

HAYWARDS HEATH TOWN COUNCIL

PLANNING COMMITTEE

Minutes of the meeting held on Monday, 17 September 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/18/2093 – Linden House, Birch Avenue:
Mr Ian Greg, Mr Peter Drake and Mrs Charlotte Drake, all of whom had registered to speak *against* the application;
Mrs Heather Greg.

62. Apologies

There were none.

63. Minutes

The Minutes of the meeting held on Tuesday, 28 August 2018 were taken as read, confirmed as a true record and duly signed by the Chairman.

64. Substitutes

There were none.

65. 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."

66. Planning Appeals

Members noted that the following appeals had been **lodged** in respect of MSDC's decision to refuse planning permission:

Date Lodged & References	Site	Description
11/09/2018 AP/18/0052 APP/D3830/D/18/3209607 (DM/18/2027 refers)	New Larchwood House, 1A Anscombe Woods Cres., RH16 4UJ	Loft conversion.
11/09/2018 AP/18/0051 APP/D3830/D/18/3206419 (DM/18/1030 refers)	50 Lewes Road, RH17 7SN	Provision of detached double garage and workshop/storage.
11/09/2018 AP/18/0053 APP/D3830/D/18/3209812 (DM/18/0968 refers)	82 Harlands Road, RH16 1LS	Two storey front and side extension, and a single storey rear extension. A new roof including loft room and dormer. New front porch. (description amended 19.04.2018.)
11/09/2018 AP/18/0056 APP/D3830/W/18/3201694 (DM/18/0558 refers)	27 Allen Road, RH16 3PU	Proposed new building attached to an existing building to create two new flats. With associated refuse storage, cycle and car parking, rear gardens and access through a side gate.

Members also noted the following appeal **decision**, the appeal having been lodged as a result of MSDC's decision to refuse permission (application number DM/17/0857 refers):

Date Decided & References	Site	Description	Decision
04/09/2018 AP/18/0032 APP/D3830/W/18/3196708	The Barn, Parkfield Way, RH16 4QS	Change of use from Office (Class B1) to Children's Day Nursery (Class D1); erection of bin and cycle stores; external plant; erection of railings around the site and surfacing of garden area. (Additional information received on 13 th April 2017 including transport and general planning matters.)	Allowed

67. Licensing Applications

There were none.

68. Comments and Observations on Planning Applications

Members made comments and observations on 25 planning applications as per Appendix 1 attached.

69. MSDC Licensing Panel Hearing Re St Francis Social and Sports Club

The Chairman informed Members that further to the Committee's written representation to MSDC regarding the application from St. Francis Social and Sports Club to vary its Club Premises Certificate (MSDC application number LI/18/0690 refers), Councillor Mrs Cheney would be representing the Town Council at the MSDC Licensing Panel Hearing on Monday, 24 September 2018 at 10:00am.

The meeting closed at 8:40pm.

DRAFT

APPENDIX 1

Week 1

DM/18/2865 – 11 Park Road

Ashenground

1 x Hornbeam – 2m reduction on 1 Ryecroft Gardens side.

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

DM/18/3435 – Mabrook, Summerhill Lane

Heath

Demolition of existing conservatory and shed with proposed two storey side and rear extension. Brickwork and windows to match the existing, and a pitched roof with roof tiles to match the existing.

No comment.

DM/18/3461 – 14 Gander Hill

Heath

Variation of Condition No: 4 of Planning Application DM/18/2518 to allow for the reinstatement of Holly hedgerow.

No comment.

DM/18/3464 – 2 Barnmead

Heath

Demolition of existing conservatory, garage conversion, two storey side extension and internal remodelling.

No comment.

DM/18/3466 – 21 Western Road

Bentswood

Proposed window at first floor side elevation by removing existing chimney from front bedroom and two new roof lights to rear roof elevation.

No comment.

