

**Minutes of a meeting of Planning Committee
held on Thursday, 7th November, 2019
from 7.00 - 8.23 pm**

Present: G Marsh (Chairman)
P Coote (Vice-Chair)

G Allen
E Coe-
Gunnell White
A MacNaughton

C Phillips
M Pulfer
D Sweatman

N Walker

Absent: Councillors R Cartwright, J Dabell and R Eggleston

1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Cartwright, Councillor Dabell, and Councillor Eggleston.

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

Councillor Coe-Gunnell White declared a non-predetermined interest in Item 6 due to prior knowledge of the application through her role as a Town Councillor but confirmed that she played no part in the Town Council decision. Councillor Marsh declared a non-predetermined interest in item 5 as he was a Member of Cabinet when it was decided the Council would sell the piece of land. Since leaving Cabinet in May he has had no involvement and comes to the committee with an open mind.

3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 17 OCTOBER 2019.

The Minutes of the meetings of the Planning Committee held on 17 October 2019 were agreed as a correct record and signed by the Chairman.

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

None.

5 DM/18/4841 - RED CROSS HALL, 29 PADDOCKHALL ROAD, HAYWARDS HEATH, RH16 1HQ.

Andrew Morrison, Senior Planning Officer introduced the application for the demolition of existing buildings and erection of 8 dwellings comprising of 5x3 bedroom houses with attached garages and a flat block of 3x2 bedroom flats,

including creation of a cycle store, refuse storage with associated car parking landscaping works and changes to access onto Oaklands Road.

He drew Members attention to the agenda update sheet, noting that condition 7 was to be amended to comply with Policy DP39 of the Mid Sussex District Plan, and as such Members would be provided with more information regarding energy and water conservation before any development takes place. He commented that the existing site is currently a 30 space car park for council staff, and has 2 access points onto Oaklands Road. The western side of the site was previously occupied by the British Red Cross, however, as per the agenda update sheet this had been vacant for 2 years as the British Red Cross had found an alternative location in Haywards Heath. He noted that the current access will be changed, from 3 access points to Oaklands Road, to 6 access points onto Oaklands Road under the application. He noted an oak tree on the site which has a Tree Presentation Order (TPO) attached to it; he informed Members that the oak tree is to be retained alongside the other vegetation on the northern boundary. He noted that the remaining trees and vegetation on the site were to be removed and semi-mature planting was to replace these trees and vegetation. He told the Committee that any resolution to approve this application should be subject to the completion of a Section 106 agreement and the conditions set out in appendix A as updated or amended in the Agenda Update Sheet.

A Member enquired as to the plans within the application for solar panels. Another member suggested that photovoltaic cells may be more efficient in place of solar panels. The Chairman told the Committee this had been addressed in condition 7, and both solar panels and photovoltaic cells would be considered. The Senior Planning Officer further explained that as the application is, solar panels are not addressed; however, these could form a measure of the final design, under condition 7 where the Council is requiring full details of water and energy conservation prior to the developments start.

Members discussed the trees on the site, specifically the oak tree with the TPO attached, and the lime tree on the eastern side of the site. Members queried if the lime tree would be retained given the ecological value, and if there would be sufficient distance from the oak tree to the buildings to avoid the roots of the oak tree either being disrupted, or disrupting the building. The Senior Planning Officer noted that the MSDC Tree Officer had examined this and had not raise any concerns regarding the proximity of the dwellings, and explained that suitable measures will be put in place during construction. He noted that the lime tree would be removed as it is not considered to have public amenity value to warrant a tree preservation order, and were it to be retained it could undermine the landscaping scheme proposed. He also noted that it would also obscure the side elevation of the 1st building and this matter has been considered and on balance, its removal and replacement with planting would be acceptable.

Nick Rogers, Business Unit Leader - Development Management added that the removal of the lime tree would allow the submission of landscaping scheme which would be appropriate to the new housing scheme subject of the application.

Members asked if there were alternative parking places for MSDC staff without the use of this carpark, and for the size of the garages which The Senior Planning Officer and the Chairman explained there were sufficient alternative spaces to park and that garages were 6m by 3.3m.

The Chairman took Members to the recommendation to approve the application, which was proposed by Cllr Coote and seconded by Councillor Coe-Gunnell White. The application was approved unanimously.

RESOLVED

That planning permission be approved subject to the completion of a S106 Legal Agreement to secure the infrastructure contributions highlighted in the report and the Agenda Update Sheet and the conditions set in Appendix A with the replacement condition 7 in the Agenda Update Sheet.

And

That if the applicants have not signed a planning obligation securing the necessary infrastructure contributions by 7 February 2020, then 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 policies DP20 of the Mid Sussex District Plan in respect of the provision of infrastructure required to serve the development.

6 DM/19/3734 - SHEDDINGDEAN COMMUNITY CENTRE, MAPLE DRIVE, BURGESS HILL, RH15 8HP.

The Chairman informed Members that this application was before the Committee as it was owned by the Council. He drew Members attention to the Agenda Update Sheet to identify that the works had now been carried out. He noted there were no speakers or questions and so took Members to the recommendation to approve the application, which was proposed by Cllr MacNaughton and seconded by Councillor Walker. This was approved unanimously.

RESOLVED

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

7 DM/19/1972 - POOK BARN, POOKBOURNE LANE, SAYERS COMMON, HASSOCKS, BN6 9HD.

Andrew Clarke, Senior Planning Officer introduced the retrospective application for the demolition of a barn and erection of a four bedroom dwelling. He noted that this was a very complex application, as a barn which had previously existed on this site had previously benefited from a 'prior approval' in 2016, the planning permission for this ran out in April 2019. He noted that the barn had been demolished, and thus the 'prior approval' could not have been implemented anyway. The development has taken place to erect a new dwelling of the same dimensions as the barn. He noted the dwelling was in a rural location, and not sustainable as it is only accessible by car. He also noted that the dwelling does not fulfil criteria for exceptional design. He told the Committee that planning officers would not normally approve an application for a new dwelling which is unsustainable in rural locations. He reminded the Committee that they cannot look negatively on this application because it is retrospective and explained that the recommendation to refuse retrospective planning permission includes action to take enforcement.

