

**Minutes of a meeting of District Planning Committee
held on Thursday, 19th September, 2019
from 2.00 pm - 3.45 pm**

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

R Bates
P Chapman
E Coe-
Gunnell White
S Hatton

R Jackson
C Laband
A Peacock
N Walker

R Webb
R Whittaker

Also Present: Councillors A MacNaughton and N Webster

1. TO RECEIVE APOLOGIES FOR ABSENCE.

None.

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 MEETINGS HELD ON 1 AND 20 AUGUST 2019.

The Minutes of the Committee meetings held on 1 and 20 August 2019 were agreed as a correct record and signed by the Chairman and Vice-chairman.

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

None.

5. DM/19/1895 - LAND AT AND ADJACENT TO THE FORMER SEWAGE TREATMENT WORKS, FAIRBRIDGE WAY, BURGESS HILL, WEST SUSSEX, RH15 8QT.

Steve Ashdown, Team Leader for Major Developments and Investigations introduced the report for outline application for the development of the former sewage treatment works to provide up to 325 dwellings (use Class C3) with associated access, landscaping and associated infrastructure. He confirmed that the site is within the built up area of Burgess Hill, with the Northern Arc scheme to the east, north and west of the site. All matters were reserved except for the access. The previous outline planning approval expired in June 2019 and had included access arrangements and relocation of the gypsy traveller site. He informed the Committee that the travellers' site had now been relocated south of the road to the waste

transfer station and the access road had been completed so were not included in this application. As previous application has timed out, no further reserved matters can be submitted, hence a new outline application is necessary. He noted that there could be three phases to the development with access from the newly realigned access road, and it was noted that the internal spine road had been completed. The parameter plans show that the dwellings will mainly be two storey, although there will be some three storey elements and this reflected that which was consented previously.

The officer stated that the principle of development has been accepted and is in line with the District Plan. Highways matters had been addressed by the previous application (and works completed) and other outstanding matters, such as drainage, could be dealt with via condition. The application was in accordance with the Development Plan and there were no material considerations that indicated a decision should be made contrary to the adopted policies.

The agenda update sheet was highlighted, including an email from the applicant detailing issues with condition 8 on landscaping. The officer confirmed the land was within ownership of the applicant and officers feel that the landscaping of this part of the site should be secured to make the landscaping consistent with what has already approved. He noted that discussions were on going with the applicant on the width of the strip of land and requested that the Committee agree that the officers secure this by adjusting the wording of condition 8 with the approval of the Chairman and Vice-chairman. He highlighted that the applicant was concerned with West Sussex Highways' request for £325,000 towards improvement works on the A2300. Officers have asked West Sussex Highways for the justification, and the Team Leader referenced the requirements of the CIL Regs and the NPPF that ensure the contributions must be relevant, necessary and proportionate to make the proposal acceptable. He noted that if the contribution need not meet these requirements then that contribution would be removed from the Section 106 contributions. With reference to the Community Leisure Officer's request for, £327,000 to provide off-site play provision in Burgess Hill, he noted that the application will provide play space on the site and condition 2 does secure this. The request for £327,000 was therefore not appropriate.

The Team Leader also asked that the Committee agree that the officers could update conditions 15 – 17 on noise attenuation matters, with the approval of the Chairman and Vice-chairman, as the Environmental Protection Officer had received additional information and may change the wording of the conditions. He highlighted that due to the historical nature of the site Recommendation B would increase the time limit on Section 106 negotiations to 19 March 2020.

In response to a Member's question the Chairman confirmed that the rewording of condition 8 would secure a strip of land and the landscaping of this land. The Team Leader also confirmed that condition 2 ensured the applicant must provide a play space within the site and a location had been indicated on the submitted parameter plan.

The Chairman informed the Committee that they were considering just the outline application for the development, access and landscaping. Several applications had already been received for this development and the roads had been constructed.

The Team Leader confirmed that the access road was complete except for works to the two adjacent roundabouts and this is covered by Section 278 works with West

Sussex County Council, the roads on the site were complete except for the final surfacing.

In response to a Member's concern with the proposal to provide a split of 50% affordable rent and 50% shared ownership, which is contrary to the Council's policy of a 75:25 split, the Team Leader noted the historical approval of a deed of variation for this matter in 2017. The site has proved difficult to come forward due to the contamination of the site from the previous usage; however the housing officers were waiting for information from the applicant to confirm that this split was still justified. The 50/50 split would only be agreed if sufficient justification is received.

