



Minutes of the Parish Council Meeting held on Thursday 5th December 2019 in the Small Hall of the Village Hall, Gilberts Drive, East Dean, commencing at 6.30 pm

Councillors present: Cllr M Keller (Chair), Cllr T Bryant, Cllr L d'Urso, Cllr K Godden, Cllr P Hill, and Cllr P Seeley

In attendance: K Larkin (Parish Clerk); D Picknell (Admin Assistant)

There were three members of the public present.

Public Session

9 The Link – the Chair read an objection to planning application SDNP/19/04971/HOUS received from a resident who had supplied an acceptable reason for not being present. The gist of the objection was that despite a number of amendments being made to the plans, the objections previously raised had not been addressed. The newly submitted front elevation seemed to show that 50% of the front garden would be lost, which would stand out from neighbouring properties and not be compliant with advice in the Village Design Statement highlighting that front gardens in areas of this spatial type were mainly laid to lawn.

A resident present reinforced the criticism that despite the holding of a site meeting at which the planning officer had been present, and the submission of amended plans, the revised design still did not respond to the character of the area and would still be well in excess of the 30-35% limit on extensions. The resident had written to the SDNPA's Director of Planning and had received a response confirming that if an application did not comply with Strategic Policy SD5: Design it should be possible to refuse it.

Downs View Lane – two residents objected to the work recently done to clear the verge on the south side of Downs View Lane, arguing that the complete clearance had been harmful to the ecology and wildlife of the area and that in future cutbacks should be limited in scope, if undertaken at all. The south side of the Lane should not be classified as 'verge' but as an extension of the countryside of the South Downs, and as part of the local ecosystem network. Both Eastbourne Borough Council and the South Downs National Park Authority recognised such types of location as 'green streets', and in recognition of the landscape and ecological value of the Lane the council was requested to replant the cleared area with suitable trees and work towards restoring it to the appearance it might have had 25 years ago.

The Chair closed the Public Session and opened the meeting

The Chair formally recorded the resignation of Cllr Joyce Walker, with regret. The Returning Officer had been informed and the statutory notices of the vacancy had been posted.

C.126 Acceptance of apologies for absence: - Cllr N Day, Cllr B Wheatley;

District Cllr M Lunn; County Cllr S Shing

C.127 Declarations of Interests: - None

C.128 Minutes

- a) The minutes of the ordinary meeting held on 7th November 2019 were confirmed as a correct record and signed by the Chair.
- b) The minutes of the extraordinary meeting held on 19th November 2019 were confirmed as a correct record and signed by the Chair.

C.129 Report of the County Councillor

County Cllr Shing had raised the following matters in a written report:

- a) County Council funding – due to the general election to be held on 12 December no firm announcement had yet been made about the funding the county should receive from central government for the next financial year
- b) Flooding of the Cuckmere – the recent floods in which the village of West Dean had been cut off had created conditions in which the Environment Agency were justified in claiming an emergency exemption from their policy of non-intervention. They had accordingly cut a deeper channel down the estuary to drain the valley further and create capacity for future flood events. There could be an opportunity here for the Environment Agency and the Pevensey and Cuckmere Water Level Management Board to work together to see if they could assist and improve the situation beyond a simple emergency response alone. In discussion, members requested regular updates and noted that the SDNPA could have a future role if it took over the Seven Sisters Country Park (the transfer was currently subject to due diligence).

ACTION: KL to make enquiries.

RESOLVED - That the report of the County Councillor be noted

C.130 Report of the District Councillor

District Cllr Lunn had raised the following matters in a written report:

- a) Flooding of the Cuckmere – Wealden District Council had invoked an emergency response and it was this which had led to the multi-agency meeting at which the decision had been taken to clear shingle from the estuary. Subsequently some roads remained flooded as sluices were not working. Cllr Lunn had called for a long term plan to tackle investment and maintenance of sluices and welcomed the support received from the parish council.
- b) Waste and recycling – the Biffa contract was going well, but round changes were being planned for 2020 and new calendars would be issued. A saving of £30,000 had resulted from not sending out short-term paper calendars at Christmas.
- c) Tourism – the District Council's Tourism website was being refreshed to raise the profile of the area and provide extra information. There had been a 6% increase in overnight stays between 2017 and 2018 and tourism had brought £368.7 million to the local economy, up by 8% with 9,000 jobs created.

