & Drainage Engineer, confirmed that the stream had been taken into account during the modelling however it was deemed that it would not have an effect on the development as the stream runs into a pond nearby.

A Member sought clarification over the statement on P.42 of the report which states that 'the proposal does not therefore constitute sustainable development'. It was noted that the statement is highlighted in bold.

The Senior Planning Officer confirmed that as described on P.42 it states that there is a limited adverse impact on visual amenity which is an inevitable consequence of building on a greenfield site. He added that in this case it is considered only a limited adverse visual impact but this is why the application does not qualify the development as fully constituting sustainable Development.

A Member enquired as to why the aforementioned statement on P.42 is highlighted in bold.

The Senior Planning Officer explained that the statement is emboldened to make it clear to Members whether the development is classed as sustainable development or not. They are still required however to carry out a balancing exercise, in accordance with para 14 of the NPPF, and grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The Member then questioned whether it is a balancing act as he felt that it is rather one-sided.

The Chairman outlined that anything that exacerbates a current problem should be considered. He added that land would be lost if the land is raised which would only cause the water to fall faster from the raised land.

A Member had witnessed the problems at Dunnings Mill however he felt that going against application would be going against the opinions of experts.

The Team Leader & Drainage Engineer clarified that in this case the task is flood management rather than flood mitigation. She explained that the land will be lowered by the water course and the road. This had been modelled using the existing plans and also what it would look like when it has been lowered and developed.

Tom Clark, Solicitor to the Council, reminded Members of a recent application at Sayers Common which was rejected by the Council because of flooding and drainage issues. However, at the appeal stage it was approved as the Planning Inspector followed the expert's evidence on mitigation of flood risks.

A Member sought clarification over a statement made on P.28 which recommends overcoming the flooding issue by carrying out works to the lower land. He enquired if that was a suggestion from the developer.

The Team Leader & Drainage Engineer clarified that it is regular procedure for developing land in applications such as this.

A Member expressed his support for the recommendation. He noted the removal of plot 13 but questioned what the difference was between plots 12 and 13 as he felt the plots are the same.

The Senior Planning Officer explained that removing plot 13 was needed as this was the dwelling most likely to be affected by water from the watercourse if it was flowing out of bank or the water running overland from the north from Hurst Farm Pond and Southlands.

Cllr Wyan acknowledged that he could not find a sustainable planning reason to refuse so proposed that they move to the recommendation. This was seconded by Cllr Walker.

The Chairman then moved to recommendation which was approved unanimously.

RESOLVED

That permission be granted, subject to the completion of a section 106 legal agreement to secure the necessary infrastructure contributions and mitigation, to the conditions listed at Appendix A and the amended conditions listed in the Agenda Update Sheet.

DM/18/0454 – Rowfant House, Wallage Lane, Rowfant, Crawley, West Sussex, RH10 4NG

Steven King, Planning Applications Team Leader, reminded that Members an application was recently submitted on this site. He confirmed that the Scheme of Delegation allows officers to approve minor variations to legal agreements under delegated powers but as the applicants sought to have the legal agreement revoked, this fell outside the scheme of delegation and this was why the application was being reported to committee. He drew attention to the report which sets out why the legal agreement no longer serves any planning purpose. The committee was also informed that the owners have raised no objection.

The Chairman noted that no Member wished to speak so moved to recommendation which was agreed unanimously.

Meeting closed at 20:00

Chairman.

MID SUSSEX DISTRICT COUNCIL

PLANNING COMMITTEE A

29 MAR 2018

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MID SUSSEX DISTRICT COUNCIL

PLANNING COMMITTEE A

29 MAR 2018

PART I – RECOMMENDED FOR APPROVAL

No applications recommended for approval being heard at this Committee.

MID SUSSEX DISTRICT COUNCIL

PLANNING COMMITTEE A

29 MAR 2018

PART II – RECOMMENDED FOR REFUSAL

No applications recommended for refusal being heard at this Committee.

