

**Minutes of a meeting of Planning Committee A  
held on Thursday, 17th January, 2019  
from 7.00 pm - 10.52 pm**

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

J Ash-Edwards  
M Hersey  
G Marsh

H Munding  
C Trumble  
N Walker

J Wilkinson  
P Wyan

**Absent:** None.

**Also Present:** Councillor G Wall

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

None.

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

None.

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

Councillor Ash-Edwards declared predetermination in item DM/18/2912 Land Parcel Adj Newbury, Courtmead Road Cuckfield and in item DM/18/4567 Pease Pottage Village Sports and Social Club in his Cabinet and Portfolio roles and will remove himself from the committee for the duration of discussion and voting on these items.

Councillor Marsh declared a predetermination interest in DM/18/2912 Land Parcel Adj Newbury, Courtmead Road Cuckfield in his Cabinet role and will remove himself from the committee for the duration of discussion and voting on this item. He also declared a personal interest in item DM/18/4567 Pease Pottage Village Sports and Social Club as one of the objectors is known to him.

Councillor Margret Hersey declared a predetermination interest in item DM/18/3656 41 Hickmans Lane, Lindfield and will remove herself from the committee for this item although she will be speaking as Ward Member. She also declared a personal interest in item DM/18/4414 Monkton Cottage, Ardingly Road as one of the objectors is known to her.

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

The minutes of the meeting of the Committee held on 6 December 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.

**Councillor Marsh and Councillor Ash-Edwards withdrew from the Committee and sat in the public seating area and took no part in the discussion and voting on the following item.**

**6. DM/18/2912 - LAND PARCEL ADJ. NEWBURY, COURTMEAD RD, CUCKFIELD, RH17 5LP.**

Steve King, Planning Applications Team Leader, introduced the application for the erection of a single five bedroom dwelling house and double garage. He drew attention to the additional representations contained in the Agenda Update Sheet, confirming that a copy of the letter from the solicitor acting for an objector had been sent to Members. He also referred to the extensive planning history of the site, noting that the consented elevations agreed in 2013 are similar to what is now proposed. He highlighted that planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. The application complies with DP6 in the District Plan regarding the principle of the development, but there is some conflict with the Cuckfield Neighbourhood Plan CNP5. As the site falls partially within a conservation area the law states that special attention needs to be given to the desirability of preserving and enhancing the character and appearance of the conservation area. The Planning Applications Team Leader advised that in the officers view there will be limited harm to the character of the conservation area due to loss of views but there will be no adverse impact on the setting of the listed Church and no significant harm to neighbouring amenity.

He also drew Members attention to a PROW application made to West Sussex County Council in December by a solicitor acting for an objector to the scheme to seek to establish a right of way through the site. As this is a material planning consideration, it has been taken into account and in the Officers view would not cause significant impact.

Andrew Burton, Cuckfield Parish Council, Will McNamee and Flis Irving spoke in objection to the application citing harm to the conservation area and Church and that the site should be returned back to the Villagers. Martin Carpenter, as Agent, spoke in support of the application.

Following a question from a Member, the Team Leader confirmed that ownership matters are irrelevant to the determination on an application as it should be on planning merits.

A Member noted that there is a significant history to the application as it is Council owned land. He acknowledged the high level of emotion involved and that there was no hidden agenda with the application. In his view, the planning issues and policy are viewed in light of the Plan we have and it is clear that the current application fits the policies. Councillor Walker concurred, noting that planning is not a democratic process, it is a regulatory one defined by legislation and the committee must be guided by the highly trained officer guidance. With that in mind he moved to recommend that the application be approved as per the Officer recommendation.

The Team Leader clarified details in the additional letter referred to in the Agenda Update Sheet and sent to Members regarding Great Crested Newts, noting that the application was accompanied by a phase 1 habitat report. This has been assessed by the Councils ecological consultant who was satisfied by the report, and in addition condition 9 offers protection during the works. The Team Leader advised that there was no intention to carry out works on the hedges to the east and west of the application site.

