

PLANNING COMMITTEE

8 February 2018

Minutes of the Planning Committee meeting held at the Town Hall, Bexhill-on-Sea on Thursday 8 February 2018 at 9:30am.

Committee Members present: B. Kentfield (Chairman), G.C. Curtis (Vice-Chairman), A.K. Azad, Mrs D.C. Earl-Williams, R.V. Elliston, A.E. Ganly, Mrs B.A. Hollingsworth, Mrs J.M. Hughes, Mrs S.M. Prochak, G.F. Stevens and M.R. Watson.

Other Member Present: Councillor S.H. Earl.

Advisory Officers in attendance: Service Manager – Strategy and Planning, Development Manager, Major Applications and Appeals Manager and Democratic Services Officer.

Also Present: 12 members of public.

PL17/50. MINUTES

The Chairman was authorised to sign the minutes of the meeting held on 18 January 2018 as a correct record of the proceedings.

PL17/51. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P.R. Douart, T.W. Graham, J.M. Johnson and the Chairman of the Council Councillor Mrs M.L. Barnes.

PL17/52. WITHDRAWN APPLICATIONS

It was noted that the following application was withdrawn from the agenda:

- RR/2017/1914/P – Pebsham Rural Business Park, Pebsham Lane.

PART II - DECISIONS TAKEN UNDER DELEGATED POWERS

PL17/53. PLANNING APPLICATIONS

(6)

Outline planning permissions are granted subject to approval by the Council of reserved matters before any development is commenced, which are layout, scale, appearance, access and landscaping. Unless otherwise stated, every planning permission or outline planning permission is granted subject to the development beginning within three years from the date of the permission. In regard to outline

permissions, reserved matters application for approval must be made within three years from the date of the grant of outline permission; and the development to which the permission relates must begin no later than whichever is the later of the following dates: the expiration of three years from the date of the grant of outline permission or, the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matters to be approved.

In certain circumstances the Planning Committee will indicate that it is only prepared to grant or refuse planning permission if, or unless, certain amendments to a proposal are undertaken or subject to completion of outstanding consultations. In these circumstances the Service Manager – Strategy and Planning can be given delegated authority to issue the decision of the Planning Committee once the requirements of the Committee have been satisfactorily complied with. A delegated decision does not mean that planning permission or refusal will automatically be issued. If there are consultation objections, difficulties, or negotiations are not satisfactorily concluded, then the application will have to be reported back to the Planning Committee or reported via the internal-only electronic Notified 'D' system by means of providing further information for elected Members. This delegation also allows the Service Manager – Strategy and Planning to negotiate and amend applications, conditions, reasons for refusal and notes commensurate with the instructions of the Committee. Any applications which are considered prior to the expiry of the consultation reply period are automatically delegated for a decision.

RESOLVED: That the Planning Applications be determined as shown in Appendix A, attached.

PL17/54. **APPEALS**
(7.1)

Members noted the report on Appeals that had been started, allowed or dismissed since the Committee's last meeting, together with the list of forthcoming Hearings and Inquiries.

RESOLVED: That the report be noted.

PL17/55. **DATE FOR SITE INSPECTIONS** – Tuesday 13 March 2018 at 8:30am departing from the Town Hall, Bexhill.

CHAIRMAN

The meeting closed at 11:45am

pl180208.lec

RR/2017/2175/P

**BEXHILL Barnhorn Road - Land North of and west
of The Broadwalk**

**Erection of 72 bedroom care home with car parking,
landscaping and all ancillary works**

Statutory 13 week date: 14 February 2018

This application was subject to public speaking.