Members agreed that the local parish walking maps should be made available through the tourism website. **ACTION: KL**

RESOLVED - That the report of the District Councillor be noted.

C.131 Business in Progress

The council noted Report 6 on progress since the November meeting, and the following points were discussed:

- a) VE Day 75 – members agreed to make a firm booking of the Main Hall for the commemoration on the afternoon of Friday 8th May 2020. Cllr Wheatley had kindly agreed to coordinate the activities of the village organisations, broadly following the sequence of events proposed on the government website **ACTION: KL to supply contact list; BW to send out a circular before Christmas and invite feedback.** Members agreed in principle that the parish council should also provide funding for setting up the event.
- b) Friston build-out – following a proactive site meeting a drainage problem had been spotted and would be resolved as part of the scheme. Members welcomed this good progress.
- c) Friston bus shelter (north side) – brackets for planting troughs were being incorporated into the rebuild which was nearly at roof height.
- d) Road maintenance using the precept – the Hon. Solicitor had kindly agreed to issue advice. Wealden District Council had advised the parish to consult NALC as well. **ACTION: KL.** Preliminary discussions had been held with the Roads Company and the Vice Chair was researching arrangements used on other privately owned estates. The council requested regular updates but did not anticipate being ready to take a proposal out for consultation before 2021/22 at the earliest.
- e) Mobile phone mast – no response had been received from CTI Ltd
- f) Bollards between Gore Farm Close and the shopping precinct – a resident had thanked the council for attaching reflective safety markers.

RESOLVED - That the Progress report be noted and action taken as discussed

C.132 Planning Matters

- a) 9 The Link – The council was requested to ratify the recommendation of the Planning Committee made on 19 November 2019 that application SDNP/19/04971/HOUS – 9 The Link, East Dean, BN20 0LB. *Proposed extension and alterations to include a self-contained annexe* be refused. The committee had requested this deferral to enable residents to comment on revised plans, but evidence received in the Public Session was that the revised plans did not in fact address residents' concerns. Members reiterated that the application was not policy compliant in terms of its design (SD5), mass or siting, and also contravened SD31 by proposing a 40% increase in floor area, with insufficient reason given in mitigation of the excess 10%. The council took particular note of the response from the Director of Planning to a resident, indicating that the application could be refused.

RESOLVED - To ratify the recommendation of the Planning Committee that the application be refused

- b) East Dean Place – The council was requested to consider making an additional response on this retrospective application (SDNP/19/04705/CND *Removal of condition – Condition 1 of planning consent SDNP/15/00226/HOUS*), following further advice from the Chair of the Planning Committee. Members supported the conclusion of the Chair of Planning that the extension as built should be the subject of an enforcement notice. It was agreed that the reasoning behind this recommendation should be submitted to the SDNPA in full, and copy appended to these minutes (Annex A)

RESOLVED – To object to Retrospective Planning Application SDNP/19/04705/CND on the following grounds:

1. The building/application is non policy-compliant by virtue of exceeding the proposed rights to extend under SD31 (by 62%)
2. The building is not ancillary to the main house
3. The building of the extension in non-compliance of the consented drawings and conditions represents a flagrant breach of planning regulations and should be the subject of Enforcement Action to ensure compliance even though this necessitates demolition of part of the building

