



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 6th October 2009 in the Reading Room, Chailey Green, commencing at 7.30pm.

Present: (Chairman) Cllr J. Millam

Cllrs. D Cowan, M. Downey, J-P Ellis, M. Evans, K. Gould, S. Hampton, J. Tillard, L Waller.

Public present: 2 (part of meeting) including Mr J Gould representing Chailey Sports Club.

In attendance: R. Seccombe (Clerk)

Verbal representations by members of the public on agenda items:

Mrs Shephard made a verbal representation in objection to the following planning application included in item 6: **LW/09/0930 Mr C Dudley, Land rear of Thistledown, Mill Lane, S. Chailey. Erection of a two bedroom chalet style house and single detached garage.**

Mrs Shephard explained that her property in S. Chailey shares a boundary with the application site. She queried the description of the site on the application form as land 'rear of' when the plot is actually to the 'front of' Thistledown. Mrs Shephard circulated a map (included in her written representation to LDC) showing the area where a substantial hedge had been lost by fire in 2005 and replaced by a fence. She commented that without the loss of the hedge the small site would not be able to accommodate the proposed dwelling since the proposed building runs very close to the boundary. She expressed concern about root disturbance of the remaining hedge if the building works were to proceed. She reported that the proposed development would be in very close proximity to a decking area in her back garden, resulting in a loss of privacy and amenity. She said that in her view the proposed building was far too large for the site and commented that previous applications on more sizeable plots in the vicinity had been refused planning permission.

Mr Gould, acting as agent for the applicant (The Leyden Trust) made a verbal representation in support of the following planning application included in item 6: **LW/09/0866 Trustees of Leyden House Trust, Leyden House, Haywards Heath Road, N. Chailey. Planning Application - Demolition of redundant care home and erection of two detached dwellings and widening of access drive and conversion of existing annexe to dwelling.**

Mr Gould outlined the history of Leyden House and plans for development of the site as follows:

- the property was bequeathed to the Leyden House Trust (a registered charity) for the purposes of creating a residential unit for up to seven disabled former pupils of Chailey Heritage School. Ancilliary accommodation includes a common room, kitchen, 2 staff flats & annexe, a hydrotherapy pool and changing room;
- the residential unit with C2 residential care status has now closed after a period of falling occupancy. Due to its relatively small size it is not viable for provision of multi shift residential care and the building is in a serious state of dilapidation;
- the charitable trust is to be wound up with proceeds going to a charity with similar charitable objectives;
- change to residential use is proposed with 2 detached houses on the site of the former Leyden House with the existing detached Annexe to be retained. There would be a slight reduction in the overall internal floorspace on the application site as a result of the works.
- the tree survey has indicated that two trees would be lost as a result of the development and one would be removed in any event since it currently interferes with the structural

Initials:

Date:

integrity of Leyden House. All remaining trees within the grounds around the perimeter are to be retained;

- some minor modifications to side elevations have been made since the plans were submitted to LDC (see item 6 below) and these revised plans were supplied to the parish council for inspection.

Mr Gould commented that the application description, as amended by LDC, which includes 'conversion of existing annexe to dwelling' should read as 'retention of the existing annexe to dwelling'. No conversion is envisaged – the current staff accommodation is suitable for residential use without modifications to the property structure or internal arrangements.

1. **Apologies for absence:** Cllrs P. Carpenter, P. Olbrich.

2. **Declarations of Interest by Councillors:**

During item 6, at the start of consideration of **LW/09/0866** Cllr Gould declared a personal interest in the application since she is related to the agent appointed by the applicant (the Leyden House Trust).

3. **Council resolution (No. 09/142):** to agree and sign as a true record the Minutes of the Planning & Environs Committee Meeting held on Tuesday 7th July 2009 and the Urgent Planning Matters Meetings held on Tuesday 21st July and Tuesday 11th August 2009.
Council decision: Accepted.

4. **Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency:**

Matters for item 4 were taken out of sequence and are reported below. An update by Chailey Sports Club on grant funding for the proposed sports pavilion was delivered after item 6. Legal matters relating to rights of access and easements for services are reported under item 11 and in Appendix 2(restricted). Due to the confidential nature of these discussions about legal matters part of item 11 was discussed in 'closed session' in accordance with section 68 of Standing Orders.

5. **Matters arising:** Re item 11 of the Full Council meeting held on 15.9.09 - Members were informed that the owners of Chippinge on North Common Road had been sent a letter requesting confirmation that hedges adjoining the Highway would be regularly inspected and cut back as appropriate. At the time of the meeting a reply had not been received. Following advice received previously by SLR representatives, the Clerk was asked to obtain a 'cut back order' standard template from ESCC Highways to be issued if no response to a reminder was forthcoming.

