

**Minutes of a meeting of Planning Committee A
held on Thursday, 13 September 2018
from 7.00 p.m. to 9.35 p.m.**

Present: Edward Matthews (Chairman)
Dick Sweatman (Vice-Chairman)

Jonathan Ash-Edwards*
Colin Trumble*

Margaret Hersey
Gary Marsh
Howard Mundin

Neville Walker
John Wilkinson
Peter Wyan*

* Absent

Also Present: Councillor Moore, Councillor Jones, Councillor Forbes, Councillor Coote and Councillor Hansford.

1. SUBSTITUTES

Councillor Moore substituted for Councillor Trumble.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Trumble, Councillor Ash-Edwards and Councillor Wyan.

3. DECLARATIONS OF INTEREST

Councillor Sweatman declared a pecunerary interest in item DM/18/0946 Saint Hill Manor, Saint Hill Road, East Grinstead, West Sussex, RH19 4JY and will remove himself from the meeting for the duration of discussion and voting on the item.

Councillor Marsh declared a predetermination interest in DM/17/2551 Bridge Road/Queens Road, Haywards Heath, West Sussex, RH16 1UA as he was the Cabinet Member at the time that the funds were agreed for the site. He will remove himself from the Members table for the duration of discussion and voting on the item.

Councillor Mundin declared a non-predetermination interest in the Haywards Heath applications as he is a Member of the Haywards Heath Town Council Planning Committee. He stated that he comes to this meeting with an open mind to consider the representations of the public speakers, Officers and Members of the Committee.

4. MINUTES

The minutes of the meeting of the Committee held on 16 August 2018 were agreed as a correct record and signed by the Chairman.

5. APPLICATIONS AND OTHER MATTERS CONSIDERED

DM/18/0285 78 London Road, East Grinstead, West Sussex, RH19 1EP

As there were no speakers for this item, Councillor Marsh proposed that the recommendation be approved, including the recommendations made by the Council's waste services, detailed in the Agenda Update sheet. This was approved unanimously.

RESOLVED

That planning permission be granted subject to the details in the Agenda Update sheet and the following:

Recommendation A

Subject to the completion of a satisfactory S106 planning obligation to secure the required level of SAMM contributions and infrastructure contributions, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

If by 13 December 2018, the applicants have not submitted a satisfactory signed planning obligation securing the necessary financial contributions, then it is recommended that planning permission be refused at the discretion of the Divisional Leader for Planning and Economy for the following reason:

"The application fails to comply with Policy DP20 of the Mid Sussex District Plan, Policy EG5 of the East Grinstead Neighbourhood Plan and paragraphs 54 and 56 of the National Planning Policy Framework in respect of the infrastructure required to serve the development."

"The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2017, Policy DP17 of the Mid Sussex District Plan, Policies EG5 and EG16 of the East Grinstead Neighbourhood Plan and paragraph 175 of the National Planning Policy Framework."

DM/18/0484 130 Lower Church Road, Burgess Hill, West Sussex, RH15 9AB

Deborah Lynn, Planning Officer, introduced the application for a two storey extension to the rear of the existing mosque and installation of a mezzanine floor at first floor level, as well as proposed alterations to the front elevation to accommodate a disabled access ramp. She confirmed that the mezzanine floor would be used as a space for women to pray, which is not currently provided for in the mosque. She noted that this internal work alone would not require planning permission, however the rear extension and alterations do require permission. The extension would provide a rest room for the Imam and washing facilities for the women. The side alleyway would be used as the access route for women, who are expected to attend for Friday midday prayer only and for two Eid days a year.

Paul Brown and Simon Sheeran spoke in objection to the application on the grounds that the extension is an over-development and would impact the neighbouring house at No.132, resulting in loss of light to the garden and kitchen and a loss of privacy as the narrow alleyway runs past the kitchen door. Concerns were also raised in respect of parking and impact on highway safety. The applicants, Mustak Miah and Sadik Ullah spoke in support of the application, noting that the mosque had received no complaints in the year since it opened, and that parking concerns are not relevant as a large proportion of the people attending live locally and attend on foot.

