



# Chailey Parish Council

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## Draft minutes subject to confirmation

**A Meeting of the Chailey Planning and Environs Committee was held on Tuesday 1<sup>st</sup> December 2009 in the Reading Room, Chailey Green, commencing at 7.30pm.**

**Present:** (Chairman) Cllr J. Millam  
Cllrs. D. Cowan, J-P. Ellis, P. Olbrich & J.Tillard,.

**Public present:** 9 (part of meeting)

**In attendance:** R. Seccombe (Clerk)

1. **Apologies:** Cllrs P. Carpenter, M. Downey, M. Evans, K. Gould & L. Waller.
2. **Verbal representations by members of the public (see also item 10 re lbstock Brick Ltd.)** Members of the public indicated that they wished to make representations with regard to planning application **LW/09/1148** (Land at Orchard Cottage, Brickyard Lane, S. Chailey) and to comment with regard to item 9 **Chailey Public Footpath 64 (Right of Way)**. The Chairman stated that representations would be invited as each item was taken at the meeting.
3. **Declarations of Interest by Councillors:** Cllr Cowan declared a personal interest in application **LW/09/1148** and in items 9 & 10 since he lives in the vicinity of the application site, the Brickyard Lane Right of Way and the Chailey brickworks.
4. **Council resolution (No. 09/152):** to agree and sign as a true record the Minutes of the Planning & Environs Committee Meeting held on Tuesday 3<sup>rd</sup> November 2009 and the Urgent Planning Matters Meetings held on 17<sup>th</sup> November 2009.  
**Council decision:** Accepted
5. **Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency:** None.
6. **Matters arising:** None.
7. **To consider LDC planning applications:**

Rec. 12.11.09 Deadline 4.12.09	Name and address:	Work requested:	Council decision:
LW/09/1148	Mr J Balcombe, Land at Orchard Cottage, Brickyard Lane, S. Chailey.	Planning Application - Erection of a detached bungalow with rooms in roof with integral garage (renewal of planning approval LW/04/2184).	Members expressed no objection to the application <b>SUBJECT TO</b> amendment to the conditions set down re LW/09/2184. See comments below – section 7.7.

See item 3 re Declarations of interest.

**7.1** Members were informed that three written representations had been received re **LW/09/1148**

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in advance of the meeting.

- A letter of objection from Mr Hooker (resident in vicinity of application site) to LDC (cc to CPC) dated 29.12.09 referred to overshadowing and loss of privacy, proximity to the boundary and the size of the proposed residential unit relative to size of properties in the local area and also considered a potential impact on the local water table.
- A letter of comment from Mr Whitworth (resident in vicinity of application site) to LDC dated 22.11.09 (cc to CPC) expressed concern about the impact of extra vehicular activity on the lane and commented on the lack of footpath/verge and turning areas and noted that with the designation of the lane as a ROW additional pedestrian movements may occur in the future.
- A letter of objection from Mr Walters (adjoining landowner) dated 27.11.09 to CPC and cc of letter of the same date to LDC made reference to subsequently 'un-retained' conditions included in **LW/00/0976** which made reference to parking and turning on the lane to ease traffic flow and improve road safety. The letter also referred to various legal matters relating to access to and use of the land.

**7.2** Members were supplied with copies of the decision notice re **LW/04/2184** which gave consent for the application relating to a detached bungalow subject to 6 conditions and the decision notice re **LW/09/0659** re a detached garage (with 7 conditions and an 'informative') was available for reference.

