

**Minutes of a meeting of Planning Committee
held on Thursday, 13th January, 2022
from 4.00 - 6.25 pm**

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

R Cartwright
J Dabell
R Eggleston

B Forbes
C Phillips
M Pulfer

D Sweatman
N Walker
P Brown

Absent: Councillor E Coe-Gunnell White

Also Present: Councillor J Llewellyn-Burke

1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Coe-Gunnell White.

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

In respect of Item 11 DM/20/3014, 80 Woodbury Avenue, East Grinstead, Councillor Dabell declared an interest as he lives in a nearby road. He said he would abstain from voting on the application.

3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 11 NOVEMBER 2021.

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

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

The Chairman had no urgent business.

5 DM/21/2688 - STONEROCKS FARM, CROSS COLWOOD LANE, BOLNEY, WEST SUSSEX, RH17 5RY.

Steve King, Planning Team Leader Applications, introduced the application which sought permission for the proposed siting of three luxury glamping pods together with associated landscaping and car parking. He drew Member's attention to the Agenda Update Sheet with regards to refuse collection.

The Planning Applications Team Leader noted that the site is situated on the northern side of Cross Colwood Lane, within the countryside and the High Weald Area of Outstanding Natural Beauty (AONB). He confirmed that the site rises up to

the area where the timber structure pods would be situated, and that the nearest residential property is 'The Yards' to the east of the site. Additional landscaping is proposed on the site adjacent to the hard standing area which would become the car park, along with additional tree planting around the pods. He drew Member's attention to the main issues as set out in the report noting that District Plan Policy (DP) 12 does allow development in the countryside where it maintains or enhances rural landscape. The application is also supported by DP14 and DP19 and Policy BOLE1 and 2 from the Bolney Neighbourhood Plan. In the Officer's opinion the proposals are for modest structures which will blend into the environment and will be set 240m from the nearest residential property. The proposal has no objections from the West Sussex County Council Highways department relating to the access or volume of traffic. It is also not in a designated nature conservation site and does not require an ecological study, for the reasons set out in the report.

Parish Councillor Baron von Thunderclap and Zoe Brown spoke in objection to the application. Patrick Griffin spoke in support of the application.

Councillor Lewellyn-Burke spoke in objection to the application as Ward Member for Bolney. She declared a personal interest as she lives adjacent to the site but confirmed that a dispensation had been given by the Solicitor to the Council as she spoke on behalf of the residents of Bolney. She noted that the application was for 3 permanent buildings in an area of outstanding natural beauty which will change the character of the landscape as they will not be situated near the existing buildings, but at the highest point on the land, visible to walkers who enjoy the area. She commented that it is not a sustainable location as it will require a car journey to the nearest shops and pubs which are over a mile away. She also noted that it will increase waste and carbon emissions on the site which will cause damage to the ecosystem. There is no proposal for the owner to be on site and therefore no way to regulate activities.

Due to the declaration of interest, Councillor Llewellyn-Burke left the meeting at 4.26pm to allow the debate to take place.

The Chairman sought clarification on a point raised by a public speaker, that the owner could use the site for camping for 56 days of the year. The Planning Applications Team Leader confirmed that it could only be used for 28 days under permitted development rights. Rights had been extended to 56 days during the pandemic but had now been reduced back to the original timeframe. The Chairman also clarified that other examples of glamping in the District had different circumstances such as the owners being on site, and shops provided nearby.

A Member sought clarification on how the pods will be managed daily, whether there was a condition for the timings of refuse collection, fire issues with cooking and whether parking is available near the pods. He noted that the Water and Access Manager had commented that the fire hydrant was too far away at 780m and the entrance to the site is not wide enough for a fire engine.

The Planning Applications Team Leader confirmed that the advice from the Water and Access Manager is the same as the Fire Brigade and will be dealt with under Building Regulations. Regarding utilities, the provision of infrastructure such as electricity and water supply is not a planning issue. Regarding the refuse collection, a condition could be put in place to regulate the collection times so as not to be at unsociable hours. There is no parking proposed adjacent to the pods. Parking would be at the entrance to the site and users of the pods would need to walk up to the pods. He also confirmed that the management of the site is for the applicant to

determine and there is no requirement under planning policy for a management plan for this proposal.

