

PLANNING COMMITTEE

14 January 2021

Minutes of the Planning Committee meeting held remotely on Thursday 14 January 2021 at 9:30am.

Committee Members present: Councillors J. Vine-Hall (Chairman), S.M. Prochak MBE (Vice-Chairman), Mrs M.L. Barnes, S.J. Coleman, G.C. Curtis, B.J. Drayson (ex-officio), S.J. Errington, A.E. Ganly, K.M. Harmer, J.M. Johnson, Rev. H.J. Norton, C.A. Madeley, A.S. Mier, G.F. Stevens and H.L. Timpe.

Other Members present: Councillors J. Barnes and L.M. Langlands.

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

Also Present: 57 members of the public via the YouTube live broadcast.

PL20/70. MINUTES

(1)

The Chairman was authorised to sign the Minutes of the meeting held on 17 December 2020 at a later date as a correct record of the proceedings.

PL20/71. APOLOGIES FOR ABSENCE AND SUBSTITUTES

(2)

There were no apologies for absence.

PL20/72. DISCLOSURE OF INTEREST

(5)

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

Prochak	Agenda Item 7 – Personal Interest in so far as her husband was Chairman of the local Campaign to Protect Rural England who made comments on the application and she was acquainted with an objector to the application as they had worked on the “REMAIN Campaign”.
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PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL20/73. **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. 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.

PL20/74. **RR/2020/1872/P - OAK FARM OAST – LAND ADJACENT TO, BEECH HOUSE LANE**

(7)

DECISION: It be **RESOLVED** to **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 described as:
6236/19/10/LP/B, dated September 20
6236/19/10/2/D, dated September 20
6236/19/10/1/C, dated December 20
6236/10/3, dated October 2020
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The materials to be used in the construction of the development hereby permitted shall be as described within the application, with bricks to match the existing buildings, timber left to weather naturally and roof sheeting to reflect the natural colours of grey/green as set out in the High Weald Area of Outstanding Natural Beauty (AONB) Colour Study unless otherwise agreed in writing by the local planning authority.
Reason: To maintain the characteristics of the existing farmyard buildings and its appearance within the High Weald AONB in accordance with Policies OSS4 (iii), EN1 (i) of the Rother Local Plan Core Strategy (2014) and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan (2019).
4. The building hereby permitted shall only be used for the purposes of storage associated with agriculture and/or forestry, as defined in Section 336 of the Town and Country Planning Act 1990 and for the storage of hay for use with the Applicant's equestrian business and for no other purpose.
Reason: To ensure that only buildings essential to the running of an agricultural unit and associated rural business on the site are provided in the countryside in accordance with Policies RA2 and RA3 of the Rother Local Plan Core Strategy
5. 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 barn 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 maintain the visual amenities of the surrounding area in accordance with Policies OSS4 (iii) and EN1 (i) of the Rother Local Plan Core Strategy (2014) and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan (2019).
6. No floodlighting or other external means of illumination of the barn shall be provided, installed or operated at the site without a further planning permission.
Reason: To safeguard the special character of the rural area within the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii) and EN1 of the Rother Local Plan Core

Strategy (2014) and Policies DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan (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 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 Prochak declared a Personal Interest in so far as her husband was Chairman of the local Campaign to Protect Rural England who made comments on the application and she was acquainted with an objector to the application as they had worked on the “REMAIN Campaign” and in accordance with the Members’ Code of Conduct remained in the meeting during the consideration thereof).

PL20/75. **RR/2020/945/P - SABON-GARI - LAND ADJACENT TO, CROWHURST ROAD**

(8)

DECISION: It be **RESOLVED** to **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:
5490-20-LPB Location Block Plan
5490-20-1-C Proposed Development Block Plan 07 01 2021
5490/20/2/A Proposed Semi-Detached Houses 07 01 2021
5490/20/3/B Street-Scene 07 01 2021
5490/V3 - 3D View 17 11 2020
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling 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.

4. The dwellings hereby permitted shall not be occupied until the parking spaces to serve the new properties, as shown on approved Drawing No. 5490/20/1/C, have been provided to the satisfaction of the Local Planning Authority. The approved parking shall be permanently retained thereafter to serve the properties and shall not be used for any other purpose.

Reason: To provide on-site parking to the standards adopted by the Local Planning Authority, to avoid on-street parking and, thereby, to ensure that the development does not impede the free-flow of traffic on the highway, to the detriment of highway safety and visual amenity.

