

CHALVINGTON WITH RIPE PARISH COUNCIL

DRAFT MINUTES OF THE PARISH COUNCIL MEETING OF

3rd June 2019

held at The Hayton Baker Hall, Ripe.

21. Present: Cllr Lady Conway (Chairman), Cllr Dunbar Dempsey, Cllr Dashfield, Cllr Rogers, Cllr Ward and Cllr White.

22. Attending: A Stevens (Clerk) and twenty two members of the public were also in attendance.

23. Public Session:

District Councillor Watts said;

- The Wealden Local Plan is currently being examined by the Planning Inspector and warned that it might not stand up to scrutiny.
- The number of District Councillors has now been reduced from 55 to 45.
- The Planning Committee South Meeting meets this week for the first time since April.

County Councillor Bennett confirmed he will follow up a complaint from a resident that despite several letters and acknowledgements, Highways has still not sorted out a drainage issue in Darp Lane.

Professor Hill, Chairman of the Litter Watch Group, thanked the Parish Council for its support but said the Group has decided to withdraw its offer to provide a litter bin and moveable litter signs because of the additional costs and all the bureaucracy involved.

Councillors agreed to consider ways to reduce the number of lorries, driving through the Parish, at the next meeting.

The meeting was then opened.

22. Apologies for absence:

No apologies for absence were received.

23. Co-option of New Councillor:

The Chairman welcomed Debbie Turner to the Parish Council and Mrs Turner introduced herself. Councillor Turner fills the vacancy left by Colin Webb.

24. Minutes of the Parish Assembly and the Annual General Meetings both of which were held on the 9th May 2019:

The Minutes of the Parish Assembly and the Annual General Meetings which were both held on 9th May 2019 were approved and signed as a true and accurate record by the Chairman.

25. Clerk's Report on any Matters' Arising:

All matter's arising were covered elsewhere on the agenda.

26. Disclosures of Interest:

Councillor Dunbar Dempsey declared a personal interest in the planning application for Channers Lane (WD/2019/0425/F) and did not take part in the vote.

27. Reports from Outside Meetings:

Councillor Rogers attended the Planning Inspector's Public Examination of the Local Plan on 30th May. His report said;

'All the developers said the plan 'period' was too short. It should cover 15 years, and Wealden should have done more to sort out infrastructure - the capacity of the Hailsham Waste Water plant; the Ashdown Forest issues; and the delivery of an offline A27. Eastbourne Council said Wealden shouldn't be allowed to use infrastructure issues to cap their housing target.

Wealden said they were in contact with Southern Water who were working on a five year investment strategy, and could well solve the issues at Hailsham by 2021, which would lift one constraint. WDC also said Highways England had told them that the earliest an offline A27 could be delivered was 2030 - but there was a view that an offline A27 'was not an absolute constraint'. Eastbourne Council's rep popped up to back this, saying that ESCC's view was that no offline A27 'was not an absolute constraint on development' (This of course leads us to the world of Alice in Wonderland, where the Highways England business case absolutely relies on the Wealden Local Plan to bolster its value-for-money).

In the afternoon, it was made clear that the Wealden Plan, at 950 houses a year didn't cover Eastbourne's unmet demand, which was 461 a year. The developers present leapt forward to say they had schemes that could be brought forward in Eastbourne...

The day ended with rows over Wealden's absolute housing need figure, which, they had to concede, should have been over 1100, but wasn't explicit in the Plan; they stick to their belief that they are "constrained" to 950.

Then, in questions about land for development to produce employment, Wealden said they'd met their target with allocated areas in the south of the borough "but expected windfall developments in the North". Developers went nuts - how can you say there's no space for extra housing, when you can apparently approve plans for employment land at the drop of a hat?

Meeting collapsed as Wealden mumbled.'

Councillor Dunbar Dempsey attended three half day sessions, one where conservation and habitat issues were discussed and said the Plan was also criticised for not including enough mitigation in relation to nitrogen deposits around the Ashdown Forest. Councillor Lady Conway attended on two days.