DM/18/3490 – 19 Manaton Close

Bentswood

Oak Tree – remove lowest 4 branches overhanging 92 and 94 Priory Way Gardens and thin crown by up to 20% on Priory Way side.

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

DM/18/3521 – 3 Cobbetts Mead

Franklands

T1 – Beech tree – fell and remove stump in the rear garden.

The Town Council defers this decision to Mid Sussex District Council's Tree Officer. Ward Members are concerned about the demise of this (protected) tree and have been liaising directly with the Tree Officer.

Week 2

DM/18/3313 – 17B Blunts Wood Road

Lucastes

Retrospective application for the alteration of windows on the east elevation, amendments to the landscaping plan and addition of a new flue to the south elevation, relating to approved planning application 13/03881/FUL.

No comment.

DM/18/3341 – Land to the rear of 6 St Pauls Close
(T17) Sycamore – 2m crown reduction and remove ivy.

Bentswood

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

DM/18/3412 – 10 Fairfield Way

Heath

Extension of existing dormer extending to the side to create an 'L' shaped dormer to front elevation to create an en suite internally.

No comment.

DM/18/3489 – 4 Lucas Way

Lucastes

Demolition of the existing garage and creation of a two-storey front, rear and side extension together with a new single storey storm porch entrance.

No comment.

DM/18/3583 – 24 Fox Hill Village

Franklands

Proposed single storey rear extension.

No comment.

DM/18/3593 – 19 Farlington Close

Bentswood

Ash tree (weeping) – fell. Oak tree – fell.

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

DM/18/3598 – Oaklands Lodge, 36 Boltro Road

Heath

Holm Oak – 2 metre entire crown reduction, 3 metre away from eaves.

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

DM/18/3599 – 24 Park Road

Ashenground

First floor side extension, single storey rear and side extension, dormers and roof lights to roof.

No comment.

Week 3

DM/18/2093 – Linden House, Birch Avenue

Franklands

Erection of detached 2-storey, 5-bed house with Juliette balcony to front first floor elevation, 1 dormer window to rear first floor elevation, attached double garage and new access onto Birch Avenue. Proposed 1.8m high closed panel fencing to rear. (Amended plans received 28 August and 4 September 2018.)

The Town Council is of the opinion that this latest set of amended plans (received by Mid Sussex District Council (MSDC) on 28 August and 4 September 2018) in no way changes its **strong opposition** to this application. Therefore, its response is **firstly** to reiterate the comments that were submitted when the application was considered the last time round. They remain valid for these latest proposals and are as follows:

The Town Council notes that this latest application for this site seeks permission for the construction of a single dwelling, as opposed to the two proposed under previous (outline) application number DM/17/2764 (permission refused by Mid Sussex District Council (MSDC)). However, this does nothing to alter the Town Council's stance regarding development on this site and, therefore, the

Town Council **objects** to the application in the **strongest terms possible**. The reasons for this are as follows:

1. the application is contrary to Policies E9, E13 and H8 of the Haywards Heath Neighbourhood Plan (HHNP);
2. the application is contrary to Policies DP26, DP37 and DP38 of the Mid Sussex District Plan (MSDP) 2014–2031. The adoption of the MSDP in March 2018 reinforces the decision made by MSDC to refuse permission for previous application number DM/17/2764 – the Town Council concurs with the MSDC Officer report that was prepared for that application;
3. it constitutes overdevelopment of the site in the form of opportunistic rear garden development;
4. the provision of a minimum 15 metre 'non-garden' buffer zone between the development and the area of ancient woodland to the south is tenuous. If the buffer zone is to remain within the curtilage of the dwelling, how would it be properly managed and what safeguards would be in place to ensure that it did not ultimately become incorporated into the private amenity area? Not only would the proposed 1.2 metre high boundary fence act as a barrier to the free movement of wildlife, it is also questionable how long it would remain in situ;
5. the development of a major portion of the rear garden of Linden House would destroy part of a valuable 'green corridor' for wildlife in the locality. Habitats for creatures such as badgers, deer and great crested newts would be eroded and compromised. Members are concerned that wildlife activity, as reported in 'Phase 2 Ecology Surveys Rev 01' prepared by The Ecology Co-op Environmental Consultants and dated 21 May 2018, has been grossly misrepresented. This is because the integrity of the results of a terrestrial hand search carried out on 28 March 2018 is likely to have been undermined following tree felling and clearance works in the search area which, it is understood, took place on 16 March 2018;
6. having regard to the relationship of the site to existing residential properties, the proposed dwelling would give rise to an overbearing and unneighbourly form of development which would be detrimental to the amenities of neighbouring residents by virtue of intrusion, loss of privacy and overlooking;
7. development of the site by the construction of a dwelling of this scale would constitute an undesirable intensification of residential development which would be out of keeping with the rest of Birch Avenue. This would detract from the present character and charm of the locality, it would detract from its environmental quality and it would be detrimental to the amenities of neighbouring residents;
8. the formation of a long access drive between Shepherds Barn and Linden House 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;
9. the Town Council notes that local residents remain extremely concerned about consistent inaccuracies/incorrect measurements contained within the application relating to boundaries, neighbouring dwellings and trees. It is essential that these issues are reviewed and resolved to the satisfaction of all parties to ensure that a decision is based on accurate information.

Members of the Town Council are extremely disappointed that another application for the development of this site has been submitted; indeed, they are of the opinion that it is wholly unsuitable for development of any kind at any time. They are also disappointed that the applicant was not represented at the meeting of the Town Council's Planning Committee on 25 June 2018, despite him being invited to attend. This would have provided an opportunity for him to outline the proposals and possibly to clarify any points of uncertainty.'

Secondly, the Town Council adds to its representation as follows:

The Planning Committee have considered the revised application, which is for one dwelling, placed across the rear of the proposed site, close to neighbouring property boundaries and abraded the critical Ancient Woodland location and this important wildlife corridor. Badgers from a nearby sett, along with habitual use by generations of deer highlight the very special nature of this open boundary, which if developed would be destroyed forever.

This site had an earlier application DM/17/2764 for 2 detached dwellings, sited to avoid and strategically border the extant site covenants which were originally applied to the location in order to protect existing and future resident outlook, privacy and amenity. This avant-garde protection is mirrored closely included in Policies DP26 and DP37 of the MSDP supported by our residents' referendum.

The application in essence varies so little from the earlier, amended design that the Town Council now reinforces its earlier comments submitted on 3 July 2018, noting that MSDC Officers are now addressing the considerable ecological concerns raised above and beyond basic planning issues. Haywards Heath Town Council now expands upon these comments, with reference to HHNP and MSDP policies as detailed below.

We have also researched and consider comments made by the site owner, referencing the current site to be relevant, with extracts included for relevance:

DP26: Character and Design

All applicants will be required to demonstrate that development:

"...does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook..."

cont.

DP37: Trees, Woodland and Hedgerows

Trees, woodland and hedgerows make a valuable landscape, amenity and biodiversity contribution to the District, both in urban and rural areas. Mid Sussex is a heavily wooded district with two thirds of this being ancient woodland.

Trees, woodland and hedgerows form part of the District's green infrastructure, and in particular, are important for health and well-being, biodiversity, and increasing resilience to the effects of climate change.

Ancient woods are irreplaceable wildlife habitats with complex ecological conditions that have developed over centuries. They contain a wide range of wildlife including rare species, however, because the resource is limited and highly fragmented, ancient woodland and their associated wildlife are particularly vulnerable and must be protected from damaging effects of adjacent and nearby land uses that could threaten the integrity of the habitat and survival of its special characteristics.

All hedgerows on farmland and open land are protected and consent is required from the District Council to remove them. The Hedgerow Regulations 1997 also define 'important' hedgerows as being of particular archaeological, historical, wildlife or landscape value.

