

**PLANNING COMMITTEE**

11 March 2021

Minutes of the Planning Committee meeting held remotely on Thursday 11 March 2021 at 9:35am.

Committee Members present: Councillors J. Vine-Hall (Chairman), S.M. Prochak MBE (Vice-Chairman), J. Barnes (Substitute), Mrs M.L. Barnes, S.J. Coleman (in part), B.J. Drayson (ex-officio) (in part), 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 Mrs V. Cook (in part), P.C. Courtel (in part), K.M. Field (in part), L.M. Langlands (in part), C.R. Maynard (in part), D.B. Oliver (in part).

Advisory Officers in attendance: Head of Service Strategy and Planning, Development Manager, Team Leader and North Bexhill Manager (in part), Development Management Team Leader (in part), Principal Planning Officer (in part), Senior Environmental Health Officer (in part) and Democratic Services Officer.

Also Present: Claire Tester, High Weald AONB Unit (in part), 313 members of the public via the YouTube live broadcast.

PL20/88. **MINUTES**

(1)

The Chairman was authorised to sign the Minutes of the meeting held on 18 February 2021 at a later date as a correct record of the proceedings.

PL20/89. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

(2)

An apology for absence was received from Councillor G.C. Curtis.

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

PL20/90. **WITHDRAWN APPLICATIONS**

(4)

The Development Manager advised that Application No. RR/2019/2618/P – Galley Hill – Foreshore which had been deferred by the Planning Committee at the meeting held on 18 February 2021 had been withdrawn by the Applicant who would be considering further consultation prior to any resubmission.

PL20/91. **DISCLOSURE OF INTEREST**

(5)

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

Mier            Agenda Item 8 – Personal Interest as he was the Council's appointed representative on the Romney Marshes Area Internal Drainage Board.

Prochak        Agenda Items 7 and 8 – Personal Interest in so far as her husband was Chairman of the local Campaign to Protect Rural England who made comments on the applications.

                    Agenda Items 10 – Personal and Prejudicial Interest in so far as she was a personal acquaintance of the Applicant.

Vine-Hall      Agenda Item 7 – Personal Interest as he was Chairman of Sedlescombe Parish Council.

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

PL20/92. **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.

PL20/93.

**RR/2019/1659/P - PGL FORMER PESTALOZZI, LADYBIRD LANE**

(7)

**RM**

**DECISION: REFUSE (FULL PLANNING)**

The 55-hectare site lay to the south of Sedlescombe village and was formerly occupied by the Pestalozzi International Village Trust. The new owners were PGL, a private company who specialised in residential and day activity holidays for children. The site currently comprised of undulating pastureland and ancient woodland, accommodation and educational buildings, as well as infrastructure from the previous occupier and separate private residential properties. The land was outside of the Development Boundary for Sedlescombe as identified in the 'made' Neighbourhood Plan and was within the High Weald Area of Outstanding Natural Beauty (AONB).

The proposal was for change of use of the site to a residential training and educational activity centre, together with operational development including kitchen and accommodation extensions, new accommodation blocks, tent area, car/coach parking and passing places, access improvements, outdoor activity structures, new activity pond and living acoustic fencing, as well as tree planting. Consideration was given to all statutory, non-statutory and third-party representations. It was noted that additional information had been received from an objector which was circulated to Members prior to the meeting.

Members heard from spokespersons representing those objecting to the scheme, a representative of Sedlescombe Parish Council who also objected, the Applicant and the Applicant's Agent, both local Ward Members and Planning Officers. The Planning Committee also considered, in some detail, the comments submitted by and heard from a representative of the High Weald AONB Unit who had also objected.