**7.3** The Chairman invited representations from members of the public attending the meeting.

- Mrs Cleaver (resident in vicinity of application site) noted that Brickyard Lane is the sole way of vehicular access to the application site and to a number of residential properties from the A275 and that significant changes had occurred along Brickyard Lane since the application was first considered in 2004. She stated that as a frequent pedestrian user of the lane escorting young children she was particularly concerned about safety of pedestrian use of the lane when meeting on-coming and reversing vehicles in view of the lack of verges/footpath alongside the edges of this unlit lane. Reference was also made to rights of land use and access – see 7.4
- Dr Estcourt (resident of South Chailey) noted that large vehicles with limited rear visibility often reverse back down the lane to the A275 constituting a safety risk to pedestrians and animals. He stated that turning space was inadequate and that this adversely affects all properties including the proposed new property.
- Mr Whitworth (resident in vicinity of application site) re-iterated previous comments made above about the lack of turning space on the lane and commented that uninvited vehicles frequently enter his driveway.
- Mr Walters (owner of a rented property and building plot on Brickyard Lane) raised the points included in his letter referred to in section 7.1 and various legal matters relating to access to and use of the land - see 7.4.
- Cllr Cowan (Member of the parish council and resident in vicinity of application site) had previously declared a personal interest in this application – see item 3 and commented in response to a question, that according to his memory of events, that planning permission for South Downs View and Brickyard House at the far eastern end of the lane had been granted in 2000 subject to the lane, which at the time was unsurfaced, being made up to Local Authority standard. Parking spaces on the north side of the lane were tarmaced at the same time. He stated that some properties at the eastern end of the lane suffer from the problems of inadequate visitor/delivery parking and turning.

**7.4** As on previous occasions when applications relating to Brickyard Lane have been considered, Members commented that differences between neighbouring landowners over boundaries, rights of access and rights of use of land were legal matters to be resolved by the respective parties and that such matters were not 'material planning considerations'.

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**7.5** Members took note of the reported reduction in turning and parking facilities along the lane and were shown photographs taken by Mr Walters of the gated emergency access and fencing on the north side of the lane. Mr Walters stated that the metal container unit shown in one of the photographs had been removed off site in w/c 30/11/09. Mr Ingram of Ibstock bricks Ltd who was also attending the meeting for the purposes of item 10 (Review of Minerals Permissions) confirmed that he was aware that the 'emergency access' was currently gated and locked and that Ibstock Brick Ltd was legally entitled to a key to gain ingress and egress from the brickworks site as and when required. A resident commented that it was disadvantageous to have a so-called 'emergency access' which required use of a key which was not readily available at the site of the access point. It is noted that the gated access and former parking areas referred to by the public attending the meeting are not within the confines of the application site as defined by the red line on the OS plan date stamped 30.10.09 included in application **LW/09/1148**.

**7.6** Members agreed that the lane is narrow and that additional volume of traffic associated with this or any other future development would aggravate problems encountered by vehicles attempting to turn around or stop in the lane for the purpose of deliveries or visits. The SLR Highways representative was asked to seek the technical advice of Highways at the liaison meeting to be held on 2.12.09. It was noted that the advice supplied to the case officer by Highways on 10.11.09 was as follows: 'As this is a renewal application I do not wish to restrict grant of consent'. Residents attending the meeting argued that there had been many changes along the lane since the Highways advice was supplied in 2004 at the time of the original application for a bungalow at the site.

**7.7** Councillors noted that the parish council had previously expressed support for the application in 2004 and agreed that they did not have objections to the renewal subject to the following conditions:

- Retention of the existing conditions 1-5 as included in the decision notice for **LW/04/2184**;
- The case officer is requested to re-consider the impact of an additional dwelling on road safety along Brickyard Lane in view of the lack of turning and roadside parking provision on the lane (noting the change in circumstances 'on the ground' since the original application was approved in 2004) and councillors recommend that further advice is sought from ESCC Highways subsequent to their comments dated 10.11.09. Both the 'on road' and 'off road' provision (or lack of it) of parking and turning space should be re-considered whilst taking into account potential additional pedestrian movements along newly designated Public Footpath no. 64 (related 'Order' subject to final confirmation). The wording of condition 6 in the decision for **LW/04/2184** should be re-considered prior to inclusion of a condition relating to road safety as a condition for **LW/09/1148**.
- inclusion of a further condition relating to construction times (in all new build applications, as a matter of policy, the parish council recommends the inclusion of the standard LDC condition re timing of construction work - see condition 7 of decision notice LW/09/0659).
- inclusion of an 'Informative' relating to the ongoing legal discussions between the applicant and others relating to boundaries, rights of access and rights of use of land (see first two sentences of Informative included in decision notice re **LW/09/659**).

