

**Minutes of a meeting of District Planning Committee
held on Thursday, 25th July, 2019
from 2.00 pm - 3.56 pm**

Present: R Salisbury (Chair)
D Sweatman (Vice-Chair)

R Bates	S Hatton	N Walker
P Chapman	R Jackson	R Webb
E Coe-	A Peacock	R Whittaker
Gunnell White		

Absent: Councillor C Laband

Also Present: Councillors J Ash-Edwards, A MacNaughton and N Webster

1. TO RECEIVE APOLOGIES FOR ABSENCE.

The Committee noted that apologies had been received from Councillor Laband.

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

None.

3. TO CONFIRM MINUTES OF THE ANNUAL DISTRICT PLANNING COMMITTEE MEETING HELD ON 22 MAY 2019 AND THE MEETING OF THE DISTRICT PLANNING COMMITTEE HELD ON 30 MAY 2019.

The Minutes of the Committee meetings held on 22 and 30 May 2019 were agreed as correct records and signed by the Chairman.

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

None.

5. DM/19/1897 - LAND TO THE REAR OF FRIARS OAK, LONDON ROAD, HASSOCKS, BN6 9NA

The Chairman confirmed that Members had received the agenda update sheet and additional letters of objection.

Steven King, Planning Applications Team Leader introduced the report to the Committee for the hybrid application comprising of outline planning permission for a residential development of 130 dwellings consisting of 12 one bedroom apartments, 27 two bedroom houses, 47 three bedroom houses and 44 four bedroom houses and

associated access, together with a change of use of the part of the land to country open space, following the provision of a new pedestrian tunnel under the railway.

The Team Leader confirmed that access into the site was the same as the previous application (DM/18/2342) which was refused on 29 November 2018. He advised that the difference from the scheme that was refused in November was the provision of a pedestrian tunnel under the railway line in place of the previously proposed pedestrian bridge. He noted that the application was contrary to District Plan policies DP6, DP12 and DP15 as the application was proposing a major housing development in the countryside. He informed Members that there was an allocated housing site to the east known as Clayton Mills and a consented site to the west at the Hassocks Golf Course. He advised that compared with the previously refused scheme, the current application has the benefit of a pedestrian tunnel which would provide accessibility for all and is an improvement on the previously proposed pedestrian bridge and would provide a significant safety benefit compared to the existing unmanned crossing. The Team Leader reminded Members that the only reason the Secretary of State refused the original application was due to safety concerns about the crossing of the railway line.

The Team Leader advised Members that the Secretary of State's decision has been made under a different planning policy background at a period when the District Plan had not been adopted and the Council could not demonstrate a 5 year housing land supply. He advised that for many of the issues the Inspector and Secretary of State considered, such as the access into the site and drainage, the five year land supply position was not determinative. For example, in the case of highway safety, the access was either safe or not, the position with the 5 year land supply did not impact on this.

The Team Leader referred to the Inspectors report for the original appeal on this site which stated that whilst Hassocks had made a considerable contribution to the District Councils housing needs, there was no reason why Hassocks could not accommodate more housing, consistent with its position in the settlement hierarchy. The Team Leader advised that there would be no coalescence between Burgess Hill and Hassocks and this was consistent with the views of the Planning Inspector and Secretary of State.

The Team Leader confirmed that Stonepound crossroads has been designated an air quality management area and explained the reason for this. He confirmed that Mid Sussex District Council's Environmental Health Team had no objections to the application. The Team Leader explained that the application is compliant with the Council's affordable housing policy.

The Team Leader advised that whilst the application was contrary to the development plan because of the conflict with policies DP6, DP12 and DP15 of the District Plan, there were other material planning considerations which must be taken into account. These material considerations were: the views of the Secretary of State, who considered that there were no overriding objections on environmental grounds to development on the site; the location of consented and allocated development around the site; and the proposal to provide a pedestrian tunnel under the railway line.

Ian Weir, Chairman of Hassocks Parish Council spoke against the application. He commented on policies DP4 Housing, that Hassocks was delivering in excess of the minimum requirement; DP6 Settlement Hierarchy, Hassocks was providing more

housing than other tier 2 settlements, and DP22 Rights of Way and Recreational Routes which would be over ridden by the application.