6. **To consider LDC planning and tree works applications:**

Rec. 16.9.09 Deadline 9.10.09	Name and address:	Work requested:	Council decision:
LW/09/0918	Mr & Mrs Cameron-Moore, Foxwood, Lower Station Road, Newick.	Planning Application - Erection of a side extension at first floor level over existing car port to provide guest accommodation.	Support.
LW/09/0930	Mr C Dudley, Land rear of Thistledown, Mill Lane, S. Chailey.	Planning Application - Erection of a two bedroom chalet style house and single detached garage.	Members decided to conduct a site visit. See details of representations and comments provided below.

Members were provided with copies of three representations made to LDC by residents of S. Chailey living adjacent to or in close proximity to the application site (from Ms Luff, Mr Sharp and Mr & Mrs Shepherd). These representations raised concerns and objections about various aspects including access, amenity impact and impact on existing vegetation.

Initials:

Date:

A verbal representation from Mrs Shephard was delivered at the commencement of the meeting – see ‘Verbal representations by members of the public on agenda items’ appearing before item 1. Members agreed that the application description as ‘land rear of’ was misleading since the plot is on land to the front of Thistledown (as stated in the applicant’s Access Statement).

Members examined the site and block plans and commented that access to the site was by way of a somewhat narrow road off Mill Lane. Members also commented on the size of the new build relative to the small plot available. Members agreed to conduct a site visit at a date to be arranged in accordance with paragraph 75(b) of part II of Standing Orders, on the grounds that ‘the impact of the proposed development is difficult to assess from the plans and any supporting information supplied’. It was further agreed that comments from the meeting and site visit would be submitted to LDC’s Planning Services in time for the reporting deadline of 9th October. The outcome of the site visit will be notified to Members at the meeting to be held on 20th October 2009. Members agreed to conduct a site visit to be led by Cllr Millam on Thursday 8th October at 8am. The Clerk was asked to make arrangements for access with the applicant’s agent.

[text of draft site visit recommendations submitted to LDC on 9.10.09 are included at foot of these minutes – site visit report will be submitted to Members on 20.10.09]

Rec. 16.9.09 Deadline 9.10.09	Name and address:	Work requested:	Council decision:
LW/09/0962	Mr A Humphrey, Puffins, Lower Station Road, Newick.	Planning Application - Erection of a side extension with pool house, rear conservatory, front car port, rear decking and internal modifications.	Support, subject to case officer’s consideration of minor breach of the 50% rule. The case officer is asked to check whether the decking should be excluded from the calculations of footprint increase.

Members examined the proposed extensions and modifications and considered that they were reasonable in view of the size of the overall site. It was noted that many properties in the immediate area had been extended considerably towards their respective boundaries.

Cllr Gould declared an interest in application LW/09/0866 – see item 2.

Rec. 23.9.09 Deadline 16.10.09	Name and address:	Work requested:	Council decision:
LW/09/0866	Trustees of Leyden House Trust, Leyden House, Haywards Heath Road, N. Chailey.	Planning Application - Demolition of redundant care home and erection of two detached dwellings and widening of access drive and conversion of existing annexe to dwelling.	Support subject to conditions and informatives noted below.

See ‘Verbal representations by members of the public on agenda items’ appearing before item 1 for verbal representation supplied by the applicant’s agent.

Members were supplied with revised plans which, it is understood, at the time of the parish council meeting had yet to be supplied to LDC. The comments below are based on the copy planning application as sent to the parish council with the exception of the house plans for ‘House A’ and ‘House B’. Members examined the revised plans dated 6.10.09 - Plan ref 101B (House A) and 102B (House B) dated 6.10.09 in lieu of plans 101A (House A) and 102A (House B) dated 7.7.09 as previously revised 3.8.09. There is no change to the existing annexe plan D3710/002 dated 9.9.09. It is noted that LDC may in due course issue a ‘further information received’ notice and revised consultation period as a result of these amendments.