James Neill, the Council's Barrister, wanted to clarify the Council's response to the additional letter regarding the last point raised on rights of way application referring to the quote from page 35 of the Report. He said it was clear from reading the whole Report that such reference was summarising the previous paragraph that even if the PROW application were successful, the stopping up, diversion or extinguishment of this footpath would not give rise to unacceptable harm from a planning aspect in terms of loss of public amenity or highways impact.

The Chairman took Members to recommendation to approve as set out in the Report which was agreed unanimously.

## **RESOLVED**

That planning permission is granted subject to the conditions listed in the appendix.

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

### **7. DM/18/3022 - 11A CRAWLEY DOWN ROAD, FELBRIDGE, EAST GRINSTEAD, RH19 2NT.**

Steve King, Planning Applications Team Leader introduced the application for the demolition of 11a Crawley Road and the erection of 32 dwellings with associated infrastructure, parking and landscaping. He noted that 11a Crawley Road and the access to the site is within Tandridge District Council boundary therefore the net gain to Mid Sussex District Council will be 31 dwellings. The site is outside of the built up area of East Grinstead, however planning permission has been granted for an additional 26 dwellings to the east of the site, and 63 dwellings on the west. There is an outstanding joint appeal on these two items as Tandridge have not granted access and this will be determined at a Public Inquiry in May 2019. He confirmed that access has been granted on appeal for the current application at 11a Crawley Road, and outlined the issues regarding the current application as contained in the report.

The Team Leader also drew Members attention to the highways section in the report and referred to the planning permission that was granted by the Secretary of State for up to 200 dwellings at Hill Place Farm in East Grinstead. He advised that the Secretary of State had not found that the cumulative impact of that scheme in March 2018 to be severe and that planning permission had been granted for that development. The Team Leader advised that in light of this decision it would be very difficult to sustain an argument that a net gain of 31 dwellings here would have a severe cumulative impact on the highway network.

The Team Leader also advised Members that by definition, Mid Sussex District Council had not found that impact of the two schemes either side of the application site to be severe because it had granted planning permission for both of these developments.

Jeremy Clarke, Felbridge Parish Council spoke in objection to the application on the grounds of the effect that the three planning applications will have on the small village of Felbridge, noting that the adjacent sites were confirmed when the District Plan was not in place. Alistair Hume, as Agent, spoke in support noting that an independent inspector concluded that the highways impact was not severe.

The Chairman read out a statement of objection provided by Councillor Heidi Brunsdon, the Ward Member for the area who was not able to attend the committee in person. In summary, the Ward Member felt that the application should be refused or deferred as premature until the conclusion of the appeal on the adjoining sites and the conclusion of an option appraisal for the A22/A264 Felbridge junction which is being carried out by West Sussex County Council, Surrey County Council, Tandridge District Council and Mid Sussex District Council as there are significant and complex highways issues relating to the application. She also feels that the application is not a sustainable location particularly in relation to the affordable housing units.

The Chairman noted that East Grinstead Town Council, the East Grinstead Society, Tandridge District Council and Felbridge Parish Council strongly object to this proposal. He acknowledged Felbridge Parish Council's objections to the application on the grounds that it is conflict with the East Grinstead Neighbourhood Plan policies EG 2 and 2a and District Plan policies DP6, DP12 and DP15.

A Member sought clarification that the outstanding appeal was for the access to the sites proposed to the east and west of this application. Acknowledging that access had been agreed on appeal for the current application, that West Sussex County Council and Surrey Highways Authorities have no objection, and that the Officers recommendation and Planning Inspector at the appeal concluded it was a sustainable location, he could not see a reason to refuse and would support the officer recommendation. Also, regarding any implications to the Ashdown Forest, he noted that the houses would be subject to SANG to mitigate this.

A Member drew comparison with a similar application at Friars Oak, Hassocks where an earlier application had been approved and was subsequently declined due to a change in circumstances. He felt there was a similar change in circumstance now. Had the adjoining two sites been presented now, with the District Plan in place, they would have been contrary to policies and refused. He did however acknowledge that now they have been approved, it is difficult to refuse a section of development in between.

A Member raised concern over the cumulative impact that the three applications will have on the Felbridge junction, and the pollution levels which could affect people walking to school. He noted that the report shows the application is not compliant with DP6, DP12 and DP15 and that other Local Authorities are unhappy with the application.

