

**Minutes of a meeting of District Planning Committee
held on Thursday, 29th November, 2018
from 2.00 pm - 5.20 pm**

Present: R Salisbury (Chairman)
J Wilkinson (Vice-Chair)

C Hersey	P Moore	P Wyan
C Holden	D Sweatman	
N Mockford	A Watts Williams	

Absent: Councillors E Matthews

Also Present: Councillors

**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 had been received from Councillors Matthews.

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

Councillor Christopher Hersey declared a non-predetermination interest in Barn Cottage application as a serving Member of Lindfield Rural Parish Council; he advised that he had not taken part in any discussions on this application at the Parish Council.

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

The minutes of the meetings of the Committee held on 4 and 18 October 2018 were agreed as correct records and signed by the Chairman.

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

None.

**6. DM/18/2342 - LAND TO THE REAR OF FRIARS OAK, LONDON ROAD,
HASSOCKS, WEST SUSSEX**

Steven King, Planning Applications Team Leader introduced the report which sought outline planning permission for a Hybrid application comprising of outline proposal for

residential development of 130 dwellings consisting of 12no. 1 bedroom apartments, 27no. 2 bedroom houses, 47no. 3 bedroom houses and 44no. 4 bedroom houses and associated access, together with change of use of part of the land for country open space, following the provision of a new footbridge across the railway.

The Officer highlighted the Agenda Update Sheet and informed the Committee that the Hassocks Neighbourhood Plan was not a “made” plan and carried little weight in the final decision. He noted the allocated site of Clayton Mills to the east and consented scheme Hassocks Golf Club to the west of the site. He advised that the Development Plan for this part of Mid Sussex comprised the District Plan and confirmed the requirement of the law to determine planning applications in accordance with the development plan unless material planning considerations indicate otherwise. He advised that application is contrary to policies DP6, DP12 and DP15 but site specific circumstances should be taken into consideration, as detailed in the report.

The Chairman advised members of the public in the gallery that they were there as observers and should be respectful of the Members and the Officers.

The Planning Applications Team Leader commented that the previous application had been recommended for refusal by the Planning Inspectorate following the call in of the previous application on the site and Secretary of State (SoS) had agreed with the recommendation of his Inspector and had refused the application. He advised Members that the only reason for refusal cited by the SoS was the safety of the railway crossing. He advised that in the officer’s view this reason for refusal relating to the railway crossing had been addressed in this new application. He advised Members that the proposal would not result in coalescence between Hassocks and Burgess Hill and highlighted the sites relationship with the approved scheme at the golf course to the west and the allocated housing site to the east. He advised that whilst there would be an impact on the character of the countryside as a result of the development this could be mitigated by landscaping and good design. He advised Members that the development would not be seen as an intrusion into the open countryside because of the site would be bounded by development on three sides.

He advised that the impact on the highway network was not severe and there was no objection from the Highway Authority. He advised that the Right of Way might need to be diverted to accommodate the drainage works and that a separate application had been made for this diversion., He advised that mitigation measures were included for managing air quality issues. He advised that the proposed bridge over the railway would provide a safe crossing over the bridge and whilst it would not be accessible to those with impaired mobility, this was the situation at present. The bridge would not make accessibility worse than it was now but would improve safety. He highlighted the fact that there was an alternative tunnel under the railway line to the south of the site.

In summary he advised that whilst there was conflict with policies DP6, DP12 and DP15 for the reasons that were set out in the committee report there were site specific material planning considerations that justified approving the application. He advised Members that a planning condition would be used to prevent development other than the construction of the access bridge over the road until the pedestrian bridge over the railway had been completed.

Ian Weir, Hassocks Parish Council, spoke in objection of the application. In response to his question the Chairman confirmed that Committee had received and read the recent letter sent by Hassocks Parish Council. Mr Weir noted that Hassocks

had met the requirements in the District Plan, the growth of Hassocks was unsustainable and would destroy the character of the village.

Steve Clayton, local resident, spoke in objection of the application. He stated that applications should not be determined by historical circumstances and the Inspector's conclusions of previous applications were no longer valid.

Margaret Bryant, local resident, spoke in objection of the application. She advised that Friars Oak Fields should be kept as local green space and the requirements of the District Plan had already been met.

Kirsty Lord, County Councillor, spoke in objection of the application. She commented that a key factor for the Secretary of State's refusal had been the railway crossing.

Geoff Moore, local resident, spoke in objection of the application. He noted that the development was against the wishes of local people and the Rt. Hon. Nick Herbert M.P. The proposed railway bridge was inaccessible to all.

Chris Hough, Planning Consultant for the applicant, spoke in support of the application. He noted that the site had already been identified in the Strategic Housing Land Availability Assessment (SHLAA) and the development provided public benefit of 30% affordable housing. He stated that the application had overcome the single reason why the Secretary of State had refused the previous application.

