

**Minutes of a meeting of Planning Committee
held on Thursday, 8th April, 2021
from 4.00 - 7.14 pm**

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

G Allen	R Eggleston	M Pulfer
R Cartwright	A MacNaughton	D Sweatman
J Dabell	C Phillips	

Absent: Councillors E Coe-Gunnell White and N Walker

Also Present: Councillors J Ash-Edwards, I Gibson, S Hatton, J Llewellyn-Burke and N Webster

1 ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.

The Chairman introduced the meeting and took a roll call of Members in attendance. The Legal Officer explained the virtual meeting procedure.

2 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Walker and Councillor Coe-Gunnell White.

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

Councillor Phillips declared a personal interest in item DM/20/4654 as he sits on the Planning Committee for Worth Parish Council. Councillor Pulfer declared a personal interest in DM/20/3456 as he sits on the Planning Committee for Haywards Heath Town Council. Both come to the meeting with an open mind to hear the representations of Officers, Public Speakers and Members of the Committee.

Councillor Coote declared a prejudicial interest in DM/20/4654 as he called-in the item. He will remove himself from the meeting for the duration of this item and take no part in the debate or vote.

4 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 11 MARCH 2021.

The minutes of the meetings of the Planning Committees held on 11 March 2021 were agreed as a correct record and signed electronically by the Chairman.

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

The Chairman had no urgent business.

6 DM/20/3382 - LAND EAST OF HAYCORN STREET LANE, ARDINGLY, RH17 6UJ.

Andrew Watt, Senior Planning Officer, introduced the application which sought approval for the construction of two attached houses together with access and parking. He highlighted that the site is within the High Weald Area of Outstanding Natural Beauty and not contiguous with the built-up area of Ardingly. There are also 4 Tree Preservation Orders (TPOs) on trees within the site. He noted that the site previously benefited from planning permission for 2 dwellings which lapsed in January 2021, very similar to the proposal before the Committee now apart from an infill on the southwest corner, and the driveway now moved further away from the house. Prior to this an application for 3 dwellings on site was refused due to the size and scale of the building and inappropriate parking provision. The recent lapse of the previously approved application is a material consideration which outweighs the conflict with the Development Plan on this occasion.

A Member noted that 2 dwellings was suitable for the site as it is constrained by the protected trees. He also acknowledged that although it is just outside the built-up area, there are a number of houses built along the same side of the road nearby, so it is not out of character.

The Chairman took Members to the vote to approve the application as detailed in the Officer Recommendation. This was proposed by Councillor MacNaughton and seconded by Councillor Coote. A recorded vote was carried out by the Legal Officer and the application was approved unanimously.

Councillor	For	Against	Abstain
R. Cartwright	Y		
P. Coote	Y		
J. Dabell	Y		
R. Eggleston	Y		
A. MacNaughton	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		

Councillor Allen joined the meeting 4.15pm and was therefore not able to vote on this item.

RESOLVED

A

It is agreed that, subject to the completion of a satisfactory S106 Legal Agreement and/or legal undertaking to secure the required level of SAMM and SANG contributions, planning permission be granted subject to the conditions set out in Appendix A.

and

B

If by 8 July 2021, the applicants have not submitted a satisfactory signed S106 Legal Agreement and/or legal undertaking securing the necessary financial contributions, then it is recommended that planning permission be refused at the discretion of the Divisional Leader, Planning and Economy for the following reason:

'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, Policy ARD4 of the Ardingly Neighbourhood Plan and paragraph 175 of the National Planning Policy Framework.'

7 **DM/20/4372 - FRANK'S HOUSE, FARNEY CLOSE SCHOOL, BOLNEY COURT, BOLNEY, RH17 5RD.**

Katherine Williams, Planning Officer, introduced the item which sought approval for the change of use to teaching suite with the blocking up of two windows, the insertion of 3 smaller windows and a new canopy to the northern side of the building. She noted that the site is part of Farney Close School which is situated within the Countryside and High Weald Areas of Outstanding Natural Beauty. It has a large area of landscaping and woodland that hides the school from the road. She drew Members attention the buildings referred to in the application which are subject to a legal agreement stating that they can only be used for staff accommodation. However, since 2002 they have been used for student accommodation instead. The proposed plan changes the internal layout from 2 bathrooms to 3 separate toilets and due to the legal agreement, a deed of release is required for the building's change of use. As it is still intended for use by the school and given the amount of time passed since it was used for staff accommodation, the Officers recommendation is for the deed of release to be granted.

