



East Dean & Friston P a r i s h C o u n c i l

Minutes of a Meeting of the Planning Committee held in the Small Hall of the Village Hall, East Dean at 6.30 pm on Tuesday 15 October 2019

Present: Cllr T Bryant (Chair), Cllr K Godden, Cllr P Hill, Cllr M Keller, Cllr P Seeley and Cllr J Walker

In attendance: Heather Lealan (SDNPA Development and Enforcement Lead); Jack Trevelyan (Enforcement Officer); and P Williamson (Tree Warden).

There were twelve members of the public present. The Chair stated that in the absence of the clerk the meeting was being recorded.

PUBLIC SESSION

Land adjacent to and to the rear of The Old Parsonage – the residents of Little Beeches drew attention to their objections to the proposed plans for a new build to the rear of their property (published on the SDNPA website). They had agreed to accept a slightly bigger and closer development than that in the extant planning permission for the site, but some issues remained, chiefly the introduction of dormer windows overlooking their property and compromising their privacy. When the extant permission on the site had been granted in 2017, care had been taken to mitigate the impact of the plans, and to make the build compliant with the Village Design Statement, and the same care should be taken now.

The following points were clarified in discussion:

- Boundary treatment and screening – the option of building a low level wall with a fence on top on the boundary with Little Beeches had been discussed but would involve digging up the existing hedge to make foundations. The applicant therefore considered that a simple fence alongside the existing hedge would be better for all parties, and the planning officer was said to agree.
- Landscaping and hard surfacing – the architect argued that these should be covered by planning conditions rather than as part of the planning application. Permeable surfacing should be used but a drainage engineer would be consulted before proposals were finalized.
- Dormer windows and loss of privacy – the architect stated that the proposed dwelling would be 33m from Little Beeches and neither property need compromise the privacy of the other. One of the proposed dormers would be a landing window and another a bedroom window. The applicant argued that Sussex dormers were a feature of the village and this combined with the use of materials traditionally used locally would be compliant with the VDS whilst personalizing the extant permission for the applicant's own use. The design proposed would be an enhancement for its surroundings. However, the committee noted the objection previously mentioned as the scale and height of the proposed dwelling had been increased and the distance from Little Beeches reduced. No windows of any style should be allowed to compromise privacy. There were in fact four dormers, one being the landing window, which

was set in a gable and had obscured glazing. Of the other three, one was a bathroom and two were in the respective front bedrooms.

- Increase in scale of the proposed dwelling – it was argued that the increase proposed over the extant planning permission was ‘marginal’, in that the majority of it would be on the east side of the property, furthest from Little Beeches. However, it was noted that the scale and mass of the overall increase were substantial. No levels were shown on the new section drawing dated 1 October 2019. The architect confirmed these would be added to the drawings in respect of 03323 and 03417 and re-submitted.
- Inconsistent boundary information – it was not clear where the boundary should be drawn between the properties proposed behind Little Beeches and behind Maryland, which would share a common access track. This could be a planning issue in the sense that it must be clear who would be responsible for the maintenance of the access. The architect advised that the owner of the house behind Little Beeches would be responsible for the maintenance of the access and the boundary with Little Beeches.

The Chair closed the Public Session and opened the meeting

P.56 Apologies for absence - Cllr N Day, Cllr L d’Urso, Cllr B Wheatley; and K Larkin (Parish Clerk)

P.57 Declarations of Interest Cllr Bryant - Crowlink Place (Item P.64 below) (near neighbour)

P.58 Minutes of the previous meeting

The Minutes of the meeting held on 17 September 2019 were confirmed as a correct record and signed by the Chair.

P.59 SDNPA LIAISON

The Chair welcomed Heather Lealan and Jack Trevelyan of the SDNPA Enforcement team. It was noted that the officers would be able to report on progress on current cases, subsequent to the overview and update supplied by Mr Trevelyan on 24 July, but for reasons of data protection the SDNPA did not disclose personal or otherwise confidential information that might impact on the residents concerned. The SDNPA officers did not consider that enforcement was under-resourced, as the parish had suggested might be the case, but stated that breaches would always be actively pursued where the wider public interest was at stake.

The following cases were discussed:

- TV mast at The Link – the original mast should have been removed when the new mast became operational, but had in fact been left in breach of this condition. Currently both masts were in use but UK Power Networks had stated that they would comply with the planning condition, and that they would remove the original mast by the end of the year.
- Land adjacent to Long View – the hoardings along the Micheldene Road frontage were currently shielding construction work and were therefore justifiable, but should be removed as soon as work was complete. A question was raised as to who was responsible for the maintenance of the verge alongside the property, which was in

poor condition. The Chair explained that the verges on the whole Downlands Estate, as well as the roads themselves, had been retained in the ownership of the development companies until they had been wound up, whereupon those parcels of land lapsed into the ownership of the Treasury Solicitor. The East Dean (Downlands) Roads Company had taken on the role of maintaining the roads with the benefit of the original covenants attached to them.