Members examined the site plan, floor plans and elevations (as amended – see above) and made the following observations:

Initials:

Date:

- the proposed dwellings and existing annexe are within a sizeable plot with mature vegetative screening around the perimeter. Safeguards should be put in place for retention of the screening with the exception of two oaks (T59 & T60) ;
- there is a wooded area to the west of the site (not within the application boundary but held by the Leyden Trust) and the Trust's intention to retain it as undeveloped woodland is encouraged.
- change of use to residential from the existing C2 status is reasonable given the economies of scale involved in operating viable residential care facilities with shift staffing - the main house would require major refurbishment and repairs not covered by current funds or potential income.
- the application would result in the creation of two new residential units and one retained dwelling in the countryside whose occupants would make use of the village's existing services and facilities – for this reason consideration of development contributions should be considered. The parish council noted the obligation of the trustees to optimise proceeds from winding up the charitable trust.
- in view of the countryside location outside the planning boundary consideration should be given to restricting any further development on the site.

Mr Gould was informed that at the meeting of the Chailey Commons Management Committee (CC LNR MC) held on 5th October, CC LNR MC members had expressed concern about the brick plinth bearing the Leyden House name which had been erected some considerable time ago on the common land strip to the north of the plot boundary (outside the application boundary). Mr Gould said that no formal request to remove it had yet been received by the Trustees however at the time of the meeting he was not aware of any reason why the Leyden House Trust should not agree to such a request.

It was noted that ownership consent enquiries were being made about the roadside strip with LDC in its capacity as 'occupier' of the common land strip under the 1915 LDC Scheme of Regulation. Members expressed **support for the application subject to inclusion of the following conditions and informatives:**

1. The case officer should consider restricting any further development at the site by removal of permitted development rights and by restriction of any extensions to the floorspace of the application under consideration. It was noted that the stated floorspace of the proposed development is 840 sq m (2 new dwellings with a combined area of 690 sq m plus retained annexe 150 sq m) and the area of the existing house and annex is 900 sq m (main house 750 sq m and annexe 150 sq m).
2. The case officer is asked to consider whether any S106 obligations for development contributions should be attached to any consent for the benefit of the local community.
3. The LDC Tree Officer is asked to consider issuing a TPO for the perimeter woodland on the application site (either as a block or for specimen trees) and also to consider a TPO for the woodland area to the west of the application site.
4. The case officer is to consider 'informatives' in any consent granted relating to:
 - handling of asbestos in oil tank roof area;
 - licence for demolition works affecting bat roost in Leyden House roof;
 - S38 Commons Act 2006 consent required for widening of access way across common land (outside the application site) which is subject to the 1915 LDC Scheme of Regulation. The parish council would not support a retrospective s38 application for retention of the 'V' shaped brick built pier on common land which currently serves as a house sign.

Rec. 23.9.09 Deadline 16.10.09	Name and address:	Work requested:	Council decision:
3852: 89/15/09/09	2 Broomfields, S. Chailey.	Four branches to be removed plus one dead branch on Oak tree (T2 of the Order).	Support for proposed removal of branches.

Rec. 30.9.09 Deadline 23.10.09	Name and address:	Work requested:	Council decision:
3852:	Ashleigh House,	Crown reduce by 1/3	Support for proposed

Initials:

Date:

290/23/09/09	South Road, South Common, South Chailey.	(30%) on Ash tree (T1 of the Order).	pruning.
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Further to item 4, Mr Gould in his capacity as representative of Chailey Sports Club, was then invited by the Chairman to provide councillors with an update on the club's progress in securing grant funding for the proposed new pavilion at the North Chailey sports ground.

[text of update yet to be incorporated in these draft minutes]

7. To note LDC and ESCC planning decisions:

Members had previously been supplied with a listing of decisions received and these were noted.

Date Recd.	Ref.	Address:	Work requested:	LDC Decision:
23.9.09	LW/09/0659	Orchard Cottage, Brickyard Lane, South Chailey.	Construction of a detached garage.	Application Approved. 'Informative' in decision notice re legal matters.

With regard to LW/09/0659 Members noted the inclusion of an 'informative' by LDC relating to outstanding legal matters and the Chair was informed that a letter had been received from the owner of a property along Brickyard Lane. The letter refers to negotiations to resolve land issues (non material planning matters for the purposes of building control).

8. East Sussex Fire & Rescue Service Consultation on Risk Management and Service Management.

Members had previously been circulated with a draft six part response to a consultation dealing with the East Sussex Fire and Rescue Services's Community Risk Management Planning, Service Planning and Resource Management. Members approved submission of the response as drafted with additional commentary with regard to questions 4 and 5. Question 4 related to the level of investment in community safety training. On a majority vote Members expressed support for a 1% increase in the ESFR budget specifically for increased provision of community safety training. The voting was as follows: 6 for; 2 against and 1 abstention. Those against favoured stringent financial budget restraints. Question 5 related to the level of increase in overall annual budget – 6 voted for an increase of no more than 2% in total, 2 voted for no increase and there was 1 abstention. Members noted that the ESFR had been independently rated as fair in terms of value for money and was performing well relative to other authorities. Members supported attainment of the national target of attending life risk incidents within 13 minutes. It was noted that Increased fire awareness training was desirable since fire incident frequency was more prevalent in E Sussex than that predicted by county census data.