<b>Rec. 12.11.09 Deadline 4.12.09</b>	<b>Name and address:</b>	<b>Work requested:</b>	<b>Council decision:</b>
<b>LW/09/1149</b>	<b>Mr &amp; Mrs S Canning, Pound House, Markstakes Lane, S. Chailey.</b>	<b>Planning Application - Alterations and extension to existing double garage.</b>	<b>Support.</b>
<b>LW/09/1154</b>	<b>Mr N Gourlay, Mellifount Farm, Oxbottom Lane, Newick.</b>	<b>Planning Application - Amendments to previously approved application number LW/07/0944 including increase in ridge height.</b>	<b>Support – noting that the application site level is lower than the adjacent road and so the impact of a change in ridge height is not considered to be unacceptable.</b>
<b>Rec. 18.11.09 Deadline 11.12.09</b>	<b>Name and address:</b>	<b>Work requested:</b>	<b>Council decision:</b>
<b>LW/09/1137</b>	<b>Mr B Marshall Re-</b>	<b>Planning Application -</b>	<b>Amendment noted – no change</b>

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	<b>advertisement – Amended Site Address Unit 19, Bluebell Business Estate, Railway Lane, Sheffield Park.</b>	<b>Erection of a rear extension to industrial unit.</b>	<b>to comments previously submitted to LDC,</b>
<b>Rec. 18.11.09 Deadline 11.12.09</b>			
<b>LW/09/1147</b>	<b>Mr P Martin, Northfields, East Grinstead Road, N. Chailey.</b>	<b>Planning Application - Erection of a two storey extension with detached double car port and new vehicle access.</b>	<b>Support, subject to advice of Highways re safety aspects of proposed siting of the new access relative to the bend in the road (A275). Condition should be included that old access to be stopped up permanently. Members commented that the car port was somewhat distant from the property. Members commented that in their opinion the overall plot size was adequate for the scale of the proposed extension.</b>

**8. To consider the invitation to comment on the s38 application under the Commons Act 2006 for restricted works on common land adjacent to Leyden House, Haywards Heath Road, N. Chailey (representation deadline 10.12.09).**

**8.1** Members were informed that the Leyden House Trust has applied for s38 consent (under the Commons Act 2006) for restricted works on the common land strip (unit CL3) on the south side of the A272, N. Chailey and to the north of the boundary of Leyden House. The proposed works in application **COM 127** comprise widening of the existing driveway from the width of 3.5m to a width of 5m for a length of approximately 13 metres. It was noted that Highways have advised that a width of 5m is required for safe ingress and egress of vehicles from the property. No fencing or other works associated with the driveway are proposed. The trustees have been in contact with the Chailey Common 1915 Scheme of Regulation Manager (LDC Legal services) and no owner of the land has been identified. Members stated that they had **no objection** to the proposed works and did not consider that the works would be detrimental under the criteria set out in s39 (sub sections 1&2) of the Act.

**8.2** At the meeting of the Chailey Planning & Environs Committee held on 6<sup>th</sup> October 2009 Members had previously discussed the existing brick built 'Leyden House' V-shaped name pier which stands to the west of the access way on the turf of the common land strip. Members had commented that they would not support a retrospective application for retention of the house sign since the sign stands in a central position on the strip, neither close to the property boundary nor the access way. Members were informed that at the meeting of Lewes District Council's (LDC) Cabinet on 17<sup>th</sup> November 2009 byelaw consent was granted to a property close to Leyden House, namely White Cottage, Haywards Heath Road for retention of the existing brick pillars which had been built without planning permission, as detailed in LDC report no. 218/09. The report stated that the piers are very close to the boundary of White Cottage and would not materially affect pedestrians or those persons wishing to access the common for other purposes. Chailey Members were also informed that at the LDC Cabinet meeting held on 17<sup>th</sup> November 2009 the LDC Members considered and adopted a policy relating to handling of applications for byelaw consent for the placing of minor structures on common land for which the Council has management responsibility. Chailey Members noted the wording and scope of the LDC policy.

**8.3** Members were informed that the planning application **LW/09/0866** made by the Trustees of the Leyden House Trust for 'Demolition of redundant care home and erection of two detached dwellings and widening of access drive and conversion of existing annexe to dwelling' had been withdrawn and that a revised application is to be submitted in due course.