Councillor Sue Hatton, Ward Member, spoke in objection to the application. She informed Committee that the local residents had voted to keep the site a local green space and that the proposed railway bridge by Network Rail would not allow access for all. Councillor Hatton highlighted that the application did not comply with policies DP6, DP12 and DP15 of the District Plan and would affect the air quality at Stonepound crossroads.

Councillor Michelle Binks, Ward Member, spoke in objection to the application although she commended the Officers on the report, she advised that she had received many submissions from residents and some issues needed reassessing. She noted that the District Plan was not in place when the last application was submitted and noted that it did not comply with policies DP6, DP12 and DP15. Councillor Binks acknowledged that more houses were needed within the district, including affordable houses, and was concerned with the growth rate of Hassocks. She concluded that the new railway bridge should allow access for all including the vulnerable.

Members discussed the non-conformity of the application with several policies in the District Plan. It was noted that the proposed rail crossing would not cater for prams and cycles but this bridge addressed the reason for refusal of the previous application by the Secretary of State. They also discussed the air quality at Stonepound crossroads and potential increase in traffic.

Nick Bennett, Senior Environmental Health Officer stated that air quality at Stonepound crossroads has been monitored since 2012 and pollution levels were on a downward trend. He advised that there were 13,000 to 15,000 traffic movements a day at the junction and the impact of the new development was insignificant. He stated that there was no mechanism to model the accumulative impact of traffic and each application was assessed individually when received.

The Vice-Chairman informed the Committee that they should take a balanced approach and Officers had noted there were discrepancies with the District Plan and that other material considerations should be taken into account.

Sally Blomfield, Divisional Leader for Planning and Economy noted that planning law states that decision makers must take into account other material considerations specific to this site. The two compelling material considerations were the SoS's recent decision on the development on this site and locational circumstances. She noted that the Secretary of State's sole reason to refuse the previous application was the railway crossing. The draft Neighbourhood Plan allocation of land to the west of the site extends the built up area boundary to the north, and the allocation for Clayton Mills extends the boundary built up area even further to the north. The Divisional Leader for Planning and Economy responded to a Members question about the issue of prematurity. She advised that the guidance is set out in the revised National Policy and Planning Framework (NPPF) which states that there are limited circumstances which would be likely to justify refusal on grounds of prematurity. The NPPF was clear that development proposed would have to be so substantial that it undermined the planning policy process and that emerging plans would have to be at an advanced stage. Given that the Regulation 14 submission of the Hassocks Neighbourhood Plan is due by December 2018 she advised that it was clear from the guidance that the application could not be resisted on the grounds of prematurity and the effect of approving the application on the emerging Hassocks Neighbourhood Plan.

Tom Clark, Head of Regulatory Services advised that under the Equalities Act the developer is not obliged to install a new rail bridge that is better than the existing crossing.

Scott Wakely, Drainage Engineer confirmed that after discussions with the applicant and the drainage team it had been demonstrated that in the worst case scenario the proposed development was not at risk of flooding.

The Chairman advised Committee that open space can only be allocated with the agreement of the land owner and the land owner had put this site forward for development. He noted that the application was for the access and principle of development.

The Planning Applications Team Leader confirmed that as a public body Network Rail were bound by the Equality Act when installing footbridges and the new bridge should provide a safer crossing. He noted that there had been no objections from the statutory consultees.

Councillor Anthony Watts Williams proposed as the Council can demonstrate a five year housing land supply, and therefore the District Plan commands full weight, the application should be refused as it is contrary to policies DP6 (settlement hierarchy) DP12 (protection and enhancement of the countryside) and DP15 (homes in the countryside). Councillor Norman Mockford seconded the motion.

The Chairman, Vice-Chairman and Planning Officers left the room at 3:47pm to refer to the District Plan and they returned at 4:03pm. The Chairman advised that a question had been raised by someone in attendance in the public gallery that needed independent verification regarding ownership of the land. This request was supported by Councillor Hatton. The Committee decided not to defer a decision until ownership had been verified but to make a decision which would be ratified after the ownership had been established by the Planning Department.

The Chairman took Members to the recommendation to refuse the application 5 Members voted in favour of refusal and 4 voted against.

RESOLVED

That the application is refused as it is contrary to Policies DP6, DP12 and DP15 of the Mid Sussex District Plan 2018. The Chairman and Vice-Chairman to be consulted on the exact wording of the refusal reason by officers.

7. DM/18/2616 - HASSOCKS GOLF CLUB, LONDON ROAD, HASSOCKS, WEST SUSSEX

Andrew Watt, Senior Planning Officer introduced the report which detailed the application seeking full planning permission for a redevelopment of a 9.65 ha area of Hassocks Golf Club comprising 165 residential dwellings, together with landscaping, car parking and associated drainage and access works. The Officer highlighted the Agenda Update Sheet and provided the following verbal update:

Condition 23 was amended to read: No dwelling shall be occupied until details of the proposed accesses across the existing bridleway 4_2C and footpath 9C (which shall include engineering/surfacing works and landscape features/contours and details of the crossing point(s) and maintenance details) have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan and Policy 8 of the draft Hassocks Neighbourhood Plan.

