

**PLANNING COMMITTEE**

13 August 2020

Minutes of the Planning Committee meeting held remotely on Thursday 13 August 2020 at 9:30am.

Committee Members present: Councillors J. Vine-Hall (Chairman), S.M. Prochak (Vice-Chairman), J. Barnes (Substitute), Mrs M.L. Barnes, S.J. Coleman, G.C. Curtis, B.J. Drayson (ex-officio), S.J. Errington, 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 (in part), Mrs V. Cook, P.C. Courtel, K.P. Dixon, K.M. Field (in part), P.G. Gray, D.B. Oliver (in part) and H.L. Timpe (in part).

Advisory Officers in attendance: Executive Director (TL) (in part), Head of Service Strategy and Planning, Development Manager, Principal Planning Officer (in part), Democratic Services Manager and Democratic Services Officer.

Also Present: 111 members of the public via the YouTube live broadcast.

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**PL20/22. MINUTES**

(1)

Subject to the following addition in respect of RR/2017/457/P – Fairlight – Former Market Garden, Lower Waites Lane, the Chairman was authorised to sign the Minutes of the meeting held on 16 July 2020 at a later date as a correct record of the proceedings:

Refusal Reason (3) be reworded as follows: “The proposed development is in an area of unadopted roads, some without pavements, which would discourage more sustainable walking and non-car modes of transport, provides for no electric car-charging points and 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.”

**PL20/23. APOLOGIES FOR ABSENCE AND SUBSTITUTES**

(2)

An apology for absence was received from Councillor A.E. Ganly.

It was noted that Councillor J. Barnes was present as substitute for Councillor A.E. Ganly.

**PL20/24. WITHDRAWN APPLICATIONS**

(4)

It was noted that the following application was withdrawn from the agenda:

- RR/2019/1659/P – Sedlescombe – PGL Pestalozzi

**PL20/25. DISCLOSURE OF INTEREST**

(5)

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

Bayliss	Agenda Item 9 – Personal Interest in so far as she was the local Ward Member.
Coleman	Agenda Item 9 – Personal Interest in so far as he had frequented the premises when it was a Public House.
Courtell	Agenda Item 9 – Personal Interest in so far as he was the local Ward Member and lived in the road adjacent to the site.
Curtis	Agenda Item 9 – Personal Interest in so far as he had frequented the premises when it was a Public House.
Prochak	Agenda Item 7 – Personal Interest in so far as her husband is Chairman of the local Campaign to Protect Rural England who made comments on the application.
Thomas	Agenda Item 9 – Personal Interest in so far as he had frequented the premises when it was a Public House.

**PART II – DECISIONS TAKEN UNDER DELEGATED POWERS**

**PL20/26. 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.

PL20/27. **RR/2020/599/P - BATTLE - FIRTREE COTTAGE - LAND TO THE REAR OF**

(7)

**DECISION: REFUSE (FULL PLANNING)**

**RESOLVED:** That, subject to being satisfied evidentially, the Solicitor to the Council be authorised to **ISSUE THE APPROPRIATE ENFORCEMENT NOTICE** and take any other steps necessary including legal action under Sections 179 and 181 of the Town & Country Planning Act 1990.

**REASONS FOR REFUSAL:**

1. The site is within the countryside outside any defined development boundary, as defined in saved Policy DS3 of the Rother District Local Plan (2006). The application has been assessed against the Council's policies for Gypsy and Travellers (G&T); together with the Government's Planning Policy for Traveller Sites (PPTS). The Council's requirement (under Policy LHN5 of the Core Strategy) to identify a further six permanent pitches to be provided between 2016 and 2028 to meet the identified need has been satisfied by the sites allocated under Policies GYP1 and BEX3 of the Development and Site Allocations Plan (DaSA). The application site is not an allocated site and being outside areas allocated in the Development Plan, does not accord with paragraph 25 of the PPTS. Determining the application on its planning merits, the use of the site as a G&T site causes harm to the character and appearance of the rural area, and the proposal conflicts with Policies OSS4 (iii), RA2 (iii) (viii), RA3 (v), LHN6 (ii), and EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Rother DaSA, saved

Policy DS3 of the Rother District Local Plan (2006) and paragraph 172 of the National Planning Policy Framework.

