

# HAYWARDS HEATH TOWN COUNCIL

## PLANNING COMMITTEE

### Minutes of the meeting held on Monday, 24 June 2019

C N Laband (*Chairman*)  
M J Pulfer (*Vice Chairman*)  
Mrs C Cheney  
C C J Evans  
Mrs S J Inglesfield  
A C McPherson  
R A Nicholson  
C A Pitt

\* Absent  
\*\* Apologies

Also present: Councillor L S Wickremaratchi

Regarding application number DM/19/1648 – Land adjacent to Old Wickham Lane, Wickham Way:

Mr Peter Harding, who had registered to speak *against* the application; five members of the public – from Wickham Way, Old Wickham Lane and Gatesmead – who were attending in order to observe the Committee's consideration of the proposals;

Regarding application number DM/19/1881 – Linden House, Birch Avenue:

Mr Peter Drake and Mr Ian Greg, both of whom had registered to speak *against* the application.

**18. Apologies**

There were none.

**19. Minutes**

The Minutes of the meeting held on Monday, 3 June 2019 were taken as read, confirmed as a true record and duly signed by the Chairman.

**20. Substitutes**

There were none.

**21. Members' Declarations of Interest**

Councillor Clive Laband made the following declaration:

"I declare a personal interest in all licensing applications under agenda item 5 as an elected Member of Mid Sussex District Council (MSDC) and as an appointed Member of the (MSDC) Licensing Committee. I also declare a personal interest in all planning applications under agenda item 6 as an elected Member of MSDC and as an

***cont.***

**21. Members' Declarations of Interest cont.)**

appointed Member of the (MSDC) District Planning Committee. I further reserve the right to alter my views should the applications come before the Licensing Committee or the District Planning Committee, based on contributions from the public, other Members or reports from MSDC Officers."

Councillor Laband also declared a personal but non-prejudicial interest in respect of the premises licence application for La Campana, 18 The Broadway (application number LI/19/0911 refers). This was on account of him being a near residential neighbour.

Councillor Mike Pulfer 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) and as an appointed Member of the (MSDC) Planning Committee. I further reserve the right to alter my views should the applications come before the Planning Committee, based on contributions from the public, other Members or reports from MSDC Officers."

**22. Planning Appeals**

There were none.

**23. Licensing Applications**

Members noted that the following premises licence application had been **lodged** with MSDC:

<b>Application No. &amp; Applicant</b>	<b>Application Type</b>	<b>Premises Address</b>	<b>Nature of Application/ Variation</b>
LI/19/0911 Moreno & Young Ltd	Premises	La Campana 18 The Broadway	New premises licence

The Chairman informed Members that the application was being made simply to replace the previous licence which had lapsed. Near neighbours of the business were supportive of the application.

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

Members made comments and observations on 20 planning applications as per Appendix 1 attached.

**25. Items Agreed as Urgent by the Chairman**

There were none.

The meeting closed at 8:15pm.

### Week 1

#### **DM/19/1648 – Land adjacent to Old Wickham Lane, Wickham Way**

**Heath**

Change of use of agricultural land for the keeping of horses, the erection of a stable block with associated hardstanding, fencing and access track.

For the reasons and concerns listed below – which are backed by relevant local and national planning policies – the Town Council **OBJECTS** to this application in the strongest terms possible.

#### **Background – National Planning Policy Framework (NPPF)/Department for Environment, Food and Rural Affairs (Defra)**

This application is for a change of use and thus will be assessed upon how development would affect public amenity and public space outlook for a significant green open space.

Wickham Fields is a much-loved informal green open space used extensively by the local community, with extensive views northwards towards Haywards Heath golf course. The site itself is largely classified as Grade 3a agricultural land by Defra.

#### **Relevant Haywards Heath Neighbourhood Plan (HHNP) Policies**

The site is proximate to a cherished designated Area of Townscape Character, with access only via a single entry point for agricultural use. This gateway faces a semi-rural residential location, with extensively used public footpaths and Wickham Way to the south and Old Wickham Lane to the west. Both are private right of access roads, the latter approached via a weight-limited bridge owned by Network Rail. The weight restriction and condition of the bridge over the main London to Brighton line is critical infrastructure and Network Rail should be consulted.

**Policy E9** requires that 'developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site.' The application lacks compliance with this policy.

**Policy E1** requires that 'planning applications which would result in the loss of existing open spaces of public value will generally be resisted except where:

- they are supported by an open space assessment that demonstrates the open space is no longer needed, or
- there is a proven need for essential utility infrastructure where the benefits outweigh any harm or loss and it can be demonstrated that there are no reasonable alternative sites available.'