A Member noted that the alterations make little difference to the use of the building, and it is presented to the Committee for legal rather than planning reasons, so he was content to support the application.

The Chairman took Members to the vote to approve the application in accordance with the Officer Recommendations. This was proposed by Councillor MacNaughton and seconded by Councillor Coote. A recorded vote was carried out by the Legal Officer and the application was approved unanimously.

Councillor	For	Against	Abstain
G. Allen	Y		
R. Cartwright	Y		
P. Coote	Y		
J. Dabell	Y		
R. Eggleston	Y		
A. MacNaughton	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		

RESOLVED

It was agreed that, subject to the completion of a satisfactory Legal Agreement to vary the existing Section 37 legal agreement, planning permission be granted subject to the conditions set out in Appendix A.

Councillor Coote left the meeting at 4.42pm and did not take part in debate on the next item

8 DM/20/4654 - TOWAYS, STATION ROAD, CRAWLEY DOWN, RH10 4JE.

Joseph Swift, Senior Planning Officer, presented the report seeking approval for the demolition of the existing detached bungalow and the erection of 3 x 4 bedroom detached houses with associated garages. He drew Member's attention the Agenda Update Sheet which contained an additional letter of representation and amendments to Condition 5. He noted that the site is within the built up area of Crawley Down in a sustainable area and that the bungalow is situated in a substantial sized plot similar to the combined size of the adjacent three properties. There have been no objections from West Sussex County Council Highways department (WSCC Highways) and there is no significant harm to neighbouring amenities.

Cllr John Hitchcock, Worth Parish Councillor spoke in objection on the grounds of pedestrian safety and highways issues.

Michael Low spoke in objection on the grounds of highways issues.

David Cassells spoke in favour of the application representing the applicant.

Councillor Gibson spoke as Ward Member against the application. He acknowledged the proposed SANG and SAMM contributions but queried whether the Council would receive a New Homes Bonus. His main concern was regarding the position of the access for the proposed three properties which would result in residents needing to reverse out onto a busy junction and across a busy footpath. He queried the WSCC Highways lack of objection and felt that the proposal was overdevelopment. If it was reduced to two properties, there would be room for vehicles to turn on site and therefore not have to reverse. He felt the proposal contravened District Plan policy 26 and the Crawley Down Neighbourhood Plan policy 5 with regards to pedestrian friendly layouts and suitable access and onsite parking so as not to provide a detriment to neighbouring properties and the local highways network.

A number of Members felt the proposal constituted overdevelopment as the three proposed properties did not allow for adequate vehicle turning and therefore required reversing onto the footpath and road. It was also felt that the site was smaller than the adjacent plots and not suitable for three buildings. If the application was to be approved, a request was made for a banksman to be permanently on site, for limited demolition time to avoid school journeys and respects the adjacent Surgery, and for the contractor to dampen the site to reduce the impact of dust on surrounding properties.

A number of Members also queried the decision of WSCC Highways as their exercise was carried out during half term which in Member's opinion did not give an accurate portrayal of the amount of traffic and pedestrians around the site. A Member requested that they carry out a new exercise at a more appropriate time.

The Planning Officer highlighted the position of the proposed entrances, noting that the existing one is in the middle of the three new entrances. A number of Members felt that the entrance to the first property was too close to the junction and the green where pedestrians may not be expecting cars to reverse out on to.

A Member acknowledged the concerns around the Highways consultation response but noted that as they have no objection, the Committee should not refuse the application on those grounds. It was also noted that a number of houses in the District have entrances that cross footpaths.

Councillor Phillips proposed a motion for refusal on the grounds of overdevelopment which was seconded by Councillor Pulfer.

The Team Leader - Major Development and Investigations noted that if Members wished to object on the grounds of overdevelopment, they need to demonstrate what harm is being caused, especially considering the plot sizes are similar, the dwellings scale and proportion are appropriate and the site is not within a protected area such as the AONB or a conservation area.

The meeting adjourned between 5.09pm and 5.13pm for the Chairman to consult Legal and Planning Officers for advice.

The Chairman reiterated the need to state what actual harm is being caused and noted that a prior application for 4 dwellings on site was withdrawn and now reduced to three dwellings. Councillor Phillips withdrew his motion to refuse.

The Chairman took Members to the vote to approve the application in accordance with the Officer Recommendations. This was proposed by Councillor Sweatman and seconded by Councillor MacNaughton. A recorded vote was carried out by the Legal Officer and the motion to approve failed with 5 against and 4 in favour.

Councillor	For	Against	Abstain
G. Allen		Y	
R. Cartwright		Y	
J. Dabell	Y		
R. Eggleston		Y	
A. MacNaughton	Y		
G. Marsh	Y		
C. Phillips		Y	
M. Pulfer		Y	
D. Sweatman	Y		

The meeting adjourned between 5.18pm and 5.34pm for the Chairman to consult Legal and Planning Officers for advice.

The Chairman noted that he had reviewed District Plan policy 26 and the application did not conflict with any elements. He acknowledged that a number of Members felt that the application could be against the Crawley Down Neighbourhood Plan policy 5 but that there was limited evidence to support this, which should be a consideration should it be taken to appeal. The Team Leader noted that Members need to consider the Development Plan as a whole and the fact that the development doesn't comply with one specific element, doesn't make it unacceptable. If the decision is to overturn the officer's recommendation, the Members will need to provide specific reasons why. It was also not possible to defer the application pending a further review by the

Local Highway Authority, as there is no indication that their view would be any different to their current position.

Following discussion on potential reasons for refusal, Councillor Eggleston proposed that the application should be refused because the proposal does not satisfy the requirements of Policy CDNP05, paragraph D of the Crawley Down Neighbourhood Plan as the size of the plots are not proportionate to the scale of the dwelling when compared with those of the adjacent plots and as such would be out of character with the established pattern of development. This was seconded by Councillor Phillips. The Chairman took Members to the vote on this motion. A recorded vote was carried out by the Legal Officer and the vote carried with 4 in favour, 2 against and 3 abstentions.

Councillor	For	Against	Abstain
G. Allen			Y
R. Cartwright	Y		
J. Dabell			Y
R. Eggleston	Y		
A. MacNaughton		Y	
G. Marsh			Y
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman		Y	

RESOLVED

That Planning permission be refused for the following reason: The proposal does not satisfy the requirements of Policy CDNP05, paragraph D of the Crawley Down Neighbourhood Plan as the size of the plots are not proportionate to the scale of the dwelling when compared with those of the adjacent plots and as such would be out of character with the established pattern of development.

The meeting adjourned for a comfort break between 5.52pm and 5.58pm. Councillor Coote re-joined the meeting at 5.58pm.

9 DM/21/0165 - MILL NURSERY, LONDON ROAD, HASSOCKS, BN6 9NB.

Andrew Watt, Senior Planning Officer, introduced the application which sought approval for the demolition of existing buildings and the erection of 3 x 4 bedroom dwellings and 1x 4 bedroom replacement dwelling with associated parking, amenity space and landscaping. He noted that the site consists of 6 buildings formerly in use as a nursery and the site is overgrown with one building fire damaged, one glass house in disrepair, one demolished, and one former dwelling that is abandoned. He drew Members attention to the Agenda Update Sheet which contained amended conditions and a letter from Southern Water.

He noted that a previous application for a similar number of properties had been refused as the Inspector felt that the design was too urbanised for the rural locality. He noted that the new application is contrary to the Development Plan but the appeal decision for the previous scheme constitutes a material consideration which outweighs this conflict as the Inspector concluded it was a suitable location for development. It is located within the local gap between Hassocks and Burgess Hill but the Inspector did not consider that it would result in coalescence of the two settlements. The main reason for refusal was limited to the design which has now

been addressed with a barn style of appropriate scale which fits well with the replacement dwelling.

Councillor Claire Tester spoke on behalf of Hassocks Parish Council against the application citing concerns over coalescence and damage to the character of the area.

Chris Barker spoke in favour noting that the principle of development is acceptable given the Inspector's comments and redesign.

Ward Member Councillor Hatton spoke against the application noting that both previous applications were refused by the Planning Officers as they were contrary to District Plan policy 12 as visual impact of buildings would go against the rural nature of the site. She expressed surprise that the architect's panel was not involved in the decision on the design and queried if the Tree Officer had commented on the dense screening proposed in the application. She queried the fallback position mentioned by the Inspector and noted that the new application is similar in mass and whether the Inspector's concerns regarding ungracious encroachment on the countryside should still be applicable.

