

## HAYWARDS HEATH TOWN COUNCIL

### PLANNING COMMITTEE

#### Minutes of the meeting held on Monday, 1 February 2021

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

\* Absent

\*\* Apologies

Also present: Councillor S Wickremaratchi, who had registered to speak with regard to the following applications:  
DM/19/1648 – Land adjacent to Old Wickham Lane, Wickham Way;  
DM/20/4702 – Retail premises, 27 Boltro Road;  
DM/20/4718 – 1 Park Parade, South Road;  
DM/21/0071 – The Star, 1 The Broadway;

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

Mr Nigel Currah and Mr Stuart Klein, both of whom had registered to speak *against* the application;

Mr Peter Harding, who did not wish to speak but was attending in order to observe the Committee's consideration of the proposal.

#### **106. Apologies**

There were none.

#### **107. Minutes**

The Minutes of the meeting held on Monday, 11 January 2021 were taken as read, confirmed as a true record and duly signed by the Chairman.

#### **108. Substitutes**

There were none.

#### **109. Members' Declarations of Interest**

Councillor Clive Laband 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) District Planning Committee. I further reserve the right to alter my views should the applications come before the District Planning Committee, based on contributions from the public, other Members or reports from MSDC Officers." **cont.**

**109. Members' Declarations of Interest (cont.)**

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."

Two other declarations were made as follows:

<b>Member</b>	<b>Application No.</b>	<b>Location</b>	<b>Nature of Interest</b>
Cllr H A Mundin	DM/21/0002	3 Portsmouth Lane	Personal and non-prejudicial – knows the resident at 7 Portsmouth Lane, which is adjacent to the application property
Cllr H A Mundin	DM/21/0062 (application for tree works)	Land at Colwell Gardens	Personal and non-prejudicial: ① lives just across from some of the land on which tree work has been proposed; ② the application incorporates part of the submission he made some two or three years ago – in his previous role as a Councillor for Ashenground Ward – for the second part of remedial work to the trees in this location

**110. Planning Appeals**

There were none.

**111. Licensing Applications**

There were none.

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

Members made comments and observations on 23 planning applications as per Appendix 1 attached.

**113. Items Agreed as Urgent by the Chairman – Structure at 4 Ottafield Court**

Councillor Mrs Cheney informed Members of a structure that had been built right in front of no. 4 Ottafield Court, Greenways, which was just around the corner from where she lived. It looked like some sort of shed or home office that would require planning permission but no application had been lodged. It appeared to stand way above 2 metres in height. Through one of the Mid Sussex District Council Members for Bentswood Ward, Councillor Mrs Cheney had asked for it to be investigated to determine whether permission should have been sought.

The meeting closed at 8:51pm.

*This meeting was conducted and recorded using the Zoom video conferencing application.*

## APPENDIX 1

### Week 1

#### **DM/20/3895 – 72 Haywards Road**

Proposed single storey rear extension.

**Ashenground**

No comment.

#### **DM/20/4152 – 24 Allen Road**

Remove Oak on unowned land to the rear and plant a suitable replacement.

**Bentswood**

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

#### **DM/20/4677 – Cleavewater, Fox Hill**

Proposed french doors.

**Franklands**

No comment.

#### **DM/20/4682 – 18 Rushwood Close**

Converting the garage to habitable room with en suite bathroom.

**Franklands**

No comment.

#### **DM/20/4702 – Retail Premises, 27 Boltro Road**

Conversion of the former betting shop to a single one bedroom residential flat.

**Heath**

In order to make the application acceptable in planning terms, the Town Council requests that it provides for cycle storage and refuse bin storage – away from public view – in compliance with Principles DG21 and DG24 of the Mid Sussex Design Guide Supplementary Planning Document and Policy E9 of the Haywards Heath Neighbourhood Plan. If the application cannot make space for bin storage, it should be refused.

#### **DM/20/4703 – 39 Muster Green South**

Replacement entrance vestibule and porch to the front elevation.

**Lucastes**

No comment.

#### **DM/20/4718 – 1 Park Parade, South Road**

Replacement store. To enable emergency engineering repairs to landslip-damaged existing store (garage) and retaining walls supporting public footpath.

**Heath**

The Town Council **SUPPORTS** the application completely, subject to the condition that any air conditioning equipment installed now or in the future fully complies with current legislation, to be specified by the Environmental Health Officers at Mid Sussex District Council.