5. No development shall commence until a scheme of foul water drainage works (which shall be designed in accordance with sustainable drainage principles) has been submitted to and agreed in writing by the Local Planning Authority, in consultation with the Local Lead Flood Authority. The dwellings hereby permitted shall not be occupied until the approved foul water drainage works to serve the development have been implemented and are operational in accordance with the approved details and to the satisfaction of the Local Planning Authority.

Reason: The details required are integral to the whole development to ensure the satisfactory handling/disposal of foul-water generated by the development and to prevent water pollution in accordance with Policies OSS4 (iii), SRM2 and EN7 of the Rother Local Plan Core Strategy.

6. No development shall commence until a detailed surface water drainage system (SUDS) has been submitted to and approved in writing by the Local Planning Authority, the SUDS details shall include:

- a) detailed drawings and hydraulic calculations, which shall take account of the connectivity of the different surface-water drainage features and shall demonstrate that surface-water run-off can be managed without increasing flood-risk for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence; and
- b) the detailed design shall be informed by findings of groundwater monitoring between autumn and spring and shall leave an unsaturated zone of at least 1m between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of the measures to be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

The dwellings permitted shall not be occupied until the approved sustainable drainage works have been implemented and are operational to the satisfaction of the Local Planning Authority.

Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site in accordance with the principles of sustainability and to prevent increased flood-risk beyond the site, in accordance with Policies OSS4 (iii), SRM2 and EN7 of the Rother Local Plan Core Strategy.

7. Prior to the construction of the outfall, a survey of the condition of the ditch/ordinary watercourse (or sewer/drain) which will take surface water runoff from the development shall be undertaken. The results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse/sewer/drain shall be included and, if approved by the Local Planning Authority and Local Lead Flood Authority, shall be implemented accordingly.

Reason: To minimise the risk of flood on and off the site into the future.

8. A Maintenance and Management Plan for the entire drainage system shall be submitted to the Local Planning Authority before any construction commences on-site to ensure the designed system takes into account design standards of those responsible for maintenance. The Management Plan shall include the following:
 - a) a clear statement of who will be responsible for managing all aspects of the surface water drainage system, including the piped drains; and
 - b) evidence shall be provided as to how these responsibility arrangements will remain in place throughout the lifetime of the development.

The approved plan shall remain in place and be adhered to for the lifetime of the development.

Reason: To minimise the risk of flood on and off the site into the future.

9. Details of the measures to be taken to manage flood-risk, both on and off the site, during the construction phase of the development, shall be submitted to and agreed in writing by the Local Planning Authority. This may take the form of a stand-alone document or be part of the Construction Management Plan for the development to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To minimise the risk of flood on and off the site when the development permitted is constructed.

10. Prior to occupation of the development, evidence (including photographs) shall be submitted to show that the drainage system has been constructed as per the final agreed details drainage designs.

Reason: To ensure the sustainable drainage system approved for the site has been constructed as approved, to minimise the risk of flood on and off the site.

11. Prior to occupation of the development hereby permitted, the reconstructed access shall be in the position shown on approved plan No. 5490/20/1/C and it shall be laid out and constructed in accordance with the attached HT407 form and all works undertaken shall be executed and completed by the Applicant to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

12. The new access to serve the development permitted shall not be brought into use until the 2.4m x 70m sight-lines on both sides of the access have been provided to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

13. The development permitted shall not be occupied until the cycle storage facilities, as shown on approved plan No. 5490/20/1/C, have been provided in accordance with details to be submitted to and agreed in writing by the Local Planning Authority (and thereafter shall be retained for that purpose).

Reason: In the interests of highway safety and to enhance the sustainability credentials of the development.

14. The development shall not be occupied until a turning-head for vehicles has been provided in accordance with details that shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To enable vehicles to turn and exit in forward gear, in the interests of highway safety.

15. No development above ground level shall commence until details of the hard and soft landscaping of the site (hard landscaping consistent with sustainable surface-water drainage details required by Condition 6 above), including boundary treatments, retaining walls and the parking to be provided for the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried-out in accordance with the approved details.

Reason: To ensure the development is in character with its surroundings, in the interests of visual amenity of the locality, in accordance with Policies OSS4(iii), RA1(i) and EN1(i) of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan.