2. The development represents a visual intrusion of caravans, vehicles and other external domestic paraphernalia in a rural, countryside setting which considerably harms the character and appearance of the High Weald Area of Outstanding Natural Beauty, contrary to Policies OSS4 (iii), BA1 (i), RA2 (viii), RA3 (v), EN1 (i) (v) and LHN6 (ii) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Rother District Council DaSA, paragraphs 170 and 172 of the National Planning Policy Framework and Policy H, paragraph 25 of the Planning Policy for Traveller Sites.
3. The site lies within an unsustainable countryside location where occupiers of the development are highly reliant on private motor vehicles and are not able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development is contrary to Policies PC1, OSS3 (v), SRM1 (vii), LHN6 (iii) and TR3 of the Rother Local Plan Core Strategy and paragraph 8 of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.
4. The development is located within 15m of an ancient woodland, contrary to standing advice produced by the Forestry Commission and Natural England. The development would result in the deterioration of an irreplaceable habitat, an ancient woodland, by way of increased disturbance, lighting from the caravans, compaction of the ground where the touring caravans would be stored and the uncertainty surrounding how foul and surface water drainage would be dealt with. Additionally, the impact of the development on protected species has not been assessed and therefore it has not been satisfactorily demonstrated that the development would not be harmful to them. Paragraph 175 of the National Planning Policy Framework directs that permission should be refused, given that no wholly exceptional reasons or a suitable compensation strategy has been provided. The development also conflicts with Policies EN1 (vi) and EN5 (viii) (ix) of the Rother Local Plan Core Strategy, Policy DEN4 (ii) of the Rother District Council DaSA together with standing advice produced by the Forestry Commission and Natural England relating to ancient woodlands.

**NOTE:**

1. This decision notice relates to the following set of plans:  
1:1250 Site Location Plan dated 7 April 2020  
1:500 Block Plan dated 7 April 2020 (includes a sewage treatment plant)

**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 Agent. 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 reasons for the refusal, approval has not been possible.

(Councillor Prochak declared a personal interest in this matter in so far as her husband is Chairman of the local Campaign to Protect Rural England who made comments on the application and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

PL20/28. **RR/2019/2289/P - BEXHILL - 92 LONDON ROAD**

(9)

**RM**

**DECISION: GRANT (FULL PLANNING)**

The Committee had visited the site as part of their site inspections. The proposal was for a substantial rear three storey extension, which would extend across a large part of the yard at the back of the property, and the change of use of the ground floor to Class A2 Financial and Professional Services and the second and third floors to 10 self-contained flats.

Up until June 2019, the property was trading as a Hotel/Public House. The property was now empty and boarded up. It was located on the northern side of London Road, close to the King Offa Way (A259) and Combe Valley Way (A269) junction and was surrounded by commercial and residential properties.

Members heard from the Applicant's Agent who outlined the history and proposed development of the site, as well as the local Ward Members who were present at the meeting and were both in favour of supporting approval of the application.

Members discussed the acceptability of the proposal, the unsuccessful marketing of the property as a Hotel/Public House or community venue by the Marketing Agents and in weighing up all the issues, including the lack of a current 5-year supply of land for housing, considered that the development proposed would regenerate the area and significantly improve the gateway to Bexhill. The current site was considered an eyesore and the majority of Members felt that redevelopment was appropriate and would significantly enhance the location. It was felt that attractive small office space and 10 flats within the town would be in demand and that the development was sustainable and in an accessible location within walking distance of local amenities and transport links. Therefore the Committee granted full planning permission subject to the inclusion of relevant standard conditions (delegated to officers to consider).

