
12 August 2019

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **TUESDAY, 20TH AUGUST, 2019 at 2.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

- | | | |
|----|--|--------------|
| 1. | To receive apologies for absence. | |
| 2. | To receive Declarations of Interest from Members in respect of any matter on the Agenda. | |
| 3. | To confirm Minutes of the District Planning Committee meeting held on 25 July 2019. | 3 - 8 |
| 4. | To consider any items that the Chairman agrees to take as urgent business. | |

Recommended for Approval.

Recommended for Refusal.

Other Matters

- | | | |
|----|--|---------------|
| 5. | DM/18/2342 - Land to the Rear of Friars Oak, London Road, Hassocks, West Sussex, BN6 9NA | 9 - 12 |
| 6. | Questions pursuant to Council Procedure Rule 10 due notice of which has been given. | |

Human Rights Act

The reports and recommendations set out in this agenda have been prepared having regard to the requirements of the Human Rights Act 1998.

Risk Assessment

In formulating the recommendations on the agenda, due consideration has been given to relevant planning policies, government guidance, relative merits of the individual proposal, views of consultees and the representations received in support, and against, the proposal.

The assessment of the proposal follows the requirements of the 1990 Town and Country Planning Act and is based solely on planning policy and all other material planning considerations.

Members should carefully consider and give reasons if making decisions contrary to the recommendations, including in respect of planning conditions.

Where specifically relevant, for example, on some applications relating to trees, and on major proposals which are likely to have a significant impact on the wider community, potential risks associated with the proposed decision will be referred to in the individual report.

NOTE: All representations, both for and against, the proposals contained in the agenda have been summarised. Any further representations received after the preparation of the agenda will be reported verbally to Members at the meeting. Any other verbal or additional information will be presented at the meeting.

The appropriate files, which are open to Member and Public Inspection, include copies of all representations received.

Members are also reminded the representations, plans and application file will also be available for inspection at these offices from 6.00 p.m. on the day of the meeting.

To: **Members of District Planning Committee:** Councillors R Salisbury, D Sweatman, R Bates, P Chapman, E Coe-Gunnell White, S Hatton, R Jackson, C Laband, A Peacock, N Walker, R Webb and R Whittaker