The District Council will make Tree Preservation Orders or attach planning conditions, in line with national guidance, to protect specific trees, a group of trees or woodlands in the interests of amenity or where they are threatened by development. The amenity value of trees will take into account visibility and characteristics relating to the individual, collective and wider impact including:

- Future potential as an amenity; and
- Rarity, cultural or historical value.

DP37: Trees, Woodland and Hedgerows

Strategic Objectives: 3) To protect valued landscapes for their visual, historical and biodiversity qualities; 4) To protect valued characteristics of the built environment for their historical and visual 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.

Evidence Base: Green Infrastructure mapping; Mid Sussex Ancient Woodland Survey, Tree and Woodland Management Guidelines, Tree Preservation Order records.

The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

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.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and
- prevents damage to root systems and takes account of expected future growth; and
- does not sever ecological corridors created by these assets.

cont.

The felling of protected trees will only be permitted if there is no appropriate alternative.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.

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.

Evidence Base: Biodiversity 2020; Biodiversity Action Plan; Biodiversity Opportunity Areas; Green Infrastructure mapping; Habitats and Species Records; Mid Sussex Ancient Woodland Survey; Mid Sussex Infrastructure Delivery Plan; The Natural Choice: Securing the Value of Nature; West Sussex SNCI Register.

Biodiversity will be protected and enhanced by ensuring development:

- **Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and**
- **Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and**
- **Avoids damage to, protects and enhances the special characteristics...and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland.**

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests.

Owners of Linden House

The site continues to be owned by Mr and Mrs McCarthy who objected to a previous application (13/04087/FUL) nearby. Their comments therefore become more significant as their own vicarious application proposes a dwelling considerably closer to neighbouring properties and which if approved would devastate this important location. They also raised important drainage issues in that representation.

Overlooking/Loss of privacy

"It is inevitable that a large family home of this size will result in a lot of noise and disturbance. Currently the area is extremely quiet. We often work from home and, because the area is so quiet, we have installed a timber office building in our garden with large glazed folding doors that we open

cont.

during the summer months. So, the potential for increased noise and disturbance is a very great concern for us (not to mention the fact that the house would probably be able to look straight into our office)."

Ancient Woodland

"any development must have a 15 metre buffer zone, which should not include gardens. This is not the case with this proposal, from the plans issued, there will not be a 15m buffer zone, but then the boundary of the woodland has mysteriously moved."

Drainage/Pond

"During heavy rain, lots of water falling on Birch Avenue flows down the length of the lane into a large concrete drain which runs at 45 degrees across the road into the grass verge at the junction of Redcote and Littlehurst. We presume this water then slowly works its way down the hill and feeds the pond and the ancient woodland site. A large amount of water flows down our drive causing us considerable problems. Any further damage to the road caused by the lorries and trades vans will worsen the drainage issue, as will the improvements especially if no drainage has been planned for the course of the avenue.

If the access road to this new house is put immediately up against the hedge and Littlehurst's boundary and over the existing open drain, how will this affect the water supply to the pond? If they divert the water away with proper drainage how will this feed the pond in a sympathetic way?"

Many of the issues they have raised now echo the objections against the current application and are thankfully protected by more enlightened Government, District and Town Council planning policies, specifically updated National Planning Policy Framework (NPPF) requiring more vigorous proactive protection for Trees and Ancient Woodland, DP26, DP36 and DP38 alongside policy requirements detailed in the HHNP.

<https://www.gov.uk/government/news/governments-new-planning-rulebook-to-deliver-more-quality-well-designed-homes>

Additionally the July 2018 revision of the NPPF states:

The new rule book will focus on:

- **stronger protection for the environment**

Stronger protection for the environment

The new framework has also been updated to provide further protection for biodiversity; ensuring wildlife thrives at the same time as addressing the need for new homes.

Changes to the framework see the planning system align more closely with Defra's [25 Year Environment Plan](#), which aims to leave the environment in a better state for future generations. This includes more protection for habitats, and places greater importance on air quality when deciding development proposals.