Councillor Hansford spoke as the Town Councillor, raising concerns that the extension represented an over development and that the Highways comments were incorrect as there is no available parking and any parking restrictions are not enforced. Councillor Jones spoke as Ward Member sympathising that the Bangladeshi community would want to expand their mosque but citing over development and the impact that the extension will have on the neighbouring property, plus noting that the Officers could not find parking themselves when they visited the site as the road is already busy.

A number of Members expressed concern regarding the size of the proposed extension, citing over development and that it is contrary to DP26 in terms of protecting the valued townscape. It was felt that a smaller extension may be acceptable, but in its current form it would significantly block light to the neighbouring property at No.132. A Member sought clarification on whether the extension at No.134 was single or double height, and a Member sought clarification on the percentage increase in footprint to the building which would be added by the proposed extension. Clarification was also sought on the degree to which the light would be blocked.

A Member noted that the Bangladeshi community had worked hard to successfully open the current building and had received no complaints in the past year. She noted that the majority of worshippers live locally and travel on foot, and she was pleased to see that the application would provide a much needed place of worship for women. She sought clarification on the legal right to use the alleyway, as it is a shared point of access.

The Planning Officer confirmed that the extension at No.134 was single storey. Regarding the proposed extension to No.130, she noted that it would cause harm to no. 132 in terms of impact on light, but that such harm was not considered to be significant in accordance with policy DP26 of the District Plan. The extension is north facing so light would mainly be impacted in the morning and whilst the neighbour's extension would be impacted by the 45 degree test, as the extension has a glass roof, impact would not be significant. She also noted that the proposed extension would have a low eaves height of 3 metres, with a pitched roof sloping away from the neighbouring property. With regards to the alleyway, there is a legal right to use it, although in the past its use has been limited. The extension will add 70m² to the internal floor area and Members were reminded that the site already contains a small extension and outhouse on the site.

The Chairman noted that the site was not within a conservation area, and that he did not believe it to be over development.

Councillor Marsh proposed that the application be refused under DP26 for causing significant harm to the neighbouring property. This was seconded by Councillor Margaret Hersey. As 4 Members voted in favour of refusal and 4 Members voted against, the Chairman had the casting vote against the refusal.

He then took Members to the recommendation to approve, as set out in the report. 4 Members voted in favour of approval, and 4 against. The Chairman's casting vote in favour confirmed that the application was approved.

RESOLVED

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

Councillor Sweatman removed himself from the committee at 7.55pm for the duration of the next item.

DM/18/0946 Saint Hill Manor, Saint Hill Road, East Grinstead, West Sussex, RH19 4JY

The Chairman noted that there was only one public speaker in favour of the Officers recommendation and confirmed with Members that they did not require a full presentation by the Planning Officer. He took Members to the recommendation as set out in the report which was unanimously approved.

RESOLVED

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

Councillor Sweatman returned to participate in the meeting at 7.56pm.

DM/18/1076 Ashton House Residential And Nursing Home, Bolnore Road, Haywards Heath, West Sussex, RH16 4BX

The Chairman noted that there was only one public speaker in favour of the Officers recommendation and confirmed with Members that they did not require a full presentation by the Planning Officer. He took Members to the recommendation as set out in the report which was unanimously approved.

RESOLVED

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

DM/18/1965 24 Park Road, Burgess Hill, West Sussex, RH15 8ET

Joanne Fisher, Senior Planning Officer introduced the application for a change of use from a single dwelling to a (D1) daycare nursery (accommodating up to 65 children) and a single bedroom flat, demolition of conservatory, erection of a single storey side extension and a two storey rear extension, proposed hard/soft landscaping works and introduction of a new access from park road along with the provision of 8 parking