9. Chailey RASP (Rural Access to Services Programme) project update.

Members had previously been circulated with notes of a meeting held with Free Church representatives on 17th September 2009 to consider the setting up of a community information point in South Chailey and the provision of outreach services by various community support agencies within the parish. Advice is being provided by Action in rural Sussex and further discussions are to be arranged.

10. CONFIDENTIAL (Contractual matters) Consideration of quotations – tree surgery at Downs View & Roeheath Village Green; flagpole at Chailey Green & Elec. inspection at Chailey Windmill.

Minutes for this item appear in Appendix 1 which will be classified as 'Confidential' since the discussions relate to on-going contractual matters.

11. Correspondence for noting:

Members had previously been circulated with a listing of correspondence received and issued. Members noted that a consultation is running about the composition of membership of the new South Downs National Park. Members did not request a representation to be made.

Initials:

Date:

CONFIDENTIAL (legal matters) As noted under item 4 the council has received queries relating to land owned by the parish council. These queries were discussed in closed session since they are treated as 'Confidential' under s68 of Standing Orders and are minuted in Appendix 2 which is currently restricted.

12. Risk Implications to be considered: Tree surgery requirements and flagpole safety have been reviewed and work is to be commissioned.

13. Implications to Crime and Disorder Act 1998 Section 17:

Members noted that Sussex Police had expressed thanks for assistance from the parish council in mounting the recent Crime Prevention Road Show which provided advice and free property marking of residents' equipment.

14. Any other business for information.

The following points were noted:

- incidents of fly tipping at Lane End Common and alongside Station Rd., N. Chailey for reporting to LDC.
- damage to ROW sign at the bottom of Coldharbour Lane, N. Chailey for reporting to ESCC ROW.
- query over access to footpath near old railway line adjoining western end of Cinder Hill – designated route of footpath to be checked at next meeting.
- A Member raised the issue of treatment of absence without apologies in the draft minutes for UPM and FC on 15.9.09. At the meetings of Planning and Environs (UPM) and Full Council held on 15.9.09 the respective Chairmen and Members present unanimously requested that the name(s) of any absent Member who had not submitted apologies be recorded as '*Cllr X was not present*' in the minutes and the draft minutes were prepared accordingly. Members discussed the treatment of absences and the submission of apologies and those Members present at P&E on 6.10.09 requested that the treatment should be reviewed as a separate agenda item at the next meeting of Full Council on 20.1.0.09 when additional discussion time would be available.

15. Date of next Planning & Environs Committee Meeting: Confirmed as Tuesday 3rd November 2009.

The meeting closed at 9.26 pm

Signed:

Date:

Chairman

Comments re LKW/09/0930 for submission to LDC following site visit:

The following comments are based on consideration of plans during the meeting of Chailey's Planning and Environs Committee on 6.10.09 and a subsequent site visit conducted on 8.10.09. The site visit was led by Cllr Millam, accompanied by Cllrs Downey, Evans and Waller. Feedback from the site visit was supplied to the Clerk by phone by Cllr Millam (Chair P&E) and by Cllr Waller (Deputy Chair P&E). The draft minutes dated 6.10.09 and Chairman's site visit report to be delivered at the Planning and Environs' Committee Urgent Planning Matters meeting on 20.10.09 summary will be signed off at the scheduled meeting of the Chailey Planning & Environs Committee on 3rd November 2009. The comments below have been submitted to LDC on 9.10.09 in order to meet the LDC deadline.

The case officer is advised that Chailey PC **objects** to the application on the following grounds:

- over intensive development of the site (in terms of scale, siting, massing and design) resulting in a house with a garden and usable external space of extremely constrained size;

Initials:

Date:

- development would be detrimental to the amenity of neighbours in terms of overlooking, noise, movement and visual intrusion and the new development is not considered to be respectful of, and appropriate to, the local area;
- access to the site is restricted and subject to the view of ESCC Highways may be detrimental to road safety;
- impact of works and proposed building on the root area of the existing boundary hedges.

The proximity of the development to the boundary is a particular cause for concern. For the reasons stated above the proposed development is considered to be contrary to ST3 and ST4 of the Lewes Local Plan.

Initials:

Date: