

HASSOCKS PARISH COUNCIL

Minutes of the Planning Committee Meeting held on Monday 12 August 2019 at 7.30pm in the Parish Centre, Adastra Park, Hassocks

Attendees: Parish Councillors: Jane Baker, Leslie Campbell, Bill Hatton and Nick Owens (Chair).

In Attendance: Cllr Robert Brewer
Deputy Clerk: Tracy Forte
1 member of the public – Mr R Burnham.

P19/47 APOLOGIES FOR ABSENCE. None.

P19/48 DECLARATIONS OF INTEREST. There were no declarations of interest.

P19/49 MINUTES.

RESOLVED that the minutes of the meeting held on 22 July 2019 be signed by the Chair as a true and accurate record of the meeting.

P19/50 PUBLIC PARTICIPATION. Mr Rob Burnham, Streamside, 23 The Crescent, Hassocks, spoke in favour of application SDNP/19/03463/HOUS Streamside 23 The Crescent Hassocks. Mr Burnham informed the Committee that he and his family moved into the house a year ago with the intention of making the property a long term family home. Mr Burnham said that he had previously contributed to the Hassocks Neighbourhood Plan consultation requesting that the site of Streamside was removed from the draft NP as a designated Local Green Space. He was aware that the Council was concerned that potentially the longer term plans for this site were for a larger scale development, however Mr Burnham sought to reassure the Committee that this was not the case. The family have lived in the home for a year and wish to develop the property within the bounds of the existing constraints and in sympathy with the locality. The remodelling of the house is to be within the existing footprint and Mr Burnham explained that the reinstated pool would be heated using an Air Source Heat Pump. In addition Solar Panels are to be fitted to both the Pool House and Garage. Mr Burnham recognised that this was not currently clear on the existing plans and informed the Committee that he would be happy to amend the plans to clarify this if the Committee so wished.

P19/51 The Chair proposed that application SDNP/19/03463/HOUS Streamside 23 The Crescent Hassocks, was considered first. This was unanimously agreed by the Committee.

APPLICATIONS

[SDNP/19/03463/HOUS Streamside 23 The Crescent Hassocks BN6 8RB](#)
Remodelling of existing house, new garage and reinstatement of pool and pool house.
Response: RECOMMEND APPROVAL.

Mr Burnham left the meeting.

[DM/19/2813 26 Semley Road, Hassocks BN6 8PE](#) Addition of second storey to bungalow to create 4 bedroom house. New front porch and internal alterations.
Response: RECOMMEND APPROVAL Hassocks Parish Council welcomes the

increase in thermal efficiency that the new building will have. In the spirit of Hassocks Neighbourhood Plan, Policy 5, the Council would ask the owner to consider whether they could go further towards achieving the Passivhaus heating energy efficiency standard of 15 kWh/m²/year? (This is the standard that the Neighbourhood Plan will require all new build dwellings to meet, if adopted in a referendum).

[DM/19/2766 6 London Road Hassocks BN6 9NT](#) Drop kerb to provide vehicle access to new driveway in front garden. Response: RECOMMEND APPROVAL subject to compliance with the requirements of WSCC Highways Authority.

[DM/19/2875 Summerfields Nursery \(Land East Of A273\) London Road Hassocks](#) Covered swimming pool, to include separate plant/chemical store, cycle shelter and associated new access point on to A273 and car parking on site. Response: RECOMMEND APPROVAL.

[DM/19/2843 57 Oak Tree Drive Hassocks BN6 8YA](#) Proposed porch to front. Response: RECOMMEND APPROVAL

[DM/19/2877 33 Lodge Lane Hassocks BN6 8LU](#) Construction of a First Floor Rear Balcony. Response: RECOMMEND APPROVAL

[DM/19/2963 8 Ewart Close Hassocks BN6 8FJ](#) T1 Sycamore - Fell. T2, T3 and T4 Hawthorn - Reduce crown by up to 3m. T5 Hazel - Reduce 5 stems back to base. Response: RECOMMEND APPROVAL

[DM/19/3000 Bowley Funeral Services Ltd 30 Keymer Road Hassocks](#) Consent to display 1 illuminated fascia sign. Response: RECOMMEND REFUSAL. The Council considers an illuminated sign of the nature proposed to be inappropriate to the street scene and considers that the proposed background colour of the sign is also out of keeping.