Mrs Blake, Mr Blake, and Councillor Colin Trumble as a Ward Member, spoke in favour of the application. Councillor Trumble explained that this was an honest mistake in that the applicants did not fully understand the limits of their planning permission and that as the Parish Council and neighbours had no objections, alongside the fact the dwelling was built to the specifications of the originally approved conversion this recommendation should be overturned in favour of the applicants. He requested that if permission is refused the decision on enforcement action be delegated to the Chairman and Vice-Chairman of the committee.

The Chairman thanked the speakers and told Members that while the speakers had been compelling, the District Plan is in place, and if Members were to overturn the planning officers recommendations this would act against the District Plan and they would need to have strong reasoning for this, so as not to set a precedent.

The Vice Chairman felt that this case appeared to be a genuine mistake and that the Committee should work carefully to resolve this case in a sensitive manner because of the potential financial implications for the applicants.

A Member reminded the Committee that it was required to work within the bounds of legislation, the District Plan, and use only planning related considerations in making a decision. In his opinion there was no planning related reason to overturn the Officer's recommendation. He did note that this was unfortunate, but that to overturn the recommendation would set a precedent and would go against the District Plan.

A Member noted that the Parish Council had recommended that the planning permission be granted, and enquired as to their reasons. Andrew Clarke, Senior Planning Officer, explained that the Parish Council did not offer further comment and the District Council had no requirement to seek further comment from them.

A Member stated that he could not see any valid reason to go against the officers' recommendation.

A Member asked if it would be possible remove the enforcement action from the resolution if the Committee were to refuse the application. Andrew Clarke, Senior Planning Officer, replied that if the application were refused, the unauthorised development would be considered contrary to the policies of the development plan and therefore in line with the Council's own Enforcement Charter and government guidance, enforcement action would be considered expedient.

Another Member queried whether the refusal was recommended due to the time scales, or the fact the dwelling was a new build instead of a conversion. Nick Rogers The Business Unit Leader for Development Management and Andrew Clarke, Senior Planning Officer, advised the Committee that the planning permission originally granted was a central Government scheme at the time, which meant that the Council could only consider certain elements of how the barn would be converted in accordance with the permitted development rights, not the principle. It was further explained that the permission had lapsed because the development was not completed within the stated timescales, conditions were not discharged and that the barn had been demolished rather than converted.

The Vice Chairman confirmed that it is open to the applicants to appeal any decision to refuse permission.

After the debate the Chairman took Members to the recommendation to refuse the application, which was proposed by Cllr McNaughton and seconded by Councillor

Walker. The application was refused with 6 votes in favour, 2 against and 1 abstention.

RESOLVED

That the planning permission be refused and enforcement action be authorised for the reason outlined in Appendix A.

8 DM/19/3876 - Q LEISURE, THE OLD SAND PIT, LONDON ROAD, ALBOURNE, BN6 9BQ.

Andrew Morrison, Senior Planning Officer, introduced the application for a proposed two storey partially buried dwelling (warden accommodation for 1) for the wellbeing of overnight occupants of 9 eco pods as approved under ref DM/18/1807) now extant, 2) additional security issues in respect of approved 50m shooting range as approved under ref DM/18/4461 and 3) addressing existing and ongoing security and management issues associated with the existing business activities.

He noted that the Agenda Update Sheet contained responses of consultations from a number of persons along with the comments of the Parish Council. He informed the committee the application site was within designated countryside, and that the southern park has multiple outside activities including football, clay pigeon shooting, and teambuilding activities. He noted the proposed dwelling is of contemporary design and cut into the north bank, with a flat roof with a garden terrace, parking, and access onto the patio. He noted that the existing shed would be demolished, and existing reception building on the site would remain. He told Members that this application conflicts with the development plan policies detailed in the reason for refusal at Appendix A.

James Smith and Peter Peacock spoke in favour of the application.

Nick Rogers, Business Unit Leader for Development Management explained that in September 2017 an application for exactly the same development was refused by the Council for reasons of being in the countryside and against the District Plan. The only changes since that point are that the shooting range was approved as were the eco pods, but these developments have not been implemented, and therefore nothing has changed since the refusal in 2017. He noted that DP15, considered at pages 81 and 82 of the agenda report, sets out the circumstances in which a permanent agricultural dwelling could be permitted, and noted that in this situation the Council would have expected the applicant to seek permission for a temporary dwelling first..

A Member suggested that as there is a pre-existing building onsite this may be usable for temporary accommodation, and that as the previously approved developments for this site have not been started he agreed with the recommendation that this application should not be allowed.

The Chairman agreed that the need for the dwelling must be demonstrated.

The Chairman took Members to the recommendation to refuse the application, which was proposed by Cllr Coote and seconded by Councillor MacNaughton. The application was refused unanimously.

RESOLVED

That planning permission is refused for the following reason:

The proposed dwelling is not considered to be essential to the operation of the rural business on the site. It would be in a relatively isolated location and future residents would be reliant on the private car for transportation. The proposal therefore conflicts with policies DP12, DP15 and DP21 of the Mid Sussex District Plan 2014-2031 and policy ALC1 of the Albourne Neighbourhood Plan.

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

None.

The meeting finished at 8.23 pm

Chairman