The meeting was then suspended to allow comments from residents;

28. Planning Applications:

WD/2019/0425/F - Land in Channers Lane, Ripe, BN8 6AS - Construction of pair of two bedroom cottages with off road parking – Residents said;

- Several houses both in Channers Lane and The Street will be affected and overshadowed by this development: Chipps Cottage, Pelham Cottage, the Old Cottage, Channers and the White Cottage all have their privacy diminished. There

would be direct “window to window” sight lines, from a building only about 18.5 metres away across the narrow track. This is an unacceptably short distance between upstairs windows. This overlooking will affect a bedroom, bathroom and downstairs living room. Given the difference in levels, it would require an impossibly high fence to screen this and overcome the overlooking and overshadowing.

- The design of the building is not in keeping with the rest of the village and will adversely affect the Conservation Area.
- The upstairs study makes this a three bedroom property and not a two bedroom one.
- This application also needs to be considered in conjunction with WD/2019/0737/F because they are in the same lane and the lane is unmade, and unadopted.
- Squeezing a dwelling, of whatever size or design, on to this small plot is not acceptable. An application for a small bungalow failed on appeal. To this day, the use for a dwelling remains unsuitable for the area.
- If all the applications currently in the system are passed, the village will have increased by 20% in eighteen months and there will be 5 properties along this lane which is clearly unsuitable.

The Chairman read out the comments from Mr Reardon (The Coach House) because he was unable to attend the meeting. Mr Reardon’s comments were;

‘1. The proposed (dwelling) has direct window to window overlooking of my 1st floor bedroom at a distance of 17m. Channers direct overlooking 18m, the White Cottage 15m.

2. Impact on adjacent listed buildings. The proposed (dwelling) fails to address its setting within the curtilage of the Grade II* Listed Old Cottage and White Cottage. The curtilage listed wall belonging to White cottage is situated 2m from the proposed (dwelling).

3. Access. The access is not of sufficient width (under 3m in places) to allow emergency vehicles to access and egress the site in a forward gear when the units are in occupation and the parking spaces are occupied.

4. The access lane is unadopted and not controlled by a public body. There is no legal restriction on the new occupants parking on the lane blocking access to other residents or a formal regime for its upkeep.

5. Inaccurate topographical survey. A detailed survey must be undertaken with adjoining ridge heights and window to window distances’.

The meeting was then re-opened and Councillors commented on the following planning application;

WD/2019/0425/F - Land in Channers Lane, Ripe, BN8 6AS - Construction of a pair of two bedroom cottages with off road parking. Chalvington with Ripe Parish Council agreed with the comments made and unanimously objected to this application because;

- 19 letters of objection have been received to date
- This is the 6th planning application on this site – 4 have been refused, one withdrawn. The 2 most recent being 2013 and 2014. We don’t believe the reasons for refusal in 2013 and 2014 have been addressed by the current application.
- Councillors do not believe the proposed houses are suitable for the area. Comments from the Planning Officer on the application for a single storey house in 2014 said “The development would erode an important gap in the area – it (the planning application) should be refused for this reason alone”. The open space should be protected as an important positive open space to preserve the sensitive Conservation Area and the Listed Buildings within it. The elevation of the site, 2m above Chipps, Pelham and The Old Cottage renders it unsuitable for development.