[DM/19/2946 Land At The Rear Of 16 The Quadrant Hassocks BN6 8BP](#) Pitched roof single storey front extension to existing double garage and conversion to form a 1 bedroom detached dwelling. Response: RECOMMEND REFUSAL. This proposed application is over-development and unneighbourly. Hassocks Parish Council therefore considers the application be contrary to Policy DP26: Character and Design of the District Plan and Policy 9: Character and Design of the Reg. 16 Submission version of the Hassocks Neighbourhood Plan. The proposal is also contrary to Policy 5, Enabling Zero Carbon, of the Reg. 16 Hassocks Neighbourhood Plan.

[SDNP/19/03608/PRE Millbrook Underhill Lane Clayton Hassocks BN6 9PJ](#) Erection of oak framed two bay garage. Response: RECOMMEND APPROVAL on the understanding that the garage is oak framed and in keeping with the location. The Council would not consider any further development of this site to be appropriate.

[SDNP/19/03069/HOUS Fosters Underhill Lane Clayton Hassocks BN6 9PJ](#) Demolition of part of garden wall and forming two off-road parking spaces. Response: RECOMMEND REFUSAL. Underhill Lane is very narrow and whilst it is recognised that additional parking is required, the Council considers the proposed location to be inappropriate in terms of safety. The Council also considers that the proposal would be detrimental to the street scene. The brick wall is a special feature of the lane which is currently in need of some significant maintenance.

[DM/19/3055 The Old Coach House 6 Woodsland Road Hassocks West Sussex BN6 8HE](#) Single storey side extension (Lawful Development Certificate). Response: Noted.

[LI/19/1258 Premises Licence Downsfest, Adastra Park, Hassocks.](#) New Premises Licence for Saturday 7 September 12 noon-10pm. Response: RECOMMEND APPROVAL.

P19/52 **RESOLVED** that the observations on the planning issues as agreed above be submitted to the relevant Planning Authority for consideration.

P19/53 **DECISION NOTICES**

The following APPROVALS were noted:

DM/19/2310	3 Chancellors Park, Hassocks BN6 8EY
DM/19/2078	Twinham, 34 Hurst Road, Hassocks
DM/19/2698	54 Parklands Road, Hassocks BN6 8JZ
DM/19/2010	Ockley Manor, Ockley Lane, Hassocks
DM/19/2299	Swallowfield House, Keymer Road, Hassocks
DM/19/2193	1 Parkside, Hassocks BN6 8BL
DM/19/2059	Land Parcel adjacent to 4 The Poplars, Hassocks

The following REFUSALS were noted:

DM/19/2330	14 The Minnells, Hassocks BN6 8QW
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The following Certificates of Lawful use or Development (proposed) were noted;

DM/19/2306	46 Oak Tree Drive, Hassocks BN6 8YD
DM/19/2254	Elton, South Bank, Hassocks
DM/19/2090	Keymer Fish Bar, 101 Keymer Road, Hassocks

The following notification of referral to MSDC Planning Committee was noted:

DM/19/1288	1 st Hassocks Scout Group, Scout Headquarters, Parklands Road.
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P19/54 **MSDC Licensing Consultations:** Members were invited to review the following Mid Sussex District Council Draft Policy Consultations and consider if any representation was required for submission on behalf of Hassocks Parish Council.

- MSDC Statement of Licensing Policy 2020 Draft.
- MSDC Sex Establishment Licensing Policy 2019 Draft.

Both draft policies were noted by Members with no comments to add.

P19/55 **TEMPORARY ROAD CLOSURE APPLICATION.** Members were invited to consider whether Hassocks Parish Council wished to make any comments regarding an application to Mid Sussex District Council for a Temporary Road Closure on Saturday 14 September 2019 re: St. Francis Church Jubilee Street Party Saturday 14th September 2019. Members fully supported this application.