The Senior Planning Officer clarified that the fallback position referred only to the 2 buildings in the southeast corner of the site, one of which has since burnt down so it could be debatable whether the prior approval could be implemented in full as it related to a building conversion, not demolition and rebuild. If it had been implemented, it would be juxtaposed with the derelict dwelling to north and the nursery buildings. The new application has come forward in response to the Inspector's decision which is centred around design concerns rather than the position of buildings on site. These concerns have been addressed with the new application. The proposed buildings will converge around soft landscaping to reduce the concern around the extent of hard standing previously expressed by the Inspector, and the proposed scheme excluding the garage is 860m² as opposed to the existing buildings which are 1302m². In terms of the volume of the new buildings, the proposed scheme is reduced from 3054m³ to 2238m³ and the buildings are a more traditional design, appropriate for this rural location.

Two Members noted that the site is a brownfield site which is derelict and required cleaning and that the proposed development would address this. A Member requested that the developer look to include sustainable heating options rather than wood burners.

Two Members expressed concern around coalescence and whether the location was sustainable, and felt that the application contravened District Plan Policy 6, 12, 15 and 21, as well as the Hassocks Neighbourhood Plan. The Team Leader noted that the Inspector had considered policy 1 and 9 of the Hassocks Neighbourhood Plan and was satisfied that there was not a risk of coalescence of settlements, and that that the site was in a sustainable location.

The Chairman took Members to the vote to approve the application in accordance with the Officer Recommendations and the Agenda Update Sheet. This was proposed by Councillor Coote and seconded by Councillor Sweatman. A recorded vote was carried out by the Legal Officer and the application was approved with 6 in favour, 3 against and 1 abstention.

Councillor	For	Against	Abstain
G. Allen		Y	
R. Cartwright		Y	
P. Coote	Y		
J. Dabell	Y		
R. Eggleston		Y	
A. MacNaughton	Y		
G. Marsh	Y		
C. Phillips			Y
M. Pulfer	Y		
D. Sweatman	Y		

RESOLVED

It is agreed that the application be approved subject to the conditions set out in Appendix A and the Agenda Update Sheet.

Councillor Eggleston left the meeting at 6.53pm

10 DM/20/3456 - LAND WEST OF KILNWOOD APARTMENTS, ROCKY LANE, HAYWARDS HEATH, RH16 4XL.

Caroline Grist introduced the application which sought permission for the erection of 9 apartments within a single three storey building along with access, parking and landscaping. She noted that the site is within the built-up area of Haywards Heath and that trees situated along the northern boundary, to the west of the access, are protected by a Tree Preservation Order. The new application would replicate the adjacent development buildings in form and design and provide 9 dwellings, three of which are affordable housing. However, when the original development was considered, it was felt that the landscaping and layout would soften the development and this is the area now under consideration to be built on. Although the landscaping plan has evolved to cover full southern boundary, with more planting and repositioning of existing trees from first development, due to the position of the existing plots, the new block of flats would appear further forward and dominate the street scene and have a harmful impact to the character of the semi-rural area. The landscaping can also only be retained through a condition for 5 years and the relocation of the trees could cause damage.

Peter Rainer, the agent for the application, spoke via video recording in support of the application.

Nick Dexter spoke via video recording in support from the perspective of landscape design and tree preservation.

A number of Members noted that 4 blocks were not put forward as part of the original development and that to build an extra block now would constitute over development and be overbearing on site. The Team Leader noted that this area was kept clear as a buffer in the original development.

A Member was content with the proposal to replace plants which may be damaged, noting that some on site are already dying. He noted that the proposed new site

could mean headlights shine directly in windows, and that it would add pressure to the car parking as the existing well used parking area would be reduced.

The Chairman took Members to the vote to approve the application in accordance with the Officer Recommendations. This was proposed by Councillor Coote and seconded by Councillor MacNaughton. A recorded vote was carried out by the Legal Officer and the application was refused unanimously.

Councillor	For	Against	Abstain
G. Allen	Y		
R. Cartwright	Y		
P. Coote	Y		
J. Dabell	Y		
A. MacNaughton	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		

RESOLVED

It was agreed that permission is refused for the reasons outlined at Appendix A and the Agenda Update Sheet.

11 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 7.14 pm

Chairman