Councillor Curtis moved the motion to approve (Full Planning) and this was seconded by Councillor Coleman. Resolution voted on – the motion was CARRIED (9 for / 4 against).

### **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: 5912-19-EX1; 5912-19-EX2; 5912-19-EX3; 5912-19-EX4; 5912-19-2-B; 5912-19-3-B; 5912-19-3; 5912-19-4-B; 5912-19-3B; 5912-19-6; 5912-19-LBP-D  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Prior to commencement of the development hereby permitted, a detailed scheme for sound insulation within party walls and floors between the commercial and residential units, designed to achieve a sound insulation value of 5dB better than that required by Approved Document E performance standard for airborne sound insulation for floors and walls of purpose built dwelling-houses and flats, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed prior to first occupation of the development hereby approved and thereafter retained.  
Reason: To ensure that the development provides an acceptable level of amenity for future occupiers in accordance with Policy OSS4 of the Rother Local Plan Core Strategy and that appropriate internal noise conditions will be achieved as per BS8233:2014.
4. Prior to the commencement of the development hereby permitted, details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have 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 Policy OSS4(iii) of the Rother Local Plan Core Strategy and Policy HG9(ii) of the Rother Development and Site Allocations Plan (DaSA).
5. The dwellings hereby permitted shall not be occupied until the accesses and parking areas have been laid out within the site in accordance with the details shown on approved Drawing No. 5912-19-5-D. Thereafter the approved parking areas shall be used for the parking of motor vehicles only.  
Reason: To ensure adequate off-street parking for the dwellings and in the interests of highway safety, having regard to Policies

CO6 (ii) and TR4 (i and iii) of the Rother Local Plan Core Strategy and Policy DHG7 (ii) of the DaSA.

6. The dwellings hereby permitted shall not be occupied until the refuse and recycling enclosures, the form of which shall previously have been submitted to and agreed in writing by the Local Planning Authority, have been provided within the site in the location shown on approved Drawing No. 5912-19-1-D. Thereafter these areas shall be used for the storage of waste only.  
Reason: To ensure sufficient bin storage and collection points are provided for the dwellings and in the interests of visual amenity, having regard to Policy OSS4 of the Rother Local Plan Core Strategy and Policy DHG7 (iii) of the Rother DaSA.
7. The dwellings hereby permitted shall not be occupied until they have been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.  
Reason: To ensure that an acceptable standard of access is provided to the dwellings in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Rother DaSA.
8. The dwellings hereby approved shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwelling(s) hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwelling(s) has been constructed to achieve water consumption of no more than 110 litres per person per day.  
Reason: To ensure that the dwellings are built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy and Policy DRM1 of the Rother DaSA.
9. Before the permitted works are first commenced, a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with the Highway Authority. The Plan shall cover such matters as the location of the areas to be used for the storage and parking of materials, equipment, machinery and vehicles whilst the development is undertaken, how the delivery of materials, equipment and machinery will be handled, the hours between which development will be carried out, the measures to be taken to contain the dispersal of dust generated by the development, the facilities to be provided for the washing of vehicle-wheels as they leave the site, the measures to be taken to keep the highway in the vicinity of the site clean and free of debris from the development and such other matters as may arise in terms of containing the impact of the carrying-out of the permitted development.  
Reason: To minimise the impact of the development on highway safety, the amenity of the area and on the occupiers of nearby residential properties.

10. Before the development hereby permitted is first commenced, a Travel Plan covering both the residential and business use of the premises shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with the Highway Authority. The Travel Plan shall provide incentives for occupiers of the flats and those working at the site to use public transport.  
Reason: In the interests of enhancing the sustainability credentials of the development and to encourage those living and working at the site to use non-car modes of transport.