**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

MID SUSSEX DISTRICT COUNCIL

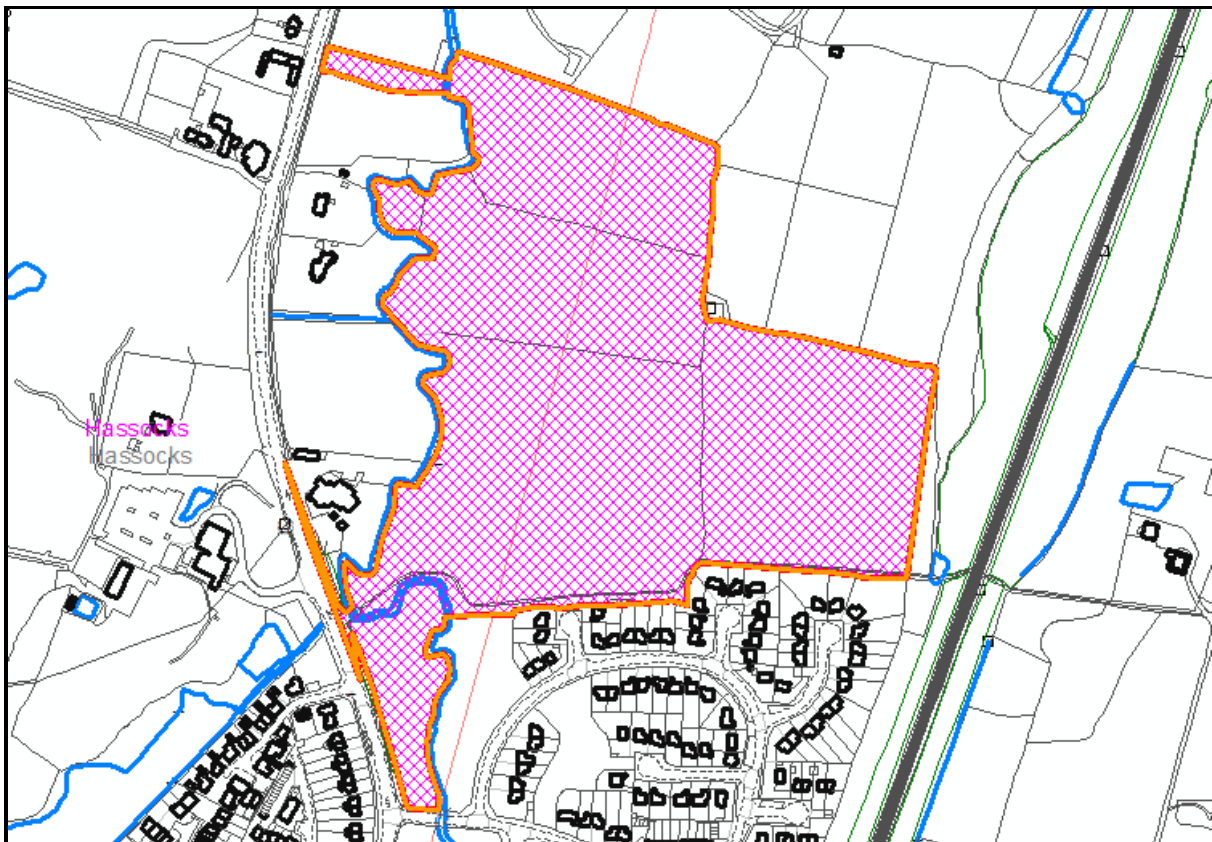
District Wide Committee

20 AUG 2019

OTHER MATTERS

Hassocks Parish Council

DM/18/2342



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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. ALL MATTERS RESERVED APART FROM ACCESS.

Introduction

This report is before Members to seek their authorisation for officers to withdraw reasons for refusal relating to an application for outline planning permission on land to the rear of the Friars Oak Public House, London Road, Hassocks (reference DM/18/2342), which is now the subject of an appeal with the Planning Inspectorate. This recommendation is subject to the appointed Planning Inspector agreeing to accept an amendment to the appeal scheme (substituting the proposed pedestrian bridge over the railway line with a pedestrian tunnel under the railway line) so that it is identical to the scheme that the Local Planning Authority has resolved to approve under reference number DM/19/1897.

Planning application reference DM/18/2342 sought consent for the following development: '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. All matters reserved apart from access.'

The application was recommended for approval at the District Planning Committee on 29th November 2018 but was refused for the following reasons:

1. The site of the application lies in the countryside as defined in the District Plan. The Local Planning Authority can demonstrate a 5 year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been allocated for residential development in the District Plan. As such the proposal would conflict with policy DP6 of the District Plan as the proposed development does not meet any of the criteria listed in this policy. The proposal would not maintain or enhance the quality of the rural and landscape character of the District, as by definition built development will lead to the loss of open countryside, and does not meet either of the criteria in policy DP12 for development that will be permitted in the countryside. As such the proposal would conflict with policy DP12 of the District Plan. The proposal also conflicts with policy DP15 of the District Plan as it does not meet any of the criteria listed in this policy.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state the determination of a planning application must be carried out in accordance with the development plan unless material considerations indicate otherwise. As the Local Planning Authority can demonstrate a 5 year housing land supply the policies in the District Plan command full weight. The conflict with policies DP6, DP12 and DP15 means that the proposed development is in conflict with the development plan when read as a whole. There are no material considerations that would justify a decision otherwise than in accordance with the development plan.

2. 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.

An appeal has been lodged against this decision with the Planning Inspectorate and a Public Inquiry will commence on 10th September 2019 to determine this appeal.