DECISION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing nos. 16-01/100 dated August 2017; 16-01/101C, 16-01/201B, 01/211C, 16-01/210D, 16-01/202D, 16-01/214A received 11 January 2018; 16-01/203D received 29 January 2018; 16-01/COL2100B, COL211B, COL212B received 2 February 2018, 16-01/215, 16-01/200H received 5 February 2018, Tree Protection Plan dated 12 October 2017, Drainage GA 17 116-S500 dated September 2017.
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. No development shall commence until a surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. The scheme shall:
 - a) Take into account the strategic network i.e. impermeable areas designed for and invert levels at the spur left for the application site to connect. Supporting hydraulic calculations and drawings should demonstrate that the areas and levels have taken into account the provisions made within the strategic network.
 - b) Include a maintenance and management plan that clearly states who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
 - c) Provide evidence that these responsibility arrangements will remain in place throughout the lifetime of the development;Prior to occupation of the development, evidence (including photographs) is to be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs and the scheme is to be permanently retained thereafter in accordance with the approved details.

Reason: These details are integral to the whole development and are therefore required prior to commencement of works to prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 100 and 103 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

4. No development shall be commenced until a foul water drainage strategy detailing the proposed means of foul water disposal and an implementation timetable has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. The development shall thereafter only be carried out in accordance with the approved scheme and timetable.

Reason: A pre-commencement condition is required as the very nature of foul water drainage schemes require works to be put in place prior to any other above ground development being undertaken. To ensure the satisfactory drainage of the site in the interests of flood risk avoidance and to prevent water pollution in accordance with Policies SRM2 and EN7 of the Rother Local Plan Core Strategy.

5. No works shall commence on site until a Construction Management Plan, to provide details of numbers and routeing of construction vehicles and provision to control and manage construction traffic and measures to clean the wheels of construction vehicles has been submitted to and approved in writing by the local planning authority. The construction of the development shall be carried out in accordance with the approved Construction Management Plan unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that construction of the development, does not result in avoidable congestion on the A259 Trunk Road; to prevent extraneous material being deposited on the highway; to ensure that the A259 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable existing and future properties in the locality in accordance with policy OSS4 of the Rother Local Plan Core Strategy.

6. Before the development hereby permitted is commenced a Waste Management Plan to include details of the measures to minimise and manage waste generated by the development shall be submitted for the consideration and approval of the local planning authority. The development shall only be carried out in accordance with the approved details of the Plan.

Reason: A pre-commencement condition is required because the plan is required at all stages of construction in the interests of seeking a sustainable development which minimises waste, in accordance with the Supplementary planning Guidance on "Construction and Demolition Waste" 2006 by East Sussex County Council and having regard to amenity issues in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

7. No other development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing no. 16-01/200E dated August 2017 and construction details, form HT401 / HT407, attached to this permission.

Reason: In the interests of road safety in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

8. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- i) A preliminary risk assessment which has identified:
 - All previous uses.
 - Potential contaminants associated with those uses.
 - A conceptual model of the site indicating sources, pathways and receptors.
 - Potentially unacceptable risks arising from contamination at the site.
 - ii) A site investigation scheme, based on i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii) The results of the site investigation and detailed risk assessment referred to in ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved. The applicant is advised that this condition is sequential and may be discharged at any stage i) to iv).

Reason: The historic use of this site may have led to contamination being present. A pre-commencement condition is required in order to avoid risks to health and/or the environment and is in accordance with Paragraphs 120-121 of the National Planning Policy Framework and Policy OSS3(viii) of the Rother Local Plan Core Strategy.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved. Care should be taken during site works to ensure that all fuels, lubrication oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground.

Reason: The historic use of this site may have led to contamination being present. The condition is required in order to avoid risks to health and/or the environment and is in accordance with Paragraphs 120-121 of the National Planning Policy Framework and Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

10. Before the use hereby permitted commences, details of a scheme (including the design and colour of any extractor duct/flue) for the mechanical extraction and ventilation of the kitchen and laundry areas shall be submitted to and approved in writing by the local planning authority. The scheme shall

be accompanied by a noise assessment to BS4142:2014 standard identifying prevailing background noise levels and any mitigation required. The scheme shall thereafter be implemented as approved before any part of the development is occupied and continued (with all equipment being operated, maintained and replaced as need be), unless further written approval from the local planning authority for an alternative scheme is gained.

Reason: To protect the residential amenities of the locality in accordance with Policy OSS4 of the Rother Local Plan Core Strategy.

