

## LINDFIELD PARISH COUNCIL

Minutes of the meeting of the **Planning and Traffic Committee** held on **12 April 2011** at the King Edward Hall, Lindfield.

The meeting commenced at 8.00pm.

**Present:** Mr C Snowling (Chairman)  
Mr A Gomme (Vice Chairman)  
Mrs M Hersey  
Mrs M Nicolle  
Mrs V Upton  
Mr S Willcox

**Also Present:** 20 members of the public

**In Attendance:** Mr P Hemsley

### **573. WELCOME AND EMERGENCY ANNOUNCEMENTS**

573.1 The Chairman welcomed those present and announced the emergency procedure for the King Edward Hall.

### **574. APOLOGIES FOR ABSENCE**

574.1 Apologies were received from Councillors Blunden and Leach and the reasons accepted.

### **575. DECLARATIONS OF INTEREST**

575.1 Cllr Hersey stated that she reserved the right to express a different opinion from that given at this meeting, when present at meetings of the Mid Sussex District Council's (MSDC's) Central Area Planning Committee (CAPC) or at any other meeting which subsequently considered any matter discussed at the present meeting, having seen the Officers' reports and heard representations from members of the public and fellow members. Cllr Snowling stated that, if he were called upon to substitute at the CAPC, he reserved the right to express a different opinion from that given at this meeting should the CAPC agenda include any matter discussed at the present meeting, having seen the Officers' reports and heard representations from members of the public and fellow members.

### **576. QUESTIONS/COMMENTS FROM MEMBERS OF THE PUBLIC**

576.1 The Chairman stated that the matter at Item 6, the Appeal, was a most unusual situation as the DC had not come to an opinion in the prescribed time (re the proposal for a roof antenna at 5 Portsmouth Wood Close). Therefore, the applicant, Mr Emmerton had lodged an Appeal against non-determination. On 14 April 2011, the CAPC would consider what response they would have made if they had considered the application prior to the deadline. This Parish Council had made it abundantly clear that it objected on a number of grounds. Since that time (in January 2011), more information had been received from Mrs Vivienne Hodgson which further strengthened the objections raised, by casting further doubts on the Heath and Safety aspects. The Chairman said that they would address the matter as the first issue under Item 5 – as if it were a new planning application – and as usual allow two speakers for and two against, plus Mr Jesson of the Lindfield Preservation Society (LPS).

576.2 Mr Neil Kerslake inquired about the matter at Item 8, a letter to the DC re an unsatisfactory pattern of planning administration. He hoped that the letter would acknowledge that the law did not require that FUL and LBC/CON be dealt with together. He said there was a practical reason and that was that LBC came free giving applicants the opportunity to draw fire from objectors which they could address later in the FUL application, ie, to adopt a tactical approach.

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- 576.3 With respect to Item 6, the Appeal allowed to Rydon Homes, Mr Kerslake said that it was important to recognise that there was no means by which the Planning Inspector (PI) could not allow the Appeal even with the AONB as the SE Plan remained legally extant and the 5 year Plan was part of that. He said that MSDC was open to attack at Cuckfield and also at two sites in East Grinstead, where there may well also be appeals. The DC would take 18 months to achieve its 5 year plan. He said that the PI had to take account of all significant factors, meaning concrete evidential information and, consequently, the community was wide open to development.

The Chairman commented that we were not unique in that regard.

Mr Jesson, LPS, said that the LPS had expressed considerable concern in the same matter, in kindred spirit with residents in Cuckfield. He said that it was necessary to act without delay to defend such situations.

The Chairman reminded everyone that Mr Gil Kennedy, LPS, had a meeting with MSDC on 15 April on the same issue.

- 576.4 Mrs Vivienne Hodgson commented upon the draft letter to MSDC (which she had not seen). She said she had not had many dealings with planning applications, but her general observations were that it would be helpful if the Village Design Statement (VDS) could be expedited. With respect to the application at 5 Portsmouth Wood Close, she said the loading of documents to the DC website had been tardy and the 21-day period seemed inadequate to achieve this. She observed that junior planning staff appeared to not be supported by - and indeed intimidated by - the more senior staffs.

