

**Minutes of a meeting of Planning Committee A  
held on Thursday, 21 June 2018  
from 7.00 p.m. to 8.25 p.m.**

**Present:** Edward Matthews (Chairman)  
Dick Sweatman\* (Vice-Chairman)

Jonathan Ash-Edwards  
Colin Trumble

Margaret Hersey  
Gary Marsh\*  
Howard Muddin

Neville Walker  
John Wilkinson  
Peter Wyan

\* Absent

**Also Present:** Councillors Moore and C. Hersey

The Chairman proposed to the Committee that Councillor Neville Walker act as Vice-Chairman for the duration of the Committee and this was agreed.

**1. SUBSTITUTES**

Councillor Christopher Hersey substituted for Councillor Dick Sweatman and Councillor Moore substituted for Councillor Marsh.

**2. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Marsh and Sweatman.

**3. DECLARATIONS OF INTEREST**

Councillor Peter Wyan declared a prejudicial interest in application DM/18/1646 as he is a co-opted member of a nearby sports club and gym which would be in direct competition with the proposed gym. Furthermore, Councillor Wyan declared a prejudicial interest in application DM/18/1746 as he had been the recipient of gifts or hospitality from the Applicants with the estimated value of at least £50. He will remove himself from the meeting for the duration of discussion and voting on these items.

**4. MINUTES**

The minutes of the meeting of the Committee held on 9 May and 24 May 2018 were agreed as a correct record and signed by the Chairman.

**5. APPLICATIONS AND OTHER MATTERS CONSIDERED**

DM/18/0897 – Land South West Of Handcross Primary School, London Road, Handcross, West Sussex, RH17 6HB.

Steve Ashdown, Team Leader for Major Development & Investigations, introduced the report for residential development and drew Members attention to the Agenda Update Sheet which included additional wording to Recommendation A, amended wording to conditions 5, 9 & 10 and an additional condition relating to the waste

collection arrangements. He confirmed that 32 of the dwellings had previously been granted on the site and therefore this application, in effect, proposes an additional 6 dwellings which would bring the total dwellings on the site to 102. No objections to this application had been received.

A Member noted that the affordable housing provision is continuing to be 30%.

A Member raised her concerns with respect to the spillage of spoil from work vehicles and asked if this is something that could be included in the Traffic Management Plan.

The Team Leader for Major Development & Investigations confirmed that it is good practice to cover the rear of work vehicles to prevent the spillage of spoil however it is more of a site management issue and not something that could be enforced via a planning condition.

A Member criticised the design of the scheme stating that the design was bland. He sought clarification on the differences between the density of the proposed design against the density of the previous design.

Another Member stated that it was good to use the best use of the land and was happy that the units are slightly smaller in size, which is welcome.

The Team Leader for Major Development & Investigations explained that he did not have the exact density figure but given that this application proposed additional dwellings it was slightly higher than already consented. . He did however note that the application is the last phase of the development and the scheme has been supported by the Urban Designer.

Councillor Wyan proposed to move to recommendation, as set out in the Report, which was seconded by Councillor Trumble and approved unanimously.

## **RESOLVED**

That planning permission be approved subject to the following recommendations and updated conditions contained in the Agenda Update Sheet;

### **RECOMMENDATION A**

That permission be granted subject to the completion of a satisfactory S106 Legal Agreement to secure affordable and appropriate infrastructure contributions and to the conditions listed at Appendix A.

Furthermore, allow officers to negotiate any Deed of Variation to the existing S106 Legal Agreements on the site as required to ensure appropriate mechanisms to secure the affordable housing and financial contributions across the various planning permissions.

### **RECOMMENDATION B**

That if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary infrastructure payments and affordable housing by 21st September 2018 then the application should be refused at the discretion of Divisional Lead for Planning and Economy for the following reason:

*The proposal fails to provide the required infrastructure contributions necessary to*

*serve the development and the required affordable housing. The proposal therefore conflicts with policies DP20 and DP31 of the District Plan.*

**[Councillor Wyan removed himself from the meeting at 7:21pm and took no part in the following two applications]**

DM/18/1646 – Silver Birch Development Site, King Street, East Grinstead, West Sussex, RH19 3DJ

Steve Ashdown, Team Leader for Major Development & Investigations, introduced the report for the change of use of part of the ground floor at the Silver Birch Development Site from Class A1 (Shops) to Class D2 (24-Hour Gymnasium). He drew Members attention to the Agenda Update Sheet which corrected a number of typographical errors in the Report. Environmental Health Officers have looked at the scheme and have raised no objections but have recommended conditions.

David Lewis and Sophia Webber, local residents, spoke against the application.

Johnathan Wadcock, agent of the applicant, spoke in favour of the application.

A Member expressed that, unfortunately, there is not a call for retail space anymore. She added that there is a night club and J D Wetherspoon close to the application site that has late night activity. It was felt that the gym users would not be drunk or disorderly so would be no problem with comings and goings and it was also noted that the car park users will most likely use parking spaces closest to the gym which are furthest away from the residential properties on Christopher Road and so therefore there would be minimal impact on the area's noise amenity. It was stated that the Travelodge at the site would also use the gym and, although the concerns of the residents were noted, the Member believed that their fears on this application would be groundless.