A number of Members expressed concern over the potential fire risk and the inability of the fire brigade to adequately access the site. It was also noted that there was nothing to stop residents driving up to the pods from the carpark.

A Member noted that the application does not appear to support sustainable growth of the rural economy as, for example it is not a working farm diversifying its business. In his opinion the design also does not meet DP26 to reflect the outstanding natural environment that they would be situated in.

A Member expressed concern at the precedent it would set to approve the application as 3 pods may not prove economical and so a request for more may come forward, along with a need for a manager's house. The Planning Applications Team Leader advised the Committee that the application has to be considered on its own merits and not on what may happen in the future.

A number of Members expressed concern regarding the lack of on-site management as there was nothing to regulate the parking, use of BBQ's and campfires and disposal of rubbish. Concern was also expressed that the pods were permanent structures and the impact that would have on the countryside. A Member felt it was an unacceptable commercial development in the AONB.

The Vice Chair proposed that the application be refused on the grounds of it being a detriment to the High Weald Area of Outstanding Natural Beauty. This was seconded by Councillor Eggleston.

The Chairman took Members to a vote on the recommendation to refuse the application which was agreed unanimously.

RESOLVED

That the planning application be refused on the grounds of it being harmful to the character and appearance of the High Weald Area of Outstanding Natural Beauty. (Exact wording to be determined by the Planning Officer in consultation with the Chairman and Vice Chair.)

6 DM/21/2992 - 78 LONDON ROAD, EAST GRINSTEAD, WEST SUSSEX, RH19 1EP.

Steve King, Planning Team Leader Applications introduced the application which seeks permission for the conversion of the upper floors to provide 2 x 1 bedroom and 8 x 2 bedroom flats including roof extensions and alterations, cycle storage, refuse provision and associated works. He drew Member's attention to the amendment to the conditions contained in the Agenda Update Sheet. He noted that the history of the site is important as planning permission was resolved to be approved in 2018 for the demolition of the first and second floor and 11 flats on site. Following a lengthy process to complete the legal agreement, this planning permission was issued in 2020 and was therefore extant and could still be implemented. This previous planning permission was for a larger development than that now proposed. The new proposal remains a car free scheme as per the previously approved scheme and has one less unit. The site is in the built-up area of East Grinstead and the design is considered to be acceptable and will preserve the setting of the nearby listed

building. There are also no objections from the West Sussex County Council Highways department.

Jacque Andrews spoke in support of the application.

A Member expressed concern that the new proposal was for more units than an original proposal which was for 7 flats with a loss of retail space and feature windows and therefore recommended to refuse the application.

The Planning Applications Team Leader noted that the first application for 7 flats was in 2016 but there was a more recent extant permission, approved in 2020 for 11 flats. The new proposal is for 10 flats and has a lower build height than the previously approved scheme.

A Member noted that the new roof modelling makes it a more attractive development and reduces the impact on St Swithan's Church. He was pleased that the retailer (Superdrug) will remain and acknowledged that Superdrug had previously commented that a reduced retail space is more financially economical for them.

A Member requested that the heating arrangements be environmentally friendly and queried the parking arrangements for visitors. It was noted that there is a car park nearby and that buyers need to be aware that there is no provision on site.

The Chairman took Members to a vote on the recommendations as set out in the report including the amendments in the Agenda Update Sheet. This was proposed by the Vice Chair, seconded by Councillor Walker and approved with 10 in favour and 1 against.

RESOLVED

That planning permission be granted subject to the recommendations below and the amended conditions set out in the Agenda Update Sheet:

Recommendation A

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

Recommendation B

If by 13 April 2022, 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 for Planning and Economy for the following reasons:

'The application fails to comply with Policy DP20 of the Mid Sussex District Plan, Policies EG3, EG5 and EG11 of the East Grinstead Neighbourhood Plan and paragraphs 55 and 57 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 181 of the National Planning Policy Framework.'

7 DM/21/3534 - TOWER CAR SALES, TOWER CLOSE, EAST GRINSTEAD, WEST SUSSEX, RH19 3RT.

Steve King, Planning Applications Team Leader introduced the application which seeks the demolition of the car sales office and workshop and the erection of a part 2, part 3 storey building comprising 8 apartments with 8 parking spaces. 'Amended plans received 11 November showing a revised design of the proposed building and one additional flat (9 in total)'.