- Due to its poor design, its bulk and massing, the proposed development would materially harm the setting of the four listed buildings surrounding it (Chipps Cottage, Pelham Cottage, The Old Cottage and The White Cottage). The plans refer to oriel windows which are completely out of keeping with any other properties in Ripe. The height of the houses will dominate the landscape and the surrounding houses.
- Overlooking, loss of privacy and an overbearing quality are substantial issues for Chipps Cottage, Pelham Cottage, the Old Cottage, the White Cottage, the Coach House and Channers. 4 out of 6 of these houses are listed buildings and as such the setting of these buildings must be preserved and enhanced. The proposed houses cannot be said to do anything but harm to the settings of the listed buildings.
- The current outlook of Chipps Cottage is to open land and trees. This will be lost and instead there will be the bulk and mass of two white houses and the development will dominate the skyline. The development site sits 2m above Chipps Cottage such that when you stand on the site you are on a level with the first floor looking directly into its bedroom and bathroom windows; the distance from the back windows of the proposed houses to the back windows is 28m which is unacceptable. People stood on the site anywhere near the boundary appear to the resident as if they are within her back garden. The resident's privacy stands to be almost entirely eroded by the proposed dwellings with multiple sightlines affording extensive and uninterrupted vision into bedrooms, ground floor windows and back garden where previously none existed. Owing to the site elevation the resident is left with only a very few limited and totally impractical areas of refuge from oversight; the effect upon the resident is hugely disproportionate. Additionally, the 6.6m roof apexes, 8.6m above the ground floor, stand to block out a significant proportion of winter sunlight from the garden, patio and kitchen. Another issue is the direct view in that the back walls and bedroom windows will be close to parallel with the development and, with very little lateral offset, the effect of this will be to provide the widest lateral sightlines and restrict further any areas of indoor sanctuary she might otherwise have had.
- There is no mention of any landscaping to help mitigate the effect of this proposed development.
- Traffic using the unadopted narrow lane (Channers Lane) will increase; there are currently difficulties with access, parking and turning particularly with large delivery or emergency vehicles and any additional housing will exacerbate the problem. The safety of pedestrians emerging from the footpath is also a concern.
- Parking will also be an issue because it will not be possible to put yellow lines on the Lane because it is unmade and has not been adopted.
- This application does not address the reasons for refusal of previous planning applications. If anything it enhances them. The main reason for refusal of the 2014 application was the adverse impact on the heritage of the Conservation Area and the erosion of an important gap in the area. The NPPF stresses the desirability that new development should make a positive contribution to local character and distinctiveness. This development cannot be said to preserve and enhance the Conservation Area as it is causing damage to the settings of a number of listed buildings and non-designated assets and it erodes the important open space that makes this little lane so attractive. And, importantly, the current application has not shown that the land is suitable for any housing; hence the conflict between the reasons for past refusal and an application for housing is incapable of resolution.

The meeting was then suspended again to allow comments from the floor on the following application;

WD/2019/0737/F - Land adjoining Bosky Barn, Church Lane, Ripe, BN8 6AS - Erection of a single storey detached dwelling, with associated parking and landscaping.

The applicants described their application and said it is different from the other application (WD/2019/0425/F) because they have;

- Had many discussions with Wealden
- Carried out many the recommended studies and responded to all of them.
- Consulted members of the Parish Council (as individuals) and also those living in the neighbouring properties.
- Provided on-site parking and can address access concerns by providing fire hydrants and water sprinklers if need be.
- Allowed for and will use traditional materials.
- Plans to live there and not sell the property on.
- Taken into account pitch, eave and ridge heights of Bosky Barn.

They also said the new building will be;

- Of a higher quality than traditional prefabs.
- Constructed off site which will help minimise disruption.
- Designed around the constraints of the Lane.
- More affordable than buying property elsewhere in the village.
- Barely visible from the Lane.

Residents who objected said;