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**9. To note a Footpath Modification Order - Brickyard Lane Public Footpath no 64 (representation deadline 29.12.09)**

Members were reminded that the council had previously made representations to ESCC ROW (Rights Of Way) in support of confirmation of the claimed public right of way. The council had received from ESCC ROW a copy of an Order for Modification of the Definitive Map of Footpaths with a representation/objection deadline of 29<sup>th</sup> December 2009. Members noted that the plan accompanying the Order was not consistent with the description of the route in Part 1 of the Schedule. Members of the public present at the meeting included Mr Hall of Brickyard House and Mr Whitworth of South Downs View, both of Brickyard Lane. They commented that ESCC had already been advised of the error in the plan and that ESCC had agreed that it was misleading. The Clerk was asked to obtain a copy of the revised plan in due course. Further to discussions about pedestrian safety on Brickyard Lane under item 7 members of the public at the meeting expressed concern about the barbed wire on the fencing on the north side of the lane noting that there is no verge or footpath on which to seek refuge from passing vehicular traffic. Members agreed that ESCC ROW should be asked to comment on this matter.

**10. To further consider the ESCC Consultation on the Waste & Minerals Development Framework Preferred Strategy (Due 2.12.09) and the ESCC Review of Minerals Permission for the Ibstock Brick Ltd site, S. Chailey (Due 9.12.09).**

Members had previously discussed the ESCC Waste and Minerals (W&M) consultation at the meeting held on 3<sup>rd</sup> November 2009 and had received information from Ibstock Bricks Ltd with regard to the current Review of Minerals Permissions (ROMP) at the site - see item 13 of minutes dated 3.11.09). Members were informed that the deadline for comments on the W&M consultation had been extended to 15<sup>th</sup> January 2010. Mr Ingram and Mr Descombes, both of Ibstock Bricks Ltd, provided a presentation on the future usage of the Chailey brickworks site and the details are supplied in Appendix 1.

**11. To note LDC planning and TPO decisions:** Noted.

**12. To consider outstanding appointments and to update the Register of Members' Interests:**

**Council Representative to Outside Bodies:**

- representative to Chailey Common LNR Management Committee
- representative to Chailey Commons Society

**Post of Responsibility:**

- Communications Advisor

The appointments noted above were deferred to a later date. Members discussed whether a new co-opted Member of the council (there being a Casual Vacancy at the current time) may possibly be interested in taking up one of the commons related appointments. In her absence Members recommended that Cllr Waller should be invited to take up the Communications Advisor post in the light of her involvement with the RASP community information project. The matter will be discussed at the next Full Council meeting.

**13. Brief update re RASP/information point project.**

Members were informed that the Free Church has agreed to provide a venue for a weekly opening of a community information point to run alongside the Wednesday morning 'Coffee Stop'. A meeting is to be held in the New Year with the co-ordinator of the new ESCC Children's Centre at Chailey School to consider co-ordination of community information provision within the parish.

**14. Parish maintenance: consideration of quotations received.**

Members reviewed an agenda paper which presented quotations for the following works: flagpole replacement, ditch works near Andros Close and fencing at Chailey Green. Members decided that the combined cost of supply and installation of a new flagpole was too high and that the existing flagpole should be repaired and re-painted. Cllrs Millam and Ellis undertook to carry out the works giving their time free of charge. Cllr Olbrich offered free use of workshop facilities for the works. The Members undertook to carry out the work at their own risk and the parish council is not to be responsible for loss/injury caused. Members confirmed that the Clerk need make no further enquiries with regard to the flagpole works. Members approved the quotations for ditch

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works at Andros Close and the low level post and rail fencing extension at Chailey Green subject to inclusion of a rodding eye or other suitable means of access to the pipework to facilitate subsequent clearance of any blockages and subject to confirmation that the spacing of posts and spans on the fencing matches the existing fencing. The expenditure falls below the £1k triple quotation threshold.

**15. Update on play site advice received and consideration of loan terms.**

Members agreed to consult with residents at the forthcoming Annual Parish Meeting in April 2010 (date to be agreed) about the priorities for any parish council expenditure on provision of outdoor play facilities in terms of location, source of funding, age group to be targeted and nature of facilities to be provided. The findings of the Chailey Parish Survey 2009 and feedback from Chailey Youth Group and Chailey Sports Club will also be taken into account. Members decided that it was not necessary to make provision in the Budget/Precept for 2010-2011 for any increase in the ear-marked reserves for outdoor play provision or to make provision for any loan financing costs related to future provision of play facilities.

