

**Minutes of a meeting of District Planning Committee
held on Thursday, 21st November, 2019
from 2.00 pm - 3.30 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 I Gibson, Andrew Lea, A MacNaughton and
L Stockwell

1. TO RECEIVE APOLOGIES FOR ABSENCE.

None as all Committee Members were present.

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

None.

3. TO CONFIRM MINUTES OF THE PREVIOUS MEETING OF THE DISTRICT PLANNING COMMITTEE HELD ON 31 OCTOBER 2019.

The Minutes of the Committee meeting held on held on 31 October 2019 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.

None.

5. DM/19/2845 - LAND TO THE EAST OF HIGH BEECH LANE AND LAND NORTH OF BARRINGTON CLOSE, LINDFIELD, RH16 2DW

Joanne Fisher, Senior Planning Officer introduced the report for reserved matters and drew Member's attention to the Agenda Update Sheet. She noted that the update sheet detailed a further 10 letters of representation, clarification on comments, amended wording to conditions 7 and 9, and additional background information on the Section 106 agreement completed as part of the outline approval (reference DM/17/2271). The reserved matters application relates to outline approval DM/17/2271, for the approval of appearance, landscaping, layout and scale for 43 dwellings with associated works, approval of custom build plot location, amended

plans received showing alterations to design of dwellings, inclusion of play area and widening of the access.

The officer noted that the 30% affordable housing were a mix of semi-detached houses, terraced houses and flats and would be situated on the southern end of the development in clusters of no more than 10 units. The development would have 115 car parking spaces with rear courtyard parking for the terraced houses. The appearance of the site would be enhanced and softened by the planting of additional trees. The scheme has been designed to encourage social integration and benefits from an enclosed play area and open landscaping area. The officer noted that the buildings would be of a traditional design no more than two storeys high and the development is acceptable in terms of design and layout. She highlighted that the trees that had been removed along High Beech Lane were not protected by TPOs and it was necessary for the sightlines to permit safe access to the site. She also advised that the flooding concerns of local residents, would be sought to be improved by the development through capturing surface water runoff and controlling its discharge off the site through a drainage system. Details in respect of drainage are to be submitted through a pre-commencement condition which is attached to the outline approval.

Gil Kennedy, Lindfield Preservation Society spoke in objection to the application. He was concerned whether the issues of potential further risk of flooding and the stability of the land would be satisfactorily addressed by the developer. He requested that the application is deferred until technical reports were received from the applicant.

Hilary May, a local resident spoke in objection to the application. She was also concerned with the land stability and drainage issues which were not included in the reserved matter application. She advised that local properties could be flooded due to underground springs.

Councillor Andrew Lea spoke as a near local Ward Member of Lindfield in objection to the application and was timed. He noted that the principle of planning is that applications are fairly considered in the public realm to ensure transparency. He highlighted that the land and slope stability were regulated by a condition and the pivotal matters of concern are caused by the land topography. He requested that the Committee address the issues of flooding and drainage. He asked that the Committee defer any decision until technical reports have been received and checked, and suggested that a specialist is engaged by the Council to review these reports.

Councillor Linda Stockwell, Ward Member for High Weald spoke in objection to the application. She expressed concern that the application was being considered without the benefit of the land stability report or the flood risk and drainage report. The Ward Member noted that previous applications for this site had not been approved. She highlighted that underground springs are not mentioned in the emails from the MSDC drainage engineer when they have been referred to in previous applications. The Committee was advised that some properties below the site have undertaken works to prevent flooding of their gardens. She stated that there are concerns over the long term viability and maintenance of the underground water storage tanks. Concern over the unauthorized removal of protected trees was also noted.

The Chairman noted the concerns regarding the lack of the technical reports. He advised that the developers could not provide technical reports unless they know what they can build on the site. He confirmed that the issue of planning permission

does not give the right to build on the site until all the conditions have been met. He asked for a further explanation of conditions 8 and 14.

Steve King, Planning Applications Team Leader confirmed that planning permission had been granted for the development, subject to the conditions of the outline application which had been found to be acceptable by the District Planning Committee. He stated that the conditions that require details to be submitted prior to works commencing on the site must be adhered to before the development can start and if external specialists are required to review technical reports the Council will engage them. The Team Leader noted that any breaches of planning control are regrettable, however Members must look at the merits of the scheme before the committee and assess the scheme against the development plan and not the developers past conduct. He confirmed that the Committee must consider the layout and the developers must have the technical work completed for the drainage and slope stability prior to any building commencing on the site.

Tom Clark, Solicitor to the Council confirmed to the Committee that the existing outline planning permission cannot be changed as it has been approved. He noted that the development would control the flow of water from the site compared to the existing situation.

The Chairman noted there are numerous examples of land with sandstone and chalky ground which can flood and this can be controlled.