The Planning Committee asked a series of questions and discussed matters in relation to several issues. These included: harm to the setting of the historic village of Sedlescombe; whether the application was considered to be 'major development' in the AONB; increased built development and the significant increase in floorspace and the addition of large activity structures and a large lake; increased activity and use of the site; concern regarding the 'extant' 2008 planning permission (reference RR/2007/397/P), what that entailed and its use as a 'fallback position'; the nature and scale of the business in comparison to the size of the village; increased numbers accommodated on site (factoring in young people, guests teachers, staff and parents / guardians); seasonal operation and proposed hours of use (8 hours per day, 7

days per week); increased noise (particularly from younger children [ages 5-11] who were PGL's core client) and how the Applicant would manage noise levels across the whole of the site; increased noise from elevated activities; harm to ancient woodland and fauna / flora surrounding the site and proximity of some of the activity centres to protected areas against Natural England guidance; inadequate mitigation measures, including adequacy of a willow hedge to soundproof / screen site; location and size of the lake (which was inappropriately referred to by the Applicant as a pond and was approximately 40% larger than an Olympic sized swimming pool) and significant change to the landform; limited use of local amenities; increased traffic to the site and through the village; impacts of coach parking facilities to neighbouring properties; viability and sustainability; increased lighting and effect on dark skies; ecology and biodiversity issues (including Biodiversity Net Gain); the lack of Community Infrastructure Levy contribution; impingement on the buffer zone required to protect ancient woodland; the high volume of local opposition to the application; and the conflict with the intentions of Policy 3 of the Sedlescombe Neighbourhood Plan which envisaged (in agreement with Rother Policy officers during its development and subsequent adoption) very limited development of the site.

The Applicant responded to some of the concerns expressed and advised that PGL had been operating for over 75 years and were extremely experienced and had successfully delivered the proposed activities in the application at other locations. All measures would be implemented to ensure that noise (management plan) and traffic movements were monitored appropriately to ensure that the neighbouring properties were not inconvenienced. All activities would be fully supervised, with most evening events being held inside. Sympathetic landscaping and acoustic screening (green fencing) would be applied to the buffer zone to protect and restore the ancient woodland / pastureland and site in general. Appropriate materials would be used to clad and roof the existing and proposed buildings and no additional exterior lighting would be installed. The site would enhance the local economy (use local suppliers [approx. 30-50% of goods]) and provide a variety of employment opportunities for local people. PGL were keen to integrate into the local community and work with Sedlescombe Parish Council. Outside of seasonal operation, the site could be used by the local community / other organisations as an alternative venue. The Applicant advised that should planning permission be refused, PGL would continue to operate under the 'extant' planning permission already in place. Alternative permissible activities would be offered namely orienteering, archery, team sports etc. PGL's mission was to provide team building and leadership experiences for young people.

Councillor J. Barnes moved the motion to REFUSE (Full Planning) and this was seconded by Councillor Prochak. The motion was declared CARRIED (unanimous).

After a thorough debate, in weighing up all the issues identified above, Members were not convinced or satisfied that even with a stringent noise management plan in place that excessive noise would not be

inflicted on the neighbouring properties and surrounding area. Moreover, the development was considered major development in the AONB having regard to the nature, scale and setting of the development and its significant adverse impact on the AONB which, due to the significant use of the site and extent of operational development would cause harm to the character of the area and fail to enhance the landscape, scenic beauty or habitat of the High Weald AONB. As the economic and social benefits of the development would not outweigh the environmental harm identified and because of the significant impact on the local community, the proposal was considered contrary to Policies OSS3, OSS4 (ii) and (iii), RA1 (i), RA2 (iii), (vii), (viii), RA3 (v) and EN1 (i),(vi),(vii) and EN5 (ii) (viii) of the Rother Local Plan Core Strategy, Policies DEC2, DEN1, DEN2, DEN4 (ii) (iii) (iv) and DEN7 of the Development and Site Allocations Local Plan, Policy P3 of the Sedlescombe Neighbourhood Plan, Objectives W1, W2, S3, G2 and OQ4 of the High Weald AONB Management Plan 2019-2024, paragraphs 170(e), 172, 175 and 180(a) (b) of the National Planning Policy Framework, which when read together sought to protect the integrity of the landscape, scenic beauty of the AONB and biodiversity, and s82 and s85 of the Countryside and Rights of Way Act 2000 which respectively established the purposes of AONB as the conservation and enhancement of natural beauty and required that in exercising or performing any functions in relation to AONBs relevant authorities should have regard to their purposes for which these areas were designated.