P19/56 **URGENT MATTERS at the discretion of the Chairman for noting and/or inclusion on a future agenda.** With the permission of the Chairman, Cllr Bill Hatton informed Members that a District Planning Committee meeting was to be held on Tuesday 20 August at 2pm to seek authorisation for officers to withdraw reasons for refusal relating to the application for outline planning permission on land to the rear of the Friars Oak Public House, London Road, Hassocks (reference DM/18/2342), which is now the subject of an appeal with the Planning Inspectorate. Cllr Hatton summarised the content of the Officer's Report included with the agenda for this District Meeting (Appendix 1) Members expressed significant concern that MSDC were pursuing this course of action particularly in the light that the District Committee had resolved to approve a third application for this site, DM/19/1987, at its meeting on 25 July 2019

despite a Holding Direction being from the Ministry of Housing, Communities and Local Government dated 24th July 2019 Members expressed significant concerns over the approach taken by MSDC in terms of these applications and it was considered that the actions of the District were likely to be ultra vires. Therefore it was agreed that as a matter of urgency a letter would be drafted on behalf of HPC to be sent to MSDC District Planning Committee councillors and MSDC the Planning officer, raising these concerns.

P19/57 **DATE OF NEXT MEETING.** Monday 2 September NOT 10 September as listed on the agenda.

There being no other business the Chair closed the meeting at 9.15 pm.

Signed.....

Date.....

DRAFT

HASSOCKS PARISH COUNCIL – PLANNING COMMITTEE MEETING 12.8.19**RE: Mid Sussex District Council****Other Matters report for District Committee on 20 August 2019**

MID SUSSEX DISTRICT COUNCIL

District Wide Committee

20 AUG 2019

OTHER MATTERS

Hassocks Parish Council

DM/18/2342

HYBRID APPLICATION COMPRISING OF OUTLINE PROPOSAL FOR RESIDENTIAL DEVELOPMENT OF 130 DWELLINGS CONSISTING OF 12NO. 1 BEDROOM APARTMENTS, 27NO. 2 BEDROOM HOUSES, 47NO. 3 BEDROOM HOUSES AND 44NO. 4 BEDROOM HOUSES AND ASSOCIATED ACCESS, TOGETHER WITH CHANGE OF USE OF PART OF THE LAND FOR COUNTRY OPEN SPACE, FOLLOWING THE PROVISION OF A NEW FOOTBRIDGE ACROSS THE RAILWAY. ALL MATTERS RESERVED APART FROM ACCESS.

Introduction

This report is before Members to seek their authorisation for officers to withdraw reasons for refusal relating to an application for outline planning permission on land to the rear of the Friars Oak Public House, London Road, Hassocks (reference DM/18/2342), which is now the subject of an appeal with the Planning Inspectorate. This recommendation is subject to the appointed Planning Inspector agreeing to accept an amendment to the appeal scheme (substituting the proposed pedestrian bridge over the railway line with a pedestrian tunnel under the railway line) so that it is identical to the scheme that the Local Planning Authority has resolved to approve under reference number DM/19/1897.

Planning application reference DM/18/2342 sought consent for the following development: 'Hybrid application comprising of outline proposal for residential development of 130 dwellings consisting of 12no. 1 bedroom apartments, 27no. 2 bedroom houses, 47no. 3 bedroom houses and 44no. 4 bedroom houses and associated access, together with change of use of part of the land for country open space, following the provision of a new footbridge across the railway. All matters reserved apart from access.'

The application was recommended for approval at the District Planning Committee on 29th November 2018 but was refused for the following reasons:

1. The site of the application lies in the countryside as defined in the District Plan. The Local Planning Authority can demonstrate a 5 year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been allocated for residential development in the District Plan. As such the proposal would conflict with policy DP6 of the District Plan as the proposed development does not meet any of the criteria listed in this policy. The proposal would not maintain or enhance the quality of the rural and landscape character of the District, as by definition built development will lead to the loss of open countryside, and does not meet either of the criteria in policy DP12 for development that will be permitted in the countryside. As such the proposal would

conflict with policy DP12 of the District Plan. The proposal also conflicts with policy DP15 of the District Plan as it does not meet any of the criteria listed in this policy.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state the determination of a planning application must be carried out in accordance with the development plan unless material considerations indicate otherwise. As the Local Planning Authority can demonstrate a 5 year housing land supply the policies in the District Plan command full weight. The conflict with policies DP6, DP12 and DP15 means that the proposed development is in conflict with the development plan when read as a whole. There are no material considerations that would justify a decision otherwise than in accordance with the development plan.