A Member noted that regarding the appeal for access, the Inspector judged it is a sustainable location. Coalescence is also not an issue and there is a difference to the Friars Oak application as that was pushing out into the countryside whereas this application is surrounded by development. He did however feel it was a missed opportunity to look at the design element.

A Member noted that it is difficult to find a planning reason to refuse especially as the two relevant highways authorities don't object.

A Member felt it was unfortunate that the three applications came forward in a piecemeal approach and were not strategically planned. He noted it was difficult to assess when the highway and access is shared by various authorities but that the Council had judged the development impact of the adjoining developments as acceptable, so to refuse the infill site would not be a sustainable argument.

The Vice Chairman commented that area has seen a lot of recent development and was not happy with application, especially with it's implications for the Felbridge junction.

The Chairman noted that the application was unacceptable for a number of reasons as well as the highways issues. He proposed to refuse the application as it is not in compliance with policies in Development Plan, particularly DP6, DP12, DP15, DP21 and also EG2, EG2a and EG5 of the East Grinstead Neighbourhood Plan. This was seconded by Councillor Sweatman.

The Legal Representative asked the Chairman to clarify the reasons why the application does conflict with the policies as Members would need to show clear and substantial reasons with supporting evidence otherwise the Council could be liable for costs at any appeal. The Chairman responded that it was self-evident as set out in the report as even the Officers acknowledge it is in conflict with District Plan policies as it relates to the harm to the Countryside.

A Member called for a recorded vote on the Chairman's proposal to refuse, as he felt it was contrary to the Planning Inspector and Highways Authorities. This was supported by another Member who felt that a refused application would be overturned at appeal.

It was confirmed with the required 5 members of the committee that a recorded vote would be held. He then took Members to the motion to refuse the application. Voting in favour of refusal were Councillors Wyan, Sweatman and Matthews. Voting against refusal were Councillors Ash-Edwards, Trumble, Marsh, Walker, MUNDIN and M. Hersey with Councillor Wilkinson abstaining.

The Chairman then took Members to the recommendation to approve the application as set out in the Report which was approved with 7 votes in favour and 3 against.

## **RESOLVED**

That planning permission be granted subject to the recommendations below:

### **Recommendation A**

Recommend that planning permission be granted subject to the completion of a section 106 legal agreement to secure the necessary infrastructure contributions and affordable housing and the conditions listed in the appendix.

### **Recommendation B**

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary infrastructure payments and affordable housing by 11 April 2019 then the application should be refused at the discretion of Divisional Leader 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.

**The Chairman paused the meeting for a 10 minute break at 8.52pm, resuming at 9.02pm.**

**Councillor Margaret Hersey then withdrew from the Committee and sat in the public seating area for the following item in order to speak as Ward Member but took no part in the voting.**

**8. DM/18/3656 - 41 HICKMANS LANE, LINDFIELD, HAYWARDS HEATH, WEST SUSSEX RH16 2BZ.**

Kathrine Williams, Planning Officer introduced the application for the partial demolition of existing detached house, proposed single and two storey extensions to the front, side and rear elevations and associated alterations. In the officers opinion the separation distance to neighbouring properties will have no adverse impact and the committee is therefore recommended to approve the application.

Neighbouring residents Martin Kenward and Malcolm Smith spoke in objection to the application due to the overbearing nature of the development which is out of character with the area. Jeff Burrows spoke in support of the application, as the applicant, noting that the designs were sympathetic to original building and amended to address the neighbour's concerns.

Councillor Margaret Hersey, who had called in the application along with Councillor Anthea Lea, spoke as Ward Member in objection to the application on the grounds that if approved, the surrounding properties will be faced with a brick wall due to the size and location of the property. Along with the Parish Council, she felt it was also detrimental to street scene. Whilst there was no objection to the principle of redevelopment she felt it could be designed without being overbearing to the neighbours and contrary to DP26.

A Member sought clarification on the windows to the south elevation. These were confirmed as being unfrosted ensuite windows set up high and a second bedroom window and that window would be opaque as there is an uninhibited view to neighbouring property. He noted that there will be a loss of light to No.39 and the distance to No.43 at 20m is acceptable but close and felt that the Council did not usually allow extensions to the front of the building line of the properties in a townscape area.

