

PLANNING COMMITTEE

10 September 2020

Minutes of the Planning Committee meeting held remotely on Thursday 10 September 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 (in part), B.J. Drayson (ex-officio), S.J. Errington, A.E. Ganly, H.J. Norton (Substitute), J.M. Johnson, L.M. Langlands, C.A. Madeley, A.S. Mier, G.F. Stevens and H.L. Timpe (Substitute).

Other Members present: Councillors Mrs V. Cook (in part), K.P. Dixon (in part) and D.B. Oliver.

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

Also Present: 70 members of the public via the YouTube live broadcast.

PL20/32. **MINUTES**

(1)

The Chairman was authorised to sign the Minutes of the meeting held on 13 August 2020 at a later date as a correct record of the proceedings.

PL20/33. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

(2)

Apologies for absence were received from Councillors G.C. Curtis, K.M. Harmer and R.B. Thomas.

It was noted that Councillor J. Barnes was present as substitute for Councillor G.C. Curtis, Councillor H.J. Norton was present as substitute for Councillor R.B. Thomas and Councillor H.L. Timpe was present as substitute for Councillor K.M. Harmer.

PL20/34. **DISCLOSURE OF INTEREST**

(5)

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

Mrs Cook Agenda Item 8 – Personal Interest in so far as she was member of Battle Heritage Group as part of the Neighbourhood Planning Group on Battle Town Council as a Councillor for Marley Ward, worshiped at the St.

Mary's Church with one of the speakers who spoke against the application and in 2007/2008 was employed by the father of the owner of a neighbouring property.

Prochak Agenda Item 7 – Personal Interest in so far as she was Chairman of the Council's Community Grants Panel who had approved a grant to Little Common Football Club.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL20/35. 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)

DECISION: GRANT (FULL PLANNING) SUBJECT TO REFERRAL TO THE SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

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:
Existing Site Block Plan, BA2018.02
Proposed Site Location Plan, BA2018/05/C, dated Aug 2020
Arena Seating, S-50/2, dated 20/08/2018
Arena Seating, ST-110/1, dated 05/10/2018
Footpath diversion diagram, 001, submitted with the application
V-mesh panel fencing diagram, 005, submitted with the application
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 seven gates hereby permitted, as shown on approved Drawing No. BA2018/05/C, shall be kept open and the football pitch made available for public access, when not in use by Little Common Football Club.
Reason: To retain access to public open space and promote the enjoyment of more healthy lifestyles in accordance with Policy CO3 of the adopted Rother Local Plan Core Strategy.
4. No matches shall be played on the enclosed football pitch, hereby approved, on the same day as a cricket match is held on the non-turf cricket pitch (NTP).
Reason: To prevent the risk of injury to football players or spectators during matches due to ball strikes from the NTP in accordance with Policy OSS4(iv) of the Rother Local Plan Core Strategy.
5. The floodlighting approved by RR/2009/2818/P shall not be used on:
 - a) any consecutive evening.
 - b) more than six weekday evenings in any one calendar month from September to March.
 - c) more than once a weekday evening per week during April, subject to Rother District Council's Season Dates.Reason: To safeguard the visual and residential amenities of the locality in accordance with Policy OSS4(ii) and (iii) of the Rother Local Plan Core Strategy.

6. The floodlighting approved by RR/2009/2818/P shall not be used from 1 May to 1 September in any calendar year.
Reason: To safeguard the visual and residential amenities of the locality in accordance with Policy OSS4(ii) and (iii) of the Rother Local Plan Core Strategy.
7. The floodlighting approved by RR/2009/2818/P shall only be used for matches by Little Common Football Club, except for one Cup Final tie per season and shall not be used for any training sessions.
Reason: To safeguard the visual and residential amenities of the locality in accordance with Policy OSS4(ii) and (iii) of the Rother Local Plan Core Strategy.
8. The lighting approved by RR/2009/2918/P shall be maintained in accordance with the manufacturer's specification unless otherwise agreed in writing by the Local Planning Authority. If any associated light spill or glare becomes visually intrusive within the landscape or detrimental to the residential amenities of the area, the luminaire direction and angle shall be adjusted to minimise any such impacts.
Reason: To safeguard the visual and residential amenities of the locality in accordance with Policy OSS4(ii) and (iii) of the Rother Local Plan Core Strategy.

NOTE:

1. Changes to the existing alignment of the Public Footpath 48b as required should be the subject of an application for a public path diversion order under section 257 of the Town and Country Planning Act.

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. 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.

(Councillor Prochak declared a personal interest in this matter in so far as was Chairman of the Council's Community Grants Panel who had approved a grant to Little Common Football Club and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

PL20/37.

