

**Minutes of a meeting of Planning Committee  
held on Thursday, 4th July, 2019  
from 7.00 - 7.58 pm**

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

G Allen	J Dabell	D Sweatman
R Cartwright	A MacNaughton	N Walker
E Coe-	M Pulfer	
Gunnell White		

**Absent:** Councillors R Eggleston and C Phillips

**Also Present:** Councillors P Chapman and N Webster

**1 TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillor Phillips and Councillor Eggleston.

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

None.

**3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 29 MAY AND 13 JUNE 2019.**

The Minutes of the meetings of the Planning Committee held on 29 May and 13 June 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/19/1016 - OAKHURST, MAYPOLE ROAD, EAST GRINSTEAD, RH19 1HL.**

Joanne Fisher, the Senior Planning Officer, introduced the application for the demolition of an existing residential building and the construction of a 3 storey residential building comprising of 8 units with associated landscaping works. She highlighted some key issues including 1 additional letter of objection, as stated in the agenda update sheet. She also spoke about the previous applications which had been submitted and refused for the property.

She informed the Members that the application had been improved, with this scheme seeking to address all the previous reasons for refusal; specifically with the plan now

including electric charging points for vehicles, generous gaps between the neighbouring buildings and 8 cycle points within the site.

She highlighted the fact that the new design retained the characteristics of the Edwardian property. She addressed the fact that the application included a larger footprint but highlighted that the planning officers agreed with the urban designer who now had no objection to the design of the building. She advised that the break in the roof, alongside the bay and pitched elements of the building, would help to reduce the overall mass. She told the Committee that the site is in a highly sustainable location in the built up area of East Grinstead. Whilst the application does not meet the Council's maximum car parking standard, she explained that this is considered acceptable given the location's close proximity to public transport routes.

Matt Thompson and Shereen Jenkins local residents spoke against the application. Paul Dadswell, the agent for the applicant speaking on behalf of the applicant, spoke in favour of the application.

The Chairman spoke regarding A25 highways and drainage, noting that the Highways Authority has no objections, and the drainage consultant had found that the application is in line, subject to the conditions set out in the application.

A Member voiced his concerns regarding the size of the property, specifically the proposed height. The Member stated he was in favour of increasing housing in the area by creating flats within the property, but stated that parking in the area may need further consideration.

Another Member spoke on his concerns over the bulk of the building, and the potential harmful effect on the neighbours.

Members spoke about the concerns regarding the windows proposed to the rear of the property which faces neighbouring Lyndhurst, and about the issue of reduced light to the neighbours, especially in winter.

The Senior Planning Officer responded that the applicant has worked with the Council to revise the plans to address previous reasons for refusal. She also spoke on how approving the application would make efficient use of the land, and create more housing, without causing significant detriment to the surrounding area.

Addressing Members' specific concerns regarding the window facing Lyndhurst, she pointed out that the room in question is a non-habitable room, and therefore there would be no significant issue regarding privacy.

Regarding the bulk of the building she highlighted that the proposed building would be no higher than the highest part of the pre-existing building, but would have reduced ridge lines and increased detailing, with the coach house set further forward than the building in the application. When discussing loss of sunlight to the neighbours, the orientation of the building and pre-existing relationship between the buildings meant that there would be no significant detrimental impact to the neighbours.

The Vice Chairman noted that were the Committee to refuse the application, and the application to go to appeal it would be likely to be approved by the Planning Inspector. He also spoke on the extensive work which had been done with the applicant and Mid Sussex District Council to resolve past issues.

A Member asked that the applicant be minded to make sure the electric charging points were created with the goal of them lasting into the future and accounting for the likely increase in electric vehicles.

The Chairman stated that the agent would pass onto the applicant the importance of future proofing the charging points. He also reminded the Committee that this decision does not set a precedent and if the application was to be approved that does not suggest that another would be.

The Chairman took Members to the recommendation to approve which was moved by Councillor Coote and seconded by Councillor Cartwright. This was agreed with 8 in favour, 1 against, and 1 abstained.

## **RESOLVED**

That permission be granted subject to the following recommendations and the additional conditions contained in the Agenda Update Sheet.

### **Recommendation A**

That planning permission be approved subject to the completion of a S106 Legal Agreement to secure infrastructure contributions and the conditions set in Appendix A and the update sheet.

### **Recommendation B**

That if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure and Ashdown Forest mitigation payments by the 4th October 2019, 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 policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'
2. 'The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, Policy DP17 of the Mid Sussex District Plan 2014-2031, policy EG16 of the Neighbourhood Plan, and Paragraph 175 of the National Planning Policy Framework.'

## **6 DM/19/1498 - NAASTA, 226 LONDON ROAD, BURGESS HILL, RH15 9QR.**

The Chairman noted that the application was before the committee as a Councillor had an interest in the property. He noted that there were no public speakers and took Members to the recommendation to approve which was agreed unanimously.

## **RESOLVED**

That express advertisement consent be granted subject to the conditions listed at Appendix A.

## **7 DM/19/1612 - 151 LOWER CHURCH ROAD, BURGESS HILL, RH15 9AA.**

Joanne Fisher, Senior Planning Officer introduced the application for the conversion of an existing building to form 3 x 1 bed flats and 1x 2 bed flats, including the erection of a replacement metal side gate, alterations to the fenestration, existing roof to the rear and the addition of a two storey extension to the rear beneath the pitched roof.

She highlighted that the property was currently a vacant commercial building at the ground floor with residential use either side. She also spoke on how the property shared a boundary to St. Johns conservation area, but that the conservation area does not include the application site, and that the application site falls within the built up area of Burgess Hill. The current application will change the building's use from commercial to residential and address the reasons for previous refusal. She highlighted that from the last application the new application set to reduce width and depth, including a stepped down roof.

