

**Minutes of a meeting of Planning Committee B
held on Thursday, 28th February, 2019
from 7.00 pm - 9.40 pm**

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

P Coote
S Hatton

N Mockford
P Moore

A MacNaughton

Absent: Councillors C Holden, R Salisbury and R Whittaker.

Also Present: Councillors N Webster, A Barrett-Miles, M. Hersey and E Matthews.

**1. TO NOTE SUBSTITUTES IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 4 - SUBSTITUTES AT MEETINGS OF COMMITTEES ETC.**

Councillor M. Hersey substituted for Councillor Salisbury and Councillor Matthews substituted for Councillor Holden

2. TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Salisbury, Holden and Whittaker.

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

Councillor Moore declared a predetermined interest in DM/18/3627 - Land North of Maple Drive, Burgess Hill, West Sussex, RH15 8DJ as she is the Ward Member. She confirmed that she will speak as Ward Member on the application and would remove herself from meeting for the duration of the discussion and voting on the item.

Councillor M. Hersey declared a predetermined interest in DM/18/4002 - 7 Hickmans Close, Lindfield, Haywards Heath, West Sussex, RH16 2PS as she is the Ward Member. She confirmed that she will speak as Ward Member on the application and would remove herself from meeting for the duration of the discussion and voting on the item.

Councillor Matthews declared a predetermined interest in DM/18/4821 - Land to the East of Yew Tree Cottage, Wallage Lane, Rowfant, West Sussex, RH10 4NG as he is the Ward Member. He confirmed that he will speak as Ward Member on the application and would remove himself from meeting for the duration of the discussion and voting on the item.

**4. TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON
31 JANUARY 2019.**

The minutes of the Committee held on 31 January 2019 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.

DM/18/3627 - LAND NORTH OF MAPLE DRIVE, BURGESS HILL, WEST SUSSEX, RH15 8DJ.

Joseph Swift, Planning Officer, introduced the report for the erection of a new church and community facility including all associated external works forming car, motorcycle and cycle parking and associated hard and soft landscaping at land north of Maple Drive, Burgess Hill. He drew Members attention to the Agenda Update Sheet which detailed amendments to Condition 8. It was also confirmed that the development will not affect the proposed neighboring developments at Freeks Farm or Burgess Hill Town Football Club.

Councillor Pru Moore, Ward Member for Burgess Hill Leylands, spoke in favour of the application. She explained that the church is currently based in the primary school which is too small however the new building will be able to accommodate the Church, the Friends of Burgess Hill Green Network and the local youth club. She felt that one small community centre outside of the ward but intended to serve the ward was inadequate. It was also noted that the area that is to be developed is rough grassland, so she believed the loss of the land would not be of concern.

As there were no Members wishing to speak on this item, the Chairman took Members to the recommendation to approve, as set out in the report and subject to the rewording of Condition 8 as per the Agenda Update Sheet, which was agreed unanimously.

RESOLVED

That planning permission be approved subject to conditions outlined at Appendix A and Agenda Update Sheet.

DM/18/4002 - 7 HICKMANS CLOSE, LINDFIELD, HAYWARDS HEATH, WEST SUSSEX, RH16 2PS.

Andrew Morrison, Senior Planning Officer, introduced the report which sought planning permission for the erection of a two-storey side and single-storey rear extension to form accessible bedroom suite and therapy room with en-suite bathroom over; enlargement of kitchen and living areas plus conversion of existing garage to form an enlarged detached annexe. He drew Member's attention to the Agenda Update Sheet which detailed the removal of Condition 3.

Jonathan Sewell-Rutter, speaking on behalf of the applicant, spoke in favour of the application.

Councillor M. Hersey, Ward Member for Lindfield, raised concerns over the application. She and other Members of the Lindfield Parish Council believed the application to be contrary to Policy DP26 of the Mid Sussex District Plan as the character and design of what is proposed will cause significant harm to the street scene. It was felt that the application would be acceptable if the roof was lowered and the extension was not able to be viewed from the street.

The Business Unit Leader for Development Manager and the Senior Planning Officer explained the appearance of the pitched roof to the single storey extension.

A Member said that he couldn't see the extension having a harmful impact to the public realm and believed that re-designing the application would be unnecessary.

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 approved subject to the conditions outlined at Appendix A.

DM/18/4746 - LAND AT REAR OF CHIPPENDALE, GATEHOUSE LANE, BURGESS HILL, WEST SUSSEX, RH15 9XD.