#### **DM/21/0002 – 3 Portsmouth Lane**

Proposed single storey extensions, front porch and entrance extension, garage conversion and first floor extension with new dormer, together with associated internal and external alterations.

**Heath**

No comment.

**DM/21/0062 – Land at Colwell Gardens**

**Ashenground**

T2 (Birch) – fell to ground level. T3 (Poplar) – crown lift to 7m above ground level on south side. Remove the small diameter low branch to south at 5.5m and cut back small diameter lateral branch at 9m to south-west by up to 3m. Reduce branch growing towards footpath/highway at 7m to east by 4.5m. Reduce crown on east side between height of 0–8.5m by 3m. T4 (Poplar) – fell and treat stump to prevent regrowth. T5 (Birch) – fell to ground level. Birch outside 15 Colwell Gardens – reduce crown by 3m.

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

**Week 2**

**DM/20/4078 – St. Wilfrids Court, Church Road**

**Heath**

Installation of a mobility scooter store disabled facility to house 6 no. mobility scooters.

No comment.

**DM/20/4410 – 7 The Droveaway**

**Lucastes**

Large Hornbeam – reduce branches by 2–3 metres overall.

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

**DM/21/0040 – 33 Lucastes Lane**

**Lucastes**

Single storey rear extension to create orangery.

No comment.

**DM/21/0058 – 40 Greenways**

**Bentswood**

First floor extension over garage.

No comment.

**DM/21/0071 – The Star, 1 The Broadway**

**Heath**

Retrospective application for the erection of a timber outdoor drinking shelter to existing beer garden.

The Town Council **SUPPORTS** this retrospective application and asks that Mid Sussex District Council's Environmental Health Officers check to see if the termination time for outside use should be applied in sympathy with the (Mid Sussex District Council) Licensing Policy.

**DM/21/0090 – 79 Harlands Road**

**Lucastes**

Two storey rear extension with associated internal and external alterations.

No comment.

**DM/21/0150 – Colwell House, 108 Lewes Road**

**Franklands**

T1 Oak – reduce crown overhanging 110 Lewes Road by 2m and thin by 15%. T2 Horse Chestnut – fence line this tree and remove the lowest limb that hang low over the road making sure the branches are at least 5m on the road side to prevent being damaged by vehicles.

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

### Week 3

#### **DM/20/2998 – 25 Boltro Road**

**Heath**

Demolition of existing part 4-storey mixed use, commercial-residential premises and construction of a new 5-storey all-residential building containing seven new apartments, being 6 number 1 bedroom apartments, and one number 2 bedroom apartment. Amended plans received 28.10.2020 showing amendments to internal layout to include 2 bed apartment changed to 1 bed. External alterations proposed including changes to ground floor frontage, additional extension to rear at ground and first floor level and additional window to lower ground floor flat. Amended plans received 18.01.2021 to include additional windows to rear and internal changes, to include reconfiguration and extension of lower ground floor flat and front ground floor flat to form a 2 bed duplex, resulting in a total of 6 no. flats.

The Town Council notes the submission of amended plans (received by Mid Sussex District Council (MSDC) on 18/01/2021) showing additional windows to the rear and internal changes – including the reconfiguration and extension of the lower ground floor flat and front ground floor flat to form a 2-bed duplex – resulting in a total of 6 no. flats. The Town Council repeats its previous comments (see below) and notes that the developer has acceded to the request from Mr Wild at no. 17 Boltro Road to remove the gate access to the neighbouring premises in order to protect his privacy.

Following the Town Council's last comments, we would draw MSDC Planning Officers' attention to the comments made by MSDC's Urban Designer and we would support those comments to the extent that the application should be declined until proposals are brought more in line with acceptable designs.

#### **Consultation response submitted on 13/11/2020:**

'The Town Council notes the submission of amended plans (received by Mid Sussex District Council on 28/10/2020) showing amendments to the internal layout and external alterations. These amendments do not bring about a material change to the comments and observations that the Town Council submitted on 14/09/2020 but they do not address the ongoing concerns of neighbouring resident Mr Robert Wild regarding 'the need for a garden gate for each garden to be added, the need to restore the boundary line replacing the old gate between 25 and 17 Boltro Road, and the need to raise the fencing to the same height as the fence to the north of the boundary'.

For the avoidance of doubt, the Town Council reiterates its previous submission as follows:

The principle of this form of development on this site has already been established with the granting of permission for an earlier application (DM/17/0865 refers). The Town Council has no objections to this latest application on condition that:

1. the proposed refuse bin storage facility is completed and is operational prior to the first occupier(s) moving into the dwellings;
2. use of the bin storage facility is made mandatory and residents are not permitted to leave their bins outside on the narrow pavement in Boltro Road.