Several Members expressed concern over drainage issues and asked for clarification on the replies received by the MSDC drainage engineer by the developer.

The Senior Planning Officer advised that the developer would later provide all the catchment and drainage methods but noted that the full details are not required for the reserved matters scheme.

The Chairman read the requirements for condition 8 as set out by the Drainage Engineer in Appendix B and added that the condition clearly placed stringent demands on the developer and confirmed that the development cannot commence until the officers are content with all responses from the developer in relation to the conditions.

A Member thanked the speakers and noted that the developer had not elected to speak at the meeting. He confirmed that the site was complex due to the topography of the land and agreed with the suggestion to engage a specialist to review the land stability and flood risk drainage reports. He stated the design of the scheme was good with the gardens of new houses placed back to back with the gardens of existing properties. He confirmed that the Section 106 agreement had been already agreed and that the scheme provided 2 bed dwellings which were in demand.

The Solicitor to the Council confirmed that the developer will have to provide a scheme to alleviate any concerns with land stability and flooding and the Council can engage specialists if necessary to review technical reports.

Members commented on the location of the affordable housing, the grouping of the units rather than pepper-potting throughout the development, the risk of speeding through the development, access to the development, the removal of protected trees and the fines incurred for unauthorised work on them.

The Chairman noted the comments relating to the spread of the affordable housing on the site. He confirmed that the Council's policy was for a maximum of 10 units in a group and that there are three plots between the groups. He highlighted that registered landlords prefer to keep the housing grouped together as it is easier for management and maintenance. The Committee were advised that any issues in relation to speeding will be a matter for the Police, and the access and egress to the site had already been approved. The Solicitor to the Council confirmed that fines for unauthorised work on protected trees are dealt with by the court and the maximum fine is £20k per tree.

A Member asked whether the stepping arrangement of the pedestrian access could be ramped or if a channel could be incorporated to allow easier access for cyclists.

The Chairman noted that the legal requirement is only to provide pedestrian access, and advised the officers will pass the Member's comment onto the developer. He informed the Committee that the developer removed unprotected trees to obtain the sightlines for the access road and it was deemed acceptable as they would be planting replacement trees.

A Member expressed concern over the lack of sustainable energy in the development and asked why solar energy was not included in the design even though they were recommended by the Sustainability Officer.

The Chairman stated sustainability includes other matters such as insulation and the use of grey water, and that most developers' designs concentrate on the thermal efficiencies of the dwellings. He noted that the Council could not condition the installation of solar panels.

The Senior Planning Officer confirmed that renewable solar not been included in the design but some houses have been orientated so they could benefit from solar power if panels were added at a later stage by an occupant. She noted that all dwellings will have external cycle storage and an external socket to provide a power charging point for an electric vehicle.

In response to a Member's query the Chairman advised that the external socket would be single phase as a fast charge socket for each dwelling would be cost prohibitive.

The Vice-Chairman queried the boundary screening for neighbouring properties on the south-eastern corner with Savil Road. The Senior Planning Officer advised that the relationship and orientation of the dwellings to the neighbouring properties is acceptable, and there is a landscaping condition as part of the outline scheme where additional planting/further details of planting in this location could be requested to enhance the boundary. She noted that dense trees could cause light issues for neighbouring houses and would be unlikely to be considered appropriate.

A Member commented that the Committee must approve the application before the developer can work out how to resolve the flooding issues. He confirmed that flooding issues in other areas have improved when drainage works have been incorporated into new developments in the local area.

As there were no further questions the Chairman took the Committee to the recommendations and the Committee agreed unanimously.

RESOLVED

That planning permission be granted subject to the conditions contained in Appendix A and amendments contained in the Agenda Update Sheet.

6. DM/19/2974 - LAND SOUTH OF HAZEL CLOSE, CRAWLEY DOWN, WEST SUSSEX, RH10 4BB

Steve King, Planning Application Team Leader introduced the report for reserved matters application relating to outline application AP/16/0038 (DM/15/4094) seeking the approval of layout, scale, appearance and landscaping, amended plans received on 26 September showing revised levels, revised house types and revised layout. He highlighted the Agenda Update Sheet detailing the drainage officer's comments which advised that the Drainage Engineer was satisfied with the proposed means of drainage and additional background information relating to the signed Section 106 agreement.

The Team Leader confirmed that outline permission had been granted by the Secretary of State (SoS) and the means of access was also approved. The developer is seeking consent for the reserved matters of appearance, landscape and scale on a green field site which has significant falls in levels within the site. He noted that the development is for 60 dwellings including 18 affordable units. He showed Members a slide showing the adjacent areas of ancient woodland around the site and noted that the 15m buffer zone extended into the gardens of established properties to the north. He confirmed that the dwellings would have a traditional design approach, and the buildings would be grouped with regard to the building materials used to give the scheme some cohesion. The Team Leader highlighted that the principle of the development had been established as planning had been granted. He noted that there was a minor conflict with the Neighbourhood Plan in respect of the housing mix but in the officer's view this was not a reason to refuse the reserve matters application. The Team Leader advised that in officers view the housing mix was appropriate and that when read as whole the scheme complied with the development plan.

Steve Brown, agent for Taylor Wimpy noted the detailed scheme which takes a sensitive approach to landscaping and ecology. The scheme follows a collaborative approach with officers, residents and the statutory consultees. He noted the benefits of the scheme, an ecology led and sustainable development using a fabric first efficiency approach, the mix dwelling types and sizes with 80% being smaller homes, and the Section 106 agreement of approximately £1m to the local infrastructure.

Councillor Gibson, Ward Member for Crawley Down suggested that the proposed footpath within the 15ms ancient woodland buffer zone alongside Burleigh Wood conflicts with best practice as set out in the Mid Sussex Design Supplementary Planning Document. He requested that this is removed. He noted that a wildlife corridor ran across the middle of the site and asked that the Committee impose a condition requiring the lighting to be low level bollards providing 3200K yellow light. The Ward Member highlighted surveys in 2104 and 2019 which established a local need for 2 bed properties and the Crawley Down Neighbourhood Plan sets separate targets for the housing mix of market and affordable homes. He advised that this application conflicted with this policy and the housing mix in the outline application approved by the Secretary of State did not have this conflict. He suggested that the number of two bed market properties should be increased to 12.

The Chairman asked the Team Leader to respond to the issues raised by the Ward Member.

The Officer confirmed that the 15m buffer zone on the west would extend from the edge of woodland to the edge of development site and that the plans showed a mown grass path within the 15m buffer zone. He noted that the path would be fenced off on the western side to prevent access to the woodland. The Committee were informed that the neighbouring site to the southwest was designed so a linking path could be constructed if the site the subject of this planning application was brought forward for development. The officer highlighted that the plots on the adjacent site had been sold with no proposed link to this development. The officer stated that he had been advised that there could be legal issues if a link pedestrian link was provided now because the developers of the neighbouring site had sold the properties without a link being in place. As such the neighbouring developers were not prepared to provide a pedestrian link to this site. The Planning Applications Team Leader advised that the SoS was happy with the previous scheme even if no link was provided.

The Officer advised that condition 6 by the SOS related to wildlife matters and set out a number of criteria of details to be provided, including a lighting plan with dark light route for bats. This would form a separate application once the reserved matters have been approved. He highlighted that the report details the housing mix on pages 61 and 62, and it is in accordance with the Development Plan. The Committee were reminded that they must consider the Development Plan and Neighbourhood Plan as a whole, and the application does not have to comply with each policy in each document. He confirmed that overall there is a good mix of dwellings sizes and overall it is in compliance with the Development Plan.

Tom Clark, Solicitor to the Council noted that even though there is a shortfall on smaller market houses and the development included some 4 bed houses, there is a good mix of dwellings in the entire development.

A Member expressed concern that the sustainability officer had made no comment in the report and that policy DP 39, the design of houses, should be considered.

The Team Leader reminded the Committee that the principle of the development had been established. He noted that page 55 detailed the fabric first approach adopted by the developers, which make the dwellings energy efficient rather than using bolt-ons like solar panels. He highlighted the Government's recent consultation on changes to building regulations which looked to move to an approach of using building regulations as method of getting more sustainable houses built in the future.

The Chairman noted that the developers have used a sustainable approach which is spread throughout the report.

The Officer advised that the scheme approved by the SoS predates the District plan and the applicant's sustainability approach is fabric first.

A Member welcomed the collaborative approach of the applicant in working with the Parish Council and noted that only one letter of objection had been received. He highlighted that the Section 106 funds had been agreed. He expressed concern with the water drainage but noted that it has been signed off by the drainage officer, so he supports the application.

Members queried whether the green pathway within the 15m buffer is strictly required, expressed concern over lighting levels around the woodland in relation to the ecology and the movement of wildlife along the corridor. They asked whether a condition could be added for low level bollard lights to be included.

The Team Leader advised that the request will be noted, and if it is appropriate the officers will consult with the applicant when the details come in. He confirmed that the mown path is important as it allows access along the side of the site, and no ecological objection had been received.

A Member noted the wildlife that had been observed at the site visit and enquired whether the fence would impede the movement of the deer.

The Chairman noted that the height of the fence would not interfere with the movement of the deer and they would find other routes away from the public

As there were no further questions the Chairman took the Committee to the recommendations and the Committee agreed, one Member abstained.

RESOLVED

That planning permission be granted subject to the conditions contained in Appendix A and amendments contained in the Agenda Update Sheet.

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

None.

The meeting finished at 3.30 pm

Chairman

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