A Member supported an application to update the property in principle but noted the substantial increase of the rear extension he felt this was overbearing and un-neighbourly at its two storey height. This was agreed by other Member who noted that the rear extension goes up to the boundary with No.43, would block sunlight and would have an unneighbourly impact.

The Planning Officer confirmed that the extension goes to the boundary with the adjoining footpath and it would only be possible to access the back garden through the property. She highlighted that the Right-of-Way Officer from West Sussex County Council had no objection to it reaching the boundary and if the applicant wanted to obstruct the footpath with scaffolding during construction, they would need to submit a separate application to the County Council.

She also confirmed that the adjoining property at No.43 faced west and the impact to light was assessed for this property against good practice guidance and it was not considered that the extension would cause a significant loss of light.

Councillor Marsh proposed that the application be refused as it is contrary to DP26, causing significant harm being overbearing and unneighbourly to No.43. This was seconded by Councillor Wilkinson.

The Chairman took Members to the motion to refuse the application. The motion to refuse was agreed with 8 votes in favour and 1 against.

## **RESOLVED**

That planning permission be refused for the following reason: The proposed development would be unneighbourly and overbearing development that would have a significant adverse impact on the residential amenities of 43 Hickmans Lane. The proposal therefore conflicts with policy DP26 of the Mid Sussex District Plan 2014-2031.

**Councillor M Hersey returned to the Committee at 9.40pm for the following items.**

### **9. DM/18/4388 - 30 STUART WAY, EAST GRINSTEAD, WEST SUSSEX, RH19 4RS.**

Anna Tidey, Planning Officer introduced the application for the removal of the existing conservatory, single storey / two storey side extension, single storey rear extension, conversion of the garage into dining room, new porch and changes to external finishes. She drew attention to the Agenda Update Sheet where the applicant has provided additional drawings and illustrative models to show how the two storey extension will affect the light received by No.32 Stuart Way, highlighting no significant impact to light at No.32 Stuart Way.

Robert Bennett spoke in objection to the application on the grounds of loss of outlook and change to the appearance of the area.

**The committee noted that the meeting would continue past 10pm and unanimously agreed to continue as public speakers were in attendance for subsequent items.**

David Painter, the applicant, and Ross Bowditch, the agent and designer, spoke in support of the application noting that it was designed to minimize impact to neighbours.

The Planning Officer confirmed that No.32 had a blank side wall apart from a conservatory set back. The light models provided by the applicant had given satisfactory evidence of no adverse effect on lighting.

The Vice Chairman confirmed he had called it in the application along with Councillor Edward Belsey as he wanted the Committee to consider if it is contrary to policies EG3 (ABC) and DP26. He noted that the Council had refused an earlier application on the grounds of over development and being out of keeping with street scene which was still applicable as the pitched roof is right up to boundary and the set-back top floor is only half metre from the neighbour. He proposed that the application be refused but, as there was no seconder for this motion, that motion fell.

The Chairman took Members to the recommendation to approve, as set out in the Report. This was agreed with 9 votes in favour of approval and 1 against.

## **RESOLVED**

That planning permission be approved subject to the conditions set in Appendix A.

### **10. DM/18/4414 - MONKTON COTTAGE, ARDINGLY ROAD, CUCKFIELD, HAYWARDS HEATH.**

Anna Tidey, Planning Officer introduced the application for the demolition of the existing dwelling and replacement with a new 5 bed dwelling and garage/annexe. She drew Members attention to the agenda update sheet with further letters of objection, illustrative plans provided by the agent regarding the privacy screen for bedroom 3 and for clarity the reasons for refusal of application DM/18/1253.

Councillor Marie Dormer, from Cuckfield Parish Council, spoke in objection to the application due to the site, scale, spacing and design of the property although she acknowledged no objection to the principle of development on site. Nicola Guthrie and Tristan Redfern also spoke in objection to the application on the grounds of over development and loss of outlook.

Frances Druce and David Jenkins both spoke in support of the application noting that the design had been altered to address the neighbour's initial concerns.