The Chairman confirmed the difficulty bringing this forward with the contaminated land, adjacent industrial site, travellers' site and waste transfer station. He confirmed that the information would be carefully scrutinised.

A Member was concerned with the car parking provision on site and the Team Leader confirmed that a condition will ensure that once an area has been designated for car parking its use cannot be changed, without a planning permission. He stated that there would be one vehicular access to the site and additional separate access for pedestrian and cyclist had been provided. Any comments regarding electric vehicle charging points was a reserved matter.

A Member thanked the officer for his report and showed concern the time this site had taken to come forward and that the road would remain private. He supported the application, requested assurance that the decontamination of the land had been completed and noted an objection from Southern Water.

The Chairman stated that the developer would have to ensure the site layout avoids any issues raised by Southern Water. He confirmed that many developers do not ask for the roads to be adopted and West Sussex County Council has asked for a letter to confirm this fact. He noted that some un-adopted roads may not meet the standards that West Sussex County Council required if they are to be adopted. The Team Leader highlighted that most of the decontamination had been completed on the site and the decontamination officer had asked for reports during the process and the final report is outstanding, condition 12 makes sure that final sign off of the process is complete.

A Member expressed concern over noise levels and the time work had taken on the site. The Chairman confirmed that if permission is granted the applicant will have longer time to complete the site. He noted that the Government have changed the rules and the developers must complete sites within the given timescale, and the Council could not prevent a further application if the site is not completed on time.

A Member commented on the agreed use of the site for housing, placement of affordable housing, construction of acoustic barriers and whether the roads would be of sufficient standard to meet the expected demand. The Chairman stated that the placement of affordable dwellings was not a consideration for this Committee, just the principle of the development and other matters are important, but are reserved matters.

As there were no further questions Councillor Walker moved that the Committee consider Recommendations A and B as set out in the report and the Agenda Update Sheet, this was seconded by Councillor Laband. The Chairman noted that there were ongoing discussions between the officers and the applicant, and any changes to the conditions would be approved by the Chairman and Vice-chairman.

The recommendations were unanimously approved.

RESOLVED

The Committee agreed to the recommendations:

Recommendation A:

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure affordable housing and financial contributions and the suggested conditions in Appendix A, or as may be amended in consultation with the Chair and Vice Chair.

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 19th March 2020 then the application should be refused at the discretion of

Divisional Leader 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 policies DP20 and DP31 of the District Plan.

6. DM/19/2641 - LAND SOUTH OF A2300 GATEHOUSE LANE, GODDARDS GREEN, WEST SUSSEX, BN6 9LQ.

Steve Ashdown, Team Leader for Major Developments and Investigations introduced the report for an employment development comprising up to 40,695 square metres (class B1(B), B1(C), B2 and B8) with ancillary offices, car parking and associated infrastructure, with the access to be determined. He noted that the Agenda update Sheet included Appendix B as it was not published with the report. He highlighted that the site had a previous outline permission for a similar development that was approved under 13/01618/OUT but time lapsed in November last year, this is material consideration that should be given significant weight.

He informed the Committee that approximately 9,000 square metres of floor space had already been permitted under the previous application, consisting of a g Class B8 warehouse for DPD, with a second unit under construction for Roche. The application is seeking approval for the remaining balance of the original application. All other matters would be reserved, except for the access from Cuckfield Lane which has already been constructed along with completed works to the roundabout and provision of a bus stop and footway on the A2300. The site has been allocated for commercial development and is part of the wider Northern Arc proposal allocated in the Development Plan. He confirmed that most of the works on the trees, in the original application, had been undertaken and some mature trees have been retained. He noted that trees adjacent to the A2300 were outside the scope of this application and should not be removed. The Team Leader confirmed the same parameters as the previous application with a maximum ridge height 15 metres above ground level, some approved landscaping had already been completed but the developer ran out of time in the planting season. This would be completed in the next planting season. He highlighted that the condition 18 on the agenda update sheet restricts the B8 floorspace to be provided. This reflects the amount already approved under previous application and this is remaining balance of that provision. He confirmed the site was allocated for commercial development and the previous application had been approved. There have been no objections from statutory