#### **Relevant Mid Sussex District Plan 2014–2031 (MSDP) Policies**

The map on page 12 of the MSDP confirms the site as being in an area of 'protected countryside', outside of the built-up area boundary of Haywards Heath.

#### **Policy DP12: Protection and Enhancement of Countryside**

'...It is therefore necessary that all development in the countryside, defined as the area outside of built-up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside.' This policy is supported and reinforced by the HHNP.

#### **Policy DP37: Trees, Woodland and Hedgerows**

'Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/or that have landscape, historic or wildlife importance, will not normally be permitted.'

*cont.*

**Policy DP38: Biodiversity**

'Strategic Objectives: 3) To protect valued landscapes for their visual, historical and biodiversity qualities; and 5) To create and maintain easily accessible green infrastructure, green corridors and spaces around and within the towns and villages to act as wildlife corridors, sustainable transport links and leisure and recreational routes.'

**NPPF Section 15 – Conserving and enhancing the natural environment**

**Paragraph 170** states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

(b) recognising the intrinsic character and beauty of the countryside, ...and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

Furthermore, **NPPF Section 2, Paragraph 12 – Achieving sustainable development**, states that 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

**Animal Welfare**

The site, due to its proximity alongside the main London to Brighton railway line, is adversely affected by noise and more importantly, vibration from passenger and freight trains. Any equine activity on this site will potentially place vulnerable animals at risk.

**Access**

Notwithstanding that access is not a relevant planning consideration, access via private roads, potentially with no permitted right of way could lead to social conflict in the community and with road owners, with the sole entrance approached by a plethora of public footpaths and private, concrete/flint surfaced paved roads. There is specifically no accessible bridle path within easy reach.

In short, the location due to its infrastructure isolation, does not appear to be sustainable for the purpose stated in the application.

**Previous Planning Applications**

It appears that five previous applications for development of the site have been refused, which is a relevant and material planning consideration.

**Impact on Sunte House and Wickham Farmhouse, both of which are Grade II\* Listed Buildings**

Given the proximity of the site to the curtilages of these two listed properties, the proposal has the potential to have a detrimental impact on two of the town's heritage assets, with public views being compromised.

**Finally**, in the unwelcome event that the application is granted, the Town Council requests that any permission is temporary and that it is reviewed after a period of between three and five years, with reversion to agricultural use only. The unique setting of this location and use by the community as an informal public green space should not be disregarded. The owners must be reminded that in order to prevent antisocial behaviour, there is no public right to ride or lead a horse along a public footpath.

**DM/19/1881 – Linden House, Birch Avenue**

**Franklands**

Erection of detached 2-storey, 5-bed house with Juliette balcony to front first floor elevation. Creation of new access point onto Birch Avenue, with associated landscaping.

The Town Council **OBJECTS** to this application in the strongest terms possible. The reasoning for this is explained below.

Although the appeal against Mid Sussex District Council's (MSDC's) decision to refuse permission for the previous application for this site was dismissed (application DM/18/2093 and appeal AP/19/0003 refer), paragraph 7. of the Planning Inspector's Appeal Decision dated 3 May 2019 confirms that the principle of development on this site is established in law, being 'consistent with the relevant policy framework as set out in the development plan' and also 'consistent with the Government's objective of making effective use of land, as expressed in the National Planning Policy Framework.' Concerns relating to biodiversity, ecology and the natural habitat, etc. were not sufficiently adverse that they could not be addressed by means of the attachment of conditions (paragraphs 10. and 11. of the Appeal Decision refer). The appeal was dismissed on the basis of the size (both height and width) of the proposed dwelling, its undue prominence and its detrimental effect on the character and appearance of the area. Thus, it conflicted with Policies H8 and E9 of the Haywards Heath Neighbourhood Plan (HHNP), and Policies DP6 and DP26 of the Mid Sussex District Plan (MSDP) 2014–2031.

As to this latest application and taking into account the Planning Inspector's comments above, the Town Council is extremely disappointed that once again, a dwelling of such scale is being proposed. Put simply, it is still too high and too wide. Members fully support the content of the email dated 5 June 2019 sent by the District Council's Senior Planning Officer to the applicant's agent. In the absence of any revisions to the scheme, as she has suggested, the application should be **REFUSED** on the grounds that it conflicts with Policies H8 and E9 of the HHNP, and Policies DP6 and DP26 of the MSDP 2014–2031.

