

**Minutes of a meeting of Planning Committee A  
held on Thursday, 6th December, 2018  
from 7.00 pm - 8.25 pm**

**Present:** E Matthews (Chairman)  
D Sweatman (Vice-Chair)

J Ash-Edwards	H MUNDIN	P Wyan
M Hersey	N Walker	
G Marsh	J Wilkinson	

**Absent:** Councillors C Trumble

**1. TO NOTE SUBSTITUTES IN ACCORDANCE WITH COUNCIL PROCEDURE  
RULE 4 - SUBSTITUTES AT MEETINGS OF COMMITTEES ETC.**

None.

**2. TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillor Trumble.

**3. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF  
ANY MATTER ON THE AGENDA.**

Councillor Ash-Edwards declared predetermination in item DM/18/2384 NCP Ltd Harlands Road Car Park, and will remove himself from the meeting for the duration of discussion and voting on this item.

Councillor M Hersey declared predetermination in item DM/18/2639 Lantern Cottage, Spring Lane, and will remove herself from the Committee for this item although she will be speaking as Ward Member.

Councillor MUNDIN declared that, in relation to the Haywards Heath applications, he is a Member of the Haywards Heath Town Council Planning Committee. He stated that he comes to this meeting with an open mind to consider the representations of the public speakers, Officers and Members of the Committee.

**4. TO CONFIRM THE MINUTES OF THE PREVIOUS MEETING OF THE  
COMMITTEE.**

The minutes of the meeting of the Committee held on 11 October 2018 were agreed as a correct record and signed by the Chairman.

**5. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.**

None.

**6. DM/18/2912 LAND ADJ. NEWBURY, COURTMEAD ROAD, CUCKFIELD.**

Steve Ashdown, Team Leader - Major Development & Investigations, announced that this item has been withdrawn by Officers from the agenda. Officers have been made aware that afternoon that an application to West Sussex County Council to amend the definitive map and statement to record a public footpath through the site had been made and Officers require time to consider the implications with regards to this application.

**Councillor Ash-Edwards withdrew from the Committee and sat in the public seating area for the duration of the following item.**

**7. DM/17/2384 NCP LTD, HARLANDS ROAD CAR PARK, HARLANDS ROAD, HAYWARDS HEATH.**

Andrew Watt, Senior Planning Officer, introduced the application for the clearance of the site and construction of a building containing 40 residential apartments with associated access, car parking, landscaping and ancillary works. He drew Members attention to the Agenda Update Sheet regarding the viability position agreed by the District Valuer. The applicant had agreed to provide three on-site shared ownership units and agreed to a viability review being incorporated within the S106 planning obligation. The Agenda Update Sheet also includes information on the Infrastructure contributions and comment from the Council's Housing Enabling Officer. The Senior Planning Officer highlighted that the site is allocated for residential development in the Haywards Heath Neighbourhood Plan and that the loss of the car park is considered acceptable.

Andrew Somerville spoke in support of the application.

A number of Members commended the design and sustainability of the site but expressed concern over the lack of provision for affordable housing. Councillor Marsh moved to refuse the application on the grounds that the application did not meet the requirements of DP31 in providing 30% affordable housing, and his uncertainty whether the figures provided by the applicant reflect the real position in terms of expected return. On a separate topic, he asked that if application be approved, all bin stores are to be lockable.

A Member raised concerns over the parking report and had reservations over the effect of the application on neighbouring Pinfold House residents. He felt it set a dangerous precedent to other developers if they were able to avoid the affordable housing requirements. He queried whether the proposed viability assessment will lead to the possibility of requesting closer to 30% affordable housing at a later stage. A Member also queried whether the Committee were obliged to follow the District Valuer's recommendation or if they can rely solely on policy DP31 and, although another Member was concerned with Affordable Housing, this other Member stated that the District Valuer was commissioned by the District Council and the Committee could not really go against his report.

The Chairman reminded the Committee that policy DP31 does not state that 30% must be achieved. The District Valuer report is what it is and the back stop is the review mechanism to assess viability at a later date. The Team Leader - Major Development & Investigations also confirmed that the District Valuer was independently commissioned by the District Council and highlighted the importance of the review mechanism that is in place - something which was not available to the Council in applications prior to the adoption of the District Plan and the new Supplementary Planning Documents. He stated that viability is not a new issue but the review mechanism could now allow for the potential to claw back some affordable housing units and will be based on real (not assumed) costs and the purchase price of the site.

On this basis, Councillor Marsh withdrew his motion to refuse the application. Councillor Walker had proposed that the Committee move to the recommendations and this was seconded by Councillor Wyan.

The Chairman took Members to the recommendations, as set out in the report and these were approved with 6 Members in favour, 1 against with 1 abstention.

#### **RESOLVED**

That the following recommendations be approved:

#### **Recommendation A**

Subject to the completion of a satisfactory S106 planning obligation securing the required level of infrastructure contributions and 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.

#### **Recommendation B**

If by 8 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 DP20 and DP31 of the Mid Sussex District Plan, Policy T2 of the Haywards Heath Neighbourhood Plan and paragraphs 54 and 56 of the National Planning Policy Framework in respect of the infrastructure and affordable housing required to serve the development."*

**Councillor Ash-Edwards returned to the Committee for the following items.**

#### **8. DM/18/2311 30-34 LONDON ROAD, EAST GRINSTEAD.**

Stuart Malcolm, Senior Planning Officer introduced the application for reconfiguration and part change of use of the ground floor to provide a new residential entrance and refuse store associated with the change of use of the first floor (class A1 shops) and four storey extension to accommodate 17 apartments (class C3 residential), cycle storage and associated plant and amenity space, removal of archway to Queens Walk and shop front alterations to existing retail units. He drew Members attention to

the Agenda Update Sheet with revised wording to the recommendations, and reference to the viability review mechanism applicable to this application.