Mrs Anne-Marie Lucraft, resident of Portsmouth Wood Close, said that she wished to make a general point. There was now a second Appeal running where there was a great deal of concern re H&S matters and what could and could not be included in a planning remit. She said that the community needed to remember the antenna had a huge visual impact and if we were coming to it afresh it would not be appropriate. She questioned what the village would look like if everyone sought to have such aerials.

Finally, the Chairman reiterated that this was indeed a most unusual situation and the Committee would decide what views to present to the DC and also what action they might take once the CAPC had considered the application on 14 April.

### **577. MINUTES OF THE MEETING OF THE PLANNING AND TRAFFIC COMMITTEE HELD ON 22 MARCH 2011**

- 577.1 The Chairman called for approval of the Minutes of the Planning and Traffic Committee meeting held on 22 March 2011. It was **AGREED** to **APPROVE** the Minutes and the Chairman **SIGNED** the Minutes as a true record of that meeting.

### **578. PLANNING APPLICATIONS AND OTHER MATTERS REFERRED TO THE PARISH COUNCIL BY MID SUSSEX DISTRICT COUNCIL FOR CONSIDERATION**

- 578.1 For each application, the observations of the members who had specifically studied the plans were read out before any public comments and discussion by the Committee. It was **AGREED**, for the benefit of members of the public present at the meeting, to rearrange the order in which the planning applications were to be considered.

- 578.2 10/03827/FUL - 5 PORTSMOUTH WOOD CLOSE  
INSTALLATION OF A STEPPED YAGI ANTENNA FOR AMATEUR RADIO.

The Deputy Clerk read the objections which the Committee had made in January 2011:

"We object strongly to this planning application. The comments made by the PC on the previous application (09/03236/FUL), ie, a, b, c, e and f remain very relevant, as follows:

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- a. The impact of the antenna on the visual amenity of the street scene would be significant as its height and dimensions would dominate. There is little if any screening provided by the deciduous trees on the property and in the street.
- b. The size of the aerial would not be appropriate in a domestic setting and at odds with the philosophy of PPG8, which is aimed at the telecommunications industry.
- c. The properties in Portsmouth Wood Close are detached and open plan at the front, but there would be a particular impact on adjacent houses because of their proximity; by way of example, there is a shared driveway with No 3.
- e. The impact of noise expected on neighbours when the antenna motors are in operation.
- f. The impact on wildlife in the immediate vicinity, including bats.

With reference to our previous comment 'd', this has now been superseded by the more technical information submitted to us by an immediate neighbour who has provided us with a detailed description of the proposed apparatus. Notwithstanding, we are aware that the new apparatus has not yet been tried and tested in the UK. Hence, there are unresolved concerns surrounding the potential and as yet unquantified health consequences of the radio emissions from this aerial. It is this aspect in particular that we feel is critical to Councillors and members of the public gaining an informed position with respect to the health issues for neighbouring families, some of whom would be in direct line-of-sight of the aerial array.

We also strongly support the objections made by the Lindfield Preservation Society in their letter to you of 5 January 2011.

Finally, on the matter of Members of our Committee being fully briefed to make an informed judgment of the complex, technical issues, we note that the DC website does not include all documents relating to this matter, including we understand an important letter from Dr A J Lawrence dated 6 January 2011 which refers to the World Health Organisation guidance. It was also a matter of some concern that the Officer's Report to the CAPC appeared on the DC website before the public closing date for comments of 7 January 2011.

In sum, we believe this application to be premature for determination by the CAPC until a report by an independent technical expert appointed by the DC has been provided, whether or not a response is received from the HPA."