C.133 Budget Development 2020/21 to 2022/23

The council considered Report 7 by the Lead Member for Finance. Overall the budget appeared healthy. The precept had been increased to allow for some capital projects, and as those projects neared completion whilst some regular costs reduced, the budget would allow either for further projects to be planned or for a reduction in the precept. All members were invited to review budget areas for which they had particular responsibility, and to report to Cllr Godden. A Budget Working Group meeting would be convened on Tuesday 17th December, immediately following the Planning Committee meeting, to draft proposals for the 2020/21 budget which would be brought to the full council in January for consideration. The precept request should reach Wealden District Council by the end of January 2020. Two projects suggested for consideration were provision of interpretation boards [see Item C.134 below] and a phase 2 upgrade of the play area. **ACTION: KL to circulate up to date budget information for the current financial year.**

C.134 Interpretation Boards

The council considered Report 8 by the Lead Member for Communications and Fund Raising, on the proposed content, location, costings and funding of Interpretation boards. A meeting had been held with the SDNPA Interpretation Officer and Ranger, who had been supportive of the project. Match funding could be granted by the SDNP up to a maximum of £2,000. The initial art work was projected to cost £2,000, and further costs would depend on the number, size, style and location of the boards (including the need to obtain planning permission in some locations). However, a

likely total budget of £6,500 - £7,000 should be expected. Three quotes should be obtained to support a match funding application from the Sustainable Communities Fund. The Gilbert Estate and the Residents' Association had been invited to participate; the Estate had declined but the RA was in principle interested in installing interpretation boards. A question was raised as to who would own the copyright of the artwork, and whether costs could be reduced by using the parish's own contractors rather than the SDNPA's preferred suppliers. It was also suggested that Wealden District Council be invited to give financial support, consequent on their tourism remit; and the SDNPA be approached for a further contribution from unallocated CIL funds.

In discussion there was support for providing three free-standing angled boards, all A1 size, as these were more effective than wall-mounted boards. The boards could be located at Friston Pond (planning permission required); the East Dean bus stop (south side) (consent required from East Sussex Highways); and the village car park (consent required from Wealden District Council). **ACTION: DP to check the need for planning permission.** Cllr d'Urso was requested to obtain three quotes on this basis and to report back to the council for the 2020/21 budget debate in January **ACTION: LD**

C.135 Downs View Lane Verge

The Chair reported orally that the recent clearance of the verge on the south side of the Lane had divided opinion. Some residents had requested the work and commented favourably, both to the chair and to Cllr. Day, while an equal number had objected. The radical cutback had been necessitated by a long period of neglect, but the vegetation would re-grow and a 1.5m strip could be maintained in future. The verge was not a nature reserve or SSSI but a residential street, which had been similarly maintained since the houses had been built. The screening hedge alongside the A259 was still there. A resident had very kindly cleared litter from the verge including a large number of dog poo bags, and this was very much appreciated. There should be no further fly-tipping.

Members were concerned to learn that the contractor carrying out the clearance work on behalf of the Council had reported being subjected to harassment from some individuals during the course of his work, at one stage allegedly involving a car attempting to block him. This report, if true, is to be deplored.

Members approved the addition to the council's mowing contract of the annual strimming of the Downs View Lane verge (south side) to a width of 1.5m. **ACTION: KL to advise the contractor.** However, it was agreed that a combination of re-planting to enhance the verge, plus this regular maintenance, should meet the concerns of all parties. A statement of clarification should be published on the council website.

Cllr d'Urso advised that the Woodland Trust was offering free packs of saplings for planting in October 2020 and it was agreed that this should be investigated. A suitable mix of trees should ideally be planted in small clumps along the Lane for ease of future maintenance. **ACTION: LD to investigate and report back.**

The Chair advised that the updated job description of the Tree Warden had been completed and that he would be in contact with the Warden to refer to this and to the other conventions of the council's operations.

RESOLVED – That the report of the Chair be noted and action taken as discussed.

C.136 Notice Board in the Village Car Park

The council considered Report 11 on the question whether this board should be repaired temporarily and/or replaced. The board had been recently refurbished and only the old supports had failed. These could be replaced at a cost of £135. It was therefore agreed that the repair should be done and the board retained. The contractor would also dismantle the board from Windmill Lane which had been scheduled for removal.