In the unwelcome event that permission is granted, the Town Council requests that the following enforceable conditions are attached:

1. the 15m 'non-garden' buffer zone between the development and the area of ancient woodland to the south must be established and must be fenced off so as to remain outside of the residential curtilage (paragraph 10. of the Appeal Decision refers);
2. in accordance with the recommendation of MSDC's Consultant Ecologist, mitigation measures should be put in place to address potential issues relating to badgers and their setts (paragraph 11. of the Appeal Decision refers);
3. in order to safeguard the peace and quiet that neighbouring residents currently enjoy in their rear gardens and to minimise vehicular noise and disturbance, the long access drive between Shepherds Barn and Linden House itself, together with the parking area adjacent to the new house, must be of a water-permeable, non-gravel construction.

**DM/19/1989 – Gardeners Cottage, 22 Birchen Lane**

**Heath**

Change of use of part of the site from agricultural to residential use and erection of a timber, open fronted garage building on the site.

No comment.

**DM/19/2008 – 4 Iona Way**

**Bentswood**

Proposed part single storey and part two storey rear extension, installation of a new front door to the side elevation blocking up the original front door and creating a new lobby and WC/shower room in part of the existing attached garage.

No comment.

**DM/19/2031 – Sunnyside, College Road**

**Heath**

Proposed loft conversion with dormer to the rear, two roof lights to front and a hip to gable roof. 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/19/2040 – 47 Balcombe Road**

**Heath**

Variation of condition 1 relating to planning permission DM/18/0101 – to replace drawing number 968/02 with revised drawing no. 968/02B, showing alterations to the external materials.

No comment.

**DM/19/2054 – Fieldway House, Lucastes Road**

**Lucastes**

T1 Bay tree – reduce overall canopy by 2–3 metres. Raise canopy by 1–2 metres.

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

**DM/19/2067 – 33 St. Francis Close**

**Ashenground**

3 x Ash trees on fence line – crown reduce by 3m.

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

**DM/19/2073 – Land between 22 Lincoln Wood and 52 Lucastes Lane**

**Lucastes**

Hazels, various, along boundary with 52 Lucastes Lane, coppice on a 5 year cycle in perpetuity where affecting neighbouring land and telephone line.

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

**Week 2**

**DM/19/1970 – 26 and 36 Priory Way**

**Bentswood**

T1 Oak – remove two lower branches that have outgrown the crown. The rest of the crown to be dead wooded and the removal of any crossing or damaged branches. This work would remove less than 30% of the crown. T2/T3 Oaks – deadwood and crossing branches removed, thinning the crown by less than 20%.

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

**DM/19/2079 – 22 Greenways**

**Bentswood**

Rear ground floor extension, and conversion of garage. Partial first floor extension. Loft conversion to create second floor with two rear dormers and Velux windows on the side roof elevations.

No comment.

**DM/19/2087 – Busy Bees Childcare, St. Francis Chapel, Southdowns Park**  
Proposed 2 totem signs and 1 building sign.

**Franklands**

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

1. the proposed signage is too garish and would be discordant with the architectural merits of the St. Francis Chapel, which is a Grade II Listed Building. This conflicts with elements of Policy E9 of the Haywards Heath Neighbourhood Plan and elements of Policy DP34 of the Mid Sussex District Plan 2014–2031;
2. the proposed signs, particularly the two, solid form totem signs, would give rise to unduly prominent and incongruous features in the street scene to the detriment of visual amenity;
3. the proposed signs, by reason of their prominence and proximity to the mini roundabout in Southdowns Park, would form a source of distraction to drivers thereby constituting a hazard to highway users.

**DM/19/2098 – 23 Oathall Road**

Construction of garden store at plot boundary.

**Heath**

No comment.

**DM/19/2114 – Brighton and Sussex University Hospitals NHS Trust,  
Princess Royal Hospital, Lewes Road**

Provision of roof ventilation equipment to serve Theatres 1–4 at the Princess Royal Hospital building.

**Franklands**

No comment.

**DM/19/2124 – 17 Sunte Close**

Proposed 2 storey rear extension.

**Heath**

No comment.

**DM/19/2147 – 51 Victoria Road**

Two storey side extension and single storey rear extension.

**Bentswood**

No comment.

**DM/19/2168 – 28 Chapman Way**

Scots Pine (T55) – remove tree to ground level.

**Franklands**

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

### **Week 3**

**DM/19/2211 – 2 Ash Grove**

Proposed loft conversion to include hip to gable to the side, dormer to the rear and 3 roof lights to the front elevation.

**Ashenground**

No comment.

**DM/19/2247 – 3A Butlers Green House, Butlers Green Road**

Knock down stud wall between the kitchen and hallway.

**Lucastes**

No comment.

**DM/19/2258 – 1 Corner House, Wood Ride**  
T1 Copper Beech – fell.

**Ashenground**

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

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