

LINDFIELD PARISH COUNCIL

Minutes of the meeting of the **Planning and Traffic Committee** held on **25 May 2010** at the King Edward Hall, Lindfield.

The meeting commenced at 8.00pm.

Present: Mr C Snowling (Chairman)
Mr A Gomme (Vice Chairman)
Mr W Blunden
Mrs M Hersey
Mr S Willcox

Also Present: MSDC Cllr C Hersey and 11 members of the public

In Attendance: Mr P Hemsley

430. WELCOME AND EMERGENCY ANNOUNCEMENTS

430.1 Cllr Blunden took the chair as Chairman of Council. He welcomed those present and announced the emergency procedure for the King Edward Hall.

431. ELECTION OF CHAIRMAN

431.1 The Chairman invited Members to nominate a Chairman for the Planning & Traffic Committee to serve until 2011. Cllr Mrs Hersey nominated Cllr Snowling and was seconded by Cllr Gomme. As there were no other nominations and he was agreeable to serving, Cllr Snowling was duly elected.

432. ELECTION OF VICE CHAIRMAN

432.1 Cllr Snowling assumed the Chair and invited Members to nominate a Vice Chairman to serve until 2011. He nominated Cllr Gomme and was seconded by Cllr Blunden. As there were no other nominations and he was agreeable to serving, Cllr Gomme was duly elected.

433. APOLOGIES FOR ABSENCE

433.1 Apologies were received from Councillors Leach, Nicolle and Upton and the reasons accepted.

434. DECLARATIONS OF INTEREST

434.1 Cllr Hersey stated that she reserved the right to express a different opinion from that given at this meeting, when present at meetings of 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 in the CAPC, he reserved the right to express a different opinion from that given at this meeting, at any 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.

435. MINUTES OF THE MEETING OF THE PLANNING AND TRAFFIC COMMITTEE HELD ON 4 MAY 2010

435.1 The Chairman called for approval of the Minutes of the Planning and Traffic Committee meeting held on 4 May 2010. It was **AGREED** to **APPROVE** the Minutes and the Chairman **SIGNED** the Minutes as a true record of that meeting.

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

436.1 For each application, the observations of the members who had specifically studied the plans, and whose names are shown in the heading, were read out before any public comments and discussion by the Committee. The application for 9 Finches Park Road, 10/00981/FUL, had been withdrawn by the applicant on 21 May and consequently was not examined by the Committee.

436.2 10/01205/FUL & 10/01254/CON – ROACHES, 104 HIGH STREET
REPLACING OLD CONSERVATORY WITH ORANGERIE AND REPLACEMENT REAR EXTENSION
(Cllrs Snowling and Gomme).

Mrs Carol Pontifex, 106 High Street, said that from the perspective of their property they did not object to a sympathetic extension and conservatory. She said that in 2009, the County Architect had visited the site and put on record that, 'The existing building positively contributes to this location. The proposal radically changes the typology of the house'. She stated that the latest application represented just minor changes from the last, which had been refused by 9 votes to 2 at the CAPC. The current proposal was for the north side wall to be 5 feet higher which was 20 brick courses higher than the existing and was a further one foot higher than the rejected application. A comment made at the DC was that the applicant should communicate with his neighbours. Mrs Pontifex said that Mr Freeman had visited her with the proposals last autumn and she had advised him that they would again object to them because the extension would be too high, leading to a loss of light particularly in winter. She said that she had suggested that, because No 104 sat much higher than either of its neighbours, Mr Freeman should dig out the ground level extension so the present height could be retained. He responded to say that he had considered such an option but he had rejected it because it would have meant having two levels within the ground floor.

Mrs Pontifex continued by saying that there had been an interesting development: she had been in contact with the Victorian Society because she understood that the house might be of historic interest in its own right, a fact which had been overlooked when most of the other houses had been listed 25 years before. For example, she believed it was the first Victorian property in the village to have a well in the kitchen and also the first to have an indoor flushing toilet and consequently a case might be made to have the building Listed. Finally, she asked that the application be addressed in the CAPC and that the determination not be delegated to the Planning Officer.

The Deputy Clerk then read out *verbatim* a letter from the residents of 100-102 High Street, Mr & Mrs Daniel Bentham (*copy attached*).

Mr John Jesson, Lindfield Preservation Society, said that he would not take issue with any of the views of the neighbours. However, the Planning Officer had recommended the previous application for approval before it was turned down by the CAPC. He said that there was no change to the front elevation of the house, which contributed to the Conservation Area. At the rear, he felt there would be a significant improvement with respect to the impact on Brushes Lane. He said that the proposal would replace an unsympathetic extension which did not match the existing building. He reminded the Committee that when the application first came before it in January 2009 there had been no objections to what would have been a larger scheme. (Deputy Clerk's Note: that application had been withdrawn in May 2009).

Members then discussed the application. Cllr Gomme wished to add a comment regarding the new window which would overlook the courtyard garden of 100-102. Cllr Hersey said that the application was overpowering and unneighbourly and she would wish to add 'a loss of privacy'. Members were unanimous in objecting to the proposals.