A Member felt that, although design is in the eye of the beholder, the new building is too large and will decimate the light to Little Ruthven and Ruthven Close. He acknowledged that redevelopment of the site could take place but felt it should be nearer the road and of a different design. He could not support the application.

The Chairman approved of the modern design and a Member noted that nearby there are properties which have been considered for the Council's Design Award so it is not possible to say that modern design is out of keeping with the area.

In terms of the scale of overlooking, the Planning Officer confirmed that the distances are 17m, 21m and 16m to the neighbouring properties, going from front to back of proposed new property. The height of the existing bungalow is 4.8m and the proposed front elevation varies between 6 - 6.3m. The rear is 5.2m. There is screening on the eastern boundary at one point and on the other side there is a wall, however at first floor level there is more overlooking.

A Member had no objection to the principle but felt that the dark timber cladding proposed would be obtrusive and overbearing to look out on, especially from No.3. It was noted that the Silver Birch which serves as screening in between had no preservation order and could therefore be cut down, reducing screening even more.

A Member noted that the height of the roof will be visible to Ruthven Close, but not the activities of the house, therefore he was in support of the application.

A Member highlighted that the Parish Council did not object to development on the site, but did object to the design which should be given consideration. Councillor Walker noted that it was not possible to refuse simply on design and moved to propose to move to the recommendation that the application be approved. This was seconded by Councillor Trumble.



Councillor Marsh proposed that the application be refused but there was no seconder and so the motion was withdrawn.

The Legal Representative noted that the recommendation should read 'that planning permission be approved subject to the conditions set out in Appendix A', as this was not explicitly mentioned in the Report. The Chairman took Members to that recommendation to approve and this was agreed with 7 votes in favour of approval and 3 against.

**RESOLVED**

That planning permission be approved subject to the conditions set in Appendix A of the report.

**11. DM/18/4476 - 3 SHELLEY WOOD, BURGESS HILL, WEST SUSSEX, RH15 9XL.**

The Chairman introduced the application to reduce the crown of a T1 Oak by up to 2m. He noted that there were no public speakers and Members confirmed that they did not require a presentation on the item. He took Members to the recommendation to grant consent as set out in the Report which was agreed unanimously.

**RESOLVED**

That consent is granted subject to the conditions listed in the appendix.

**Councillor Ash-Edwards withdrew from the Committee and sat in the public seating area and took no part in the voting on the following item.**

**12. DM/18/4567 - PEASE POTTAGE VILLAGE SPORTS & SOCIAL CLUB PAVILION, FINCHES FIELD RECREATION GROUND, OLD BRIGHTON ROAD SOUTH, RH11 9AH**

The Chairman introduced the application for the variation of condition 6 of planning application DM/17/4027 in respect of car parking to be provided, with additional details of materials and finishes of proposed parking area (condition 4). He noted that there were no public speakers and Members confirmed that they did not require a presentation on the item. Councillor Marsh as Ward Member supported the application. The Chairman took Members to the recommendation to approve as set out in the Report which was agreed unanimously.

**RESOLVED**

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

**Councillor Ash-Edwards returned to the Committee at 10.51pm for the following item.**

**13. DM/18/4620 - 17B BLUNTS WOOD ROAD, HAYWARDS HEATH, WEST SUSSEX, RH16 1ND.**

The Chairman introduced the application for consent to fell a T1 multi stemmed hornbeam, reduce the height of a T2 Holly by up to 3m and lateral growth by 1m. To

remove the dead/diseased stem to the base and reduce the stem closest to shed back to first upright growth point on a T3 multistemmed Hornbeam (juvenile) and to remove stubs and reduce the secondary limb to first upright growth point on a T4 Hornbeam.

He noted that there were no public speakers and Members confirmed that they did not require a presentation on the item. The Chairman took Members to the recommendation to grant consent as per the Report which was agreed unanimously.

**RESOLVED**

That consent is granted subject to the conditions listed in the appendix.

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

None.

The Chairman concluded the meeting by acknowledging that the Legal Representative, Paul Collick, is leaving the Council after a significant number of years. The Chairman thanked him for his guidance at committees and the committee concurred.

The meeting finished at 10.52 pm

Chairman