Mrs Hodgson said that she had little to add to that text. She thanked the PC for the close attention paid to the matter and hoped that the PC would continue to resist the Application whether at the DC or with the PI. She felt it was unnecessary to read out her letter dated 11 April 2011 addressed to the CAPC. She said that the assembly manual on the internet clearly showed the apparatus on top of a tower. If it were for commercial or military use then it should be examined in that regard. We should not assume it was safe: it should be on an RAF base not on a village house. The distance between Nos 5 and 7 was quite short. As well as being extremely dangerous, a national precedent would be set, breaching the ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines; furthermore, it seemed that the DC had accepted a certificate from the applicant. There were pages of guidelines for mobile phones for the applicant to cobble it together, but she queried why the DC had not sought underpinning evidence. The PC would appear to feel that there is already sufficient evidence and the DC should be clear that the Council should not be asking for evidence of compliance: that should come from the applicant. If he were to get approval, he would seek to later get approval to raise it up. When the applicant was asked for such assurances, he was unable to provide them. Finally, she asked that the LPC give advice to neighbours as to how they could respond. She pointed out that the Radio Society of Great Britain is a limited company whose business included selling equipment to combat interference. The DC had apparently ignored expertise: Dr Mann's email of 7 April 2011 from the HPA was not yet on the website nor in the report to the CAPC and her letter to Ms Claire Tester had been ignored.

Mrs Lucraft commended Mrs Hodgson for her efforts particularly with regard to the technical data. She said she would confine her comments to the planning issue of visual impact. In her report to the CAPC, the Planning Officer, Mrs Street, had indicated that no-one had a full frontal view of the proposed antenna. However, that was totally incorrect as there was no screening and at least three properties would have such a view. She offered photographs to illustrate her point. Although not denying the issues of radiation, noise and interference, on the grounds of visual impact alone the application should be refused. This was the third application: she questioned how many more should be expected.

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Mr Jesson, LPS, said that his concern focused on the fact that so often planning staffs dismissed the anxieties of the community about telephone masts when in fact the telephone industry attends to the issues carefully. However, this matter was very different as very important H&S issues could arise from this installation. He too commended to the Committee the detailed analysis in Mrs Hodgson's letter to the CAPC, including some 24 references to technical data. As a Fellow I Mech E, he understood the significance of these issues. He supported the PC's comments to date: these needed to be reiterated to the CAPC forcefully and unambiguously.

Members then discussed the application. The Chairman said that Cllr Gomme had agreed to speak at the CAPC and Cllr Hersey would be there as a Member of that Committee. Mr Jesson also planned to attend but would not speak. The Chairman said that he and Cllr Hersey had had a very productive meeting with Mrs Hodgson. He suggested that the report to the CAPC did nothing to satisfy the PC with respect to the technical issues raised by Mrs Hodgson. He believed that if they cannot be resolved, it would be unsafe for the CAPC to agree to the application. He added that Mrs Lucraft's views were just as valid with regard to the visual impact.

Cllr Hersey said that she was free to speak as she had declared an interest at this meeting; she was extremely unhappy with the CAPC report. She particularly disliked the text that suggested there was an expectation that the application be approved. She agreed with the Chairman and supported the earlier LPC comments most strongly. It was she who had insisted on a meeting with Mrs Hodgson. She felt that the technical matters were not reflected in the report and as a consequence could not see how they could go forward at the CAPC.

Cllr Nicolle said that it appeared that the DC had made no effort to get independent technical expertise, as the PC had suggested, and had relied on input from Officers alone. Cllr Gomme said that the previous PC comments rather understated the H&S issues. Neighbours had due cause for concern: the antenna was dangerous, not may be so. He felt the Committee needed to strengthen its comments.

The Chairman said that, if the CAPC were to reach a decision the PC felt was unsatisfactory, the PC could send a detailed expose to the PI. Members of the P&TC and the LPC could also send individual emails to the PI. Cllr Gomme added that large A3 photographs of the full frontal view should be offered to the CAPC to prove Officers were clearly wrong. Cllrs Hersey and Nicolle also offered advice as to how to approach the CAPC.

The Chairman summed up by inviting the Committee to reiterate the comments made in January but strengthening their reasons by adding in the dissatisfaction they felt that no technical advice had been made available to the CAPC to help them grasp what Mrs Hodgson had said. He said that if the CAPC were to agree the application, then the PC would write to the PI. Cllr Hersey said that she had asked that the CAPC minutes go to the PI. The Chairman added that the applicant, Mr Emmerton, could withdraw his Appeal.

The Committee, after long and careful consideration, agreed unanimously to their comments.

**AGREED RESPONSE:** "1. We object most strongly to this planning application. We note with genuine concern the expectation of approval as set out by the Planning Officer in the briefing papers for Members at the CAPC meeting to be held on 14 April 2011. This approach appears at odds with the evidence as follows.