He noted that there will be a 17m<sup>2</sup> loss of floor space in the reconfiguration of the site which was deemed acceptable, but an inevitable consequence due to the provision of a new residential access and bin storage. He noted that and the removal of the archway to Queens Walk has objections from East Grinstead Town Council and the East Grinstead Society but that it has no architectural or historic features whilst the removal would open up Queens Walk making it a more attractive urban environment.

Henry Courtier spoke in support of the application.

A Member noted that the Town Council recommended refusal which he felt was surprising as they had agreed to a larger development adjacent to this site. He noted that WSCC Highways department have no objection to the lack of car parking provision as it is a sustainable location in the centre of town. Another Member supported the application as a welcome addition to the continuation of the Queens Walk development. A couple of other Members welcomed the removal of the archway and noted the back stop position for the review mechanism which would see whether more affordable homes could be included at a later stage.

The Chairman took Members to the revised recommendations as listed in the Agenda Update Sheet, which were approved unanimously.

## **RESOLVED**

That the following recommendations be approved:

### **Recommendation A**

That permission be granted, subject to the completion of a satisfactory section 106 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, and subject to the conditions as set out in Appendix A.

### **Recommendation B**

If by 6<sup>th</sup> 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.'

## **9. DM/18/3102 87 JUNCTION ROAD, BURGESS HILL.**

The Chairman noted that there were no public speakers and confirmed with the Committee that they did not require a presentation on this application for the demolition of existing building and erection of a new building containing 6 x flats

including parking and landscaping. He took Members to the recommendations as contained in the report which were agreed unanimously.

## **RESOLVED**

That the following recommendations be approved:

### **Recommendation A**

It is recommended that planning permission be approved subject to the completion of a S106 Legal Agreement to secure infrastructure contributions and the conditions set in Appendix A.

### **Recommendation B**

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

1. 'The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'

## **10. DM/18/3421 FARRINGDON HOUSE, WOOD STREET, EAST GRINSTEAD.**

The Chairman noted that the public speaker was in support of the recommendations made by Officers and confirmed with the Committee that they did not require a presentation on this application for west wing and fourth floor extension to provide 10 residential dwelling units together with improvements to existing balconies, cladding, fenestration changes and associated parking and landscaping.

He took Members to the recommendations as contained in the report and amendments to the wording of conditions as contained in the Agenda Update Sheet. These were agreed unanimously.

## **RESOLVED**

That the following recommendations be approved:

### **Recommendation A**

It is recommended that planning permission be approved subject to the completion of a S106 Legal Agreement to secure infrastructure contributions and the conditions set in Appendix A.

### **Recommendation B**

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure and Ashdown Forest mitigation payments by the 6th March 2019, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'

2. 'The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, Policy DP17 of the Mid Sussex District Plan 2014-2031, policy EG16 of the Neighbourhood Plan, and Paragraph 175 of the National Planning Policy Framework.'

**Councillor M. Hersey withdrew from the Committee and sat in the public seating area for the following item.**

**11. DM/18/2639 LANTERN COTTAGE, SPRING LANE, LINDFIELD.**

Steve Ashdown, Team Leader - Major Development & Investigations introduced the application for a proposed 5 bedroom two-storey house on existing land forming part of the garden to Lantern Cottage. He confirmed that the application needed to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. He noted that Policy DP6 of the District Plan didn't apply in this instance as the application site was not contiguous to the Built Up Area of Lindfield. The proposal was contrary to policies DP12 and DP15 of the District Plan and Policies 1 and 2 of the Neighbourhood Plan. The principle of development was therefore unacceptable. The proposal would also have an impact of the setting of the Lindfield Conservation Area, which was considered to be less than substantial in NPPF terms, however Officers considered that the public benefits of the single dwelling did not outweigh the identified harm to the setting of the Conservation Area.

David Coleman and Kate Andrews spoke in support of the application on the grounds that it was well designed, in keeping with the area, and the garden is contiguous to properties with a linear line to the built up area boundary.

Councillor M Hersey spoke as Ward Member noting that the application had been called in by Councillors Lea and Stockwell, who were not in attendance. She felt that the application would enhance the area and is well designed, and is similar to previous applications which have been approved outside of the built up area, prior to the adoption of the District Plan.

A Member noted that the application was for a particularly large dwelling for the site, compared to surrounding cottages. The Chairman sought clarification on the meaning of 'contiguous'. This was confirmed by the Team Leader as 'sharing a common border or touching', as set out in glossary appended to the District Plan.. The Team Leader also highlighted a prior appeal decision for another application off Spring Lane which was in relation to a site 21m from the built up area, which the Inspector stated as not being contiguous. The Team Leader noted that the application is approximately 84m away from the Built Up Area boundary.

The Chairman took Members to the recommendation to refuse the application as set out in the report. The refusal was approved unanimously.

**RESOLVED**

That the application be refused for the reasons set out in Appendix A.

**Councillor M Hersey returned to the Committee for the following item.**

**12. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

None.

The meeting finished at 8.25 pm

Chairman