RESOLVED - That the notice board in the village car park be repaired at a cost of £135.

C.137 Rude Mechanicals Theatre Company Visit 2020

- a) Members approved the grant of a licence for a performance to take place on the recreation ground on Wednesday 10th June 2020 on the same terms as in previous years
- b) Members further agreed that the charity to receive a £50 donation from the Company from the proceeds of their 2019 visit should be the council's charity of the year, i.e. the JPK Project.

RESOLVED – That a licence be granted to the Rude Mechanicals Theatre Company for a performance on Wednesday 10th June 2020 on the same terms and conditions as in previous years.

C.138 NALC Consultation

The council took note of a NALC consultation on Strengthening of Police Powers to Tackle Unauthorised Encampments. Members strongly supported the strengthening of police powers. **ACTION: MK to complete the consultation questionnaire on this basis.**

C.139 Payments and Receipts

The council considered Report 14 - the Schedule of Payments for December 2019 and receipts for November 2019. *[Note: the complete Schedule is published on the council website].*

RESOLVED – That the payments totalling £3,124.98 be approved and the clerk be authorised to make the payments

C.140 Urgent item

A request had been received from a resident for the False Acacias near the entrance to Micheldene Road to be cut back as they were obstructing traffic. This work had in fact been done (not by the council).

C.141 Reports:

- a) Chair of the Council – (i) the Chair thanked members who had helped with the Carols and Tree Lighting event, especially Cllr Hill and Cllr Seeley. The event had been successful and raised £112 for the JPK Project. (ii) The Chair also thanked members who had helped at the Village Christmas Lunch; the council's donation of drinks had been much appreciated.
- b) Planning Committee – the council took note of the draft minutes of the committee meeting held on 19 November 2019
- c) Neighbourhood Planning – the Chair of the Working Group advised that he and the Vice Chair would meet and review arrangements including membership, with a view to augmenting the Group. A useful precedent had been identified at Shipley (Horsham District) where a Plan had been prepared with no need to do a call for sites for housing, because there was no pressure to provide housing under the Local Plan. This had simplified and shortened the Plan process and reduced controversy. A similar situation prevailed in East Dean. The Shipley Plan did include integrated transport studies and this too could be a useful model locally. The consultants who had worked on it could be approached to assist in EDF (subject to the procurement requirements in the Financial Regulations). The Shipley Plan would form the starting point for drawing up a list of small Working Groups and this in turn would guide the recruitment of additional members with relevant skills. The Group would relaunch in late January or early February.
- d) Finance – the bank balance at the end of November was £78,754.37.
- e) Rights of Way and Highways – (i) Bark chips had been laid on Footpath 33b from the The Link up to the Downs, and on Footpaths 17, 18, 19, 21a, 21b, and 22, all well used. The help given by ten volunteers had been invaluable. (ii) Two street signs on the Downlands Estate had been damaged and a quote of £135 had been obtained for their repair. It was agreed that the parish council should finance this. **ACTION: PS.** (iii) Several footpath signs were awaiting replacement or repair (Footpath 24, 25 and the top of 33b). This was the responsibility of East Sussex County Council. (iv) The gullies at the top of Downs View Close had been cleared and repaired by East Sussex Highways.
- f) Recreation Ground – (i) the insulation of the pavilion had been postponed and should now be done on 2-4 January 2020. (ii) The SDNPA had not given a grant towards moving the cricket square. It was noteworthy that no projects had received funding at the eastern end of the Park. It was agreed that Cllr Rowlands should be asked to investigate why this was **ACTION: KL/VR.** (iii) some picket fencing had been stored in the pavilion and the Cricket Club had enquired whether this could be installed outside permanently. The council did not wish to pursue this option.
- g) Fund Raising – winter planting was in progress at the shopping precinct using existing budget. Members were invited to let Cllr d'Urso know of any future funding requests.

RESOLVED – That the above reports (a) – (g) be noted and action taken as discussed.