Condition 28 was added:

No construction work on any dwelling shall commence until a detailed scheme for the provision of the proposed public open space, shown on the approved plans, has been submitted to the local planning authority and approved in writing. The open space scheme shall include detailed proposals with regard to layout, landscaping, drainage, equipment, footpaths, cycleways, and boundary treatments within the open space areas. The scheme shall also contain proposals for the future management and maintenance of the open spaces, and the timing of provision. The open space scheme shall thereafter be implemented in accordance with these approved details, and the open space shall be kept available for use by the public.

Reason: To ensure satisfactory provisional equipment and to ensure that play area is provided and retained within the development for use by the general public and to accord with Policy DP24 of the Mid Sussex District Plan.

John Orchard, local resident, spoke in objection to the application. He commented on increased pressure on infrastructure, highway safety and flooding issues.

Ian Weir, Hassocks Parish Council, spoke in support of the application. He noted that the developer had worked with the Parish Council and the site had been included in their emerging Neighbourhood Plan.

Chris Jasper, agent of the applicant, spoke in support of the application. He informed Committee that the application would finance the redevelopment of the Golf Club

which would provide employment opportunities. The revised design removed the 5 bed units, increased the number of 2 bed units and no units would be in excess of 2 storeys.

Councillor Sue Hatton, Ward Member, noted that she supported the views of Hassocks Parish Council. More 2 bed units were needed and the revised design complied with Policy DP26 of the District Plan (Character and Design).

In response to Members' questions the Senior Planning Officer noted that the demolition of the buildings was included in the application, West Sussex County Council had adopted a cycling strategy and the surface of footpath 8c to the western boundary of the site would be upgraded via a S106 infrastructure contribution, and the proposed play area would not be adjacent to the retained golf course.

The Chairman noted that no Members wished to speak so moved to Recommendations A and B and the Agenda Update Sheet and verbal updates. These were approved unanimously.

RESOLVED

That planning permission be granted subject to the following recommendations, and amendments contained in the Agenda Update Sheet and verbal updates.

Recommendation A

It is recommended that, subject to the completion of a satisfactory S106 planning obligation to secure the required level of infrastructure contributions, affordable housing provision and on site open space, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

If by 1 March 2019, the applicants have not submitted a satisfactory signed planning obligation securing the necessary financial contributions, affordable housing and open space provision, 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, Policies 10 and 14 of the draft Hassocks 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."

8. DM/18/3636 - LAND AT WORSTED FARM, WORSTED LANE, EAST GRINSTEAD, WEST SUSSEX

The Chairman noted that East Grinstead Town Council supported the application. As no Members wished to speak the Chairman took the Committee to the recommendation for approval, which was agreed unanimously.

RECOMMENDATION

That the application be approved subject to the recommended conditions set out in Appendix A.

9. DM/18/4039 - LAND AT BARN COTTAGE, LEWES ROAD, SCAYNES HILL, HAYWARDS HEATH

Susan Dubberley, Senior Planning Officer introduced the report which sought reserved matters for the layout, appearance, scale and landscaping, pursuant to the outline planning permission (DM/16/3119) that was granted consent by the Council under a notice dated 7th February 2017 for up to 51 units. The scheme made suitable provision for the 15 affordable units secured under the S106 Legal Agreement. She drew Members attention to the changes to the plans which reduced the ridge height on the two blocks of flats at the entrance to the site. The redesign of the flats had addressed the issue which had led to the refusal for permission on 6 September 2018.

Wesley McCarthy, Nicholas King Homes, spoke in support of the application. He informed Committee that changes had been made to the original application which addressed the reason for refusal but they had lodged an appeal. The height of the flats had been reduced, a glazed stairwell introduced to reduce the bulk of the buildings to be more in keeping with the village setting. He noted that they had met with Members and residents to discuss the changes to the design.

Several Members commented that the developers had addressed the previous reason for refusal.

Senior Planning Officer advised Members that there had been no objections from West Sussex County Council on highway matters, the flat topped dormers were a compromise to reduce the ridge height and the number of dwellings remained the same as the original application.

The Chairman informed Committee that boundary treatments were part of the reserved matters application and would be reviewed by the Officers. The Agenda Update Sheet included the re-wording of Condition 2.

In response to a Members question Tom Clark, Head of Regulatory Services noted that the applicant could continue with their appeal (DM/18/1394) and this application and then choose which design to progress. The Chairman commented that the developer was keen to start work on the site and would probably withdraw their appeal if this application was approved.

The Chairman noted that no Members wished to speak and took the Committee to the recommendation for approval, which was agreed unanimously.

RECOMMENDATION

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

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

None.

The meeting finished at 5.20 pm

Chairman