
28 November 2018

Dear Councillor,

A meeting of **PLANNING COMMITTEE A** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 6TH DECEMBER, 2018 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

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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,

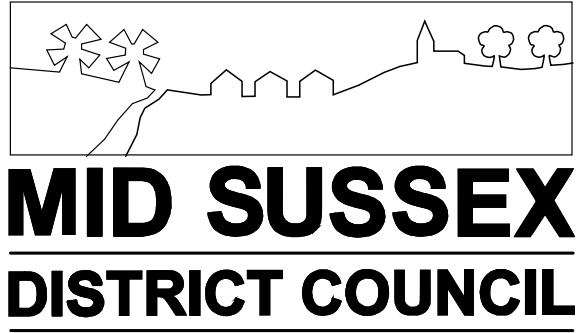
potential risks associated with the proposed decision will be referred to in the individual report.

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 E Matthews, D Sweatman, J Ash-Edwards, M Hersey, G Marsh, H Munding, C Trumble, N Walker, J Wilkinson and P Wyan



Agenda Update Sheet

Planning Committee A

Date: 6th December 2018

PART II – RECOMMENDED FOR APPROVAL

ITEM 6

APPLICATION: DM/18/2912

The application has been withdrawn from the agenda by Officers.

ITEM 7

APPLICATION: DM/17/2384

The applicant's agent advised of the following:

Notwithstanding the viability position as agreed by the District Valuer in consideration of this scheme, the applicant (exceptionally) is offering three on-site shared ownership units, which it considers is a manageable part of the overall development risk. I can also confirm that a viability review mechanism will also be incorporated into the legal agreement.

P.50 EXECUTIVE SUMMARY

1st para, 2nd sentence. Amend to read:

"The applicant has offered 3 on-site shared ownership units as part of the application."

P.53 SUMMARY OF CONSULTATIONS

MSDC Housing Enabling Officer

The applicant is proposing a development of 40 apartments giving rise to an onsite affordable housing requirement of 30%. The applicant has however stated that it is not viable to provide any affordable housing contribution on this scheme. The District Valuer was commissioned to assess the viability of the development and establish whether any affordable housing provision was in fact possible. Additional information was requested and provided by the developer to clarify aspects of the viability assessment in relation to the details of the scheme, the gross development value, the build cost assumptions, fees and site value. Having undertaken a desk top review of the additional information provided the District Valuer concluded that it is not viable to provide any affordable housing either onsite or by way of commuted sum.

The applicant has however agreed to provide 3 on-site shared ownership units irrespective of viability and the viability situation will also be reviewed at a later date in the project when more accurate information about costs and values will be able to be provided. This review mechanism will be secured through the s106 agreement and will enable additional affordable housing units to be provided if viable. The 3 shared ownership units together with other potential affordable units will be identified in an 'Affordable Housing Schedule' appended to the Planning Obligation and this schedule will comprise a plan identifying the proposed and potential housing units together with a table stating the flat numbers, unit types and sizes.

P.68 Infrastructure contributions

The infrastructure contributions set out in the committee report will be slightly lowered as a result of the affordable housing offer. As the exact units have not yet been identified or agreed with the council, it is requested that officers can agree both this specification and the final infrastructure contributions in consultation with the Chair and Vice-Chair - which will then be incorporated into the legal agreement.

Local Community Infrastructure project - public realm improvements to South Road (west) (ref: HH/83).

P.70 Affordable housing

Top para, delete last 2 sentences and replace with:

"The applicant has offered 3 on-site shared ownership units as part of the application."

P.71 PLANNING BALANCE AND CONCLUSION

Amend 3rd para to read:

"Weighing in favour of the scheme is that the development will provide 40 additional residential units (including 3 affordable units) ..."

ITEM 8

APPLICATION: DM/18/2311

Page 101 Revised Recommendation A to read:

It is recommended that, subject to the completion of a satisfactory S106 planning obligation securing the necessary financial contributions towards SAMM mitigation and the inclusion of an appropriate viability review mechanism (including required Affordable Housing provisions), as set out in the Assessment section below, planning permission be granted subject to the conditions set out in Appendix A.

Revised Recommendation B to read:

If by 6th March 2019, the applicants have not submitted a satisfactory signed planning obligation securing the necessary financial contributions and viability review mechanism, then it is recommended that planning permission be refused at the discretion of the Divisional Leader for Planning and Economy for the following reason:

"The application fails to comply with Policies DP17 and DP31 of the Mid Sussex District Plan, Policy EG16 of the East Grinstead Neighbourhood Plan, the Council's Affordable Housing SPD and the NPPF in respect of the SAMM mitigation and affordable housing required to serve the development."

Page 126, additional condition, number 13 (pre-occupation condition) and re-number the following condition accordingly, to read:

The development hereby approved shall not be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping for the pedestrianised part of Queens Walk incorporating elevation drawings/precedent images of all the proposed street furniture. The landscaping plan shall also include boundary treatments, hard surface materials and indications of any proposed planting. These works shall be carried out as approved. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to accord with Policy DP26 of the District Plan and Policies EG3 of the Neighbourhood Plan.

Page 132 MSDC Waste Officer, final comments:

I can confirm that I have viewed the revised layout of the bin store and Waste Services feel that this amount of bins will be sufficient to store the refuse and recycling generated by all properties.

We are also happy that we would be able to collect the waste if a condition is in place for the bins to be presented at an agreed collection point by the property manager on the scheduled collection day.

ITEM 10

APPLICATION – DM/18/3421

Page 198 MSDC Contaminated Land Officer –

I've read through the report, and am satisfied that condition 5)1) a-b) can be removed.

This being the case, I have re-worded the verification condition so that it no longer refers to conditions that will not exist:

- 1) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority, a verification report by a competent person showing that the remediation scheme has been implemented fully in accordance with the details submitted (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):
 - a) Description of remedial scheme
 - b) as built drawings of the implemented scheme
 - c) photographs of the remediation works in progress
 - d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the remediation scheme shall and maintained.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

APPENDIX A

Page 185 Condition 5 - Delete from pre-commencement conditions and re-number conditions accordingly. Move to pre-occupation conditions and amend to following wording:

“The development hereby permitted shall not be occupied into use until there has been submitted to and approved in writing by the Local Planning Authority, a verification report by a competent person showing that the remediation scheme has been implemented fully in accordance with the details submitted (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the remediation scheme shall and maintained.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.”

Page 188 Condition 12 - Reword to the following:

“The building shall not be occupied unless and until the hard and soft landscaping works have been carried out in accordance with the Landscape Design Strategy (ref LLD1211-LAN-REP-001), the Detailed Plant Schedule and Specification (ref LLD1211-LAN-SCH-001 Rev 00), the Hard and Soft Landscape Plan (drwg
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LLD1211-LAN-SPE-001 Rev 00), the Detailed Planting Plan (drwg LLD1211-LAN-DWG-200 Rev 00) and the Hard and Soft Landscape Plan (dwg LLD1211-LAN-DWG-100 Rev 04) date stamped 16th August 2018. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.”

Page 189 Plans Referred to in consideration of this Application:

Update following plans:

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|---------------------|----------------------------|------------|
| Landscaping Details | LLD1211-LAN-DWG-100 Rev 04 | 16.08.2018 |
| Landscaping Details | LLD1211-LAN-DWG-200 Rev 00 | 16.08.2018 |

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