AGREED RESPONSE: "Although the applicant has endeavoured to overcome the objections to the previous application we do not consider that he has been able to meet the concerns of the neighbours on both sides. We support the Committee's previous conclusion (made re 09/1585/FUL and 1586/CON on 7 July 2009), as follows: 'We feel that we cannot support this planning application because of the

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huge bulk of the extension overpowering the neighbouring properties. The proposal would unbalance the building. Also the proposal would have adverse effects on neighbouring properties from light being diminished.' The relevant Planning Policies are B3, B13 and H9. Additionally, we understand that Roaches may be a unique Victorian villa within Lindfield as it possesses a number of original features of interest to the Victorian Society, which may be making comment in due course. Accordingly, we request that this application be determined in Committee rather than by delegated powers to the Planning Officer."

436.3 Four members of the public left at this point, 8 remained.

436.4 10/01214/TCA – SPRINGFIELD, SPRING LANE
FELL ONE OAK. REMOVE ONE BRANCH ON SOUTHERN SIDE OF AN ASH. REMOVE ONE ASH
SAPLING (Cllrs Snowling and Gomme).

The applicants, Mr and Mrs Skinner, were present but, in the light of the favourable comments of the two Members, did not wish to comment.

AGREED RESPONSE: "No objection."

436.5 10/ 01144/FUL – 36 HIGH STREET
NEW 2-BED SINGLE STOREY DWELLING
(RESUBMISSION FOLLOWING APPLICATION 09/03808/FUL) (Cllrs Blunden and Upton).

Mr Jesson said that he endorsed all the points made by the PC. He emphasised the matter of the construction, a point which he had brought to the attention of the DC in a letter to Ms Claire Tester. He was particularly concerned about this aspect of the proposal as this had become a sore point with the Newton Road site and he hoped it would be taken seriously by the DC. There would be risks associated with and to buildings in the High Street and to people and he hoped these would be assessed and the appropriate mitigation set out. Additionally, if the application were refused, he asked that the reasons should be fully spelt out by the DC in the Decision Notice.

Mr Neil Kerslake said that he had been asked by Mr Brian Slater, resident of 34 High Street who was unable to attend and whose property abutted the proposed site, to state that the applicant, Mr Ian Eldred, had stated that he had met Mr Stuart Malcolm and Mrs Sarah Guess from the DC and that they had found the revised application acceptable. Mr Slater had said that this statement was inaccurate and Mr Eldred had exaggerated the DC support.

Mr Kerslake then made his own observations: he said that the earlier application had shown a bungalow which lay parallel to the boundary with No 46 and some 2 metres from that line, whereas the current proposal was at an angle to this boundary and ran at a distance of from 1.5 to 2.2 metres from the fence. He said that the applicant had misrepresented the impact, but there would again be a great loss of amenity to No 46 as a consequence.

Members then discussed the proposals and were unanimous in their strong objection to them and to the need to add further comments to those made on earlier applications.

AGREED RESPONSE: "Although the applicant has reduced the footprint of the proposed building we believe that the Committee's previous comments and observations (made re 09/01400/FUL in July 2009 and re 09/03808/FUL on 19 January 2010) are still relevant. The following comments subsume our earlier points made in July 2009 as well as including others relating to the latest application, 10/01144/FUL. Our objections focus on the following policies:

i. B1: the proposal for a bungalow fails to demonstrate a sensitive approach to urban design and respect the character of the locality; it disregards the sense of place. Moreover, the size of the proposed dwelling would lead to overdevelopment, resulting in a very restricted site with a small courtyard garden.

ii. B3: we believe that significant harm would be created to the amenities of nearby residents, in particular No 46 High Street and Masters & Son, as the proposals would impact on privacy, outlook and lead to a reduction in daylight. For example, the latest plans indicate that the building would be just 1.5

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metres from the office window in Masters & Son which is near to ground level and the sole opening on the north elevation; this change is little mitigation given that the previous application showed the proposed bungalow a mere 1.2 metres away from Masters. Moreover, although the plans show the north elevation of the new building to have been drawn back from the northern boundary with No 46, nevertheless the new bungalow would still lie within 5 metres of that resident's living accommodation. Significantly, 10/01144 re-orientates the building to lie at an angle to the boundary with No 46, where previously it lay parallel; consequently, the north-west corner of the latest proposal lies just 1.5 metres from the boundary where previously it was a uniform 2 metres away along its entire length. By way of comparison, the north-east corner would lie 2.2 metres away from the boundary of No 46.

iii. B10: there is no regard to protecting the setting of a Listed Building, the site being within the former garden and hence curtilage of the Listed Building at 36 High Street.

iv. B12: there appears to have been no regard to protecting the special character of the Conservation Area, nor to safeguarding the setting of the Grade II Listed Buildings at Nos 36 and 38.

v. T5: access to the site is limited and will not permit motor vehicles to gain entry; hence, there would be greater pressure on on-street parking.