- East Dean Place – the breach was that an annex had been built exceeding approved plans. Retrospective permission was being sought and the parish would be consulted in the usual way. An application had been received but was invalid due to the absence of a measured survey. Re-submission was expected shortly.
- 21 The Brow – a front boundary wall had been built in excess of the permitted height, and an enforcement notice had been served.
- Landscaping conditions on Land at The Fridays – there had been no work in breach of conditions, but there was an issue that a detailed landscaping scheme approved as part of the planning permission had not yet been implemented. Mr Trevelyan promised to look into this further.

Tree policy - the meeting then considered the need for a unified tree policy across the Park, and whether any protection could be given to trees not protected by a Preservation Order, e.g. the introduction of a penalty for felling trees on land not owned or controlled by the person ordering the work. It was confirmed that there is now a SDNP wide adopted tree policy. This is planning policy SD11 (Trees, Woodland and Hedgerows) of the South Downs Local Plan. The SDNPA is currently working on methods to better record the TPO's across the Park on a single system. There were a large number of protected woods in the Park; and all trees in Conservation Areas were already protected, in addition to individual trees subject to Preservation Orders. The SDNPA would welcome information provided by a local tree survey if one were undertaken. The Chair stated that there was a proposal to do a digital survey of the parish as part of the current Neighbourhood Plan process.

A recent incident in the parish (removal of a substantial limb from a protected tree without permission) had revealed that residents were not well informed on TPO matters. There was a proposal to issue an information leaflet on TPO requirements and procedures. All residents should be aware of the presence of protected trees on their own properties as this would be stated at the time of purchase. The Tree Warden enquired whether there were any remedies if work were done unlawfully to a protected tree. The SDNPA officers stated that cases of unauthorized felling were very rare. Householders were generally aware that members of the public could be very vigilant in such matters. Breaches were more likely to involve altering the shape of a tree. Emergency stop orders and/or fines could be issued, and the owners could be sued for a criminal offence if the work had been done for their financial benefit, and if there were sufficient 'public interest' at stake to justify legal action. Judicial Review was very unlikely to be undertaken due to the prohibitive cost. The SDNPA could not order blanket TPOs to be applied to areas under threat: each tree would need to be considered for its merits. The SDNPA would welcome and support the dissemination of public information and could supply material for an information sheet and the parish council's website.

The Tree Warden advised that maps supplied to him by the SDNPA showing protected tree sites in the parish did not tally with the lists supplied previously by Wealden District Council. Further work would be required to clarify this.

SDNPA office at the Seven Sisters Country Park – Ms Lealan stated that the Country Park was still in the ownership of East Sussex County Council, and the proposed transfer of the property to the SDNPA was going through the required procedures. The Chair stated that the parish council and Wealden District Council’s appointed representative on the SDNPA would strongly support the opening of an SDNPA office there, and the occasional use of that office to hold SDNPA Planning Committee meetings where justified by the content of the agenda. There was concern that the eastern end of the Park was too far away from the main office in Midhurst.

On behalf of the committee the Chair thanked the SDNPA officers very much for their visit and for the information received, all of which was much appreciated. The officers left the meeting.

P.60 RECONSULTATIONS

SDNP/19/03323/FUL – Land adjacent to and to the rear of The Old Parsonage, Eastbourne Road, East Dean

Proposed development of 1 no. residential dwelling on the footprint of approved scheme ref. SDNP/17/04912/FUL

The committee noted the following outstanding matters:

- The common boundary of this proposed property (behind Little Beeches) and the adjacent proposed property (behind Maryland) was shown inconsistently in the plans for this application and SDNP/19/03417.
- No levels were shown in the section drawing illustrating the placing of the proposed property relative to Little Beeches
- Landscaping, in particular the choice of surface materials for the access track, and responsibility for the future maintenance of that track, remained to be dealt with in planning conditions
- The removal of Permitted Development rights from the proposed property also remained to be secured through a planning condition.
- The objections raised by the residents of Little Beeches, including the loss of privacy which could be caused by overlooking from two proposed dormer windows, were unresolved and not accepted by the applicant.

Members recalled that in 2017 there had been major objections to permitting any building on this rural site outside the Development Boundary, south of the A259. The special justification had been the need identified within the community for smaller properties suitable for residents wishing to downsize whilst retaining local connections and remaining close to local facilities. This site was almost the only one that could be used in this way. The council, community, and residents of neighbouring properties had worked hard to devise mutually acceptable proposals. However, the dwelling now proposed would not be a small downsizing property. Members queried whether the application should be treated as entirely new, or whether the extant permission on the site should be taken into account. The Chair stated

that the application should be considered afresh in the context of countryside policies, and an assessment made as to whether the proposed accommodation was reasonable in its context. The extant consent was relevant in that it did not contain a condition on downsizing. Members remained concerned that too much pressure had been applied to the development of the site subsequent to its being sold on. In summary, members agreed that the outstanding objections were too great: the proposed property would be overbearing, oversized, and would not meet the assessed needs of the village community. The design was such that overlooking the neighbouring property was exacerbated by the installation of dormers rather than the previously consented velux windows. The proposed mitigation of a 5m high landscaping belt would be effective but overbearing in itself on the neighbouring property.

