

**Minutes of a meeting of Planning Committee B
held on Thursday, 13th December, 2018
from 7.00 pm - 8.14 pm**

Present: C Hersey (Chairman)
A Watts Williams (Vice-Chair)

P Coote	A MacNaughton	R Salisbury
S Hatton	N Mockford	L Stockwell
C Holden	P Moore	R Whittaker

Also Present: Councillors Wall and M. Hersey.

**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.**

None.

4. TO CONFIRM THE MINUTES OF THE PREVIOUS MEETING.

The minutes of the meeting of the Committee held on 22 November 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/18/4118 - LAND PARCEL NORTH OF 99 FRANKLANDS VILLAGE,
HAYWARDS HEATH, WEST SUSSEX.**

Andrew Watt, Senior Planning Officer, introduced the report for the development of 24 x 2 bed flats, inclusive of 8 affordable units, arranged in two 3.5 storey blocks and 30 car parking spaces. He drew Members attention to the Agenda Update Sheet which contained revisions to the summary of consultations, additions to the list of applicable policies to the application as well as an amendment and addition to the conditions listed in Appendix A.

Katie Lamb, agent for the applicant, spoke in favour of the application.

A Member enquired whether the parking for the development would be secured or open.

The Senior Planning Officer confirmed that the parking is open with a parking space allocated to each of the 24 flats in addition to 6 spaces for visitors.

A Member drew attention to the planning history of the site and raised her concerns over drainage constraints.

The Chairman directed the Member to Paragraph 4, P.31 of the Report which detailed how the drainage issues will be addressed.

A Member noted that the access in the approved scheme is over a bridge. He questioned whether the new scheme will involve steps which would then prohibit wheelchair users or those with an impaired ability to walk.

The Senior Planning Officer confirmed that there are steps at the front of the development and explained that the topography is too significant for access to be made wholly via a ramp. It was noted in the Agenda Update Sheet that as per criteria no. 3 in policy DP28 of the District Plan the development is considered exempt from the requirement to provide a step-free approach.

A Member sought clarification over the comments made by the Drainage Engineer in the Agenda Update Sheet in which they stated that '[the development] may need to be looked at by a suitable geo-engineer'.

The Senior Planning Officer explained that the Mid Sussex District Council (MSDC) Drainage Engineers do not have sufficient skills, knowledge or experience to assess whether the proposed construction method is suitable; noting a landslip during the 90's which resulted in the demolition of the former dwellings on this site.. He reassured the Member that Condition 6 provides for the prevention of any development before a scheme and method statement setting out the securing of the stability of the slopes during the development's construction.

A Member enquired whether the Section 106 Contributions listed on P.27 are correct and agreed.

The Senior Planning Officer confirmed that the figures were calculated by bedrooms per property inclusive of affordable housing provision through West Sussex County Council's methodology and Policy DP20 of MSDC's District Plan. He added that the applicant will need to enter into a legal agreement with the Council in order to provide these contributions and is currently progressing with this agreement.

The Chairman questioned if there will be 2 large receptacle bins for each building.

The Senior Planning Officer confirmed that there will be 1 of each receptacle bin per block and added that the location of the bins is acceptable to the Council.

The Chairman noted that no Member wished to speak so moved to the recommendation to approve the application which was agreed unanimously.

RESOLVED

That planning permission be granted subject to the following recommendations:

Recommendation A

That, subject to the completion of a satisfactory S106 planning obligation to secure the required level of infrastructure contributions and affordable housing provision, planning permission be granted subject to the conditions set out in Appendix A and the Agenda Update Sheet.

Recommendation B

If by 8 March 2019, the applicants have not submitted a satisfactory signed planning obligation securing the necessary financial contributions and affordable housing, 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."

7. DM/18/2093 - LINDEN HOUSE, BIRCH AVENUE, HAYWARDS HEATH, WEST SUSSEX, RH17 7SL.

Andrew Watt, Senior Planning Officer, introduced the report for the erection of a detached 2 storey, 5 bed house with a Juliette balcony to the first floor elevation, 1 dormer window to rear first floor elevation, attached double garage and new access onto Birch Avenue. He confirmed that an outline planning application for 2 dwellings on the site was previously refused as Planning Officers did not feel that the site could satisfactorily accommodate 2 dwellings as well as a 15m buffer zone to the ancient woodland. He advised that the proposed development would be out of character with the spacious nature of the locality and considered that the scale and height of the proposed dwelling would result in a significant adverse visual impact on the character of Birch Avenue.

Charlotte Drake and Ian Greg, local residents, spoke in favour of the recommendation.

Councillor Wall, Ward Member, spoke in favour of the recommendation. He distributed photographs which modelled the proposed development from different sight lines of the neighbouring properties to demonstrate the negative visual impact. It was noted that the application would cause a loss of amenity and be overbearing to the neighbouring properties in which it fails to meet the policies of the recently approved District Plan. He stated that it is beautiful and well-designed building however it is a completely unsuitable location.

A Member commended the Ward Member's comments and expressed that the application is completely unacceptable.

A Member felt surprised that more attention had not been given to the ecological impact of the development. She believed the ancient woodland to be a haven for local wildlife and the District Plan provides for the protection of animals in cases such

as this. She sought clarification on whether the committee could give more weight, than has already been given, to the ecological impact of the development.

The Senior Planning Officer explained that the Council's ecological consultant had reviewed the residents' own ecological report and subsequent information and was of the same opinion that he gave when initially consulted. The Senior Planning Officer noted that a refusal based on ecology issues would therefore be difficult to defend if it was appealed against as the development can be accompanied with a protected species plan and buffer zone to protect the nearby wildlife during construction and ancient woodland post-development.

Nick Rogers, Business Unit Leader for Development Management, outlined that the Council must have robust reasons to refuse an application which must be based on evidence. The comments of the Council's ecology consultant must be considered and, advised that there would be great difficulty defending the ecology reasons for refusal if the application were to reach the appeal stage.

The Member then enquired whether the buffer zone did not have any weight in the consideration.

The Business Unit Leader for Development Management stated that the applicant could erect a fence to protect the buffer zone if the application was recommended for approval and noted that, as the application site is actually a garden, there would be a benefit to the ancient woodland than currently is the case.

Tom Clark, Solicitor to the Council, confirmed that the comments raised are included in the reasons for refusal and drew attention to the Agenda Update Sheet which noted the consultant's additional comments and how his opinion has not changed.

A Member stated that he had never seen such a strong comment from a town council planning committee and believed the ecology report spoke for itself. In light of this, he expressed his support for the recommendation to refuse the application.

The Chairman noted that no Member wished to speak so moved to the recommendation to refuse the application for the sole reason set out in the officer's report which was agreed unanimously.

RESOLVED

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

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

None.

The meeting finished at 8.14 pm

Chairman