2. The comments made by the Parish Council on the previous application (09/03236/FUL) - which was REFUSED on 11 December 2009 - ie, a, b, c, e and f remain very relevant, as follows:

- a. The impact of the antenna on the visual amenity of the street scene would be significant as its height and dimensions would dominate. There is little if any screening provided by the deciduous trees on the property and in the street.
- b. The size of the aerial would not be appropriate in a domestic setting and at odds with the philosophy of PPG8, which is aimed at the telecommunications industry.

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c. The properties in Portsmouth Wood Close are detached and open plan at the front, but there would be a particular impact on adjacent houses because of their proximity; by way of example, there is a shared driveway with No 3.

e. The impact of noise expected on neighbours when the antenna motors are in operation.

f. The impact on wildlife in the immediate vicinity, including bats.

With reference to our previous comment 'd', this has now been superseded by the more technical information submitted to us by an immediate neighbour who has provided us with a detailed description of the proposed apparatus. Notwithstanding, we are aware that the new apparatus has not yet been tried and tested in the UK. Hence, there are unresolved concerns surrounding the potential and as yet unquantified health consequences of the radio emissions from this aerial. It is this aspect in particular that we feel is critical to Councillors and members of the public gaining an informed position with respect to the health issues for neighbouring families, some of whom would be in direct line-of-sight of the aerial array.

3. We also strongly support the objections made by the Lindfield Preservation Society in their letter to MSDC of 5 January 2011.

4. On the matter of Members of our Committee being fully briefed to make an informed judgment of the complex, technical issues, we noted that the DC website did not include all documents relating to this matter, including an important letter from Dr A J Lawrence dated 6 January 2011 which referred to the World Health Organisation guidance. It was also a matter of some concern that the Officer's Report to the CAPC appeared on the DC website before the (extended) public closing date for comments of 7 January 2011.

5. Additionally, since our response to the DC on 21 January 2011, information has come to light which further reinforces our concerns, in particular in two areas in which we believe the CAPC briefing papers give a misleading impression: visual impact; and health and safety aspects.

a. Visual Impact. The CAPC briefing papers indicate that "the full extent of the antenna will not be visible from any of the neighbouring dwellings" and yet the reality is that 3 properties do have a 'full frontal' view. The application lacks merit on these grounds alone and should be rejected as at odds with Local Plan Policy B1.

b. Health & Safety Aspects. This Council is disappointed that the DC did not seek independent, technical advice as we requested in January and after the application was postponed from scrutiny by the CAPC on 20 January 2011. In particular, doubts have been raised by the HPA about the compliance of the apparatus in a domestic setting, where a national precedent would be set which we understand would breach ICNIRP (International Commission on Non-ionising Radiation Protection) public exposure guidelines.

6. In sum, it would appear that the genuine concerns of neighbours and of this Council have been ignored by the Planning Officer in the preparation of advice to CAPC Members. In the absence of evidence from the applicant that this equipment could be compliant with the ICNIRP guidelines, we believe it would be unsafe for the CAPC to approve this application and it should be unambiguously REFUSED."

578.3 Fifteen members of the public left; 5 remained. Mr Kerslake said that he wanted to acknowledge the flexibility shown by the Chairman with regard to the antenna application and the time allowed for the public to speak; he felt that this was really democratic, a view he held most sincerely.

578.4 11/00599/FUL – 4 FREDERICK COTTAGES, LEWES ROAD  
EXTENSION TO EXISTING DWELLING.

The applicant, Ms Summerville, was present but, given the positive comments of Cllrs, declined to speak.

**AGREED RESPONSE:** "No objection providing matching materials used where appropriate."

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578.5 11/00756/FUL – 35 WEST COMMON  
REAR KITCHEN EXTENSION.

Mr Jesson, LPS, said that party wall issues were a legal and not a planning matter. He recalled an earlier application in West Common that had been refused as the style was not in keeping with Turner architecture.

Cllr Nicolle said that the plans showed the extension right up to the boundary but they had not felt it too significant; they had not discussed the Turner aspect. The Chairman summed up by saying the Committee had no objection.