16. If within a period of five years from the date of the planting of any tree or shrub or other planting that tree, shrub or other planting or any replacement tree, shrub or other planting, is removed, uprooted, destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged, diseased or defective), another tree, shrub or plant of the same species and size as that originally planted in the same position shall be planted

in the first available planting season, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development is in character with its surroundings, in the interests of the visual amenity of the locality, in accordance with Policies OSS4(iii), RA1(i) and EN1(i) of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan.

17. No development shall commence until indications of all existing trees and hedgerows on the land, including details of those to be retained, together with measures for their protection during the construction of the development, as per the Arboricultural Report that supports this application, have been submitted to and approved by the Local Planning Authority and such approved protection measures shall be retained in situ for the duration of construction works.

Reason: These details are required prior to commencement of works to ensure the protection of trees and hedgerows during construction and the creation of a high quality public realm and landscape setting in accordance with Policy EN3 of the Rother Local Plan Core Strategy.

18. The development hereby permitted shall only be undertaken in accordance with a Construction Environmental Management Plan (CEMP) which shall be submitted to and agreed in writing by the Local Planning Authority prior to first commencement of the development permitted, setting-out the steps to be undertaken to protect and enhance the potential ecological/biodiversity value of the application site before, during and after the carrying-out of the development, as set-out within the Ecological Appraisal that supports the application, and the measures to be taken to protect the level of amenity enjoyed by occupiers of neighbouring residential properties as the development is undertaken.

Reason: To protect the ecological value of the application site and to protect residential amenity, in accordance with Policies EN1, EN5 and OSS4(ii) of the Rother Local Plan Core Strategy.

19. During the construction of the development hereby permitted, all site worker and visitor vehicles shall be parked clear of the highway and all plant, machinery and equipment shall be stored within the site.

Reason: To maintain the free-flow of traffic using and in the interests of highway safety, in accordance with Policies OSS4 and CO6 of the Rother Local Plan Core Strategy.

20. No construction works at or deliveries to the application site shall take place, other than between the hours of 8.00am and 6.00pm Monday to Friday, 8.00am and 1.00pm on Saturdays and not at all on Sundays or on Bank or other holidays.

Reason: To protect the level of amenity enjoyed by occupiers of neighbouring residential properties, in accordance with Policy OSS4(ii) of the Rother Local Plan Core Strategy.

21. 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 dwelling is 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 Development and Site Allocations Local Plan.

22. The dwellings hereby permitted shall not be occupied until it has/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 dwelling in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Rother Development and Site Allocations Local Plan.

NOTES:

1. Conditions 21 & 22: The Applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that conditions triggering the optional technical standards for Water Efficiency and/or Accessibility and Wheelchair Housing Standards are attached to this planning permission and that development should be built accordingly. Enforcement action may be taken without further notice if the relevant standards are not achieved.
2. The Applicant/Developer should be aware that the development is liable to the payment of the Community Infrastructure Levy (CIL). Details will be set-out in the CIL Liability Notice that will be issued in conjunction with this planning permission.
3. The development hereby permitted will be subject to the requirements of the Building Regulations. Advice should be sought from the East Sussex Building Control Partnership. No work should be carried-out until any consents required under the Building Regulations have been obtained.
4. The Applicant/Developer should take all reasonable precautions to minimise the potential for disturbance to occupiers of nearby residential properties from disturbance and nuisance as the development is undertaken. This should include adherence to the hours of working controls set under Condition 20.
5. The surface-water drainage details required under Condition 6 shall be supported by a Report and any necessary Technical Information

following completion of the East Sussex County Council surface water drainage system (SUDS) Decision Support Tool for Small Scale Development (<http://eastsussex.suds-tool.co.uk/>).

6. The details required by Condition 18 – particularly in respect of biodiversity enhancements/net gain – shall not be approved unless consultation with the County Ecologist has been undertaken.
7. The Applicant is reminded that UK Power Networks' safety guidelines for working near electricity infrastructure and underground cables should be followed diligently.

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 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.

PL20/76. **PUBLICATION OF HOUSING LAND SUPPLY POSITION STATEMENT AS AT 1 APRIL 2020**

(9)

The Housing Land Supply Position Statement (HLSPS) identified the supply of dwellings on sites that were allocated or had planning permission and allocations and, showed the extent to which existing plans fulfilled the requirement to maintain a rolling 5-year supply of deliverable land in accordance with the National Planning Policy Framework (NPPF). In November 2020, the Council's latest HLSPS was published which detailed its Housing Land Supply (HLS) position as at 1 April 2020.