Andy Watt, Senior Planning Officer, introduced the report which sought to vary Condition 2 of planning permission DM/17/0537, an application that was approved by the committee for the erection of a detached dwelling, detached garage and access. The effect of the variation was to substitute revised plans to reflect retrospective amendments to the position of dwelling. He drew attention to the Agenda Update Sheet and an additional letter of objection that also provide supplementary photographs of the application site. He highlighted the variation to the dwelling and stated that it had moved approximately 5 metres south and rotated 20 degrees clockwise relative to the development allowed at appeal.

Claire Pickford, local resident, spoke against the application.

Mark Best, agent of the applicant, spoke in favour of the application.

Andrew Barrett Miles, Ward Member for Dunstall, spoke against the application and drew attention to the planning history of the application site. He explained that his concerns of the significant impact to neighbouring amenity due to overbearing and lack of privacy was confirmed when he attended the site. The dwelling could be seen between the properties of 5, 6 and 7 The Oaks and was found to be overbearing more so when in the garden of an adjoining property.

The Chairman sought further clarification on the planning history of the application site.

Nick Rogers, Business Unit Leader for Development Management, explained that the Council refused an application in 2012 however the Planning Inspector allowed the appeal and granted planning permission.

He advised that the Council approved the subsequent application in 2017. These permissions are material considerations. Aside from the repositioning of the building, lowering of the roof lights and replacement of a half window with a rooflight the application is the same as previously approved.

The Chairman enquired whether the trees would be more protected with the house moved back to the position seen in the current application compared to the approved application.

The Business Unit Leader for Development Management confirmed that the resided house is further from the trees on the northern boundary than that allowed on appeal...

A Member expressed that she was not comfortable with the application. She enquired the distance of the dwelling from the boundary of the site that adjoins 6 The Oaks.

The Senior Planning Officer confirmed that the distance is 11 metres.

A Member questioned the impact of overlooking on the neighbouring properties.

The Senior Planning Officer explained the rear elevation to rear elevation for 7 The Oaks is 21 metres; 22 metres for 6 The Oaks and 25 metres for 5 The Oaks but there would be no significant overlooking from the windows in the northern elevation.

The Vice-Chairman felt unsure about his decision as he could not visualise the proposed application position in the presentation provided to the committee.

The Business Unit Leader for Development Management outlined that he did not want the committee to make a decision if they felt like that did not have suitable information to make a decision. He added that he can contact the applicant to provide a further single drawing to show the relative positions of the house approved on appeal, by the Council in 2017 and that subject of the current application and advised that in those circumstances the application could be deferred.

Tom Clark, Solicitor to the Council, clarified that the committee cannot make a decision if they do not feel they have the right information.

The Chairman noted that the committee wished to defer the application pending further information so moved to the recommendation to defer which was agreed unanimously.

RESOLVED

That the application be deferred to request further information from the applicant about the exact location of the property.

DM/18/2702 - LAND REAR OF 5 HIGH STREET, EAST GRINSTEAD, WEST SUSSEX, RH19 3AG.

Andrew Morrison, Senior Planning Officer, introduced the report which sought planning permission for the erection of 1 no. detached 2 storey dwelling and 1 no. detached 3 storey dwelling (with landscape gardens), within a walled Victorian garden at land to the rear of 5 High Street, East Grinstead. He drew attention to the Agenda Update Sheet which revised the eastern site boundary to reflect the true position of the boundary. He noted that the application site sits just outside the boundary of the East Grinstead conservation area. He explained that Officers do not consider the visual impact of the proposal to be acceptable, including a harmful impact upon the setting of the conservation area and adjacent listed building. He also explained that Officers furthermore consider the impact upon neighbouring amenity and future occupier amenity to be unacceptable.

Councillor Julie Mockford, East Grinstead Town Council, spoke in favour of the application.

Paul Carter, agent of the applicant, spoke in favour of the application.

Luke Mosley, local resident, spoke in favour of the application.

Several Members commended the design of the proposal.

A Member noted that the Conservation Officer raised an objection to the application. She sought clarification on the degree of harm to the conservation area.

Nick Rogers, Business Unit Leader for Development Management, drew attention to the Conservation Officer's comments which considered the proposal to have less than substantial harm to the conservation area and adjacent listed building.

Tom Clark, Solicitor to the Council, added that less than substantial harm should be given considerable weight.

A Member raised his concerns over the impact on the conservation area and listed buildings. He believed that the committee should give the impact considerable weight.