The mixture of properties in the road and the fact that the extension would not be visible from the road was highlighted to the Committee. Also addressed were the windows to the rear of the adjoining neighbouring flats, which serve bathrooms which are not classed as habitable rooms and therefore not considered to cause significant harm to the surrounding properties. Concerns regarding loss of light, a tunnelling effect, and the foot-print of the building were addressed by the Planning Officer, who noted that the existing property already causes harm, and in the officer's opinion, the proposed set back extension would not contribute further harm. She also mentioned that whilst there was no parking proposed the application was in a highly sustainable area with ease of access to public transport. Therefore, the parking situation laid out in the application was deemed acceptable.

Kate Connolly spoke against the application as a neighbour to the application site.

The Chairman drew the Committee's attention to condition 8, which relates to the windows on the western (side) elevation Condition 8 specifies that windows be non-opening and be opaque using glazing, therefore residents of the building could not change this and the windows would not affect the privacy of neighbouring buildings.

Steve King, Planning Application Team Leader spoke to address condition 8 and the matter of the side windows on the proposed building; he agreed the clause, "shall at all times" would be added to the condition to ensure that the windows cannot be changed in the future.

A Member felt that the application would not affect the conservation area, and it would be a good use of the property as it is currently in a poor state of repair. He also stated that increasing residential areas would be beneficial and that the application appears to have addressed the previously laid out concerns. Another Member spoke in support of this.

The Vice Chairman reassured the Committee that the windows will be non-opening and obscured so as to protect privacy; he also explained that the application did not allow for future tenants to change these conditions and that if this were to occur the Council would act to reverse the changes.

Councillor Walker moved that the application be approved with the additional wording of "shall at all times" being added to condition 8 and this was seconded by Councillor Cartwright.

The Chairman took Members to the recommendation which was agreed unanimously.

### **RESOLVED**

That permission is granted subject to the conditions outlined at Appendix A, and the additional wording agreed to condition 8.

## **8 DM/19/1624 - BARN COTTAGE PAVILION, BARN COTTAGE LANE, HAYWARDS HEATH, RH16 3QN.**

The Chairman introduced the application for the new purpose-built community centre with joining tunnel to the existing pavilion, noting that is as before the Committee as it was to be built on Council owned land.

The Chairman spoke briefly regarding parking in this area, noting that the Highway Authorities request for a parking survey was not deemed necessary by the planning officer as there was adequate parking in the area.

As there were no public speakers the Chairman confirmed with Members that they did not require a presentation and took Members to the recommendation which was agreed unanimously.

### **RESOLVED**

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

## **9 EF/17/0129 - CRAWLEY LANE, BALCOMBE, RH17 6LA.**

Steve King, Planning Application Team Leader, introduced the report relating to a planning enforcement investigation and breach of planning control where the land owner has failed to comply with the requirements of an Enforcement Notice. He highlighted how the non-compliance related to a specific area of land, which the Council had previously received a planning application for an access track and barn, which had been refused, however the access track had been completed without permission. Enforcement action had therefore been undertaken to require the removal of the track.

A subsequent planning application had then been granted for the first 50m of the track and a barn, this planning application stated it required the removal of the track past the first 50m. However, the Planning Application Team Leader confirmed that no action had been taken to do so. The recommendation was therefore for Members to authorise a prosecution in the magistrates court for failure to comply with the notice. It was stated that if the applicant were to comply it may not be necessary to pursue a prosecution. The aim of authorising a prosecution was to secure compliance and encourage a timely removal of the track.

A Member spoke to support the work of the planning and enforcement officers. The Vice Chairman echoed this, also stating that the Planning Department do not enter into enforcement often and that enough time had been given to the applicant, therefore given the lack of action, the Officers recommendation would be the correct way forward. Councillor MacNaughton moved to approve the recommendation. This was seconded by Councillor Coe-Gunnel White.

The Chairman took Members to the recommendation which was agreed unanimously.

**RESOLVED**

That having due regard to the options that are available (but without prejudice to any other enforcement action the Council may decide to take), the Town and Country Planning Act 1990 and relevant policies and applicable guidance issued, it is concluded that the most satisfactory course of action, at this time, is to recommend that authority be given for the Council to prosecute the owner of the land for non-compliance with the Enforcement Notice (which is an offence under section 179 TCPA 1990) with respect to the eastern 90m element of the track, subject to the Solicitor to the Council being satisfied that there is sufficient evidence and it is in the public interest to pursue a prosecution.

**10 TP/19/0001 - LAND EAST OF STONE HOUSE, RYECROFT ROAD, BOLNEY, RH17 5PR.**

The report was introduced by Steve King Planning Applications Team Leader asking Members to consider whether or not to confirm a new Tree Preservation Order (TPO), on an area of land east of Stone House, Rycroft Road, Bolney.

He highlighted that the eastern half of the land in question has been felled, and whilst the western half currently remains wooded it is important to grant the TPO swiftly. He spoke regarding the required assessment which was completed by the Council's Tree Officer and which demonstrated that the TPO was justified. The Planning Application Team Leader highlighted that the TPO would not prevent the owner from completing maintenance on the woodland, but would prevent the western half from being clear felled.

Councillor Coote moved that the order be confirmed and this was seconded by Councillor Coe-Gunnel White.

The Chairman took Members to the recommendation which was agreed unanimously.

**RESOLVED**

That the order be confirmed.

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

None.

The meeting finished at 7.58 pm

Chairman