A Member agreed with the comments of the previous Member but sought clarification on whether the Committee can impose a condition which would restrict the use of the facility between 10pm and 6am.

The Team Leader for Major Development & Investigations confirmed that the application in front of the Committee is for a 24hr gymnasium and the applicants would have a right to appeal the decision if a condition restricting hours was imposed or if the application was refused.

A Member outlined how the application is the first of its kind in this district and offering a service to a different type of demographic. He added that hotels, like the Travelodge that will be above the application site, are 24hr access already and as there will be no 'kick out' time, there will be less noise impact. Another Member agreed with such comments and stated that if there were any noise disturbance then this could be reported to, and dealt with by, Environmental Health.

The Chairman sympathised with the residents who have raised their concerns previously in relation to the noise disturbance from the nearby nightclub but it would be difficult to oppose this application. He then took Members to the recommendation contained in the Report, with the correction of minor wording in condition 3, which was approved unanimously.

## **RESOLVED**

That permission be granted subject to the conditions listed at Appendix A and updated conditions listed in the Agenda Update Sheet.

DM/18/1746 – Saint Hill Manor, Saint Hill Green, East Grinstead, West Sussex, RH19 4NG

Steve King, Planning Applications Team Leader, introduced the Report for the removal of condition 1 from planning permission DM/16/3611. He directed Members to the Agenda Update Sheet which contained a correction to the wording of condition 1. He set out a complaint that was raised by a neighbour with regard to the breach of the restriction of coach use on the site outside of the permitted hours of between 8am and 9pm.

Andrew Metcalfe, planning consultant of the applicant, spoke in favour of the application to remove condition 1 entirely.

The Chairman expressed his understanding as to why the officers had reached their conclusion and how he took exception to the accusations about Members by the objector, as were copied into the Report. He also noted that the Environmental Health Officer is in favour of completely removing the condition.

A Member expressed his support to the additional trial period so neighbours can feel confident that their concerns are met. He raised his concerns about hindrance of traffic affecting the arrival of coaches from late night functions and pondered whether it would be fair to prevent them arriving if they were unduly held up.

The Planning Applications Team Leader confirmed that any complaint with regard to a breach of the condition is for the Council to decide whether it is appropriate and in the public interest to take action against the person/organisation that breached the condition. He added that officers take a pragmatic view with regard to breaches and if, for example, there were regular breaches then they would look to take action.

A Member queried how the Council can monitor the situation.

The Planning Applications Team Leader confirmed that the Council has two methods of monitoring noise; Environmental Health Officers can provide noise recording equipment to any complainer or they rely on comments/complaints from neighbours.

A number of Members queried whether the 9 month trial period was too long of a period.

The Planning Applications Team Leader confirmed that the Council felt that 9 months was appropriate in lieu of the breaches however confirmed that it is open to the committee to decide if they would like a different period.

A Member stated that Councillors are told that the Applicants are now adhering to the conditions set in place during the original application following the previous breaches but it is too early now to see if there is evidence of this. He felt that it was perfectly reasonable to give enough time to see that the conditions are working and adhered to and so the 9 month period was appropriate. Therefore, Councillor Trumble proposed to move to the recommendation which was seconded by Councillor M. Hersey. This was approved with 6 votes in favour and 3 against.

## **RESOLVED**

That planning permission be approved subject to the conditions set in Appendix A and the amended condition in the Agenda Update Sheet.

### **[Councillor Wyan returned to the meeting at 8:21pm]**

DM/18/1814 – The Yards, Cross Colwood Lane, Bolney, Haywards Heath, West Sussex, RH17 5RY

The Chairman introduced the application for the variation of condition 1 relating to planning application DM/16/2857. He noted that it was before the committee as the applicant is a District Council Member. As there were no Members wishing to speak on this item, the Chairman took Members to the recommendation to approve, as set out in the Report, which was agreed unanimously.

## **RESOLVED**

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

EF/14/0143 – Land North Of Bylanes Close (now Buttinghill Drive), Cuckfield, West Sussex, RH17 5GQ

Steve Ashdown, Team Leader for Major Development & Investigations, introduced the report for the planning enforcement investigation and breach of planning control where the land owner has failed to comply with the requirements of an Enforcement Notice in relation to the public open space and drainage provision. He confirmed that the site has been completed for a number of years and applicants did undertake work but the land slipped again. Nothing has progressed since the Enforcement Notice was issued, although a meeting with the developer had been arranged, and informed the committee that they are being asked to provide the Solicitor to the Council authorisation to proceed to a prosecution should it be considered appropriate.

The Chairman noted that there were no Members wishing to speak on this item so took Members to the recommendation, as set out in the Report, which was agreed unanimously.

## **RESOLVED**

That the owner of the land is prosecuted for noncompliance with the Section 172 Enforcement Notice, subject to the Solicitor to the Council being satisfied that there is sufficient evidence to do so.

Meeting closed at 8:25pm

Chairman.