**16. CONFIDENTIAL (legal matters)**

- **To consider land for sale**
- **South Common & Little Exceat**
- **Lane End Common, River Farm & Rotherfield Farmhouse**

Item 16 was considered in closed session. Members agreed not to proceed with any land purchase at this point in time. Correspondence relating to legal matters was noted.

Notes for this item appear in Appendix 2 which is classified as 'CONFIDENTIAL'

**17. Correspondence for noting, including (verbal) request by Mrs Sebley of Rotherfield Farmhouse to install a memorial seat on Lane End Common.**

Members were informed that a request had been received, via Mrs Barbour of Chailey Commons Society (CCS), from Mrs Sebley of Rotherfield Farmhouse, Newick for the parish council's consent as landowner for the installation of an oak three seater memorial seat on Lane End Common, to be located on the 'ride'/firebreak north of the car park near the brow of the hill. The proposed seat is to be erected at the expense of Mrs Sebley. Members were informed that the request had been referred by the Clerk to the following organisations for comment: Lewes District Council (LDC) Legal Services, in its capacity as Manager of the 1915 Scheme of Regulation; East Sussex County Council (ESCC) Countryside Management's Ranger Services and Chailey Commons Society (CCS). Reference had also been made to guidelines issued by the Planning Inspectorate for works on common land. Members were notified as follows:

- **LDC** Mr Harris of LDC Legal Services had commented as follows: *'Byelaw 5 of the Commons Byelaws prohibits the erection of any post, rail, fence, pole, tent, booth, stand, building or other structure. I don't believe that a memorial seat constitutes a 'structure' within the meaning of the byelaw. Nor is a seat 'erected' in the normal sense of that word. I don't therefore think that consent under byelaw 5 is necessary'*.
- **ESCC** Mr Kirkpatrick and Mrs Willmott had confirmed that they have no objections provided that the seat complies with a joint policy for those structures not governed by restrictions in the LDC common land byelaws and the Commons Act 2006. This policy is to be agreed by ESCC Countryside Management and CCS to prevent proliferation of such structures and to encourage conformity of such structures (ie of approved design and materials and from specified manufacturers' ranges that are likely to be available for some considerable period). In particular ESCC have stipulated that the seat is of wood; is not to stand on a concrete or permanent base and is not to figure prominently in the landscape eg best located near trees/dense shrubs.
- **CCS** Mr Coleman of CCS had commented that that the society has no objections provided that the seat complies with the policy referred to above and had commented that that the seat will be *'something of value and, once weathered in, will provide a useful resting point for those who walk there and enjoy the common'*.
- **Planning Inspectorate (PI)** The PI Common Land guidance sheet 1b on 'Works and Processes that do not need s38 consent' includes as exempt 'placing seats which are in-keeping with the character and use of the land. Seats not be placed on skylines and care to be taken to avoid erosion'.

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Members expressed concerns about the security of the bench in terms of possible theft and vandalism in this remote area and also about possible problems of generation of litter near the seat. Members expressed approval for the proposed seat subject to the various conditions noted above and, as landowner, required that the following additional condition apply: that the parish council is not responsible for maintenance or security of the seat and that if at any future point in time its condition is considered to be unsafe or has deteriorated to the detriment of the character of the area it can be removed and disposed of without the consent of the provider of the seat. Members suggested that the precise location on Lane End Common be agreed with the Ranger (not on a skyline to comply with PI requirements). The Clerk was asked to write to Mrs Sebley informing her of the parish council's and other bodies' conditions set for provision of a memorial seat with copies to the interested parties noted above.

**18. Risk Implications to be considered, including risk review of land under delegated management.**

Members noted that a risk review had been undertaken covering the three areas of land under delegated management (under agreements with the Sclater Estate and with LDC). The following points were noted:

- The seat at Chailey Green has rusted metal rods in the concrete supports and needs to be replaced.
- The tree work and clearance of fly tipping approved within council is to commence on 7<sup>th</sup> December 2009. The tree surgeon has provided the required insurance, Environment Agency and training certification required by the council.
- The flap pole at Chailey Green had previously been discussed under item 14.

**19. Implications to Crime and Disorder Act 1998 Section 17: None.**

**20. Any other business for information: None.**

**21. Date of next Planning & Environs Committee Meeting: Confirmed as Tuesday 5<sup>th</sup> January 2010.**

The meeting closed at 9.40pm.

**Signed:**

**Date:**

**Chairman**

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