As the adopted Local Plan Core Strategy (CS) was now more than five years old, in accordance with the NPPF, the Council was required to measure the 5-year HLS position against its minimum local housing need (LHN) using the new standard method calculation detailed in the Planning Practice Guidance. As at 1 April 2020, the LHN figure for Rother was 736 dwellings per annum. This was based on household projections, affordability and any appropriate cap to the LHN and a sharp contrast to 484 dwellings per annum identified in the CS.

As of April 2020, the number of outstanding dwellings with planning permission was 2,823; an increase in permitted sites since the beginning of the Local Plan (LP) timeframe. From April 2011, 1,826 net additional dwellings had been completed; an average of 203 per annum. It was noted that the annual housing requirement had not yet been achieved during the plan period. Due to the considerable uplift in

the housing figure from the adopted CS target to the LHN figure, the Council was only able to identify 2.87 years of housing supply.

The absence of a 5-year supply of deliverable housing sites meant that the development boundaries and related restrictions on development in the countryside would need to be acknowledged as being 'out-of-date'. As the Council could no longer demonstrate a 3-year supply, the general presumption in favour of sustainable development would now be a critical reference point when determining planning applications involving the provision of housing in neighbourhood areas that had a made Neighbourhood Plan (NP) e.g. Crowhurst, Rye, Salehurst and Robertsbridge, Sedlescombe and Ticehurst. Therefore, development was no longer constrained by policies in the adopted NP.

Members noted that work had commenced on developing the Council's new LP in conjunction with the Housing and Economic Land Availability Assessment. A new housing target for the District would be established within the new LP and a timetable to produce the document would be published in early 2021.

During discussion the following salient points were noted:

- The new LHN figure (736 units per annum) did not take account of local circumstances; a significant percentage of the District was designated as an Area of Outstanding Natural Beauty (AONB). The Council had a duty to protect and enhance the natural beauty of the AONB, as well as RAMSAR (wetlands of importance) and green spaces across the District.
- Disappointing that the Council was expected to achieve unrealistic targets set by the Government (not evidence based). Important to lobby both MPs to address set targets.
- Targets should reflect and meet the District's need.
- Clarity was sought on whether 'made' NPs were now powerless. The Head of Strategy and Planning advised that all policies within 'made' NPs would still be considered, as stipulated in the NPPF, but they were considered 'out of date' and the weight afforded to the policy would depend on its consistency with the NPPF.
- Parish and Town Councils with a 'made' NP were entitled to 25% of Community Infrastructure Levy funding.
- Important to encourage landowners / developers not to land bank and progress developments.
- Currently approximately 2,800 outstanding planning permissions of which 2,535 were anticipated to progress over the next five years (see Table 16 of HLSPS).
- Quantitative easing was elevating prices.
- Telescope the timetable of the LP to ensure a robust evidence-based and realistic LP was in place as soon as possible.
- Quarterly countywide meetings were held with developers and relevant statutory bodies to discuss development progression.
- Nationally approximately 30% of local authorities (presume mainly in the south east because of high housing need) did not have 5-year HLS; this included Eastbourne Borough Council (not 3-year), Tunbridge Wells Borough Council and Wealden District Council

(WDC). Locally only Lewes District Council was over the 5-year threshold with a 5.4-year HLS.

- Impact of LHN figures in other areas – Hastings Borough Council's adopted plan figures were 215 up to 451, Rother District Council 165 up to 711 and WDC 450 up to 1,225.
- No direct sanctions to developers – development should commence before the expiration of three years from the date of permission (this was reduced from five years). Developers would build when there was a need.
- The NPPF (paragraphs 11 and 172) stated that major development (without a 5-year supply) would not be allowed in AONB area unless there were very specific circumstances.
- Important to get the right houses in the right places for the right people.

RESOLVED: That the report be noted.

PL20/77.

APPEALS

(10)

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.

PL20/78.

TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS

(11)

Due to the current national pandemic situation, site inspections would only be held, if necessary. The next site inspection was scheduled to be held on Tuesday 16 February 2021 at 8:30am departing from the Town Hall, Bexhill. Members would be notified should site inspections be held.

CHAIRMAN

The meeting closed at 12:48pm.