We have additional concerns: if the application were to be approved, there are significant issues of access, including for emergency vehicles and for the weekly collection of refuse on Lewes Road (such that Nos 36 and 38 High Street must already place their refuse bins at the front of their properties on the High Street). As there could be considerable disruption to traffic flow on Lewes Road/High Street during construction, we would expect a full construction and management plan - to include how materials would be delivered to the site - to be submitted before determination.'

If the application were to be refused, as we hope, we ask that all reasons for Refusal be set out in the Decision Notice.

In sum, we object strongly as we consider this application to be a gross overdevelopment of the site; despite a reduction in the footprint, we estimate that the density would be about 38 dwellings per hectare (compared to 50 previously)."

- 436.6 10/01195/LDC – 5 PICKERS GREEN
REMOVE EXISTING CAR PORT, EXTEND EXISTING GARAGE AND CONSTRUCT NEW PORCH
OVER ENTRANCE STEPS. THIS IS AN APPLICATION TO ESTABLISH WHETHER THE
DEVELOPMENT IS LAWFUL: THIS WILL BE A LEGAL DECISION WHERE THE PLANNING MERITS
OF THE PROPOSED USE CANNOT BE TAKEN INTO ACCOUNT (Cllrs Snowling and Gomme).

Mr Jesson stated that he believed that, under Class D of Permitted Development criteria, the erection of a porch outside any dwelling should not exceed an area of 3 square metres.

Cllr Gomme said that Mr Jesson's observation was a material consideration and should be added to the PC's comments.

AGREED RESPONSE: "As this is a request for a certificate of lawfulness for the proposed development, there are no reasons for legal, valid objections, as far as we are aware. However, we understand that, under Class D of Permitted Development criteria, the erection of a porch outside any dwelling should not exceed 3 square metres in external ground area and we believe this proposal would lead to a structure of greater area."

- 436.7 10/01202/TCA – ROSMOND COTTAGE, WEST VIEW
OAK – REMOVE ONE SMALL BRANCH ON NORTH-WEST SIDE (Cllrs Blunden and Upton).

AGREED RESPONSE: "No objection."

- 436.8 10/01204/TCA – FLOWERCRAFT HOUSE, LEWES ROAD
GOLDEN CYPRESS – FELL (Cllrs Blunden and Upton).

AGREED RESPONSE: "No objection."

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436.9 10/01209/FUL – 66 APPLEDORE GARDENS
REMOVE AND REPLACE EXISTING PORCH (Cllrs Snowling and Gomme).

AGREED RESPONSE: “No objection.”

437. REPORTS ON ANY SIGNIFICANT PLANNING DECISIONS MADE BY MSDC AND THE PLANNING INSPECTORATE

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

- That an **APPEAL** by Mr & Mrs Linguard, APP/D3830/D/10/2126266 dated 29 April 2010, had been received from MSDC re LF/09/03662/FUL at 32 Denmans Lane, where a planning application for a proposed single storey and part two storey extension had been **REFUSED** on 2 February 2010. The PC's comments on the application had already been forward by the DC to the Planning Inspector.
- That an **APPEAL** (APP/D3830/A/09/2116265 and APP/D3830/E/09/2116263) by the applicants, Mansell McTaggart, against **REFUSAL** by the DC to a replacement shop window at 53A High Street (LF/09/00774/FUL & LF/09/00775/LBC) had been **ALLOWED** by the Planning Inspector. The Deputy Clerk confirmed that the DC had since written to the applicant to request that they make a retrospective application for the right-hand flank window of this Listed Building. He said that he expected that the DC would grant permission in due course to regularise the situation of this contentious feature. The Chairman expressed his disquiet at this outcome and said that he would raise the matter at the next Full Council meeting in June.

438. NEWTON ROAD DEVELOPMENT

438.1 The Deputy Clerk advised that:

- WSCC had issued a Temporary Prohibition of Waiting Order 2010 relating to the junction of Newton Road and Dukes Road which had taken effect on 17 May 2010 and would last for 18 months. This Order had been expected as part of the CMP and had resulted in double-yellow lines being painted on the roads.
- Following concerns of Members at the last P&T Committee meeting on 4 May, Mr Hemsley had written to Mr Steve Ashdown, the Planning Officer responsible at the DC, to express the concerns of the PC and residents about continuing breaches of the Permission Conditions, in particular those relating to the CMP and operating hours. The letter had been copied to *inter alia* WSCC and to Mr Nicholas Soames, MP, who had since asked to be copied in on the DC response.
- The Clerk had written on 24 May to Barratts concerning the mini-roundabout, giving the PC's support for its removal from the Permission Conditions.
- In concert with the tree wardens, he was examining trees in the Wilderness Field, currently the property of Barratts but which would eventually be transferred as an amenity area to the Council, with a view to identifying any further which would be suitable for a Tree Preservation Order.

439. ANY OTHER BUSINESS

439.1 There was no other business.

The meeting concluded at 8.42pm.