**AGREED RESPONSE:** “No objection.”

578.6 11/00890/FUL – QUINCE TREE COTTAGE, 10 FRANCIS ROAD  
PROPOSED GARAGE CONVERSION TO INCLUDE THE REMOVAL OF THE FRONT GARAGE  
DOOR, PARTIALLY INFILL THE OPENING WITH MATCHING BRICKWORK AND INSTALL A NEW  
MATCHING WINDOW.

Mr Jesson, LPS, said that the loss of a garage would increase parking within Francis Road, which was not a good thing. If this were to be part of the accommodation then the matter of fencing needed to be addressed and this was not on the plan and was important in the Conservation Area (CA). It should be a reserved matter but not a reason for refusal.

Cllrs Gomme and Nicolle commented on the visual impact and agreed with Mr Jesson re the CA. The Chairman summed up by saying that the PC raised no objection but noted there were no proposals for fencing in this part of the CA.

**AGREED RESPONSE:** “We raise no objections but we note there are no proposals for fencing in this part of the Conservation Area.”

578.7 11/00704/FUL – 5 LIME TREE GROVE  
CONSERVATORY TO REAR.

**AGREED RESPONSE:** “No objection.”

578.8 11/00708/LBC – 75A HIGH STREET  
REPLACE WINDOW ON SIDE ELEVATION TO A WINDOW OF SAME DESIGN AND OF A HARD  
WOOD CONSTRUCTION. REPLACE A DOOR AND WINDOW ON REAR ELEVATION FOR HARD  
WOOD DOUBLE DOOR OR GEORGIAN DESIGN SIMILAR TO EXISTING.

**AGREED RESPONSE:** “No objection.”

578.9 11/00746/FUL – 16 DUKES ROAD  
DEMOLITION OF REAR PART TO EXISTING GARAGE. REAR SECTION REBUILT FOR HABITABLE  
ACCOMMODATION. NEW FLAT ROOF TO REPLACE EXISTING ROOFS OVER GROUND FLOOR  
EXTENSION AND GARAGE.

**AGREED RESPONSE:** “We have no objection to the application. We note however that the elevations on the plan are reversed.”

578.10 11/00788/TREE – LITTLE BLACKLANDS, 153 HIGH STREET  
YEW (T7) – REMOVE TWO LOWEST LIMBS ON WESTERN BOUNDARY.

**AGREED RESPONSE:** “No objection.”

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### 579. TO RECEIVE REPORTS ON ANY SIGNIFICANT PLANNING DECISIONS MADE BY MSDC AND THE PLANNING INSPECTORATE AND TO AGREE ANY FURTHER ACTION WHICH MAY NEED TO BE TAKEN BEFORE THE NEXT MEETING.

579.1 The list had been circulated. **NOTED:**

- Appeal (APP/D3830/A/10/2132146) **ALLOWED** against the DC for Refusal of Outline Planning Permission (09/03857/OUT) to Rydon Homes for development of 42 dwellings at Land North of Bylanes Close, Cuckfield. The Chairman said that Mr Gil Kennedy, LPS, would have a meeting with MSDC Cllr Gary Wall on 15 April 2011. He added that Mr Kennedy had also been at the meeting held at MSDC and chaired by Cllr Gary Wall with representatives of the East Grinstead Post Referendum Campaign and associated Amenity Societies that addressed the issues. As a DC Cllr, the Chairman said that he had always been opposed, both privately and publicly, to the SE Plan proposals for 17100 homes. The Secretary of State, Mr Eric Pickles, had been minded to remove the SE Plan and there was no way in which the residents of Sussex would support housing land supply for that number. The Chairman stated that a new scheme would emerge when the Localism Bill was passed. He noted that the PI had been in error with her statement that the DC had not opposed the figure. It was not a political issue as the community could not live with 17100. The DC challenged the PI on this point but were informed that it did not affect her judgment. The Chairman added that he had been at the well-attended Lindfield Rural Parish Meeting on 11 April 2011 when Site K had been mentioned and it was clear from the comments made that there were many reasons why it was unsuitable. As far as he and Cllr Hersey were aware, there were no applications in re this Site. Cllr Hersey said that the matter of the Strategic Gap had been aired. The Chairman noted that the PI had not been entranced by the Strategic Gap. He summed up by saying that they should address applications as they came in; the Localism Bill was expected to be law by the autumn and it could be thought that Mr Pickles had not been well-advised to try to kill off the SE Plan in the interim.
- Appeal **LODGED** on 24 March 2011 by Mr Peter Emmerton against MSDC for non-determination of planning application 10/03827/FUL - installation of a SteppIR Yagi antenna for Amateur Radio - at 5 Portsmouth Wood Close. The Chairman had allowed this matter to be addressed as a separate planning application at Para 578.2.