- The on-site parking is already being used by the residents in White Cottage.
- This application is to erect a house on land owned and registered at HM Registry under Title ESX86294, the title is described in the registry as land and buildings lying to the south west of Church Lane Ripe. The building is known as the White Cottage and is a Grade 2 listed Building, the land is ancillary garden space for the White Cottage and is all held under the same title. White Cottage was constructed in the 18th century and the land forms part of the curtilage of the listed building.
- Bosky Barn under legal title of ownership as documented at HM Land Registry Office has a legal right to:
“.....all such rights privileges and easements of, way, water, air, or drainage drip drainage and other matters in the nature of easements or quasi easements as are now existing between the property hereby conveyed and the adjoining property of the Vendor shortly known as The White Cottage Ripe”. This right has been exercised by all its owners. The heating and hot water oil tank for Bosky Barn is situated in the completely enclosed rear garden of Bosky Barn, no oil delivery company will fill the fuel tank by taking oil pipes through the house (which is the only other access) because of the risk of spillage and contamination, therefore oil refilling takes place by tanker with the pipe taken across the land that this application relates to. Building on the land will result in access being denied as there is no reference to this matter in the applicant’s design statement. The applicant has also stated verbally that they intend to plant large screening foliage on the boundary which will block access over the fence for the oil pipe. When the oil tank needs replacing there will also be no way of getting access. The plan blocks the whole width of the site apart from a gate which is only just over 1 metre wide.
- Access will also be restricted in the event of fire. The proposed building has a large amount of wood and highly combustible material. It would be unsafe to squash such a disproportionately large building constructed in this manner in such a tiny space, with such close proximity to the historical buildings Bosky Barn and the White Cottage, which is timber framed.
- The plans contain several inaccurate dimensions which give a misleading impression of the proposed building in relation to its surroundings. The eaves and boundary fence height are wrong. A wall of glass windows will be fully visible from the rear garden of Bosky Barn, and at least two of the bedrooms, resulting in a loss of privacy. The occupants of Bosky Barn will also be able to see in to the whole of the dining room, lounge and one bedroom.

- The application incorrectly describes the rear section of Bosky Barn as 'modern' but it dates back to 1898. The rear and side section of Bosky Barn had fallen in to a poor state of disrepair in 2003 and planning approval and listed building consent at the time was a very lengthy process which took over 14 months. 5 different application designs were submitted before a design was found that satisfied the planning department's requirements. All restrictions then applied to the design, and were related to the materials used, the roof slope, and the ridge and eaves height. Building materials had to be traditional, no large expanse of glass roof or wall was permitted and window and door frames had to be custom made of wood, not metal. The low eaves height was an imperative part of the design and had to be in keeping with surrounding existing buildings, and have minimal impact on others. The purpose of these planning restrictions understandably was to retain the traditional Wealden construction and visual design in this location.

The new building will be sited 4-5 meters away and is completely out of character with Bosky Barn and the Grade 2 listed White House and is in no way similar to any other building that can be seen in Channers lane or surrounding area.

Its scale, form and mass overcrowd the site. The pre-fabricated construction is not typical of traditional Sussex farm buildings or any central Ripe village houses and it is therefore unsuitable for this site which is in a Conservation Area and within the curtilage of a listed building. The single pitch design of the roof matches no other building and causes the ridge height to become a major issue, it is far too high and will tower over the adjoining site.

- This type of building generally results in a shorter life span of a building compared to a full brick built one. The chosen construction method will cause considerable issues when the building is installed on site. There is insufficient access to get an articulated vehicle to the site. There are also overhead power lines and telephone cables.
- The site plan does not portray an accurate representation of vehicle access rights as detailed on the title plan for the property. The land registry title plan for the property and the area shaded yellow indicates the section of Channers Lane that has legal rights to drive vehicles over for access purposes under title. The yellow area only extends part way across the frontage and the rest is a public footpath which the applicant has no right to drive cars over. On the plan there is placement for a second vehicle to park, this will only be possible by driving across an area of land that the applicant has no vehicle rights over.
- There is also no turning circle provided. To gain access a vehicle will either have to reverse out along the entire length of Channers Lane and on to the public highway. This is not an easy manoeuvre in the daylight and at night it is near impossible without causing damage to parked cars. In the past few years, cars parked outside Bosky Barn have been damaged on many occasions and within the last 12 months the corner front wall of the barn has been reversed into and damaged. The front fence has also been broken.
- The site frontage has a public footpath running across it and it is also a danger to pedestrians. The public footpath at this point emerges from a very darkened tree canopy lined footpath to the left front of the site and there is very poor visibility.

The meeting was then re-opened and Councillors commented on the following planning application;

WD/2019/0737/F - Land adjoining Bosky Barn, Church Lane, Ripe, BN8 6AS - Erection of a single storey detached dwelling, with associated parking and landscaping - Councillors objected to this application, but they said they would be prepared to look at the application again if the issues of concern by neighbours have been addressed.