MID SUSSEX DISTRICT COUNCIL

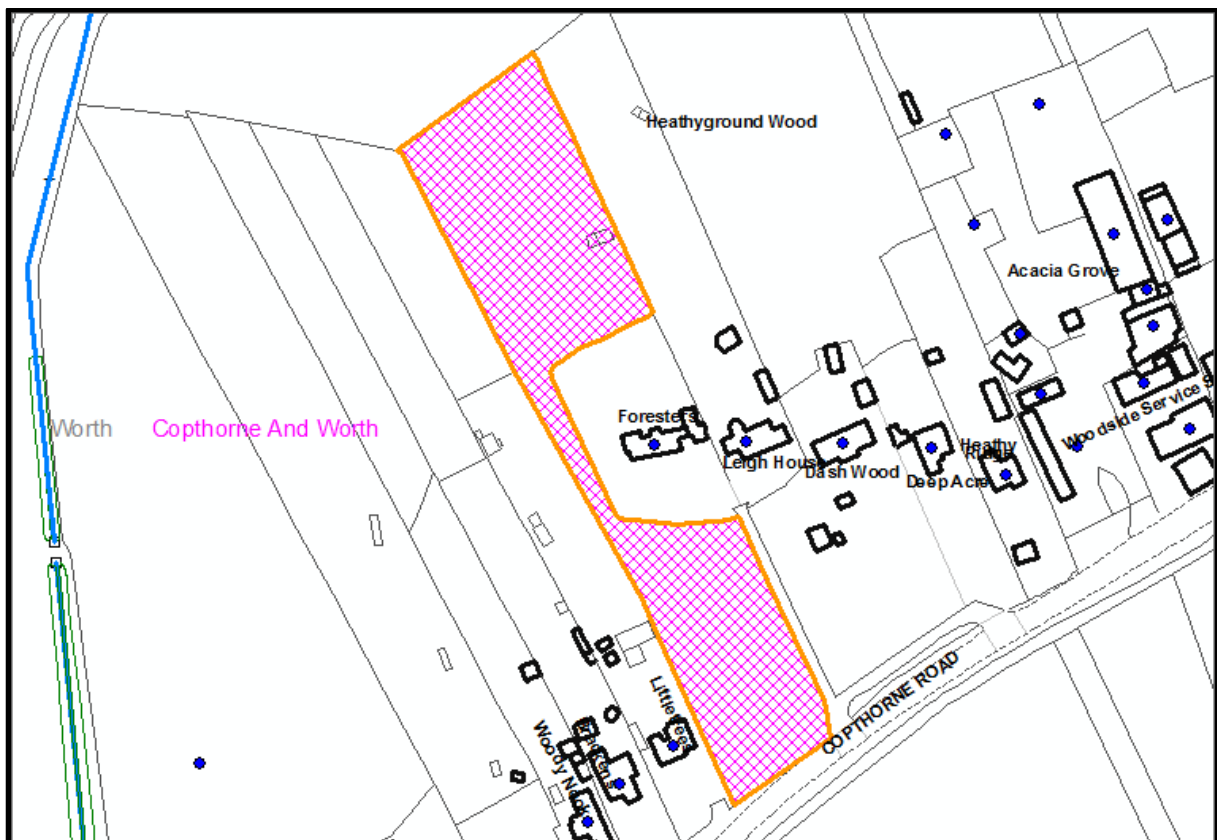
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29 MAR 2018

PART III – OTHER MATTERS

Worth

1. TP/17/0005 – Land at Foresters, Copthorne Road, Copthorne



REPORT

Members are being requested to consider whether or not to confirm a new Tree Preservation Order (TPO), TP/17/0005 refers, for a woodland Order covering an area of Ancient Woodland on land at Foresters, Copthorne Road, Copthorne.

The trees are a mix of mature specimens and younger natives and make a significant contribution to the quality of the locality which is characterised by

properties in spacious plots, set back from the road. Properties in the vicinity are surrounded by large areas of Ancient Woodland to the rear. This also forms a valuable buffer between these properties and those fronting Copthorne Way.

Due to their maturity, many of the trees are visible from some distance away and undoubtedly make a contribution to both the character of the road and wider views of the locality. The trees also provide a high level of biodiversity.

BACKGROUND

The trees are considered to be in danger of felling. A pre application enquiry has been received which suggests that the trees could be under threat. Further, the plot of land containing the house has now been sold, with the objector retaining ownership of an area to the front and rear, subject of this Order.

The trees scored 17 on the TEMPO assessment, definitely meriting protection by TPO.

THE OBJECTION

An objection has been submitted on behalf of the owner of the woodland. The grounds of objection may be summarised as follows:

- the area of woodland was purchased in 1950 by the objector's father and he strongly resisted plans to develop the area
- the objector's father has planted approx. 100 - 200 trees during his period of ownership.
- the aim is to continue the preservation of an area of woodland, including the removal of an area of *Rhododendron ponticum* to facilitate regeneration.
- seedlings appear every year and these are destroyed by deer, these have been occasionally transplanted into a small secure area to protect them but this would be illegal under the TPO.
- consider the TPO to be too restrictive to planned woodland management

ASSESSMENT

Having regard for the above objection, Government advice on TPOs and Conservation Areas state *"the woodland category should not hinder beneficial woodland management"*, it continues *"authorities can still encourage applications to*

manage the trees in ways which would benefit the woodland without making a serious impact on local amenity, for example, by making a single application for regularly repeated operations.”

Furthermore, the removal of *Rhododendron ponticum* and other non-native shrubs would not be prohibited under the Order, as these are not classed as trees. There are also woodland grants obtainable from the Forestry Commission which would not be in breach of the Order and would be beneficial to the trees.

As an area of Ancient Woodland, it is considered that the trees are extremely valuable and worthy of protection in their own right. The high amenity value of the frontage trees also makes them suitable for protection by TPO.

It is considered that trees have significant public amenity value and a high level of biodiversity, meriting their classification as Ancient Woodland, and that it was expedient to issue an Order in accordance with government advice.

Officers are content that the trees meet the relevant criteria for inclusion in the Order and that their protection is justified, and it is considered that the Order should be confirmed.

RECOMMENDATION

It is recommended that the Order is confirmed.