**NOTES:**

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.
2. The development will be subject to the requirements of the Building Regulations, and advice should be sought from the East Sussex Building Control Partnership. No work should be carried out until any necessary permission has been obtained.
3. The landowner and/or developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Bank Holidays.
4. This permission includes condition(s) requiring the submission of details prior to the commencement of development. Following close consideration in the courts, it is now well established that if the permission contains conditions requiring further details to be submitted to the Council or other matters to take place prior to development commencing and these conditions have not been complied with, the development may be unlawful and not have planning permission. You are therefore strongly advised to ensure that all such conditions have been complied with before the development is commenced. A fee is payable for written requests for compliance with conditions; the current fee is £34.00 for each request for householder developments and £116.00 for each request for all other categories of development. The appropriate 1APP form can be downloaded from the Council's Planning website [www.rother.gov.uk/planning](http://www.rother.gov.uk/planning).

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the 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.

(Councillor Bayliss declared a personal interest in this matter in so far as she was the local Ward Member and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(Councillors Coleman and Thomas each declared a personal interest in this matter in so far as they had frequented the premises when it was a Public House and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(Councillor Courtel declared a personal interest in this matter in so far as he was the local Ward Member and lived in the road adjacent to the site and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(When it first became apparent Councillor Curtis declared a personal interest in this matter in so far as he had frequented the premises when it was a Public House and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

PL20/29. **REVISION TO THE PLANNING SCHEME OF DELEGATION AND OTHER RELATED CHANGES**

(10)

Consideration was given to the report of the Head of Strategy and Planning which detailed proposed changes to the Council's Scheme of Delegation to remove the 'Notified D' process and enhance the weekly list.

The proposed changes were mainly a consequence of new legislation and resource issues within the Planning Department. As part of the Rother 2020 efficiency programme, the planning application process had been subject to a lean and demand review which had identified small process and software improvements. However, recruitment of planning professionals was still a significant issue for the Council and as a result of under resources, a back-log of work had accumulated which had been exacerbated by the COVID-19 pandemic.

All applications were subject to a rigorous validation process. Members were advised that, at present, 43% of applications were incomplete. Delays were generally caused by applications not being submitted with the correct information. To try to reduce the volume of invalid applications, officers were in the process of contacting and working with all local agents.

The report detailed the current procedure of the 'Notified D' process which was introduced in the early 1990s and considered no longer fit for purpose. The Council's Constitution stipulated a 2-phase delegation system to officers, as follows:

- Phase 1 – simple delegation on non-contentious proposals and processed within the statutory 8-week determination period.
- Phase 2 – complex and resource intensive process, which inevitably resulted in a request for an extension.

Since inception, the 'Notified D' reports had become increasingly complex which was over burdening the Planning Department with additional work and proved little benefit to the decision-making process. It was considered that an enhanced weekly list issued to Councillors performed the same function more efficiently and allowed Members to discuss and call-in applications.

After discussion, Members approved the removal of the 'Notified D' report and insertion of an enhanced weekly list and agreed that the Council's Constitution be amended accordingly. It was also agreed that from the week following the statutory publicity period (and before the close off period for calling in applications), case officers would be required to advise Members of the direction of travel e.g. the intended recommendation (approval or refusal) of each application where Members requested that information and the new system be reviewed in six months from the date of implementation.

**RESOLVED:** That:

- 1) the officer scheme of delegation in respect of the Planning Service be amended by the removal of the 'Notified D' report process and the insertion of an enhanced weekly list process as set out in the report;
- 2) the Council's Constitution be amended accordingly;
- 3) from the week following the statutory publicity period (and before the close off period for calling in applications), case officers would be required to advise Members of the direction of travel e.g. the intended recommendation (approval or refusal) of each application where Members requested that information; and
- 4) the system be reviewed in six months from the date of implementation.

PL20/30.

## **APPEALS**

(11)

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.

PL20/31. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**

(12)

Tuesday 13 October 2020 at 8:30am departing from the Town Hall,  
Bexhill.

**CHAIRMAN**

The meeting closed at 1:30pm.