It provides strengthened protection for ancient woodland and ancient and veteran trees across England, ensuring they can be retained for the benefit of future generations.

Promoting high quality design of new homes and places

Refocusing on the quality and design of proposals which are in line with what local communities want, **the framework ensures councils have the confidence and tools to refuse permission for development that does not prioritise design quality and does not complement its**

surroundings.

DM/18/3506 – Land opposite no. 10 Bridgers Mill

Heath

Single detached three bedroom house.

The Town Council **objects** to this application on the following grounds:

1. the Town Council concurs with the response submitted by Mid Sussex District Council's Drainage Engineer that the proposal 'would exacerbate flood risk in the area as it would increase the impermeable area without being able to mitigate this increase. The new dwelling would also be at risk of flooding itself.' This would be contrary to Policy DP41 of the Mid Sussex District Plan 2014–2031;
2. the building of a house on this site would result in the loss of a small but valuable area of green space which not only softens the streetscape but also serves as a landscape buffer and provides a natural haven for wildlife. This would be contrary to Policy E1 of the Haywards Heath Neighbourhood Plan.

DM/18/1791 – 60 Lewes Road

Franklands

The construction of a half hipped roof, double garage structure with games room provision on first floor. Revised application to previous approval DM/16/2983.

No comment.

DM/18/2581 – 21–23 Perrymount Road

Heath

Demolition of existing 2,995sqm office building and replace with 7,575sqm office building with parking for approximately 91 vehicles and landscaped public realm. Revised Certificate B and proposed northern elevation received 7/9/18 and 10/9/18.

The Town Council notes the receipt of Certificate B and the proposed northern elevation, and has no further comments to add to those submitted to Mid Sussex District Council's Online Public Register on 07/08/2018.

DM/18/3572 – Land to the rear of 50 and 52 America Lane

Bentswood

Proposed new building comprising of 2 no. new residential units.

The Town Council notes that sixteen years ago, under application no. HH/02/00741/FUL, permission was granted for the following proposal at no. 50 America Lane:

extension of existing shop. Demolition of existing 2 car garage. Re-build of 2 car garage with 1 flat over.

Notwithstanding the above mentioned (lapsed) consent and because the area in general has changed since then, the Town Council **objects** to this application for the following reasons:

1. the construction of a two storey building which extends so close to the line of the rear boundary of the property would make it difficult for vehicles to manoeuvre into and out of the garages opposite;
2. the proposal would result in the loss of parking amenity and would itself add to the demand for on-street parking in the locality;
3. the construction of a two storey building to the rear of existing business premises with flats above would impede access for/the free flow of trade, refuse and emergency services vehicles;
4. the proposal conflicts with elements of Policy E9 of the Haywards Heath Neighbourhood Plan.

DM/18/3638 – 16 Maple Close

Franklands

Proposed boundary retaining wall along the western boundary, with maximum external height of 2.8m. Replace two existing dwarf retaining walls with new 1.1m high retaining wall and extend patio by approximately 2 metres towards the western boundary, and replace the existing steps to the northern boundary. The patio will be resurfaced with new paving slabs and edged with a safety fence.

No comment. The Town Council notes the comments made in two representations submitted by local residents and has nothing further to add.

DM/18/3655 – 14 Petlands Road

Ashenground

Existing Lawful Development Application for a roof conversion. This is an application to establish whether the development is lawful. This will be a legal decision where the planning merits of the existing 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/18/3661 – 17 Highland Road

Ashenground

Proposed roof conversion and the addition of an extension running from front to back of property.

No comment.

DM/18/3689 – 4 Gander Green

Heath

Proposed rear first floor and front porch extensions. Removal of existing white PVCU cladding to be replaced with plain tile hanging.

No comment.

DM/18/3732 – 3 Lucas Way

Lucastes

Field Maple – reduce to old points by 2m all over.

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