

PLANNING COMMITTEE

16 July 2020

Minutes of the Planning Committee meeting held remotely on Thursday 16 July 2020 at 9:30am.

Committee Members present: Councillors J. Vine-Hall (Chairman), S.M. Prochak (Vice-Chairman), J. Barnes (substitute) (in part), Mrs M.L. Barnes, S.J. Coleman, S.J. Errington, A.E. Ganly, K.M. Harmer, J.M. Johnson, L.M. Langlands, C.A. Madeley, A.S. Mier, G.F. Stevens and R.B. Thomas.

Other Members present: Councillors C.A. Bayliss, Mrs V. Cook, P.C. Courtel, P.J. Gray, Rev H.J. Norton and D.B. Oliver.

Advisory Officers in attendance: Head of Service Strategy and Planning, Development Manager, Team Leader and North Bexhill Manager, Housing and Asset Development Officer (in part), Democratic Services Manager and Democratic Services Officers.

Also Present: 22 members of the public.

PL20/12. **MINUTES**

(1)

The Chairman was authorised to sign the Minutes of the meeting held on 18 June 2020 at a later date as a correct record of the proceedings.

PL20/13. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

(2)

Apologies for absence were received from Councillors G.C. Curtis, B.J. Drayson – Chairman of the Council and H.L. Timpe.

It was noted that Councillor J. Barnes was present as substitute for Councillor G.C. Curtis.

PL20/14. **WITHDRAWN APPLICATIONS**

(4)

It was noted that the following application was withdrawn from the agenda:

- RR/2020/296/P – Bexhill – Little Common Recreation Ground, Green Lane

PL20/15. **DISCLOSURE OF INTEREST**

(5)

Declarations of interest were made by Councillors in the Minutes as indicated below:

Mier Agenda Item 7 – Personal Interest as he lived near and had been involved in the site prior to becoming a Councillor in May 2019.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL20/16. **PLANNING APPLICATIONS - INDEX**

(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 Head of Service 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 Head of Service 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 detailed below.

(7)

RM

DECISION: REFUSE (FULL PLANNING)

On 15 March 2018 planning permission for the construction of 16 houses together with associated parking, access and wildlife area had been granted subject to delegated completion of a Section 106 agreement relating to the provision of affordable units, junction improvements and reptile relocation. At that time, the District Valuation Service had concluded that the development was able to bear an element of on-site affordable housing but a not a full policy compliant amount. The provision at the time was six shared-ownership units.

Since the application was resolved to be approved, the Applicant reconsidered the development viability position and was now adamant that, due to increased costs, provision of affordable housing made the site unviable. Members were advised that an independent valuer, Altair, in consultation with the Council's Housing and Asset Development Officer had reviewed the cost elements of the scheme and reached the same conclusion, that the development was not able to deliver affordable housing. The application was therefore brought before Members to reconsider the proposals without the provision of any affordable housing.

In addition to the development viability issue, Members were advised that, as a result of the adoption of the Council's Development and Site Allocations Plan, there had been a material change in circumstances since the application was last approved. These changes included several policies relating to housing standards, including Policy DHG7 which related to minimum garden length. Members were advised that five of the houses proposed (plots 3, 5, 7, 9 and 11) did not meet the minimum length of 10m (only approximately 7m on average).

The Planning Committee considered the comments submitted by Fairlight Parish Council who had objected at the earlier hearing on grounds of overdevelopment, but who did not repeat their objections. Their disappointment that the affordable element was no longer viable was discussed in detail. Members heard from the local Ward Member, who outlined the history of the site, from Planning Officers and from the Housing and Asset Development Officer.

Members asked a series of questions in relation to several other issues. These included: highway issues, including accessing the site (narrow unadopted roads), parking and increased traffic volume; the impact of the housing proposal on the character and appearance of the local area which was contrary to Policy OSS4 of the Rother Local Plan Core Strategy; insufficient garden space of some of the units; the high density of the scheme; the lack of children's recreational facilities / space; and that the scheme had not addressed or included carbon neutrality issues e.g. limited opportunities for walking (due to lack of pavements), no electric charging points etc.

Members clarified with Planning Officers that although brought back to Planning Committee mainly due to the development viability issues that, due to the time that elapsed since the previous resolution and the material change to local and national policy situation, the application should be reconsidered having regard to all material matters. In this regard, in weighing up all the issues, including the lack of affordable housing provision, the lack of a current 5-year supply of available housing land, the lack of decent garden space for some of the proposed houses, as well as a lack of children's recreational facilities, Members considered that the harm the application would cause because of its deficiencies in garden space provision, harm to the character of the area through its high density and overdevelopment and lack of any carbon reduction elements would outweigh the benefits of the scheme. Therefore, the Planning Committee considered that the application should be refused.

Councillor Mier moved the motion to refuse (Full Planning) and this was seconded by Councillor Harmer. Resolution voted on – the motion was declared CARRIED (11 for / 3 against).