spaces. She drew Members attention to the additional letter of objection and additional condition contained in the Agenda Update Sheet. The Officer advised that this case is a carefully balanced assessment where the benefits of the proposal must be weighed against the potential disadvantages of the scheme. There would be economic benefit in providing a service where there is a demand. However, this needs to be weighed against the strong objections that have been made by local residents in relation to two main concerns from the proposal being a significant loss of residential amenity from the operation of the business, including the use of the garden; and that there will be a highway safety issue through the increase in vehicular movements to the site. She advised that the use of the outdoor area would be structured and controlled managed by members of staff. The hours of use of the outdoor play area would be during the period of 09.00 and 17.00 with the number of children outside at one time limited. In respect of highway safety, she advised that there had been no objection from the Highways Authority. Whilst the site lies within the St Johns Conservation Area, it is considered that the change of use will result in a neutral impact due to the building being retained. It is considered that on balance, the application would comply with policies set out in the District Plan as well as the National Planning Policy Framework.

Sarah Sheath and Roy Apps spoke against the application on the grounds of impact to the character of the area, the impact on the neighbouring amenity and access and parking issues. Lisa da Silva spoke as the Agent for the application noting the economic and social benefit that the nursery will provide. Councillor Hansford spoke as Town Councillor acknowledging the economic case for a nursery but expressing sympathy for the residents who will be affected by noise and parking issues. He asked for the committee to consider an additional condition regarding refuse collection should the application be approved, to limit the disruptive early morning daily collection times. Councillor Jones also spoke in objection noting that the property falls within a conservation area and where there is a need to retain large family sized homes. She commented that the 8 parking spaces are insufficient and will cause parking issues on a main arterial road through the area, and noted that noise from children playing in the garden cannot be measured in advance but will have an impact on the neighbours.

A Member sought clarification on the entrance and exit to the site and although he acknowledged the commercial benefits, he felt there was inadequate parking provision and the development would significantly impact the neighbours and the street scene. He drew Members attention to p.132, paragraph 2 where Inspectors have found significant adverse impacts from nurseries being located in residential areas and cited an application that was dismissed at appeal which did not lie within a conservation area. Adding the conservation area element into this application, he felt it was not advisable to recommend for approval.

A Member agreed with the relevance of p.132 para 2 of the report and noted that surrounding residents are in the most part retired, and will be affected by the noise of children playing in the adjoining garden. She noted that the Environmental Protection Officer had concerns regarding noise, and she felt that the addition of 6ft fences would not do enough to mitigate this. She also noted that the Burgess Hill

Neighbourhood Plan advocated the protection of assets and conservation areas and felt that this application would change the street scene with the addition of signage and large gates. Another Member agreed with the need to adhere to the policies made, and protect the conservation areas.

Two Members expressed sympathy with the neighbours but could not find a sound planning reason for refusal, citing a recent appeal for a nursery in Bolnore Village where the appeal against a refusal was upheld.

The Chairman and a number of Members cited DP26 as a reason to refuse the application as there are a number of issues including noise, parking and change of street scene that will cause significant harm to the amenity of nearby residents. It was also reiterated that this site is within a conservation area, so not comparable to the site at Bolnore Village.

In addressing Member's concerns, Steve King, the Planning Applications Team Leader, confirmed that any request for signage would require a separate application for advertisement consent. As such the Local Planning Authority would have control over this. He noted that there had been no objection from the Highways Authority who found it to be compliant with DP21 policy test. The Planning Applications Team Leader referred to the photographs of Park Road that had been distributed by the objectors who spoke against the scheme and advised Members that the content of the photographs did not provide any evidence of a highway safety issue from the proposal. He acknowledged that noise was an issue and may be the most solid planning reason for refusal should the committee be considering this. He pointed out that the issue was balanced but advised that the EHO had not objected to the scheme; if the EHO felt that the issue was clear cut the Planning Applications Team Leader advised Members that the EHO would have objected to the scheme.

Councillor Marsh proposed that the application be refused on the grounds of DP26 and the environment impact on the conservation area. This was seconded by Councillor Margaret Hersey and refusal was unanimously agreed.

RESOLVED

That planning permission be refused for the following reason:

The proposal will result in significant harm to the residential amenities of surrounding neighbours as a result of increased noise and disturbance caused by the use of the proposed outdoor play area associated with the Nursery use and also from the vehicular movements and associated activity in the car parking and tuning area. Such disturbance would be out of keeping with the qualities of the St Johns Conservation Area, where the proposed use would not conserve or enhance the special character of this designated heritage asset. The proposal would thereby conflict with policies DP26 and DP35 of the Mid Sussex District Plan 2014-2031 and para 192 of the NPPF.

Councillor Marsh removed himself to the public area at 9.00pm for the duration of the following item.

DM/17/2551 Bridge Road/Queens Road, Haywards Heath, West Sussex, RH16 1UA

The Chairman noted that there were no public speakers and confirmed with Members that they did not require a full presentation by the Planning Officer. Councillor Wilkinson proposed that the application be approved. This was seconded by Councillor Mundin and unanimously approved.

RESOLVED

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

Councillor Marsh returned to participate in the meeting at 9.02pm.

DM/18/2675 Turners Hill Burial Ground, Turners Hill Road, Turners Hill, West Sussex, RH10 4PE

Andrew Watt, Senior Planning Officer, introduced the application for the construction of a new barn/workshop, hard standing area, internal site access road and footway, crossing to existing public right of way, and associated landscape works with all matters reserved apart from access and scale. He drew Members attention to the Agenda Update sheet where the discussion between the applicant and the Council's Landscape Officers had been detailed in full. He noted that the site falls within the countryside area of development restraint, with ancient woodland to the east and detailed the extensive planning history on the site since 2015 which has resulted in approval for use of the site as a natural burial ground with a car park, visitors centre and chapel building including a basement for storage of equipment related to the agreed use of the site. The current application, which is recommended for refusal would result in a road extending across the first field and into the northern field and a barn set at a 45 degree angle to both field boundaries. He cited DP12 and National Planning policies which seek to protect the countryside from development that does not have a need to be there, and noted that the Council's Landscape Officer queried the positioning of the building in the northern field, and why a barn of this scale is required for the burial ground. He noted that the applicant's own Landscape Officer does acknowledge that even with mitigation planting, the access road would continue to be visible. He also drew Members attention to the removal of trees by the applicant at the position where the entrance to the second field would be, which, in the Officers opinion were an unnecessary removal for that width of access.

The applicant's architectural consultant Cristian Halmaghe spoke in support stating that the barn was required to protect vehicles stored on site and that if he had to appeal it would be costly to the Council.

Councillor Forbes spoke as Ward Member representing the Parish and villagers noting that there is no business running on site so no need for the barn as there are no vehicles. If a need for a building later proves necessary, it should be placed close to the existing proposed building area. He also noted that the original application was for a natural burial ground with no formal pathways, to keep the natural element of the landscape, so queried why there was now a need for a significant gated road to

cut through the site. He listed DP12, 25, 26 and 35 and THP8 and 13 of the Neighbourhood Plan as reasons to refuse.

A Member noted that the initial field has now been scarred by recent planning applications but that no real development has happened on site since 2015. He noted that the applicant showed his real intention by submitting a planning application for 22 houses in 2017, which was refused. He commended the Officer for his detailed reason for refusal in light of the pressure he has received from the applicants team.

A Member agreed with the Ward Member that a proposal for an additional building if required, should be placed next to the original buildings which have been approved. He also queried why the applicant hadn't appealed the previous decision if the basement approved in 2017 was adequate for storage.

Prior to the vote on the recommendation, the Planning Applications Team Leader confirmed that works to implement the original planning permission for the natural burial ground had taken place and the permission had been lawfully commenced and was extant. He also advised Members that their decision must be made solely on the basis of what was presented in the planning application before the committee.

The Chairman took Members to the recommendation to refuse and read the refusal reasons as contained in Appendix A, sections 1 and 2.

Councillor Walker proposed that the application be refused. This was seconded by Councillor Wilkinson and unanimously refused.

RESOLVED

That planning permission be refused subject to the conditions outlined at Appendix A.

6. URGENT BUSINESS.

None.

7. QUESTIONS PERSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

Meeting closed at 9.35pm

Chairman.