RR/2020/500/P - BATTLE - WATCH OAK HOUSE

(8)

DECISION: APPROVE (RESERVED MATTERS)

CONDITIONS:

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

Drawing Nos:

BA1785.01 rev. A, dated Feb 2019

BA1785.28 rev. D, dated Jul 2020 (block plan)

BA1785.29 rev. D, dated Jul 2020 (plot one)

BA1785.30 rev. G, dated Jul 2020 (plot two)

BA1785.31 rev. E, dated Jul 2020 (plot three)

BA1785.41 rev. E, dated Jul 2020 (long sections)

BA1785.43 and 45 rev. A, dated Jul 2020 (sections)

BA1785.41 rev. D, dated Jul 2020 (drainage)

Landscape specification written details, dated July 2020.

Planting Plan, WOHCL.PP1, dated July 2020.

BA1785, Project Materials Schedule, plot 1, 2 and 3. Submitted July 2020

Reason: For the avoidance of doubt and in the interests of proper planning.

2. No development shall take place and no equipment, machinery or materials shall be brought onto the site until fencing for the protection of the trees on the boundaries of the site has been provided in accordance with the details of the root protection areas set out on Drawing No. WOHCL.PP1, dated July 2020 and in accordance with the recommendations of BS 5837:2012 (Trees in relation to design, demolition and construction) 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, unless otherwise agreed in writing with the local planning authority.

Reason: A pre-commencement condition is necessary in order to protect the health of the boundary trees which contribute positively to the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii), EN1 (i) and EN5 (viii) of the Rother Local Plan Core Strategy.

3. The development shall not be occupied until the parking and turning areas have been provided in accordance with the approved plan, Drawing No. BA1785.28 rev. D, dated Jul 2020 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 or conditions of general safety along the highway in accordance with Policy TR4 (i) of the Rother Local Plan Core Strategy.

4. The development shall not be occupied until the garden sheds/cycle store have been provided in accordance with the approved plan BA1785.28 rev. D, dated Jul 2020 and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles and the storage of domestic items.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policies OSS4 (ii) & TR3 of the Rother Local Plan Core Strategy.

5. Notwithstanding that shown on the approved drawings or set out in BA1785, Project Materials Schedule, Plot 1, 2 and 3, submitted July 2020, the 'Hardi Plank' cladding shown at first floor level on Plots 2 and 3 is not approved. Prior to any development above ground details of the first-floor cladding material for Plots 2 and 3, which shall be a clay tile, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved first floor cladding materials and all other materials shall be as set out in BA1785, Project Materials Schedule, Plot 1, 2 and 3, submitted July 2020 unless an alternative finish is otherwise first submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development is in character with its surroundings in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

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 Applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.
3. The Applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found, and these should be sought before development commences.
4. This reserved matters planning permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 attached to outline planning permission RR/2019/158/P.
5. The conditions imposed on the outline planning permission RR/2019/158/P continue to apply to this development.

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.

(Councillor Mrs Cook declared a personal interest in this matter in so far as she was a member of Battle Heritage Group as part of the Neighbourhood Planning Group on Battle Town Council as a Councillor for Marley Ward, worshiped at the St. Mary's Church with one of the speakers who spoke against the application and in 2007/2008 was employed by the father of the owner of a neighbouring property and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

PL20/38. **RR/2020/1211/P - BEXHILL - 47 COLLINGTON AVENUE**

(9)

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:

Site Location Plan and Proposed Drawing No. 385 SK 1 A 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

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 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.

PL20/39. **UNDETERMINED MAJOR PLANNING APPLICATIONS**

(10)

Members noted the report on the current status of 19 undetermined Major Planning Applications. Out of 18, 11 were under consideration, seven were subject to a Section 106 obligation and one had been amended and re-advertised. It was agreed that the Head of Strategy and Planning would work with the Chairman and Vice-Chairman of the Planning Committee to give a better description for each application to show what if any blockage exists for applications shown as 'under consideration'.

RESOLVED: That the report be noted.

PL20/40. **PLANNING STATISTICS FOR THE QUARTER APRIL - JUNE 2020 (INCLUDING SUMMARY OF PLANNING STATISTICS FOR 2020/2021)**

(11)

Members gave consideration to the report of the Executive Director on the planning statistics for the quarter April to June 2020 which included a summary of planning statistics for 2020/21.

RESOLVED: That the report be noted.

PL20/41. **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.

PL20/42. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**

(13)

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

CHAIRMAN

The meeting closed at 12:32pm.