A Member enquired whether the development could be seen from East Grinstead War Memorial.

The Senior Planning Officer confirmed that the development can only be seen from the street scene if viewed through the gap between the buildings for the access point.

The Chairman believed the design to be bold however felt that the development is too large for the small area for which it is planned.

A Member drew attention to National Planning Policy Framework Paragraph.195d which detailed that less than substantial harm might be outweighed if the site is brought back into use and believed that the application should be recommended for approval.

The Business Unit Leader for Development Management advised that there were four strong reasons to refuse the application; harmful effect on listed building and conservation area; significant harm to the residential amenities of existing residents due to loss of outlook and privacy, significant harm to amenities of future residents resulting from lack of privacy and; no Section 106 agreement in relation to the Ashdown Forest. He added that the Council can demonstrate a five-year land supply and that officers do not feel that the harm outweighs the limited benefits of the development.

A Member enquired whether there have been any objections to the application.

The Senior Planning Officer explained that the neighbouring properties 11b, 11c and 11d have raised objections to the application.

Councillor N Mockford proposed to move to the recommendation to approve the application as he felt that the benefits of improving the site outweigh any harm of development. This was seconded by Councillor E Matthews as he believed the current site is visually harmful to the surrounding area.

The Chairman moved to the recommendation to approve the application which was agreed with 5 votes in favour of the application and 4 against.

RESOLVED

That planning permission be approved subject to competition of a satisfactory S.106 Legal Agreement and planning conditions to be agreed with the Chairman of the Committee.

Reason for granting planning permission

The committee considered that the development would enhance the character of the conservation area because of the design of the proposed buildings and condition of the application site, it would not cause significant harm to the amenities of existing residents nor would it cause significant harm to the amenities of future residents through lack of privacy. It was thus in accordance with policies DP26 and DP34 and DP35 of the District Plan and EG3 and EG4 of the East Grinstead Neighbourhood Plan.

DM/18/4821 - LAND TO THE EAST OF YEW TREE COTTAGE, WALLAGE LANE, ROWFANT, WEST SUSSEX, RH10 4NG.

Andrew Clarke, Senior Planning Officer, introduced the report which sought retrospective planning permission for the retention of a single dwelling for a period of one year which has been constructed within an area of woodland within a rural location. The development has been completed and occupied without planning permission and represents a breach of planning control. He drew attention to the Agenda Update Sheet which detailed additional comments from West Sussex County Council whom reject the proposal over the safety of the access to the application site. Officers have raised their concerns over the retention and ecology of the ancient woodland and do not feel that personal circumstances outweigh. The planning harm of the development,

David Collins, agent of the applicant, spoke in favour of the application.

Edward Matthews, Ward Member for Copthorne and Worth, spoke in favour of the application. He expressed his concerns over the welfare of the applicant's mother and felt that it is an exceptional case. He did not believe that any harm could come of granting temporary planning permission and asked the committee to look at the application with a compassionate eye.

A number of Members agreed with Councillor Matthews and felt that the committee should grant permission based on humanitarian grounds.

A Member raised his concerns about granting temporary permission to the application as if it were to be extended at a later stage then it might set a precedent for permanent permission. He felt that there should be a 6 month review process with another 6 month notice period for enforcement as enforcement action would not necessarily have to be carried out immediately. He sought legal advice from the Solicitor of the Council.

Tom Clark, Solicitor to the Council, explained the potential risks of granting temporary planning permission and confirmed that enforcement action does not have to be carried out immediately.

A Member suggested that the committee formally ask that the enforcement action be carried out in 6 months from the committee's decision and then conducted after 6 months instead of granting temporary permission for a year. He added that he is no rush to carry out the enforcement action however he is hesitant of granting permission on the application.

Nick Rogers, Business Unit Leader for Development Management, outlined that, the development of a dwelling in the countryside was clearly contrary to the Council's planning policy, effect on ancient woodland, which had been strengthened in the new NPPF, and concerns of safety of the site's access. He advised that it was possible to postpone any enforcement action and monitor the situation as requested by a Member.

The Chairman wished for it to be noted that the Committee requests for enforcement action to be carried out at the direction of the Business Unit Leader for Development Management based on the discussion of the application in this Committee. The Chairman took Members to the recommendation to refuse the application which was agreed unanimously.

RESOLVED

That planning permission be refused for the reason as laid out in Appendix A.

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

None.

The meeting finished at 9.40 pm

Chairman