### 580. TO CONSIDER ACTIVITY ON THE LIMES DEVELOPMENT, ANY DOCUMENTS RELATING THERETO AND AGREE ANY ACTION WHICH MAY NEED TO BE TAKEN BEFORE THE NEXT MEETING

580.1 The Deputy Clerk said that, following the previous meeting, he had reported a number of the Council's concerns to Barratts: pot holes in Dukes Road; damage to grass verges and kerbs caused by HGVs using Dukes Road; and bollards outside the Bent Arms. Ms Robyn Barnes had responded satisfactorily to each. Additionally, there had been reports from residents that Dudmans HGVs had been using Eastern Road; he had also reported this activity and seen a number of strongly worded emails from Ms Barnes to the contractor.

580.2 There had also been concerns raised by a resident of Dukes Road about digging on the western edge of the development as she was fearful of damage to trees protected under a TPO. However, Ms Barnes confirmed that it was part of their Permission that planning approval took precedence over the TPO, a matter she had cleared with the DC Tree Officer, Mr David Saunders.

580.3 Finally, the Deputy Clerk said he was privy to an email exchange between Mr John Root and Mr Steve Ashdown, MSDC Project Officer, relating to *inter alia* the high level of the spoil heap on Beggar's Grove Field and other matters, such as the application at Plot 50. All matters had already been addressed by the LPC with the DC/developer.

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### 581. TO CONSIDER A DRAFT LETTER TO MSDC RELATING TO THE RECENT UNSATISFACTORY PATTERN OF PLANNING ADMINISTRATION, INCLUDING THE CONSEQUENCES OF FUL AND LBC/CON APPLICATIONS NOT BEING DEALT WITH SIMULTANEOUSLY

581.1 Members examined a letter drafted by the Deputy Clerk relating to the recent unsatisfactory pattern of planning administration by the DC. There had been ongoing concerns by the Council and members of the public and the Chairman said that the letter should include, in addition to specific comment relating to one application, a general comment with respect to documents appearing late or not at all on the DC website. Cllr Gomme cited a further specific example relating to 9 Finches Park Road where even on the day of the CAPC meeting some letters of objection were not available on the site. In summing up, the Chairman said that the letter should be copied to the MSDC Chief Executive and MSDC Cllr Gary Wall.

### 582. ANY OTHER BUSINESS

582.1 The Chairman was pleased to announce that on 11 April 2011 the DC Cabinet had been able to approve Eastern Road as a Local Nature Reserve; other District Councillors and he, in conjunction with local residents, had fought successfully when this area of land had previously been suggested for housing.

On conclusion of this part of the meeting, a further 15 minutes was set aside to allow members of the public to ask questions/make comments.

Mr Jesson said that the LPS had met the DC to express its concern that junior staff were not given support by senior management; as an example, they questioned whether they had enough resources. With regard to the VDS, the DC now had the final draft with 22 comments made about elements. He felt that a balance had to be struck between getting the document accurate and moving forward too quickly. He concluded by saying that he was not making any criticism of any Ward Cllrs re the 5-year housing supply issue but the LPS felt impatient.

With reference to the letter to the DC about planning administration, Mr Kerslake said that it would be helpful to suggest that the P&TC – eg, the Chairman, Cllr Gomme and the Deputy Clerk - and DC hold a meeting before the latter responded. Finally, he said that it was not clear under the Localism Bill proposals whether local Cllrs would have an appeals process beyond that of the DC.

The Chairman proposed a vote of thanks to Cllr Margaret Nicolle for her long service to the Council and to the Committee, in case she were unable to attend the last P&TC meeting on 4 May 2011. She responded by saying that she felt the P&TC was now very efficient not least when dealing with trees compared with its responses at the beginning.

The meeting concluded at 9.21pm.

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