

Minutes of a Remote Meeting of the Planning Committee held in accordance with the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 on Tuesday 21st April 2020 at 6.30 pm.

Present: Cllr T Bryant (Chair), Cllr L D'Urso, Cllr M Keller, Cllr P Seeley, Cllr P Hill and Cllr K Godden.

In attendance: Cllr V Rowlands (SDNPA Representative), D Picknell (Admin Officer)

There was one member of the public present

Public Session

Land Adjacent to the Old Parsonage A neighbour submitted comments and a question on planning application SDNP/20/0138/CND. Read by The Chair it was considered documents on the SDNPA portal were unhelpful incomplete or incorrect and not fully updated. The changes were not clear or easily identifiable. Members were asked for these points to be addressed and to shed light on what is the variation to condition 2.

The Chair closed the public session and opened the meeting.

P.113 Apologies for absence - Cllr N Day, Cllr B Wheatley and Cllr D Wild.

P.114 Declarations of Interest – None

P.115 Minutes of the previous meeting

The Minutes of the meeting held on 18th February 2020 and the Summary of the Planning Committee comments were confirmed as correct records, signed by the Chair and shown to those in attendance under new guidance from SSALC (Surrey and Sussex Association of Local Councils) on remote meetings.

P.116 NEW APPLICATIONS

SDNP/20/01219/HOUS – East Dean Place, Friston Hill, East Dean, BN20 0BP *Demolition of garage and replacement with annexe (retrospective).*

The Chair informed members that not much changed from this application to the previous retrospective application SDNP/19/04705/CND.

Members viewed the Parker Dann Statement dated 13 March 2020 which agreed that the construction was not in strict accordance with the drawings approved under planning permission reference SDNP/15/00226/HOUS.

The Committee noted that the information in that statement had not disagreed with the Parish Council analysis of the areas and degree to which the consent had been exceeded. Parker Dann claimed there were not two or more separate dwellings and stated that the applicant did not have separate kitchens in what appeared as built to be two apartments in the new extension. Parker Dann went on to admit their client was in breach of planning consent and sought to justify that consent should be forthcoming for the larger building on the basis that it was a very big house but in a very large site and therefore the size of the extension would not look out of keeping and would be appropriate to the size of site.

The Chair advised that there was supposed to be two new garages in the extension and members agreed that whether it was an annexe or self-contained units the dummy garage doors intended to deceive and it remained an illegal development by virtue of its size.

This was quantified when the previous retrospective planning application SDNP/19/04705/CND was considered by the Committee at their meeting on the 5th December 2019.

The application was for relaxation of condition 1 of consent SDNP/15/00226 i.e. building an extension which is not in accordance with the consented drawings and is considerably larger as well.

The major shortcoming in the application is that it sought 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 should be compared against the as-built form now in order to determine whether the retrospective consent would be Policy compliant with SD31.

The previous application did not provide that information and there were 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 previous Parker Dann Planning Statement provided areas based on the following statement. The total floorspace of the as-built building (174.5 sq m gross internal area) represents an increase of 43.5 sq m over the 131 sq m of the approved building. This in fact represented an increase of 33% over and above what was consented.

This is clearly a very large increase over that consented and a breach of planning regarding size/design/use of such a scale that it will drive a coach and horses through the adopted policies.

Looking back at the 15/00226 application documents there is no reference to areas, but Parker Dann are basing their analysis and thereby justification that the as-built is compliant with SD 31 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 was a planning consent granted in 2011 for a ground floor extension (implemented in 2014) and this needs to be deducted from the building area to get back to the 2002 built area to arrive at the baseline. The following link is to that planning consent:

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

The area provided by the applicant was Gross Internal and if Gross External was computed 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.

In the retrospective planning application SDNP/19/04705/CND the South Downs National Park Authority Decision Report concluded “The retrospective development hereby proposed cannot be considered to constitute a minor material amendment to planning approval SDNP/15/00226/HOUS for the purposes of S73 of the Town and Country Planning Act 1990 (as amended) due to the significant differences between the previously approved plans and what has been constructed. Furthermore, the development undertaken is of such significant deviation from the originally approved plans that the planning permission is not considered to have been lawfully implemented. Therefore, an application to regularise the existing development via an application under Section 73(5) of the Town and Country Planning Act 1990 (as amended) is not appropriate.”

The SDNPA representative asked about CIL (Community Infrastructure Levy) money. The Chair advised the committee that CIL would not ordinarily apply but it may be that as the building was built in excess of what was consented the applicant may not have submitted the appropriate application for waiver.

The Committee was concerned that if the SDNPA consented to this application not only would it drive a ‘coach and horses’ through their policy it would set a precedent that encouraged illegal development.

The Chair asked the SDNPA representative if this case is likely to go to SDNPA committee. The representative advised that since she had been on the Committee this kind of enforcement issue had not reached them. The SDNPA representative offered to speak to the Enforcement Officer who is also the Case Officer if that helped.

Members voted unanimously with a show of hands and objected in the strongest possible terms to the Retrospective Planning Application SDNP/20/01219/HOUS 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.

RESOLVED - To recommend that the application be REFUSED

SDNP/20/01348/CND – The Old Parsonage, Eastbourne Road, East Dean, BN20 0DN

Proposed development of 1 no. residential dwelling on the footprint of approved scheme ref. SDNP/19/03323/FUL and SDNP/19/06138/CND (Variation of Condition 2).