bodies; drainage details, acoustic, the management of deliveries to the units can be controlled by conditions which would be covered by the management plans for each phase of the site. He highlighted that the agenda update sheet detailed a recent email from the applicant and the main issue raised is condition 24, suggested by the highway agency, which restricts floorspace until the duelling works on the A2300 is completed (anticipated by 2021). He confirmed that the applicant was concerned whether the Highways England was referring to works on the A23 junction, but as the Highways England have made the request the Council cannot simply ignore it.. It was noted that the application was subject to a S106 Legal Agreement and as such should Highway England indicate before its completion that the condition is not required that there was the potential for it to be removed, following consultation with the Chair and Vice Chair.

The Chairman noted that condition 24 was there to ensure the effectiveness of the A23 and the officers would have to wait for Highways England to update them, if appropriate.

A Member and noted that the site would create many more jobs. He noted the comments received from stakeholders, and Hurstpierpoint and Sayers Common Parish Council. The Parish Council had commented on restrictions for heavy goods vehicles (HGV) exiting the junction of Cuckfield.

Another Member also noted the economic benefits of the use of the site and agreed on the split of uses for Classes B1, B2 and B8, and expressed concern with condition 18. The Team Leader confirmed that condition 18 related to the remaining balance of 4,965 square metres for B8 usage which had not already been delivered.

A Member noted that the Parish Council's concerns regarding debris on the highway had been resolved. However the Parish Council still had concerns with access to the Builders Merchants and Salvage Yard and the movement of HGVs in that area. He welcomed the opportunities for jobs the development would create. The Team Leader stated that the construction management plan would deal with HGV movement during the construction phase. Once construction was complete it was the responsibility of the highway authority to place restrictions on the weight of vehicles and the Council cannot control the movement of traffic by a condition after construction has finished, it would not be enforceable.

A Member supported the development but expressed concern with the provision of cycle routes in the vicinity of the development. He commented that cyclists would have to negotiate a busier road and asked for a cycle route connecting Gatehouse Lane to the A2300 roundabout. The Chairman advised that this was not currently possible.

With no further questions the Chairman took the Members to the Recommendations Chair as detailed in the report and Agenda Update Sheet, this was agreed unanimously.

RESOLVED

The Committee agreed to the recommendation:

Recommendation A

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure highway infrastructure contributions

and the suggested conditions in Appendix A, or as may be amended in consultation with the Chair and Vice Chair.

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 19th December 2019 then the application should be refused at the discretion of Divisional Leader for Planning and Economy for the following reason:

The proposal fails to provide the required infrastructure contributions necessary to serve the development. The proposal therefore conflicts with policy DP20 of the District Plan.

7. DM/19/1025 - WEALDEN HOUSE, LEWES ROAD, ASHURST WOOD, WEST SUSSEX, RH19 3TB.

Steve King, Planning Applications Team Leader introduced the report for a new build development consisting of 54 units following the demolition of all existing site buildings at the EDF Energy site. The site is outside the built up area of Ashurst Wood but is allocated for residential development in the Ashurst Wood Neighbourhood Plan and is reflected in the more recent District Plan. He highlighted that the agenda update sheet detailed a further letter of objection, the Council's ecological officer had no objections, and that a letter of support from applicant had been sent directly to the Members of the Committee.

He noted that the previous application for 71 dwellings was refused in March 2019 and is now subject to an appeal. The application before the Committee would provide 15 x 1 bed units and 39 x 2 bed units, 67 car parking spaces, the buildings would be 3 and 4 storeys high. Access would be via the existing access from the main road and there is no affordable housing in this development. A 15 meter buffer would be provided to the ancient woodland at the rear of the development. The Team Leader confirmed that the land has been allocated for residential development and the principle complies with the development plan. He noted that a key issue is the character and design of the buildings and how the development fits onto the site. It was confirmed that the site is within the Ashurst Wood Neighbourhood Plan (AWNPN) and the principle of the development is acceptable and this application seeks to overcome the reasons why the previous application was refused.