Stephen Sexton, local resident spoke against the application. It was fundamentally the same as the previous application and Friars Oak Fields was not an infill site. He commented that the Council was not listening to local residents.

David Spendley, spoke against the application. He stated that Friars Oak Fields was designated as local green space in the Hassock Neighbourhood Plan, an area valued by the residents of Hassocks.

Robert Brewer, local resident spoke against the application. He commented that the railway crossing was not a material consideration and the appeal for the second application should be heard before this application was decided.

Chris Hough, agent for the developer spoke in favour of the application. The revised application provides a tunnel in response to local requests for an accessible solution. He noted that Hassocks is a sustainable settlement which could accommodate further development, indeed it is the only 2 tier settlement with a railway station and the scheme provides an area of public open space and access to the Herring Stream.

Kirsty Lord, West Sussex County Councillor spoke against the application. She stated it was contrary to policies DP6, DP12 and DP15. Network Rail had not yet agreed to the provision of a pedestrian tunnel. The Member advised the Committee that the Hassocks Neighbourhood Plan now has Regulation 16 status and should carry some weight and that Ward Members and the local MP opposed the application.

The Chairman read a statement from Councillor Benedict Dempsey, Ward Member for Hassocks, who opposed the application. The Member noted the conflict with the District Plan, the Hassocks Neighbourhood Plan and the wishes of the local community. The five year land supply had been demonstrated which included 500 houses at Clayton Mills and no further development was required in Hassocks. The application conflicted with policies DP6, DP12, DP15 and DP21. He noted that this application was almost identical to the one refused in November 2018 and Hassocks Neighbourhood Plan had designated the area as local green space. The Committee should refuse the application because the residents have campaigned to protect the site and 160 letter of objection have been received. The appeal for the previous application should be heard before this application is considered.

The Chairman also read a statement from Councillor Alexander Sparasci, Ward Member for Hassocks, who opposed the application. He commented that the negative impacts of the development on traffic and the infrastructure had not been properly considered or mitigated. The application was against the wishes of the residents of Hassocks who cherished the green open space. The development was against the neighbourhood plan and could cause the coalescence of Burgess Hill and Hassocks.

The Chairman noted that the Committee had the task of assessing the balance of the application. The District Plan and the National Planning Policy Framework provided the context for this. He noted that even though a different planning policy background applied when the Planning Inspector's report about the Friars Oak Fields was issued some facts were still relevant. The original application was resolved to be approved by the District Council and went to the Planning Inspector as it was

called in. The District Plan was adopted shortly after the Secretary of State's report on the called in planning application was issued and this application must be viewed as a new application.

Nick Bennet, Senior Environmental Health Officer advised the Committee that they had no grounds for objection on air quality. He commented on the air quality management at Stonepound crossroads. He noted that the development was 900 metres from the crossroads and the air quality is a material consideration for planning. Two properties adjacent to the crossroad were affected by the high levels of nitrogen dioxide. Computer modelling is used to assess the impact of increased pollution levels for the completion date of 2024 with and without the development. The modelling uses professional guidance from (DEFRA) and local guidance. Using actual data from Stonepound crossroads and the town centres in the District there is an underlying downward trend of the levels of pollution. The prediction is for lower levels in 2024 and the additional traffic movements could be minor so there would be a negligible increase. The developers have mitigated this by encouraging cyclists, the use of electric vehicles and public transport.

Sue Hatton, Ward Member for Hassocks stated that Network Rail had not yet agreed that the solution was to provide a pedestrian tunnel and this application was based on the tunnel being provided. She noted that the District Plan was there to protect the district and the public's perception will be it is not being protected.

Several Members also commented on coalescence of Burgess Hill and Hassocks, the cost, viability and social issues of the proposed pedestrian tunnel.