The Chair advised members that he had looked at the drawings and compared them with those submitted on the previous application and it was unclear where the movement on the footprint was to be. Contradicted by the Design and Access Statement which showed movement in a different place.

Members agreed with a show of raised hands that there was not enough information on which to make a decision and this application should be deferred.

The Committee would ask the SDNPA for an extension of time and would request the applicant submitted better documentation for consideration and a clearer understanding of the planning application. Members would like to know how adjacent properties would be affected by this application.

Recommendation: To defer decision, ask for an extension of time and request the applicant submit particulars to give clarity to the application and its effect on adjacent properties. **ACTION: DP**

RESOLVED - To recommend that the application be DEFERRED

SDNP/20/01404/HOUS – 1 The Ridgeway, Friston, BN20 0EZ

Single and two storey rear extension and loft conversion.

The Chair advised that a previous application SDNP/19/05370/HOUS which was recommended for approval by the committee at the planning meeting on the 17th December 2019 was essentially the same. Later withdrawn after an ESCC County Ecologist report dated 19 Dec 2019. A full ecological impact statement dated 24 March 2020 was submitted to the SDNPA and would be reviewed by their ecology expert.

The committee considered this application was reasonable. The proposed extension was large and pushed the 30% limit however members agreed this application improved the property without the essential character being altered and raised no objections.

RESOLVED – To recommend that the application be APPROVED

P.117 DECISION NOTICES

The committee noted the following application was approved by the SDNPA and resolved by the Parish Council as 'Approved':

SDNP/19/04813/HOUS – The Boat House, Birling Gap Road, East Dean, BN20 0AB
Single storey side extension to create new garden room and master bedroom suite.

The committee noted the following applications were approved by the SDNPA and resolved by the Parish Council as 'No Comment':

SDNP/20/00025/DCOND – The Old Parsonage, Eastbourne Road, East Dean, BN20 0DN
DISCHARGE OF CONDITION – Condition 5 of Planning Consent SDNP/19/00323/FUL – Construction Management Plan.

SDNP/20/00157/DCOND – Land to the rear of the Old Parsonage, Eastbourne Road, BN20 0DN
DISCHARGE OF CONDITION – Condition 4 (Foul and Surface drainage design details) of Planning Consent SDNP/17/04912/FUL.

The committee noted the following applications were approved by the SDNPA and resolved by the Parish Council as 'Not to Object':

SDNP/19/06033/FUL – Church of St Mary The Virgin, Crowlink Lane, Friston, BN20 0AU
Erection of compost toilet.

SDNP/19/06049/HOUS – Crowlink Place, Crowlink Lane, Friston, BN20 0AU
Demolition of an existing garage with existing first floor attic space made from replica cement brick and tiles. Built over its existing footprint is the proposed enlarged replacement garage with first and basement floors used for storage incidental to the host dwelling. With traditional Sussex barn hipped gable ends and wooden windows on the south elevation and external access stairs for the basement and first floor on the north elevation. The proposed materials would be in Sussex hand-made brick and tiles in keeping with the site and local vernacular.

SDNP/20/00179/HOUS– 96 Michel Dene Road East Dean Eastbourne East Sussex BN20 0JZ
Single storey side extension, loft conversion with 'hip to gable' roof extension, rear dormers and roof windows and associated alterations including replacement porch and enlargement of forecourt parking area.

SDNP/20/00249/HOUS – Havering Cottage. 9 Michel Dene Road. East Dean, BN20 0HP
Dormer extension to first floor bedroom and associated alterations.

SDNP/20/00264/FUL – Birling Gap Hotel, Birling Gap Road, East Dean, BN20 0AB
Infilling of the covered area on the South East end of the toilet block at Birling Gap to provide a 'grab and go' café.

P.118 NEIGHBOURHOOD PLAN

The NPSG Chair informed the committee that a report would be prepared which addressed the last Neighbourhood Plan Steering Group meeting and the Scope of the Neighbourhood Plan would be revisited. The Working Groups would be reset with references, aims and objectives, points raised on finance would be addressed and presented at the Full Parish Council meeting on the 7 May 2020. Timing for the Neighbourhood Plan would be proposed and voted on at that meeting. **ACTION: TB**

P.119 SDNPA – Eastern Planning Structure

The Committee thanked Councillor Rowlands for the preparation of the SDNPA Eastern Planning Structure which was helpful and informative.

P.120 SDNPA - New Procedures for Planning Committee (Covid – 19 update) -Webpage noted**P.121 NALC – Guidance on L01-20 Regulations - Noted****P.122 NALC – Holding Remote Meetings - Noted****P.123 REPORT FROM SDNPA ENFORCEMENT OFFICERS**

The Committee viewed the report of SDNPA Enforcement and were pleased for an update.

Councillors were concerned that on some cases where the deadline had passed there was no action by the Enforcement Officer. The Chair pointed out that if an Enforcement Notice was served and confirmed and was not complied with the matter would be a criminal offence and could be taken to Court.

Councillors agreed that where the owner had the opportunity to act within a specific time and had not complied there should be some demonstration of enforcement.

P.124 CORRESPONDENCE - None**P.125 URGENT ITEMS - None****P.126 DATE OF NEXT 'REMOTE' MEETING: - Tuesday 19th May 2020 starting at 6.30 pm**

There being no further business, the meeting closed at 7.21 pm.

Signed..... (Chair)

Date.....