Generally, the Planning Committee was supportive of what PGL wanted to achieve and recognised the benefits of such a development, but thought it was the right scheme in the wrong place. It was out of keeping within the AONB, not only a landscape of great beauty but one with a very particular historic character. While there was an educational use on this site, it was primarily residential and not oriented to outdoor vigorous physical activity, necessarily exciting and noisy and in any case very much larger in scale and the Planning Committee felt that their primary objective was to conserve the impact on the AONB and the biodiversity of the site and the amenity of neighbouring properties and agreed that this was not an appropriate location for this type of activity / scheme. Therefore, the Planning Committee considered that the application should be refused.

#### **REASONS FOR REFUSAL:**

1. The site lies within the High Weald AONB. The National Planning Policy Framework, at paragraph 172, requires that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB and the scale and extent of development should be limited, and planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

Whether a proposal is 'major development' in the context of paragraph 172 of the National Planning Policy Framework is a matter for the decision maker (having regard to footnote 55 of the

National Planning Policy Framework). In this instance, the proposed development is major development in the AONB having regard to its nature, scale and setting and the significant adverse impacts of the development as set out below.

The nature of the development as an outside activity centre for young people includes a focus on constructed activity bases (including zip-wire, swings, water borne activities, climbing and abseiling towers), other field games and group activities, camping, and both indoor and outdoor evening activities (including disco) that have the potential to result in high levels of noise and disturbance in this relatively tranquil rural environment on a daily basis throughout the specified season and for sustained periods of time. It would also be a generator of traffic to a rural site, requiring significant alterations to a narrow rural lane and access to accommodate cars and larger vehicles, including vans and coaches.

The context for considering the scale of new development is that of a relatively small village (Sedlescombe) set within an essentially rural landscape. In relation to this, the scale of the use would be substantial, involving large numbers of people (young people, guests, teachers, staff, and parents/guardians) occupying the site. The scale of the proposed operational development would also be substantial involving large accommodation blocks, an ancillary building, a tenting village with permanent hard-standings, the creation of a lake, a substantial car/coach park, and activity bases - including tall structures, and a zip-wire extending down the valley. Cumulatively, the proposal would be of a significant scale in this part of the AONB.

Considering setting, the proposal would take place within a part of the landscape that is integral to the setting and charm of the village of Sedlescombe and it would erode the rural landscape setting of the village.

In terms of the proposed operational development, the scale and bulk of the proposed accommodation blocks would be substantial and intrusive in this rural setting. The proposed tenting area would incorporate a significant number of concrete bases that would be a permanent alteration and an intrusion within an existing area of grassland. The zip-wire would be prominent and visually intrusive within the open valley setting and other activity base structures because of their scale and height would be prominent in this location. In addition, their construction would require significant foundations to be installed. The proposed lake would also appear as a large artificial feature in this location, resulting in major and permanent disruptive change to landform. Individually and cumulatively the developments would be harmful to the character and appearance of the AONB.

The level and intensity of the proposed use of the site would also impact on the tranquillity of the area, which is a recognised key component characteristic of AONB designation. Moreover, artificial light associated with the development, together with noise and

activity would impact on bio-diversity. The ecological value of the site, as wood pasture, parkland, and ancient woodland Priority Habitat as listed under the National Environment and Rural Communities (NERC) Act 2006, would also be eroded because of the development, including incursion and the lack of an appropriate 'buffer zone' adjacent to ancient woodland, having regard to Natural England and Forestry Commission Standing Advice.

The economic benefits of the development are recognised in terms of employment and the likely contribution to the national and local economy, as are the social benefits of the scheme – including the health, training, exercise, life experiences, social interaction, and recreational enjoyment, for young people; however, the high-quality environment of the High Weald AONB within and around Sedlescombe village is of considerable importance and this carries great weight.