11. Before the use hereby permitted commences, details of a scheme for odour mitigation shall be submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing the scheme shall include
- a) High level dispersion not less than 1m above the eaves of the building.
 - b) A discharge velocity no less than 6m/sec (under full system duty) to DEFRA dispersion rating.
 - c) Fine filtration by way of either carbon filters with a 0.1 second residence time or by counteractant/neutralising system to meet the same standard, if found necessary following environmental assessment.

The scheme shall thereafter be implemented as approved before any part of the development is occupied and continued (with all equipment being operated, maintained and replaced as need be), unless further written approval from the local planning authority for an alternative scheme is gained.

Reason: To protect the residential amenities of the locality in accordance with Policy OSS4 of the Rother Local Plan Core Strategy.

12. No construction work shall be carried out outside the following times:
Monday to Friday – 0730 to 1800 hours, Saturdays – 0800 to 1300 hours and no construction work shall take place at any time on Sundays or Public Holidays.

Reason: To protect the residential amenities of the locality in accordance with Policy OSS4 (ii) Rother Local Plan Core Strategy and having regard to National Planning Policy Framework paragraph 123.

13. Notwithstanding the information shown on the approved drawings, and prior to the commencement of any above ground works, the following details are to be submitted to and approved in writing by the local planning authority and the development thereafter shall be carried out only in accordance with the approved details before the occupation of the development:

- a) Samples of all materials to be used in the construction of all external surfaces of all built structures.
- b) Drawn details at scale 1:50 of fenestration design including proportions of window openings and glazing modules.
- c) Drawn details at scale 1:10 of porch/canopy/balcony and terrace structures.

Reason: To ensure a high quality of design and in the interests of maintaining and enhancing the character of the development and the locality in accordance with Policies EN3 and OSS4 of the Rother Local Plan Core Strategy.

14. No above ground works shall commence until the following public realm and hard landscaping details have been submitted and approved by the local planning authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

- a) Means of enclosure, including a 1:200 plan clearly showing proposed locations, and 1:20 scale typical elevational drawings of all proposed boundary treatments and other means of enclosure (fences, railings and walls), indicating the design, height, materials of such.
- b) Hard surfacing materials
- c) Any minor artefacts and structures, including electricity sub-stations, cycle parking, refuse and recycling storage areas, pergolas, signage and lighting, including proposed locations.

Reason: To ensure the creation of a high quality public realm, landscape setting and architectural quality in accordance with Policies EN3 and EN4 of the Rother Local Plan Core Strategy.

15. No above ground works shall commence in any phase until the following soft landscaping details in general accordance with the Landscape Plan, drawing no. 001 Rev A dated September 2017 for that phase have been submitted and approved by the local planning authority.

- a) Planting plans, including ecological mitigation planting.
- b) Written specifications (including cultivation and other operations associated with plant and grass establishment).
- c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: To ensure the creation of a high quality public realm and landscape setting in accordance with Policies EN3 and EN4 of the Rother Local Plan Core Strategy.

16. All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority and if within a period of five years from the date of the planting any tree or plant is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the local planning authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To ensure a high quality public realm taking account of the characteristics of the area in accordance with Policy EN3 of the Rother Local Plan Core Strategy.

17. The development is to be carried out only in accordance with the Arboricultural Report and Tree protection Plan prepared by Andrew Day dated 12 October 2017.

Reason: To safeguard the characteristics of the locality, ecological value and so as not prejudice the appearance of the locality in accordance Policies OSS4 (iii) and EN5 (i) of the Rother Local Plan Core Strategy.

18. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of the occupation of that part of the development for its permitted use.

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

- b) If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
- d) No fire shall be lit within 10 metres from the outside of the crown spread of any tree which is to be retained.
- e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
- f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

Reason: To ensure that tree(s) are not damaged or otherwise adversely affected by building operations and soil compaction to enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

19. The development hereby permitted shall not be brought into use until the provision for analysis, publication and dissemination of results and archive deposition of the archaeological site investigation and post investigation assessment carried out has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the local planning authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

20. The development shall not be occupied until the parking and turning areas have been provided in accordance with the approved planning layout drawing no. 16-01/200E dated August 2017 and the areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.

Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic including refuse and emergency vehicles and conditions of general safety within the development in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

21. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

22. No part of the development shall be occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the local planning authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable forms of transport in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

23. Prior to any occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, e.g., for foraging.
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding site and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policies EN5(ii), (v) and (viii) of the Rother Local Plan Core Strategy.

24. No deliveries shall be taken at or despatched from the site outside the hours of 07:00 and 20:00

Reason: To protect the amenities of neighbouring properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

25. No disposal of waste into the bin stores is to be made except between the hours of 07:00 and 20:00.

Reason: To protect the amenities of neighbouring properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

26. The service door and laundry windows on the ground floor east elevation of the north wing shown on drawing no. 16-01/201D shall be kept closed at all times except for the explicit purpose of entry to or exit from the premises or unless otherwise agreed in writing by the local planning authority

Reason: To avoid unnecessary noise from open doors and windows, in order to protect the amenity of the locality, especially for people living nearby in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

Notes

1. Access to the public footpath Bexhill 12a should be maintained throughout construction. Where disruption is unavoidable it would be expected that this is confined to temporary closures of the minimum necessary duration by prior agreement with the County Council.
2. In connection with condition no. 18 the extent of tree canopy reduction required to trees T11, T12, T13 is to be agreed on site in advance with the Council's Tree Officer.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

[View application/correspondence](#)

RR/2017/1914/P BEXHILL Pebsham Rural Business Park, Pebsham Lane

Proposed commercial building.

**Statutory 8 week date: 12 December 2017
Extension of time agreed to: 15 February 2018**

DECISION: APPLICATION WITHDRAWN PRIOR TO COMMITTEE

[View application/correspondence](#)

RR/2017/2109/P ETCHINGHAM King John's Nursery, Sheepstreet Lane

Change of use from nursery barn to occasional use for wedding ceremonies & receptions.

**Statutory 8 week date: 15 November 2017
Extension of time agreed to: 15 February 2018**

This application was subject to public speaking.

DECISION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The use of the building for weddings and receptions, together with the associated outdoor activities, including vehicle movements, would generate unacceptable levels of noise and disturbance that would unreasonably harm the amenities of neighbouring properties contrary to Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraphs 17 and 123 of the National Planning Policy Framework.
2. The proposed use would introduce unacceptable levels of noise to the peaceful surroundings and as such would adversely impact on the tranquil and relatively remote nature of this part of the High Weald Area of Outstanding Natural Beauty, which is valued for its recreational and amenity value, contrary to Policies OSS4 (iii) and EN1 (i) (vii) of the Rother Local Plan Core Strategy and paragraphs 115 and 123 of the National Planning Policy Framework.

NOTE:

1. This decision notice relates to the following set of plans:
Drawing no. PA00 dated April 2017.
Drawing no. PA01 dated April 2017.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Planning Policy Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, thereby allowing the applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

(Councillor Mrs Prochak declared a personal interest in this matter in so far as her husband was Chairman of the local CPRE who made comments on the application and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof.)

[View application/correspondence](#)

RR/2017/864/P

BEXHILL Cesar House Eastwood Road Bexhill

Outline: Proposed residential development for up to 13 dwellings.

Reason for Committee consideration: Member referral: Councillor B Kentfield

Extension of time agreed to: 31 January 2018

DECISION: GRANT (OUTLINE PLANNING) DELEGATED (FURTHER CONSIDERATION OF CONTROLS ON TRAFFIC ON THE ACCESS ROAD AND IMPROVEMENTS TO KERB LINES AGAINST ADJOINING PROPERTIES. RELEVANT CONDITIONS)

CONDITIONS:

1. Before any part of the approved development is commenced approval of the details of the access, appearance, landscaping, layout and scale of the site, (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the local planning authority. Development shall be carried out only as approved.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the local planning authority and shall be carried out as approved.
Reason: In accordance with the requirements of Part 3, Article 6 of the The Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
5. Pursuant to condition 1, the development hereby permitted shall be substantially in accordance with the submitted indicative layout plan, drawing no. 6472-1104 revision I dated 28.11.17. The development shall be for a maximum of up to 13 residential units consisting of a mixture of dwellings and flats, with any block of flats being a maximum of two storeys in height.
Reason: In order to protect the character and appearance of the locality, the living conditions of neighbouring properties and highway safety in accordance with policies OSS4 (ii) (iii), CO6 (ii), EN3 (i) (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
6. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the local planning authority for approval and all works shall be completed in accordance with the approved details. The following information shall be submitted:
 - a) The contaminated land assessment shall include a Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.

- b) If deemed necessary a Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
- c) A remediation scheme detailing how any remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any on-going monitoring shall also be determined.
- d) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
- e) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: Previous uses of the site may have left the land contaminated and in order to avoid risks to health or the environment investigation and mitigation may be required in accordance with Paragraphs 120-121 of the National Planning Policy Framework and Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

7. No development shall commence until an assessment, including hydraulic modelling, to determine the residual risk to properties in the event of a breach in the proposed flood defence (the part retained wall of the former warehouse building) wall during a 1 in 100 year, including climate change, rainfall event, has been submitted to and approved in writing by the local planning authority.

Reason: In order to minimise flood risk in accordance with Policy EN7 (ii) of the Rother Local Plan Core Strategy.

8. No development shall commence until a maintenance and management plan for the flood defence wall (the part retained wall of the former warehouse building) has been submitted to and approved in writing by the local planning authority. The plan shall clearly state who will be responsible for the maintaining the flood defence wall and how these arrangements will remain in place throughout the lifetime of the development.

Reason: In order to minimise flood risk in accordance with Policy EN7 (ii) of the Rother Local Plan Core Strategy.

9. Pursuant to condition 1, the surface water drainage strategy outlined in Richard Jackson Consultant Engineering's SSFRA and Sustainable Urban Drainage System Assessment (dated March 2017) shall be carried forward into the layout of the reserved matters application. Surface water runoff from the development shall be limited to 4.4l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this, in the form of hydraulic calculations, shall be submitted with the detailed drainage drawings. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features.

Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.

10. No development shall commence until a maintenance and management plan for the entire drainage system has been submitted to and approved in writing by the local planning authority. This plan shall state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and evidence that these arrangements will remain in place throughout the lifetime of the development.

Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.

11. No development shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the local planning authority in consultation with Southern Water and none of the dwellings shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.

12. Prior to the occupation of the development hereby permitted, the existing warehouse wall/flood defence wall shall be retained and extended in accordance with the Richard Jackson Consultant Engineering's Drawing no. 6472-1104-B. Evidence, in the form of structural calculations, to show that the wall is capable of withstanding 600mm of hydrostatic head and dynamic loading of the flood water shall be submitted to and approved in writing by the local planning authority. In the event that strengthening of the wall is required, details of the strengthening shall be submitted to and approved in writing by the local planning authority. Development shall be completed in accordance with the approved details before the first occupation of the development hereby permitted.

Reason: In order to minimise flood risk in accordance with Policy EN7 (ii) of the Rother Local Plan Core Strategy.

13. Pursuant to condition 1, all hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority and if within a period of five years from the date of the planting any tree or plant is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the local planning authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To enhance the appearance of the development and protect the character of the area in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

14. Prior to the first occupation of the development hereby permitted, evidence (including photographs) shall be submitted to and approved in writing by the local planning authority to show that the drainage system has been constructed as per the final agreed detailed drainage designs.
Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.
15. Pursuant to condition 1, no part of the development shall be occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the local planning authority.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
16. Pursuant to condition 1, no part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with plans and details submitted to and approved in writing by the local planning authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
17. Pursuant to condition 1, no part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the local planning authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with Policy TR3 of the Rother Local Plan Core Strategy.
18. Pursuant to condition 1, no part of the development shall be occupied until the vehicle turning space for 12m long refuse vehicles, has been constructed within the site in accordance with details submitted to and approved in writing by the local planning authority. This space shall thereafter be retained at all times for this use and shall not be obstructed.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
19. Pursuant to condition 1, no part of the development shall be occupied until the road, footways and parking areas serving the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the local planning authority.
Reason: To secure satisfactory standards of access for the proposed development and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.