The Chairman highlighted that condition 2 stated that no development, other than the road bridge, could begin before the tunnel had been constructed. The Team Leader confirmed that the tunnel is part of the application because it is in the description and condition 2 states construction must happen before other works. The development could not proceed if the pedestrian tunnel was not provided. It would be a matter for the developers to liaise with Network Rail to provide the tunnel. The source of funding for the tunnel was not a planning matter. Sally Blomfield, Divisional Leader for Planning and Economy drew the Committee's attention to the relevant planning legislation which was quoted in the officer's report as to how Members must consider the application, namely that it should be determined in accordance with the development plan unless material considerations indicated otherwise. Therefore the starting point was the District Plan. The officer's report clearly states that the application is contrary to the District Plan but then sets out that other material considerations must be considered when making the recommendation on the application. The Divisional Leader for Planning and Economy stated that no precedent would be set in approving this application because there were unique circumstances that applied to this site.

The Divisional Leader stated that the developer for Clayton Mills and this development had entered into a joint agreement with Network Rail to explore the feasibility and deliverability of the tunnel. She noted that confirmation had been received from Network Rail that the tunnel is feasible.

A Member noted the tunnel was the solution but would oppose the application to support the local residents.

The Chairman confirmed that Sussex Police had been contacted regarding anti-social behaviour issues at the existing pedestrian tunnel in Hassocks, which is to the south of the Friars Oak site. The Chairman stated that the crime statistics for this

tunnel from October 2018 did not indicate any significant issue relating to anti- social behaviour.

With regard to the issue of coalescence, the Divisional Leader confirmed that the Secretary of State had noted that the development at the Golf Course had reduced the gap between Hassocks and Burgess Hill to some extent and therefore the proposed development at Friars Oak would not reduce it any further. There would still be a clear gap if the development at Friars Oak was approved.

In response to a query on the five year land supply the Chairman advised the Committee that the ability to demonstrate a five year land supply is very important because without this the Policies in the District Plan would not be up to date and planning would revert back to being approved through appeals.

The Divisional Leader added that Government guidance in the National Planning Policy Framework was to boost the supply of housing and the housing figures contained within the District Plan are a minimum and not a cap on the housing supply. A Member commented that the Committee must look at the needs of the district as a whole and not just the local community.

A Member raised a query about whether the applicants could come back at a later stage and seek to reduce the amount of affordable housing provided on the basis that the costs of the pedestrian tunnel meant that the scheme was not viable. The Team Leader advised that if the applicants wanted to make a change to the level of affordable housing provision, then they would have to provide the financial evidence to justify this. The financial evidence would then be independently assessed by consultants appointed by the District Council.

In response to a Member's query on access for emergency vehicles Steven Shaw from the Highway Authority advised there they were guided by the advice in the Manual for Streets and that there was no requirement to provide a secondary emergency access. He advised that it was very unlikely that the bridge would collapse. He noted that a single point of access is not unusual and there were no grounds to refuse and West Sussex County Council as the Highway Authority had no undue concerns. He stated that the Highway Authority has assessed that the junction arrangements are satisfactory and advised that that they would not suggest alternative arrangements.

The Committee then discussed the topics of noise, landscaping, drainage and energy conservation. The Chairman confirmed that condition 14 covered the issue of noise and page 54 detailed the mitigating measures. The Team Leader stated that trees would be removed to provide the access which would affect the street scene but this would be a localised impact and had to be seen in the context of the development at the Golf Course on the opposite side of the road would also be changing the street scene. He noted that this was not a reason for refusal of the previous application in November and there had been no changes that would warrant a different decision being made on this issue now. The reserved matters application would aim to retain as much hedgerow and trees as possible. Fiona Bishop, Team Leader and Drainage Engineer, replied in response to the drainage query. She advised that legislation had recently changed and the Water Companies now charge developers an infrastructure charge per property built. The legislation also provides for network improvements to ensure the system can cope. The Chairman highlighted condition 12. The Team Leader noted that energy conservation would be dealt with in the reserved matters application and the provision for electric vehicle charging points in the social houses was a matter for the housing provider.

As there were no further questions the Chairman moved to the motion proposed by Councillor Walker and seconded by Councillor Sweatman that the Committee move to the Recommendations A and B as set out in the report and the Agenda Update Sheet. The application was approved with 7 votes in favour and 4 vote against.

RESOLVED

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

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 17th October 2019 then the application should be refused at the discretion of Divisional Lead 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 polices DP20 and DP31 of the District Plan.

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

None.

The meeting finished at 3.56 pm

Chairman