He noted that the site is in the built-up area of East Grinstead with single story buildings on the south east side and the remainder given over to hard standing. The business left the site several years ago and there is an extensive planning history. Permission was granted for residential use in 2017 but this has now lapsed. There have been two refused applications which have been dismissed at appeal and a further appeal is ongoing. The proposed new block would cover the majority of the site. There are high level windows on the south east elevations but the design would not cause overlooking or a loss of daylight to properties on Moat Road due to the stepping back of the top floors. He confirmed that it is the Officer's opinion that the benefits in terms of a residential scheme in a sustainable location outweighs the loss of business floor space, and he noted that a prior, albeit lapsed proposal for a residential redevelopment of the site had been accepted in the past. He also noted that the design makes good use of the site and the layout has overcome past reasons for refusal. There will not be significant harm to neighbouring amenities and there is no objection from the Highways Department. The parking arrangements will include electric car charging points and there will be solar panels on the roof.

John Escott spoke in support of the application.

A Member sought clarification on why this was not a car free development, although he was pleased to see that electric charging points had been included, and that there was a reduced number of spaces available. He was also pleased to see solar panels included in the design. The Chairman noted that the site is situated on the outskirts of the town centre which is why parking is allowed. The Planning Applications Team Leader also confirmed that this site had a design challenge with regards to underground cabling which has led to the under-croft solution which makes best use of the site and is an acceptable level of parking provision.

Members commented that the new proposal was an improved design, noting that it adds to the Council's five-year housing land supply and makes good use of a brownfield site. A Member requested that sufficient space such as a pavement was allowed for around the perimeter of the site to give space between the adjacent buildings. Members discussed past contamination issues on surrounding areas and it was confirmed that conditions 5 and 6 covers this.

The Chairman took Members to a vote on the recommendations as set out in the report. This was proposed by Councillor Walker seconded by Councillor Sweatman and agreed unanimously.

RESOLVED

That planning permission be granted subject to the following recommendations:

Recommendation A

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure infrastructure contributions and Ashdown Forest mitigation and the conditions set in Appendix A.

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and Ashdown Forest mitigation by the 10th March 2022, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 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 and policy EG16 of the East Grinstead Neighbourhood Plan.

2. The proposal fails to provide the required infrastructure contributions necessary to serve the development. The proposal therefore conflicts with policy DP20 of the Mid Sussex District Plan 2014-2031.

The meeting adjourned between 5.40pm and 5.45pm.

8 DM/21/3607 - OTE HALL FARM SHOP, OTE HALL FARM, JANES LANE, BURGESS HILL, RH15 0SR.

Joseph Swift, Senior Planning Officer DM introduced the report which sought permission for a farm shop and tea-room (amended plans received). He drew Member's attention to the Agenda Update Sheet which has additional comments from the Highways department and Conservation Officer, as well as an additional letter of support. He also noted that permission has already been granted but the new proposal reduces the building size in order to make it more affordable to build. As the layout remains similar and the smaller building has less impact on the surroundings, it is the Officer's recommendation to approve subject to the recommendations.

Carola Godwin Irvine spoke in support of the application.

The Chairman noted that there have been no letters of objection to this proposal and noted the wish for farms to diversify their business. A number of Members voiced support for the application.

The Chairman took Members to a vote on the recommendations as set out in the report. This was proposed by the Vice Chair, seconded by Councillor Cartwright and agreed unanimously.

RESOLVED

That planning permission be granted subject to the following recommendations:

Recommendation A:

It is recommended that planning permission be approved subject to the conditions set in Appendix A and to the completion of the Unilateral Undertaking securing the Travel Plan monitoring fees.

Recommendation B:

It is recommended that if the applicants have not submitted a satisfactory signed Unilateral Undertaking securing the Travel Plan Monitoring fees by 13th April 2022, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

1. The application Fails to comply with Policy DP21 of the Mid Sussex District Plan and the requirements of the NPPF to promote sustainable transport modes.

9 DM/21/4145 - CROUDACE DEVELOPMENT SITE, FORMER KEYMER BRICKWORKS (PHASE 2), NYE ROAD, BURGESS HILL.

Steve Ashdown, Planning Team Leader-Major Development & Enforcement introduced the report which sought permission for a change of use of the existing open space to external community use linked to the proposed community centre and part retrospective planning application for alterations to the approved boundary treatment, hard and soft landscaping for land at Wyvern Way. He noted that it is before the Committee as it is on land owned by Mid Sussex District Council. An element of the application is retrospective as a gateway has been created and the area fenced using the same fencing as the adjacent play area and multi-use area to the south. He confirmed that Planning Officers are content with the proposed use as it still available for community use in conjunction with the community building. It is not considered that it would give rise to issues with residential amenity given that it is similar to the playgrounds nearby.

