

MID SUSSEX DISTRICT COUNCIL

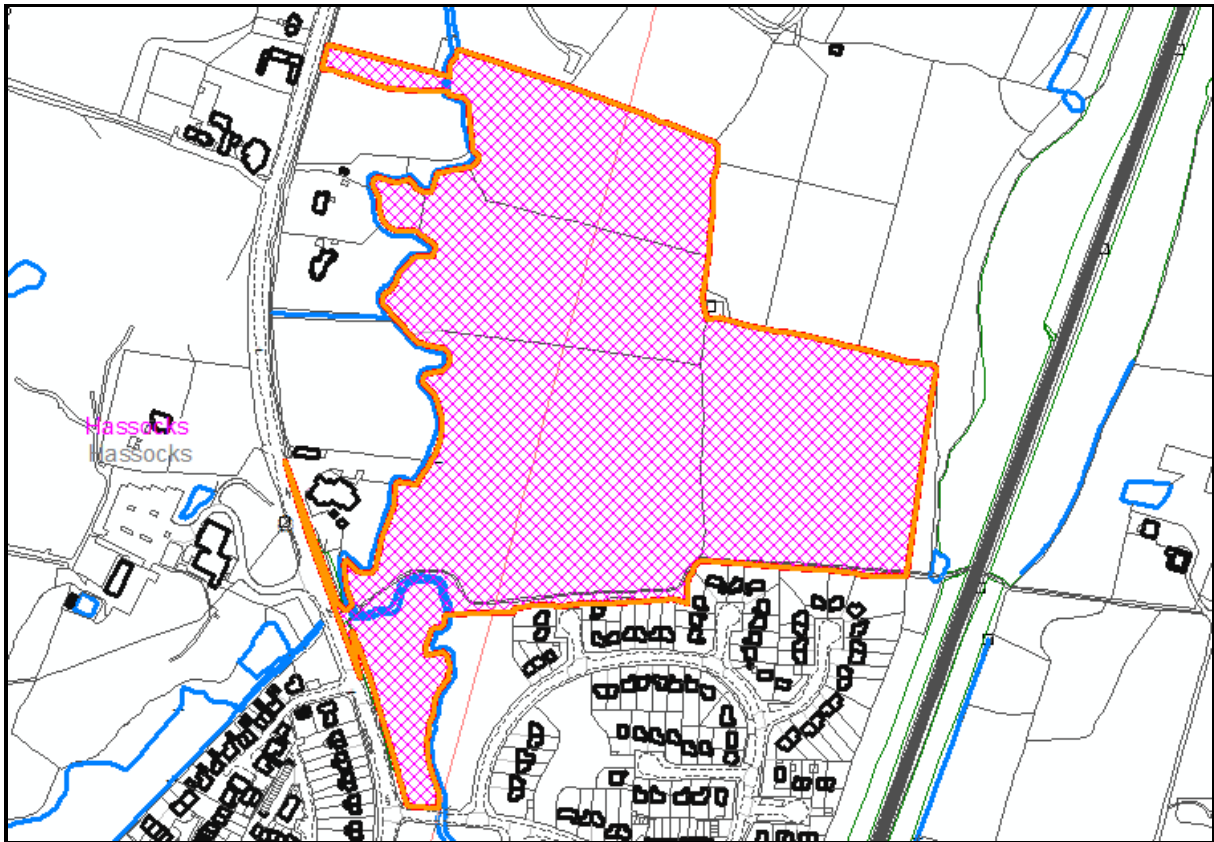
District Wide Committee

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.