He highlighted to the Committee that the scheme is well designed in itself but in officers view was seeking to put too much development onto the site and this resulted in a significant shortfall of car parking compared to the Neighbourhood and District Plan standards. He advised that in officers view there was no adverse impact from the proposed development on the wider AONB and the site is well enclosed. The Team Leader confirmed that Council policy seeks to provide 30% affordable housing unless this makes a site unviable. The applicant has advised it is not viable to provide any affordable housing on this site. The Team Leader advised that the applicant's financial information had been independently assessed and the result of this indicate that the site could provide some affordable dwellings and therefore the lack of any provision is not justified. He confirmed the highway authority has no objections, but officers considered that the level of parking proposed was not adequate to serve the development. The officers' advised that as this was a self-contained site the car parking needs generated by the development should be accommodated on site because it was not desirable to have on street parking on the A22 and there were no alternatives to park in the immediate vicinity. He also advised that as there was no completed legal agreement with the application no infrastructure contributions to the District or County Council to mitigate the impact of the

development had been secured and in addition, the mitigation for the Ashdown Forest had also not been secured.

Jenny Forbes, Chairman of Ashurst Wood Parish Council spoke against the application. She noted that there has been no engagement by the applicant with the Parish Council and the application has no affordable housing and a lack of parking provision.

Tony Tillin, Chairman of Ashdown Park Owners Association spoke against the application. He stated the changes to this application made no attempt to address any of the issues of the previous application which was refused.

Michael Comer, resident of Ashbourne House spoke against the application. He stated that misleading information had been provided by the applicant.

Councillor John Belsey, Ward Member spoke in objection to the application. He objected to the application as it would over develop a site that is on the edge of a village and there was a lack of parking provision within the site. He concluded that the development was not in keeping with the setting of Ashurst Wood.

A Member thanked the officers for their hard work and expressed concern with three parties sharing a single access point. He noted the concerns of a speaker and highlighted that there had been little consultation by the applicant with relevant parties, the Council had not been properly consulted. He agreed with views of other Members on the lack of affordable housing and car parking issues, and he supported the officers' recommendation to refuse the application.

The Chairman reminded the Committee that they should consider the application using the report pack and agenda update sheet, any letters received directly from developers must be ignored. Representations should be made using the correct channels.

A Member agreed with the concern of the failure to provide affordable housing. He expressed unease with the inappropriate delivery of complaints about the application and the failure of the applicant to responsibly engage with the local residents.

A Member stated he supported the refusal of the application. He noted the design of the dwellings was out of character for a residential setting and queried who owns the ancient woodland.

The Team Leader confirmed that the application included all the ancient woodland at the rear of the site. The buffer would protect the ancient woodland as it was not an amenity the residents would have access to. He noted that the original application did not show the access point correctly because the access road, which already exists on site, had not been included within the red line on the site plan which denotes the site of the planning application and the new plans have rectified this error. He stated the Council had not received an application for the adjacent LIC site.

A Member was also concerned with the inappropriate scale and design of the site, the inadequate provision of parking and queried allocation of recreational space on the site. The Team Leader confirmed that a communal area had been allocated for recreational use.

The officers were thanked by a Member for the meticulous report and reminded the Committee that it was a balancing act and she opposed the application due to the lack of affordable housing.

With no further questions Councillor Walker moved that the Committee move to the Recommendation as set out in the report, this was seconded by Councillor Whittaker, this was agreed unanimously.

RESOLVED

The Committee agreed that planning permission is refused for the following reasons:

1. 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 Mid Sussex District Plan 2014-2031 and policy ASW15 of the Ashurst Wood Neighbourhood Plan.

2. The proposal fails to mitigate its impact on the Ashdown Forest Special Protection Area. The proposal therefore conflicts with policy DP17 of the Mid Sussex District Plan 2014-2031.

3. It has not been demonstrated that the level of car parking that is proposed is sufficient to serve the development. The proposal is seeking to put too many units onto the site and this results in a conflict with policies ASW9 and ASW14 in the Ashurst Wood Neighbourhood Plan. The proposal also conflicts with policy DP21 of the Mid Sussex District Plan 2014-2031 and policy ASW21 of the Ashurst Wood Neighbourhood Plan.

The Chairman advised the speakers present that the officers have included Ashurst Wood Neighbourhood Plan policies in the reason for refusal. The officers cannot expand on reasons for refusal if they are similar to those already included, it would be unreasonable to bring in other reasons unless they were material considerations.

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

None.

The meeting finished at 3.45 pm

Chairman