Notes:

1. The lead Local Flood Authority recommends that the applicant submits a capacity check application to Southern Water to confirm that they can accommodate the proposed flows within their sewer network.
2. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 3030119) or www.southernwater.co.uk.
3. The applicant may be required to apply to the Environment Agency for other consents. The applicant should contact the Environment Agency on 03708 506 506 or consult their website to establish whether a consent may be required: kslplanning@environment-agency.gov.uk
4. The Highway Authority wish to see roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.
5. This development will be subject to the Community Infrastructure Levy (CIL) at the reserved matters stage and all interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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RR/2017/2474/P

**WHATLINGTON Woodmans Glen, Woodmans
Green Road**

Replacement dwelling.

Statutory 8 week date: 29 December 2017

Extension of time agreed to: 16 February 2018

DECISION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing no. 5621/LBP/A dated November 2017.
Drawing no. 5621/1/A dated 05.01.18.
Drawing no. 5621/2 dated 05.01.18.
Drawing no. 5621/3/A dated 05.01.18.
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. No development above ground level shall take place until a colour sample of the light grey paint to be used to paint the rendered elevations of the dwelling hereby permitted has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the development reflects the character and/or appearance of the existing building and to preserve the visual amenities of the area in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy.
4. At the time of construction and prior to the first occupation or use of the dwelling hereby permitted, the windows and glazed doors within the south elevation, as indicated on the approved plan, drawing no. 5621/1/A dated 05.01.18, shall be treated with an anti-reflective coating and shall thereafter be retained in that condition.
Reason: In order to reduce the amount of sunlight reflection from the windows and doors on the south elevation and thus preserve the visual amenities of the area and the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii), RA3 (iii) (c), EN1 (i) and EN3 (ii) of the Rother Local Plan Core Strategy.
5. Within six months of the first occupation of the dwelling hereby permitted the hard and soft landscaping works detailed on the approved plan, drawing no. 5621/3/a dated 05.01.18, shall be completed unless otherwise agreed in writing with the local planning authority.
Reason: To preserve the visual amenities of the area and the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii), RA3 (iii) (c), EN1 (i) and EN3 (ii) of the Rother Local Plan Core Strategy.

Note:

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure)

(England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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RR/20172689/P

WESTFIELD Horsemans Cottage, New Cut

Proposed building to provide ancillary self-contained annexe accommodation

Statutory 8 week date: 29 January 2018

DECISION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. Although the development is described as annexe accommodation for the main dwelling, given the size and extent of the accommodation proposed, it is considered to be tantamount to the creation of a separate dwelling in the countryside. Within the countryside, in order to protect its intrinsic qualities, the creation of new dwellings is not supported unless it meets one of the planning policy exceptions. The proposal fulfils none of the special exceptional criteria for new residential development within a countryside location. The proposal would be new development that would not conserve the landscape and scenic beauty of the High Weald AONB and as such be contrary to the objectives of Policy DS3 of the Rother District Local Plan (2006), Policies OSS4 (iii), RA3 (iii) and EN1 (i) the Rother Local Plan Core Strategy and advice in paragraphs 55 and 115 of the NPPF.

Note:

1. This decision notice relates to the following sets of plans:
Drawing no. 562/LBP dated November 2017
Drawing no. 5662/1/A dated November 2017

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, thereby allowing the applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

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RR/2017/2593/P

TICEHURST

Downash House, Rosemary Lane,

Ticehurst

Erection of a block of nine garages served by new drive, four parking bays to serve existing flats, landscaping, paved and timber deck seating areas, retaining walls in walled garden, estate fencing, entrance gates and external lighting

RR/2017/2594/L

TICEHURST

Downash House, Rosemary Lane,

Ticehurst

Erection of a block of nine garages served by new drive and four parking bays to serve existing flats, landscaping, paved and timber deck seating areas, retaining walls in walled garden, estate fencing, entrance gates and external lighting

Statutory 8 week date: 16 January 2018

Extension of time agreed to: 20 March 2018

RR/2017/2593/P

DECISION: GRANT (FULL PLANNING) DELEGATED (RESOLUTION OF THE PROPOSED MATERIALS AND SUBJECT TO CONDITIONS)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing no CS-ND-DH-16-421 rev.A, dated 16.11.17
Drawing no CS-ND-DH-16-422 rev.A, dated 16.11.17
Drawing no 2015/204 rev.A, dated 8.11.17
Drawing no 2015/206 rev.A, dated 8.11.17
Drawing no 2015/201 revB, dated 15/01/18
Drawing no CS-ND-DH-16-401 rev.E, dated 11.01.18
Drawing no CS-ND-DH-16-402 rev.C, dated 11.01.18
Drawing no CS-ND-DH-16-410 rev.J, dated 11.01.18
Drawing no CS-ND-DH-16-411 rev.B, dated 17.01.18
Photographs for gates and drive, received 18/1/18
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. The garages and parking hereby approved shall be retained for such use by the occupiers of Downash only and shall not be altered internally or externally for any other use.

Reason: To ensure a satisfactory level of off-road parking facilities within the site so as not to prejudice the free flow of traffic and conditions of general safety along the highway and so as not to harm the setting of the listed building or the landscape character and appearance of the countryside within the High Weald Area of Outstanding Natural Beauty, having regard to Policies TR4, OSS4, EN1 and EN2 of the Rother Local Plan Core Strategy.

Note:

1. The applicants' attention is drawn to the associated listed building consent RR/2017/2594/L and the attached conditions.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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RR/2017/2594/L

DECISION: GRANT (LISTED BUILDING CONSENT) DELEGATED (RESOLUTION OF THE PROPOSED MATERIALS AND SUBJECT TO CONDITIONS)

CONDITIONS:

1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.
Reason: In accordance with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing no. CS-ND-DH-16-421 rev.A, dated 16.11.17
Drawing no. CS-ND-DH-16-422 rev.A, dated 16.11.17
Drawing no. 2015/204 rev.A, dated 8.11.17
Drawing no. 2015/206 rev.A, dated 8.11.17
Drawing no. 2015/201 revB, dated 15/01/18
Drawing no. CS-ND-DH-16-401 rev.E, dated 11.01.18
Drawing no. CS-ND-DH-16-402 rev.C, dated 11.01.18
Drawing no. CS-ND-DH-16-410 rev.J, dated 11.01.18
Drawing no. CS-ND-DH-16-411 rev.B, dated 17.01.18
Photographs for gates and drive, received 18/1/18
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

3. The following works shall not commence on site until the details for those works have been submitted to and approved in writing by the local planning authority. Works shall be completed in accordance with the approved details and thereafter retained.
 - (i) samples of materials (bricks, stone, granite setts and wall copings) and manufacturers details for the estate railings and garage doors
 - (ii) details for the attachment of the gates, fencing and garage doors and colour finishes

Reason: To ensure that special regard is paid in the interests of protecting special architectural and historic character and detailing of the listed building in accordance with Policy EN2 of the Rother Local Plan Core Strategy and section 12 of the National Planning Policy Framework.

4. Before any above ground works are carried out as hereby approved, a sample panel of brickwork and stonework (as appropriate) measuring not less than 1m x 1m shall be constructed to show the [brick bond/stone coursing], type and style of pointing, width of mortar joints and details of mortar mix, for inspection and approval in writing by the local planning authority and which shall be retained on site until completion of the works. The remainder of the walling shall be constructed in accordance with the approved panel.

Reason: To safeguard the historic fabric and the special architectural and historic character of the Listed Building in accordance with Policy EN2 of the Rother Local Plan Core Strategy.

Note:

1. The applicants' attention is drawn to the associated planning permission RR/2017/2953/P and the attached conditions.

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