These conditions would safeguard the amenities of nearby residents in terms of noise and disturbance (i.e. the constant use and movement of bins), and outlook (i.e. no one wants to look out on to a street scene that is cluttered with bins).

Members feel that this development will make a useful contribution towards the supply of smaller units of accommodation in the town, and they hope it will provide a much-needed 'facelift' to what was a rather run-down looking property. Nevertheless, it must accord with Policies DP26, DP27 and DP29 of the Mid Sussex District Plan 2014–2031.

**cont.**

**DM/20/2998 – 25 Boltro Road (cont.)****Heath**

The Town Council notes the concerns raised by neighbouring resident Mr Wild regarding the height of the garden fencing, the inclusion of access gates for garden 1 and the replacement of the old gate to no. 17 Boltro Road with a fence panel. It is requested that these be given strong consideration in order to protect the security, privacy and amenity of neighbouring properties.'

**DM/20/4571 – Land adjoining 15 Syresham Gardens****Bentswood**

Removal of pre-occupancy conditions 8, 10 of planning permission DM/18/0663, and the pre-occupancy element of condition 9 leaving the requirement to build the driveway in accordance with the approved plans.

The Town Council notes that this application has been withdrawn and looks forward to reviewing it when it is resubmitted.

**DM/21/0114 – 6 Portland Close****Bentswood**

Conversion of loft space involving a dormer to the rear and two rooflights to front slope.

No comment.

**DM/21/0186 – Ashenground House, 71 Ashenground Road****Ashenground**

Beech (T1) – remove.

The Town Council defers this decision to Mid Sussex District Council's Tree Officer, drawing her attention to the fact that the tree has a Tree Preservation Order on it and occupies a particularly prominent site in the street scene.

**DM/21/0187 – Chester House, Harlands Road****Heath**

Prior approval for change of use from Office (B1) to 76 apartments (C3).

The Town Council would like to **SUPPORT** this application to create 76 apartments subject to the following conditions:

1. parking allocation management planned for a minimum of 76 retained spaces;
2. a provision of electric vehicle charging points, together with consideration for providing trunking/conduit to support additional units without the need for future excavation;
3. cycle parking and storage for a minimum of 38 cycles (which is the West Sussex County Council requirement), preferably more, with charging points to support e-bikes;
4. refuse strategy – apartments will require Eurobin storage, to accord with Principles DG21 and DG22 of the Mid Sussex Design Guide Supplementary Planning Document, together with a condition that no movement or collection of waste will be permitted before 07:00 or after 18:00 daily.

**DM/21/0198 – 25 Oathall Road****Heath**

T1–T3 Cypress – overhanging branches – crown lift 5 metres. T4 Hawthorn – overhanging branches – cut back from garage roof. T5 Holly, T6 Cypress, T7 Cryptomeria Japonica, T8 x2 Cypress, T9 Cypress – fell for garden redesign.

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

**DM/21/0203 – 2 Culross Avenue****Lucastes**

Row of leylandii hedging at south-east corner of Culross Avenue. Plan to remove and replace with new laurel hedge.

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

**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. (Amended plans received 9<sup>th</sup> November 2020.)

The Town Council notes the submission of an amended plan (received by Mid Sussex District Council on 09/11/2020) which shows the addition of a manure clamp to the proposal. The Town Council is appalled to see that this application is still being considered and repeats its previous apposite comments (see below). Furthermore, it has come to the Town Council's attention that an unrecorded public right of way across the site may exist, evidenced by Land Registry records (Land Register Title Number SX1751 refers) and hopefully, this will be pursued and formally recognised in due course.

**Consultation response submitted on 18/07/2019:**

The Town Council notes the submission of an amended layout plan (received by Mid Sussex District Council (MSDC) on 27/06/2019) but is of the opinion that this makes no material difference to the application or to the Town Council's reasons and concerns for objecting to it the first time around. In particular, Members ask that MSDC's Conservation Officer considers the Town Council's response and determines whether it affects her view on the impact of the proposal on the two Grade II\* listed buildings, Sunte House and Wickham Farmhouse.

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

**cont.**



## **DM/19/1648 – Land adjacent to Old Wickham Lane, Wickham Way (cont.)**

**Heath**

- 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.'

#### **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.

**cont.**

**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.'