28. Litter:

Professor Hill, Chairman of the Litter Watch Group, thanked the Parish Council for its support but said the Group has decided to withdraw its offer to provide a litter bin and moveable litter signs, because of the additional costs and all the bureaucracy involved.

29. Community Infrastructure Levy (CIL):

Councillors resolved to adopt the local criteria suggested by Councillor White and agreed that any application;

- 1: Should benefit a high proportion of residents within the parish,
- 2: Should complement the rural nature of the parish,
- 3: Should be a new facility i.e. should not duplicate an existing facility,
- 4: Should help to alleviate the volume of traffic ie. should not encourage traffic,
- 5: Should improve the environment,
- 6: Should enhance the quality of life of parishioners and should not be to the detriment of anyone,
- 7: Must have no or low ongoing costs,
- 8: Must not have any likelihood of public liability

Councillors agreed to discuss how they will deal with CIL at the next meeting.

30. Defibrillator Update:

This was deferred until the next meeting to allow councillors time to read the BT contract circulated by the Clerk.

31. Cheques for Payment:

The following cheques were approved for payment;

101080	Mass Media - Website	£ 75.60
101081	SSALC- Training and LCR	£ 101.00
101082	HMRC	
101083	A Stevens - Salary	
101084	ESCC – Pension	

32. Questions from Parish Councillors:

Councillor Ward asked that the Parish Council considers the following at the next meeting;

- Adding 'Deanland' to the Parish Council name.
- Recycling site issues.
- Design Statement – update.
- Emergency Plan – update.

Councillor White asked if anyone would like to join him at the next Wealden Planning Panel Meeting. Councillor Dashfield said she would like to attend. He also said he will be asking for clarification on a boundary issue and offered to take up any questions others may have.

Councillor Dunbar Dempsey asked why some planning applications are still awaiting a decision even though the Parish Council commented on them as far back as January. District Councillor Watts said the delays are partly caused by the Local Plan and partly because of the elections. An extra Planning Committee South meeting has been called in June to help catch up.

Councillor Lady Conway said the Parish Council has sent the following letter to the Head of Planning at Wealden;

'Your email of 17 May came as a surprise to Chalvington with Ripe Parish Council. Whilst noting your apology, we find it hard to accept that after earlier written assurances, the position about planning can be altered in this way.

In addition to your personal e-mail, we received other written assurances about planning permissions which would count towards our allocation, in particular the one dated 6 September 2018. We have had a series of exchanges as we sought clarification on which planning applications would count towards our settlement allocation and which planning applications would not.

As a Parish Council, which has none of the resources of a District Council with a professional planning team, we rely on written information given by the Planning Department. Having received information from the department in good faith, Parish Councillors have considered carefully how to present this information to the public concerned. We have dealt with queries and explained the position at public meetings. Representations on the Draft Wealden Local Plan have also been made.

As a community we have relied on the decisions of the planning department when taking opinions and making informed decisions about planning issues and individual planning applications. We as a Council will have difficulty retaining credibility with local people when we have to explain that we have been passing on incorrect information.

In a small rural community like ours, the building of many new houses causes some anxiety. We are a community with many networks and objections to further development come from a genuine concern. Ripe in particular has accepted the need for extra housing and there is no lack of welcome to new members of the community. However, there are genuine concerns, held in good faith, about the impact of more housing in what is a small, rural village. This is why the numbers are so important to us in Ripe. The removal of 6 homes on the Old Coach House site from those built towards our target of 15, has a huge significance in this context.

The Old Coach House site was originally granted permission on 21 July 2016 but was significantly amended with the proposal to demolish the coach house itself, the number of dwellings increasing from 4 to 6. This was vehemently opposed by villagers but was granted permission on the 9th February 2018. We believe, therefore, that this should be the relevant date which would then allow this development to count towards our target of 15'.

The Parish Council awaits the reply. District Councillor Watts confirmed the Parish Council can expect to receive a response by the end of the week.

There were no further questions and the meeting closed at 9.20pm.