

# HAYWARDS HEATH TOWN COUNCIL

## PLANNING COMMITTEE

### Minutes of the meeting held on Monday, 29 October 2018

C N Laband (*Chairman*)  
M J Pulfer (*Vice Chairman*)  
Mrs C Cheney  
R J R Clarke  
A C McPherson  
H A Mundin

\* Absent

\*\* Apologies

Also present: Mr Eric Bassett, Chair of the Haywards Heath Society

Regarding application number DM/17/2384 – NCP Car Park, Harlands Road:  
Mr Richard Chitty, who had registered to speak *against* the application

**78. Apologies**

There were none.

**79. Minutes**

The Minutes of the meeting held on Wednesday, 10 October 2018 were taken as read, confirmed as a true record and duly signed by the Chairman.

**80. Substitutes**

There were none.

**81. Members' Declarations of Interest**

Councillor Howard Mundin made the following declaration:

"I declare a personal interest in all planning applications under agenda item 6 as an elected Member of Mid Sussex District Council (MSDC) appointed to Planning Committee A. I further reserve the right to alter my views should the applications come before Planning Committee A, based on contributions from the public, other Members or reports from MSDC Officers."

**82. Planning Appeals**

There were none.

**83. Licensing Applications**

There were none.

**84. Comments and Observations on Planning Applications**

Members made comments and observations on 28 planning applications as per Appendix 1 attached.

**85. Update on Boundary Issue in 'new' Bolnore (Ferry Croft)**

As an agenda item, Councillor McPherson had asked for an update on the breach of planning control in Ferry Croft. This had occurred when the owners of one of the properties there had bought a piece of land from the developers, Crest Nicholson, and had effectively changed its use to residential by erecting a fence around it and incorporating it into their garden.

The Responsible Financial Officer had obtained further information from MSDC's Senior Planning Officer (Planning Investigation and Enforcement) that the owners had failed to comply with an informal deadline for removing the fence of their own volition, so MSDC was now in the process of drafting an Enforcement Notice for issue which would require the fence to be removed and the change of use to cease. These Notices were, however, open to appeal and if appealed the requirements of the Notice would be held in abeyance. Unfortunately, it was taking the Planning Inspectorate about twelve months to deal with enforcement appeals at the moment so it was likely the matter would not be resolved for some time yet. The Senior Planning Officer would advise when the Notice had been issued and if it was appealed, the Town Council would be invited to make comments.

Members **noted** this update.

**86. Urgent Item DM/17/2384 – NCP Ltd, Harlands Road Car Park**

Because it had not been included on the usual weekly notification lists received from MSDC, the latest amendment/updated information in respect of the above mentioned application had been inadvertently missed and had therefore been omitted from the agenda. In order for the Town Council's comments to be submitted to MSDC in time, the Chairman decided to consider the application as an item of urgent business.

The meeting closed at 8:55pm.

## APPENDIX 1

### Week 1

#### **DM/18/3026 – 3 Lucastes Lane**

**Lucastes**

Proposed car port to the front of the property. Amended plans received 08.10.2018 showing proposed reduction in height and alteration to roof of garage.

The Town Council notes the submission of amended plans (received by Mid Sussex District Council on 08/10/2018) and has no comment to make.

#### **DM/18/3550 – Flat 2 Cavendish House, Southdowns Park**

**Franklands**

Replacement boiler with new boiler flue exit to external wall (amendment to address).

No comment.

#### **DM/18/4027 – 3 Sugworth Close**

**Heath**

Proposed first floor side extension to provide additional bedroom.

No comment.

#### **DM/18/4044 – Land Adjacent to 361 Gravelye Lane, Franklands Village**

**Franklands**

Erection of a two storey detached building to provide 1 no. 1 bedroom and 1 no. studio apartment. Widening of existing access onto Gravelye Lane. 2 no. parking spaces to the front and provision of a cycle store.

Like the previous application for this site (application number DM/18/0249 refers), the Town Council **supports** this latest application because it would provide the town with two more much-needed smaller units of affordable accommodation in a sustainable location. However, once again, it is requested that Mid Sussex District Council takes account of any material planning considerations that neighbouring residents may make.

#### **DM/18/4055 – Ash Tree Cottage, 19 Farlington Close**

**Bentswood**

Demolition of existing conservatory and replacement with contemporary garden room.

No comment.

#### **DM/18/4056 – 80 Harlands Road**

**Lucastes**

To demolish the conservatory and erect a single storey rear extension with a pitched roof over the existing and new extension with two dormer windows above.

No comment.

#### **DM/18/4063 – 110 Franklynn Road**

**Ashenground**

Demolition of existing garage and construction of two storey side and part two storey rear and part single storey rear extensions, together with loft conversion with dormer and gable additions.

No comment.

#### **DM/18/4086 – 5 Lucas Way**

**Lucastes**

T1 Birch – removal of branches overhanging property boundary by no more than 6 metres.

The Town Council defers this decision to Mid Sussex District Council's Tree Officer.

## Week 2

### **DM/18/3661 - 17 Highland Road**

**Ashenground**

(Amended description 15/10/2018.) Proposed loft conversion including front dormer window, and first floor extension.

The Town Council notes the amended description dated 15/10/2018 and has no comment to make.

### **DM/18/3856 – Westwick, 45 Lewes Road**

**Franklands**

Demolition of existing side garage and construction of a 4 bedroom dwelling with associated landscaping works.

The Town Council **objects** to this application for the following reasons:

1. it represents an opportunistic attempt at rear 'garden grab' which, if permitted, would give rise to an unneighbourly form of development which would be detrimental to the amenities of neighbouring residents;
2. the formation of a long access drive between (Poppy Cottage) 45A Lewes Road and 45 Lewes Road itself would adversely affect the peace and quiet that residents of those properties currently enjoy in their rear gardens. This would be because of vehicular noise and disturbance;
3. the proposal would prejudice the enjoyment of the land for any future occupants of 45 Lewes Road;
4. it is contrary to Policies E9 and H8 of the Haywards Heath Neighbourhood Plan;
5. it is contrary to Policy DP26 of the Mid Sussex District Plan 2014–2031.

Ward Councillors have pointed out that a line of trees runs along the back of properties in Orchid Park, adjacent to the boundary of the application site. Under no circumstances should the trees be removed or compromised simply to accommodate the proposed development.

### **DM/18/3972 – 32 Lucastes Road**

**Lucastes**

Proposed installation of Wooden 'Mells' concave driveway gates.

No comment.

### **DM/18/4092 – 183 Hoblands**

**Franklands**

Large oak in garden of 353 Franklands Village – reduce canopy back by 3 to 4 metres so no longer overhangs property.

The Town Council defers this decision to Mid Sussex District Council's Tree Officer.

### **DM/18/4103 – 9 Heasewood**

**Lucastes**

Proposed front porch and alterations and extension to rear conservatory to provide enhanced kitchen/breakfast room.

No comment.

### **DM/18/4115 – 5 Penland Close**

**Lucastes**

Proposed single storey rear extension with rear and side dormer roof extension to create first floor. This is an application to establish whether the development is lawful. This will be a legal decision where the planning merits of the proposed use cannot be taken into account.

As this is an application for a Lawful Development Certificate and is therefore a legal matter, the Town Council defers the decision to Mid Sussex District Council.

**DM/18/4118 – Land Parcel North of 99 Franklands Village**

**Franklands**

Proposed residential development of 24 x 2 bed flats including 30% affordable units (8 units).

The Town Council **supports** this application and welcomes the contribution of 30% affordable units, which is in accordance with the Haywards Heath Neighbourhood Plan and Mid Sussex District Plan 2014–2031.

The Town Council requests that developer Section 106 contributions for local community infrastructure, amounting to £14,352, are allocated towards developing real time bus information specifically within the Franklands Ward of Haywards Heath. (This sum has been calculated in accordance with the formula in Mid Sussex District Council's Development Infrastructure and Contributions Supplementary Planning Document (adopted July 2018).)

**DM/18/4150 – 20 Balcombe Road**

**Heath**

Proposed new double garage.

No comment.

**DM/18/4151 – 5 Penland Close**

**Lucastes**

Proposed front porch and front gable/ridge extension. (This is a parallel application to a Certificate of Lawful Development planning application for a single storey rear extension and first floor dormer roof extension.)

No comment.

**DM/18/4169 – Old Farm Close**

**Franklands**

Modification of Section 106 Agreement dated 26/03/01 between Mid Sussex District Council, Mid Sussex National Health Service and London and Quadrant Housing Trust, relating to planning permission HH/067/98.

Haywards Heath Town Council **objects** to this application. Our understanding is that the proposed amendment, under certain circumstances, will allow the Housing Association to reduce the social housing stock in favour of affordable housing.

Specifically, Haywards Heath Town Council has grave concerns that a three month deadline is commercially and socially inappropriate. This short deadline restriction disadvantages the poorest and most vulnerable in our community and critically, Councillors have an overriding duty of care to protect and deliver policy that supports social and affordable housing for the community.

Mid Sussex District Plan (2014–2031) Policy DP31 must apply:- Requiring housing stock must be maintained and any housing lost as a result of this change, must be re-provided. Any application which does not meet this requirement must be refused. Policy detailed DP31: Affordable Housing.

Haywards Heath Town Council asks that Mid Sussex District Council's Senior Housing Officer and Head of Legal Services are formally consulted and that the Planning Committee fully considers the wider aspects of this application.

Clause 1.3 – and in particular paragraph 1.3.3 – of the Schedule (Planning Obligations) of the Section 106 Agreement must remain in place.

**DM/18/4182 – 21 Lucastes Avenue**

**Lucastes**

Thuja (T1) fell to ground level. Thuja (T2) remove limb over driveway and crown lift to 5m.

The Town Council defers this decision to Mid Sussex District Council's Tree Officer.

**DM/18/4183 – Kingholm, Fox Hill**

**Franklands**

Retrospective application for replacement fence and hedge.

No comment.

**Week 3**

**DM/18/4101 – 4 Lucas Way**

**Lucastes**

T1 Holly – reduce in height by 3m. T2 Sycamore – fell. T3 Sycamore – reduce in height by 5m.

The Town Council defers this decision to Mid Sussex District Council's Tree Officer.

**DM/18/4102 – Clair Court, Perrymount Road**

**Heath**

Chestnut tree – reduce overall canopy by 3m.

The Town Council defers this decision to Mid Sussex District Council's Tree Officer.

**DM/18/4168 – 34 Sunte Close**

**Heath**

Single storey rear extension.

No comment.

**DM/18/4229 – 34 Lucastes Road**

**Lucastes**

Reduce crown of 4 x ash trees by 2 metres. Reduce the crown of (T1) to below BT cables. Reduce crown of 1 x oak by 2 metres and crown lift by 1 metre.

The Town Council defers this decision to Mid Sussex District Council's Tree Officer.

**DM/18/4275 – 35 Pinewood Way**

**Ashenground**

Removal of existing conservatory and construction of a single storey rear extension.

No comment.

**DM/18/4280 – 30 Lucastes Avenue**

**Lucastes**

T1 Ash – fell. T2 Ash – remove longest limb on north side. T3 Ash – fell.

The Town Council defers this decision to Mid Sussex District Council's Tree Officer.

**DM/18/4292 – 6 Petlands Road**

**Ashenground**

Construction of a 3 bedroom detached house.

No comment.

**DM/17/2384 – NCP Ltd, Harlands Road Car Park, Harlands Road**

**Lucastes**

The clearance of the site; and the construction of a building containing 40 residential apartments (17 x 2-bed, 21 x 1-bed and 2 x studios), with associated access, car parking, landscaping and ancillary works). (Amended description and plans received 23 July.) (Amended plans received 14 August 2018 showing additional car parking spaces and updated daylighting information received 26 September 2018.)

Haywards Heath Town Council (HHTC) **objects** to this application.

HHTC notes the submission of amended plans (received by Mid Sussex District Council (MSDC) on 14/8/2018) and welcomes the increased parking provision and the inclusion of electric vehicle charging points. Regrettably, there has been no change in the provision of affordable housing units,

**cont.**

**DM/17/2384 – NCP Ltd, Harlands Road Car Park, Harlands Road (cont.)**

**Lucastes**

which remains at 3, and HHTC maintains the view that this figure is too low and fails to meet the requirements of the Haywards Heath Neighbourhood Plan and the Mid Sussex District Plan 2014–2031.

With regard to the updated daylighting information (received by MSDC on 26/9/2018), this refers to a reduction in daylight and sunlight values which HHTC believes breach Building Research Establishment (BRE) guidelines and paragraph 123.c) of the National Planning Policy Framework (NPPF). Whilst these (daylight and sunlight) values may relate to a degradation in living standards for a relatively small number of apartments, this does not make it any less of a concern for HHTC.

In the event of permission being granted, and in addition to previously submitted allocations for developer Section 106 contributions (see below), HHTC requests that in order to reduce single use plastics, provision is made in the residents' gym for potable water.

**Previous Comments** (*submitted to the MSDC Online Public Register on 16/8/18*)  
Haywards Heath Town Council (HHTC) **objects** to this application.

The Town Council's Planning Committee supports the development in principle of this brownfield site, as detailed in Policy H6 of the Haywards Heath Neighbourhood Plan (HHNP) and this latest amended proposal meets the requirement of Policy E9, evidenced by the reduced massing, height and number of dwelling units.

(*Point 3 under Previous Comments refers*) Design comments are as before: we still believe that the original designs submitted in late 2016 to the initial Mid Sussex Design Review Panel presented the best aesthetic option, and that successive amendments reduced the design appeal to blend in with previous mistakes, rather than providing a fresher more modern design in this prominent central location.

We are concerned by the objections raised by neighbouring residents Mr & Mrs Chitty, specifically relating to a loss of privacy and overlooking from the proposed development, which has been exacerbated by moving it further up the incline and will negatively affect their own outlook, the latter of which is regrettable, but is not specifically a material planning consideration.

In the unwelcome event of permission being granted, we request that this is subject to the following conditions:

- a. the development must have a gated access, the purpose of which would be to safeguard resident amenity by preventing unauthorised parking by commuters and others;
- b. Euro-bin facilities – these will be collected by a commercial waste operator – no collections shall be permitted before 07:00 hours, to protect nearby resident amenity;
- c. we note that the size of the plot remains unchanged, as does the building footprint, however HHTC is disappointed that the number of parking spaces has been reduced from 45 down to 30. We would prefer to see provision increased to 40 spaces, including future-proofing for electric vehicle charging points.

Developer Section 106 contributions should be adjusted down proportionately.

**Pedestrian School Route**

We believe there are significant highways issues due to the volume and speed of traffic at this busy through route to the industrial area of Burrell Road and the northern areas of town. We would require developer support for a Section 278 contribution to deliver a safe pedestrian crossing solution from the proximity of the development towards the Sainsbury's side of Harlands Road. **cont.**

However, whilst we note the provision of 3 affordable housing units, HHTC believes this figure is too low and fails to meet the requirement of the respective HHNP and Mid Sussex District Plan Policies. For this reason also, HHTC **objects** to the application.

**Previous Comments** (*submitted to the MSDC Online Public Register on 15/2/18*)

The Town Council notes the amended plans received by Mid Sussex District council on 5/1/18. However, they do nothing to address the reasons for objecting to this application when it was considered the first and second time round, i.e. on 19/6/17 and 13/11/17. Therefore, the Town Council **objects** to this application and reiterates the reasons for this as follows:

1. the construction of a building containing 65 apartments would be contrary to Policy H6 of the Haywards Heath Neighbourhood Plan (HHNP). Whilst this policy supports the principle of residential development on this site, it places a restriction of 'approximately 40' on the number of dwellings that would be acceptable. Clearly, 65 is nowhere near 40 and therefore the proposal is too big, too tall and would give rise to an overdevelopment of the site;
2. leaving aside the fact that the proposal undermines the integrity of the HHNP, the provision of only 45 parking spaces for 65 apartments (35% of which are to be 2-bed) is inadequate and unrealistic. There is no disputing that the site is in an accessible and convenient location; nevertheless, it is probable that most residents from the development would have a car and, with insufficient parking capacity on site, this would lead to overspill parking in the wider neighbourhood. This is in an area where parking is already at a premium because of existing on-street restrictions. On-site parking should be provided at a ratio of one space per dwelling;
3. Members dislike the appearance of the proposed development because it 'blends in' too closely with other buildings in the vicinity that lack architectural merit. Members expressed a preference for the architects' original 2016 design, before it evolved through the Mid Sussex Design Review Panel.

Moreover, Members are appalled at the assertion that the result of a Financial Viability Assessment *'leads to a conclusion that it is financially unviable to provide any affordable housing as part of the proposed development or make any financial contribution in lieu.'* This is simply not acceptable. It is not the responsibility of the local planning authority to underwrite the profit objectives of the developer.

In the unwelcome event of permission being granted, the Town Council requests that this be conditional on the development having a gated access. The purpose of this would be to safeguard resident amenity by preventing unauthorised parking by commuters and others. Finally, and with regard to developer Section 106 contributions, the Town Council requests that allocations are made as follows:

- local community infrastructure (LCI)      public realm improvements to South Road;
- art in the community – town centre      £5,000;
- support for Haywards Heath library      £5,000;
- Independent Works Programme (IWP) – community infrastructure      £15,000;
- highways/transport      £5,000.