C.142 Correspondence

The council took note of Report 17 on correspondence received. The main item on Downs View Lane had been discussed in the Public Session and under Item C.135 above.

RESOLVED - That the Correspondence report be noted

C.143 Date of next meeting: Tuesday 7th January 2020 at 6.30 pm in the Village Hall.

There being no further business, the meeting closed at 9.10 pm.

Signed..... (Chair)

Date.....

Annex A
Information from the Chair of Planning regarding application
SDNP/19/04705/CND – East Dean Place

At the recent planning committee [19 November 2019] members discussed the above application and submitted a response recommending refusal on a number of reasoned grounds, but unfortunately the application is for relaxation of Condition 1 of consent SDNP/15/00226. This is the Condition that sets out all the consented plans and so what the applicant is attempting to do is substitute the as-built drawings for the consented scheme under SDNP/15/00226. But the application is defective in many ways as far as addressing the issue which is at stake i.e. building an extension which is not in accordance with the consented drawings and considerably larger to boot.

The issue of having built what is in effect a 3 bedroom house attached to the main dwelling is a very valid one but is in effect a side show and it is the subject of a separate condition in 15/00226 (Condition 4). It should clearly be addressed and the Parish Council's comments have reinforced what has also been said and lodged by a qualified objector who is a neighbour. These comments undermine what Parker Dann, the applicants planning consultant, say in that the extension is ancillary to the main house. It is no such thing and in fact is 2 dwellings which are self-contained and the one to the east cannot access the main house without exiting and crossing the driveway to the house itself. The units may all be separately supplied and metered for public utilities. This is easily checked.

The major shortcoming in the application is that the application seeks to justify that consent should be forthcoming because the as built extension complies with SD31 of the SDNPA. To be able to arrive at a decision on this point alone it is necessary to compare the as built form (sq. footage/meterage) of the building, not only prior to the SDNP/15/00226, but as at 2002, which is the baseline under the South Downs Plan. This baseline will be compared against the as-built form now, in order to determine whether the retrospective consent would be Policy compliant with SD31.

The application does not provide that information and I believe is misleading because there are no references to it, but only references to differences in the as-built drawing by virtue of a red line drawing showing the difference between the consented extension and the as built. The Parker Dann Planning Statement provides areas based on the following statement found on Page 2 of their document: "The total floor-space of the as-built building (174.5 m² gross internal area) represents an increase of 43.5 m² over the 131 m² of the approved building". This in fact represents an increase of 33% over and above what was consented.

This is clearly a very large increase over that consented and we are being asked to condone a breach of planning regarding size/design/use of such a scale that it will drive a coach and horses through the adopted policies. It will leave SDNPA and the parish council open and defenceless to many more applications, but more particularly act as an invitation to others to breach consents.

I have looked back at the 15/00226 application documents and amazingly there is no reference to areas, but Parker Dann are basing their analysis and thereby justification that

the as-built is compliant with SD31 by a comparison of the as built area of the extension against the consented area of the extension in 2015. This should be an irrelevance for the purposes of considering the application.

There is an added complication in arriving at the baseline, because there was planning consent granted in 2011 for a ground floor extension (implemented in 2014) and this needs to be deducted from building area to get back to the 2002 built area. The link to the 2011 consent is as follows:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=114575>

I have computed the various areas, albeit these are based on pdf files and there will be a small in built error. The areas provided by the applicant are Gross Internal, while I have computed Gross External. This would actually present a worse picture if the as-built is subsequently measured on a Gross External basis. These are as follows:

2002 Baseline 310 m2 /3337 sq ft

(ground, first and second floors)

2014 Extension 17m2/185 sq ft

(ground floor only)

2015 Extension - consented 131 m2 / 1410 sq ft

2015 Extension - as-built 174.5 m2/ 1878 sq ft

AS BUILT BUILDING AS A PERCENTAGE INCREASE OVER THE 2002 BASELINE = 62%

NB It is worth noting that the 2015 consent would still have delivered an increase of 48% over the Baseline