REASONS FOR REFUSAL:

1. The proposed development fails to achieve an adequate standard of accommodation because plots 3, 5, 7, 9 and 11 (as shown on Drawing No. 662/002P5, dated July 2015) fail to achieve minimum garden lengths of at least 10m – the average between them being approximately 7m. Therefore, the proposal is contrary to Policy DHG7 (i) of the Development and Site Allocations Local Plan.
2. The proposed development fails to achieve the expected minimum private garden space for 5 of the 16 units proposed and offers no public outdoor recreational opportunities, specifically for children and young people. The shortfall in garden space for some of the proposed dwelling houses and the lack of recreation space is evidence of the overdevelopment with a density and at odds with prevailing local character. As a result, the proposal is considered to harm the character of the area contrary to Policy OSS4 (i), (iii), (iv) and (v) of the Rother Local Plan Core Strategy.
3. The proposed development, which provides for no pedestrian footpaths, thus discouraging more sustainable walking and non-car modes of transport, and provides for no electric-car charging points, fails to take the opportunity to mitigate and adapt to the impacts of climate change. Therefore, the proposal is contrary to Policy SRM1 of the Rother Local Plan Core Strategy.

NOTE:

1. This refusal relates to the following plans and drawings:
Drawing Nos. 662/303 P2 dated 26 April 2017
Drawing Nos. 021 P2, 022 P2, 023 P2, 024 P2, 025 P2, 026 P2, 027 P2 and 030 P dated 6 July 2017
Drawing Nos. 007 P3, 008 P3, 028 P3 and 031 P2 dated 8 August 2017

Drawing Nos. 304 P4, 002 P5, 003 P5, 004 P5 006 P4 dated 27 November 2017
Drainage Strategy and Sustainable Drainage Management and Maintenance Plan (Issue B) Monson dated 11 July 2017
8330P/301 Rev B Surface Water Drainage Layout and 8330P/302 Rev B Foul Water Drainage Layout dated 11 July 2017
7556 100 P2 Proposed Carriageway and Access Alignment dated 1 November 2007

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) 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 reconsidering the Applicant's concerns regarding the provision of affordable housing and development viability. Furthermore, due to the material change in circumstances since the application was first considered, the Planning Committee, by identifying matters of concern with the proposal and clearly identifying these within the reasons for the refusal, has offered the opportunity for the Applicant to consider these with a view to entering into pre-application advice in respect of any future application for a revised development.

(Councillor Mier declared a personal interest in this matter in so far as he lived near and had been involved in the site prior to becoming a Councillor in May 2019 and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

PL20/18. **RR/2020/485/P - BEXHILL - 1A DEVONSHIRE SQUARE, FLATS 1-4**

(9)

DECISION: REFUSE (PLANNING PERMISSION)

1. The 19 proposed uPVC sliding sash double glazed windows by reason of their thicker, heavy frames and specifications would result in unsympathetic, obtrusive fenestration that would not reflect the original slim and elegant sections of the timber sliding sash windows. The proposal would erode the character and appearance of the Bexhill Town Centre Conservation area, contrary to Policies EN2 (ii) and BX2 (vi) of the Rother Local Plan Core Strategy, paragraph 127 of the National Planning Policy Framework., and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

NOTE:

1. This refusal relates to the following plans and drawings:
Proposed Plans, Drawing No. 19.138.2.F dated November 2019.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

PL20/19. **RR/2020/458/P - CATSFIELD - COVERTSIDE, POWDERMILL LANE**

(10)

DECISION: GRANT (FULL PLANNING) DELEGATED (RECEIPT OF ADDITIONAL PLAN TO SHOW REVISED DWELLING DESIGN)

CONDITIONS:

Repeated conditions:

1. The development shall not proceed other than in accordance with Conditions 1 and 3-9 inclusive, imposed on planning permission **RR/2016/160/P, dated 6 February 2017** which remains in full force and effect.

Reason: This permission is granted pursuant to planning permission **RR/2016/160/P, dated 6 February 2017**. Under Section 73 of the Town and Country Planning Act 1990, the Council has considered the conditions subject to which that previous planning permission was granted and confirms that the conditions and associated reasons remain pertinent and are re-imposed, apart from as varied by this permission.

Condition 2 of RR/2016/160/P is varied as follows:

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Drawing No. 20.181.1.A dated March 2020

Drawing No. 15.708/03E dated July 2020

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.

New condition:

10. The detached garage and studio building hereby permitted shall be used only for purposes incidental to the occupation and enjoyment of the dwelling as such, and not for any trade or business.

Reason: In the interests of protecting the character of the area and the residential amenities of neighbouring properties in accordance with Policy OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) 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 assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

PL20/20. **MINISTRY OF HOUSING COMMUNITIES AND LOCAL GOVERNMENT COMPARATIVE PLANNING STATISTICS 2019**

(11)

Consideration was given to the report of the Executive Director on the Ministry of Housing Communities and Local Government's comparative planning statistics for 2019. The statistical data had been requested by the Committee and the previous meeting.

The Head of Strategy and Planning advised that the Council had met and was exceeding its key performance targets in all decisions.

RESOLVED: That the report be noted.

PL20/21. **APPEALS**

(12)

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.

CHAIRMAN

The meeting closed at 12:22pm.