

**Minutes of a meeting of District Planning Committee
held on Tuesday, 20th August, 2019
from 2.00 pm - 2.27 pm**

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

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

Absent: Councillors S Hatton

Also Present: Councillors

1. TO RECEIVE APOLOGIES FOR ABSENCE.

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

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

None.

3. TO CONFIRM MINUTES OF THE DISTRICT PLANNING COMMITTEE MEETING HELD ON 25 JULY 2019.

The Minutes of the Committee held on 25 July 2019 were agreed as a correct record and signed by the Chairman after the following addition. "A member made comment that that the feasibility study being undertaken by Network Rail is for either a bridge (as in the original application) or a tunnel, as proposed in this application".

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

None.

5. DM/18/2342 - LAND TO THE REAR OF FRIARS OAK, LONDON ROAD, HASSOCKS, WEST SUSSEX, BN6 9NA

Tom Clark, Solicitor to the Council advised that there would be no speakers as this item was 'another matter' and was not the determination of a planning application.

The Chairman advised the Committee that the meeting was to review the reasons the original application was refused on 29 November 2018. He confirmed that all Committee Members had received the Agenda Update Sheet and the officers clarification notes on matters raised in emails. He noted that any rulings by the

Secretary of State (SoS) in respect of the Article 31 Direction does not have any relevance to this Committee and therefore the Committee must make their decision independent of the outcome of the SOS ruling.

Sally Blomfield, Divisional Leader for Planning and Economy confirmed that all Members had received a copy of correspondence from Cllr Dempsey, the Officer's response to this and Cllr Dempsey's further comments. Further to the final comments from the Councillor, the Divisional Leader clarified that although all three applications for the site had proposed the same housing numbers and parameter plans, they were all different in one significant respect. The first application did not propose a crossing over the railway line; the second application proposed a bridge as the means of crossing the Brighton Main Line; and the latest application proposed a tunnel. She confirmed however that if the Planning Inspector, (appointed to consider the appeal into the second application) agrees to consider the request by Rydon Homes to amend the appeal proposal by replacing the bridge with the tunnel, then the proposals subject of appeal would be identical to the proposals in the third application. She reminded the Committee that the Council had resolved to grant permission for the third application at the Committee meeting in July 2019. She advised that the Article 31 Holding Direction only provides the Secretary of State time to decide whether to call in the application and is not material to the consideration of the item before the Committee today

The Chairman confirmed that the Committee was looking at a review of the reasons for refusal of the application now subject to Appeal in the light of changing circumstances. This approach is in line with best practice set out in the Planning Inspectorate's Procedural Guidance on Planning Appeals which makes clear that Council's must review changes in circumstances since the original decision on an application, must assess the implications of the change and in the light of the changes must not behave in an unreasonable way. The National Planning Policy Guidance on Appeals makes clear if local planning authorities behave in an unreasonable way this would justify an award of costs against them.

He reminded the Committee that the first recommendation in this report was only if the Inspector agreed to amend the appeal scheme to make it identical to the approved application; the Local Planning Authority would only provide evidence at the appeal on the five year land supply. The second reason for refusal was no longer an issue as the Local Planning Authority have now reached a Section 106 legal agreement to secure the necessary affordable housing and infrastructure provision.

In response to a Member's question the chairman confirmed that the approval of DM/19/1897 was a change of circumstances. If DM/18/2342 was amended to be identical, then the appeal would only be on the issue of the five year housing supply.

The Solicitor to the Council confirmed that when the enquiry starts it will review any changes between the refusal of the application and the current planning position. He noted that the Committee had approved the application which included a tunnel under the railway line in July 2019. If it is accepted that the bridge can be replaced with a tunnel the Council could not defend an appeal on this issue.

A Member highlighted that the Committee had approved the application with a tunnel on 25 July and the committee must remain consistent to maintain their integrity and supported the officer's report.

With regard to a comment on the Council's continued support for the District Plan and the principles of District Planning Policy DP12, the Chairman reminded the

Committee that whilst the starting point for determining a planning application is the Development Plan, assessing an application is a balancing exercise. The National Planning Policy Framework requires that other material considerations must also be considered. Every application is considered on its merits.

A Member was minded to support the other matter recommendation and referred to National Planning Policy Framework which set out the Government's objective to boost the supply of housing.

The Chairman commented that the Committee must not be seen to be perverse or unreasonable. If the Planning Inspector agreed to change the appeal proposal to accept the tunnel as the means of access to cross the railway, the Council could be viewed as unreasonable in defending the appeal in the light of the recent resolution to approve the proposals in July.

The Chairman concluded that the decision before the Committee was whether to support the withdrawal of reasons for refusal, other than the defence of the Council's 5 Year Housing Land Supply, if the Planning Inspector does allow the change to a tunnel.

The Chairman noted that Network Rail had confirmed the viability of both of a tunnel and a bridge. However, the bridge would have both stairs and ramps, the ramps would be 600 metres long.

As there were no further questions the Chairman moved to the motion proposed by Councillor Walker and seconded by Councillor Whittaker that the Committee to move Recommendations 1 and 2 as set out in the report and the Agenda Update Sheet. The recommendations were unanimously approved.

RESOLVED

The Committee agreed to the recommendations:

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.

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

None.

The meeting finished at 2.27 pm

Chairman