Planning History

A planning application (reference DM/15/0626) for the following development was reported to the District Planning Committee on 13th October 2016:

'Hybrid planning application comprising outline application for access only for residential development of 130 dwellings consisting of 12no. 1 bed apartments, 27no. 2 bed houses, 47no. 3 bed houses and 44no. 4 bed houses and associated access, together with change of use of part of land to form country open space.'

Members resolved to approve the application subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure contributions. Prior to the decision being issued, the application was called in by the Secretary of State (SoS) for his own determination. A Public Inquiry was held on 6th to 8th June 2017. The Planning Inspector appointed by the SoS recommended that the planning application be refused for the sole reason that in the absence of any measure to improve the safety of the unmanned railway crossing, permitting the proposed development in such close proximity to it would involve an unacceptable risk to the safety of future occupiers. The SoS accepted the recommendation of his Inspector and refused planning permission for the development on this basis on 1st March 2018.

Following this a planning application was submitted to the Local Planning Authority (LPA) under reference DM/18/2342 identical in all respects to application DM/15/0626 other than the provision of a new footbridge over the railway line. As stated above this application was recommended for approval at the District Planning Committee meeting on 29th November 2018 but was refused and is now the subject of an appeal.

A third application (reference DM/19/1987) for exactly the same development, apart from the replacement of the proposed pedestrian bridge over the railway line with a tunnel under the railway line, was reported to the District Planning Committee on 25th July 2019. The LPA have resolved to approve this third application but the decision cannot be issued as this application is subject to an Article 31 Holding Direction from the Ministry of Housing, Communities and Local Government dated 24th July 2019.

In resolving to approve the third application, it was considered that in the overall planning balance, the provision of the pedestrian tunnel was a significant public benefit. This public benefit, combined with all the other relevant considerations outlined in the officer's report to the District Planning Committee on 25th July were sufficient for Members to resolve to approve this application.

Current position

The appellants have made a request to the Planning Inspector that the appeal scheme (reference DM/18/2342) is amended so that the proposed pedestrian bridge over the railway line is replaced with a pedestrian tunnel under the railway line. This would mean that the appeal scheme would be identical to the scheme that the LPA have resolved to grant planning permission under reference DM/19/1897.

The applicants have advised the LPA that irrespective of the Inspectors decision on whether to allow the appeal scheme to be amended or not, they will still be challenging the Councils ability to demonstrate a five year housing land supply at the Public Inquiry. As Members will know, the National Planning Policy Framework (NPPF) states that LPAs should be able to demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in their adopted strategic policies. If a LPA cannot demonstrate a five year housing land supply, paragraph 11 of the NPPF states that this means the policies contained with the District Plan would be 'out-of-date' and therefore a presumption in favour of development would apply so that applications should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Officers believe that the LPA can demonstrate a five year housing land supply and will provide evidence at the Public Inquiry to substantiate this position. It is vitally important for the LPA to be able to demonstrate a five year housing land supply so that the policies within the District Plan can continue to command full weight in decision making on planning applications across the District.

Recommendation

Reason for refusal 1

If the Inspector agrees to the appeal scheme being amended so it is identical to the scheme that the LPA have resolved to grant planning permission for, officers recommend that the LPA only present evidence to the Public Inquiry on the five year land supply position. It would be an illogical and untenable position for the LPA to continue to seek to resist the appeal scheme (reference DM/18/2342) in these circumstances when it has resolved to grant planning permission for the same development in a later application (reference DM/191897)

Reason for refusal 2

This reason for refusal was to safeguard the Councils position in the event of an appeal being lodged against the refusal of the planning application. The applicants have now completed a satisfactory legal agreement with the LPA to secure the necessary affordable housing and infrastructure provision. As such this reason for refusal has been addressed and the Planning Inspector can be advised accordingly at the Public Inquiry.