2. The proposal fails to provide the required infrastructure contributions necessary to serve the development and the required affordable housing. The proposal therefore conflicts with policies DP20 and DP31 of the District Plan.

An appeal has been lodged against this decision with the Planning Inspectorate and a Public Inquiry will commence on 10th September 2019 to determine this appeal.

Planning History

A planning application (reference DM/15/0626) for the following development was reported to the District Planning Committee on 13th October 2016:

‘Hybrid planning application comprising outline application for access only for residential development of 130 dwellings consisting of 12no. 1 bed apartments, 27no. 2 bed houses, 47no. 3 bed houses and 44no. 4 bed houses and associated access, together with change of use of part of land to form country open space.’

Members resolved to approve the application subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure contributions. Prior to the decision being issued, the application was called in by the Secretary of State (SoS) for his own determination. A Public Inquiry was held on 6th to 8th June 2017. The Planning Inspector appointed by the SoS recommended that the planning application be refused for the sole reason that in the absence of any measure to improve the safety of the unmanned railway crossing, permitting the proposed development in such close proximity to it would involve an unacceptable risk to the safety of future occupiers. The SoS accepted the recommendation of his Inspector and refused planning permission for the development on this basis on 1st March 2018.

Following this a planning application was submitted to the Local Planning Authority (LPA) under reference DM/18/2342 identical in all respects to application DM/15/0626 other than the provision of a new footbridge over the railway line. As stated above this application was recommended for approval at the District Planning Committee meeting on 29th November 2018 but was refused and is now the subject of an appeal.

A third application (reference DM/19/1987) for exactly the same development, apart from the replacement of the proposed pedestrian bridge over the railway line with a tunnel under the railway line, was reported to the District Planning Committee on 25th July 2019. The LPA have resolved to approve this third application but the decision cannot be issued as this application is subject to an Article 31 Holding Direction from the Ministry of Housing, Communities and Local Government dated 24th July 2019.

In resolving to approve the third application, it was considered that in the overall planning balance, the provision of the pedestrian tunnel was a significant public benefit. This public benefit, combined with all the other relevant considerations outlined in the officer’s report to the District Planning Committee on 25th July were sufficient for Members to resolve to approve this application.

Current position

The appellants have made a request to the Planning Inspector that the appeal scheme (reference DM/18/2342) is amended so that the proposed pedestrian bridge over the railway line is replaced with a pedestrian tunnel under the

railway line. This would mean that the appeal scheme would be identical to the scheme that the LPA have resolved to grant planning permission under reference DM/19/1897.

The applicants have advised the LPA that irrespective of the Inspectors decision on whether to allow the appeal scheme to be amended or not, they will still be challenging the Councils ability to demonstrate a five year housing land supply at the Public Inquiry. As Members will know, the National Planning Policy Framework (NPPF) states that LPAs should be able to demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in their adopted strategic policies. If a LPA cannot demonstrate a five year housing land supply, paragraph 11 of the NPPF states that this means the policies contained with the District Plan would be 'out-of-date' and therefore a presumption in favour of development would apply so that applications should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Officers believe that the LPA can demonstrate a five year housing land supply and will provide evidence at the Public Inquiry to substantiate this position. It is vitally important for the LPA to be able to demonstrate a five year housing land supply so that the policies within the District Plan can continue to command full weight in decision making on planning applications across the District.

Recommendation

Reason for refusal 1

If the Inspector agrees to the appeal scheme being amended so it is identical to the scheme that the LPA have resolved to grant planning permission for, officers recommend that the LPA only present evidence to the Public Inquiry on the five year land supply position. It would be an illogical and untenable position for the LPA to continue to seek to resist the appeal scheme (reference DM/18/2342) in these circumstances when it has resolved to grant planning permission for the same development in a later application (reference DM/191897).

Reason for refusal 2

This reason for refusal was to safeguard the Councils position in the event of an appeal being lodged against the refusal of the planning application. The applicants have now completed a satisfactory legal agreement with the LPA to secure the necessary affordable housing and infrastructure provision. As such this reason for refusal has been addressed and the Planning Inspector can be advised accordingly at the Public Inquiry.