A vote was taken and five were in favour of refusing the application with the Chair abstaining.

RESOLVED - To recommend that the application be REFUSED

SDNP/19/03417/FUL – Land adjacent to and to the rear of The Old Parsonage, Eastbourne Road, East Dean

Proposed development of 1 no. residential dwelling on the footprint of approved scheme ref. SDNP/17/04912/FUL

The committee noted that the proposals for this dwelling to the rear of Maryland had reverted to the footprint originally approved, and that the reason for the current application was the division of the original development site into three portions, plus some alterations to the internal layout of this property. However, the actual position of the boundary between this site and the property proposed behind Little Beeches remained unclear due to inconsistencies in the drawings.

Standing Orders were suspended to enable the applicant to confirm that the external appearance of the property would be as in the extant permission and that the access track and boundary with Little Beeches would be the responsibility of the applicant in SDNP/19/03323/FUL. Standing Orders were re-imposed.

Members agreed that if this were correct there need be no objection to the application, provided that the constraints attached to the extant permission were applied again. In particular, there should be no Permitted Development rights.

RESOLVED - Not to object to the application

SDNP/19/03767/FUL - Land adjacent to The Old Parsonage, Eastbourne Road, East Dean, BN20 0DN

Proposed development of 2 no. residential dwellings on the footprint of approved scheme ref. SDNP/17/04912/FUL

The Committee noted that there were no outstanding issues with this application, provided that Permitted Development rights were removed.

RESOLVED - Not to object to the application

A number of residents left the meeting

P.61 NEW APPLICATIONS

SDNP/19/03982/HOUS – Foxgloves, 32 Peakdean Lane, East Dean, BN20 0JD

Single storey extension to the front and associated alterations

The proposed extension would be well within the 30% limit. No objections had been received.

RESOLVED – Not to object to the application

SDNP/19/04495/HOUS – 22 The Brow, Friston, BN20 0ES

New timber balcony to recently completed extension

There was some concern that the rear garden of this property overlooked Peak Dean Lane further down the hillside. However, the garden was large and the effect was considered to be small.

RESOLVED – Not to object to the application

SDNP/19/04658/HOUS – Birling House, Gilberts Drive, East Dean BN20 0DL

New timber garage

Externally this property appeared to have an existing integral garage, but the application showed that this had been converted into a bedroom/playroom. However, there had been no objections to the proposed new garage.

RESOLVED - Not to object to the application

P.62 DECISION NOTICES

The committee took note of the following applications approved by the SDNPA in accordance with the recommendations of the parish council:

SDNP/19/03023/HOUS – 5 Deneside, East Dean BN20 0HU

Erect conservatory at side

SDNP/19/03634/LIS - Birling Manor, Gilberts Drive, East Dean BN20 0AA

Re-opening of a blocked window opening on the garden facade, formation of new reveals and installation of a new timber vertical sliding sash window, all to match an existing adjoining window

SDNP/19/03398/HOUS – Maryfield, Friston Hill, East Dean BN20 0EB

Below ground swimming pool

SDNP/19/03632/HOUS - 26 Hillside, Friston, BN20 0HE

General remodelling of an existing dwelling including a single storey front extension, extended front terrace and associated works

SDNP/19/03703/HOUS - 36 Elven Lane, East Dean, BN20 0LG

Proposed replacement raised decking with steps to garden at rear, external alterations to dwelling and enlargement of forecourt parking area

SDNP/19/03629/HOUS - 9 Wenthill Close, East Dean, BN20 0HT

Proposed internal alterations with rear dormer to provide head height for access to Jack & Jill en-suite with 2 no. obscure glazed rooflights

**SDNP/19/03838/CND - 8 Waterworks Cottages, Old Willingdon Road, Friston
BN20 0AS**

Variation of Condition - Condition 1 of SDNP/18/02764/HOUS

P.63 NEIGHBOURHOOD PLAN

The Chair reported that community consultation was ongoing and a flyer and article had been circulated with the October parish magazine. Responses were being received. The October meeting of the Steering Group had been cancelled, but the programme of meetings would resume in November following the appointment of a new Administrative Assistant to fill the current vacancy.

P.64 CORRESPONDENCE

The committee noted that there had been a request for pre-application advice from the SDNPA on the replacement of a garage at Crowlink Place – SDNP/19/04747/PRE.

P.65 DATE OF NEXT MEETING: - Tuesday 19 November 2019 in the Small Hall of the Village Hall, East Dean, starting at 6.30 pm

There being no further business, the meeting closed at 7.50 pm.

Signed..... (Chair)

Date.....