The Chairman took Members to a vote on the recommendations as set out in the report. This was proposed by Councillor Eggleston, seconded by Councillor Cartwright and agreed unanimously.

RESOLVED

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

10 DM/21/4173 - COMMUNITY CENTRE, 124 WYVERN WAY, BURGESS HILL, WEST SUSSEX, RH15 0GB.

Steve Ashdown, Planning Team Leader - Major Development & Enforcement introduced the report which sought permission for a change of use of the existing civic space to a car park at land to the east of the Kings Weald Community Centre. He noted it is the same site as the previous application, on Council owned land, and the car park would be specifically for use by the community building. There is already parking on the east and southern side and the intention is to allow access from the southern side where the bollards will be removed as there is a dropped curb already there. Potentially 7 cars could park at the front of the building or the area could be used for drop-off. In terms of visual amenity there are no changes to the site so this is acceptable. As there is existing car parking around the site there is no impact to

residential amenity and there is no highways impact as it will involve a low number of spaces with low speed entering and exiting the area.

The Chairman noted Burgess Hill Town Council's comments that it would be desirable to have covered bike racks and electric vehicle charging points. The need for cycle parking was reiterated by a Member of the committee. The Planning Team Leader noted that there is sufficient space to place cycle racks and these would not require planning permission. It was agreed that the Planning Team Leader would write to the applicant to express desire for cycle parking on site to be taken forward. As the building is in Council ownership it would be something for the Council as Landlord to consider separately.

The Chairman took Members to a vote on the recommendations as set out in the report. This was proposed by the Vice Chair, seconded by Councillor Eggleston and agreed unanimously.

RESOLVED

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

11 DM/20/3014 - 80 WOODBURY AVENUE, EAST GRINSTEAD, WEST SUSSEX, RH19 3UX.

Deborah Lynn, Planning Officer DM introduced the report which sought permission to refuse the retrospective application for the installation of 2 second floor front facing dormer windows and change in colour of roof tiles to a dark grey from brown. She noted that the original proposal was for one second floor front facing dormer and change in roof tile colour but that during the course of the application the construction was carried out which was not compliant with the plans received. The plans were subsequently amended. The site is in the built-up area of East Grinstead with woodland to the rear designated as the High Weald Area of Outstanding Natural Beauty.

The Planning Officer noted that to the rear of the property is a large dormer window which was built under permitted development rights with a lawful development certificate granted in 2020. The original application for the front of the property proposed a well set back dormer with casement windows that sits subserviently within the roof slope. However, the dormer windows constructed are wider, taller and deeper than the previously approved single dormer, with sash windows out of keeping with the rest of the windows in the property. She noted that the street scene does include other properties with dormer windows, however the scale and siting of the dormer windows as constructed appear obtrusive, and are detrimental to the character of the area. The Officer's recommendation is that the application be refused with a view to taking enforcement action.

Luke Mardle spoke in favour of the permission being granted.

The Chairman sought clarification on whether the first front dormer was constructed according to agreed plans. The Planning Officer confirmed that it was not. She also confirmed that there was no Officer objection to the principle of a second dormer based on the original drawings but that the style and size changed once they were built.

Members expressed sympathy with the applicant but noted that planning rules exist to be upheld, and the build had proceeded differently to the plans submitted. The windows were also different to the rest of the property in size and style and were overbearing.

A Member agreed that the dormers aren't subservient to the roof scape but felt the design was reasonable and would cause more harm to the adjoining property if building work was required to take it down.

The Chairman took Members to a vote on the recommendations as set out in the report. This was proposed by the Vice Chair and seconded by Councillor Sweatman. 9 Members voted in favour of refusal, one member voted against and one Member abstained due to a declaration of interest, therefore the application was refused.

The Chairman noted that the applicant would receive a letter from Officers explaining the next action required.

RESOLVED

That planning permission be refused for the reason set out in Appendix A.

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

None.

The meeting finished at 6.25 pm

Chairman