Overall the development would result in the intensification of the use of the site and a substantial increase in the amount of additional built development within the landscape. This would result in a change in the nature and setting of the historic rural village of Sedlescombe and significant erosion of the landscape character of the AONB. Ultimately, with inadequate mitigation detailed, the development proposed would have a significant adverse impact on the character and appearance of the area and would not conserve or enhance the landscape and intrinsic scenic beauty of the AONB and the purposes for which the area has been designated. There is no assessment of how such a proposal can be accommodated outside of the designated area and, whilst there are some identified benefits of the proposal, they do not amount to exceptional circumstances necessary to justify major development within the AONB and outweigh the environmental harm identified.

Given the above, the development proposed would be contrary to Policies OSS3, OSS4 (iii), RA2 (iii), (vii), (viii), RA3 (v) and EN1 (i), (vi), (vii) and EN5 (ii) (viii) of the Rother Local Plan Core Strategy, Policies DEC2, DEN1, DEN2, DEN4 (ii) (iii) (iv) and DEN7 of the Development and Site Allocations Local Plan, Policy P3 of the Sedlescombe Neighbourhood Plan, Objectives W1, W2, S3, G2 and OQ4 of the High Weald AONB Management Plan 2019-2024, paragraphs 170, 172 and 175 of the National Planning Policy Framework, which when read together seek to protect the integrity of the landscape, scenic beauty of the AONB and biodiversity, and s82 and s85 of the Countryside and Rights of Way Act 2000 which respectively establish the purposes of AONB as the conservation and enhancement of natural beauty and require that in exercising or performing any functions in relation to AONBs relevant authorities shall have regard to their purposes for which these areas are designated.

2. The proposed use of the site would result in unreasonable loss of residential amenity for the occupiers of residential properties in the vicinity of the site from the resultant increase in activity. This would include shouts, screams and raised voices resulting from large

numbers of children partaking in outside activities within close proximity to existing residential properties on a daily basis and for sustained periods of time. Properties particularly affected would be South Lodge and Ashdown Cottage, and properties within the site (Oaklands Manor, individual dwellings comprising The Old Stables, and dwellings within Oaklands Park) and along Chapel Hill directly adjoining the site. The occupiers of West Lodge and Orchard Cottage adjacent to the site entrance would also experience unreasonable loss of residential amenity because of increased traffic generation arising from the proposed use and a change in the character of the traffic, which would involve large numbers of coaches. The nature of this impact would include noise, fumes, and visual intrusion from standing coaches at the entrance to the site unreasonably close to the front entrance of West Lodge and Orchard Cottage. The proposal is contrary to Policy OSS4 (ii) of the Rother Local Plan Core Strategy, Policy DEN7 of the Development and Site Allocations Local Plan, and paragraphs 170 (e) and 180 (a) (b) of the National Planning Policy Framework. In addition to the local residential impacts, the overall increase in the spread and intensity of activity arising from the proposed use of the site would result in harmful change to character of the area as a whole that would impact on the village of Sedlescombe from across the valley, in conflict with Policy OSS4(iii) and RA1 (i) of the Rother Local Plan Core Strategy.

**NOTE:**

1. This decision notice relates to the following plans and details:  
Location Plan 1:5000: Drawing No. 4174-MP-100 Rev D  
Site Plan as Existing 1:1250: Drawing No. 4174-MP-110 Rev P3  
Proposed Site Plan 1:1250: Drawing No. 4174-MP-200 Rev P23  
Proposed Village Centre 1:500: Drawing No. 4174-MP-201 Rev P19  
Access Road Improvements: 1:1000: Drawing No. 4174-MP-251 Rev P9  
Revised Junction Design (418.06654.00006.14.H005.2)  
Proposed Site Plan 1:250: Drawing No. 4174-GA-200 Rev P9  
Block One Ground Floor 1:100: Drawing No. 4174-GA-220 Rev P11  
Block One First Floor 1:100: Drawing No. 4174-GA-221 Rev P10  
Block One Elevations 1:100: Drawing No. 4174-GA-222 Rev P11  
Block One Site Sections 1:250: Drawing No. 4174-GA-223 Rev P7  
Block Two Floor Plans 1:100: Drawing No. 4174-GA-225 Rev P7  
Block Two Elevations 1:100: Drawing No. 4174-GA-226 Rev P8  
Block Two Site Sections 1:250: Drawing No. 4174-GA-227 Rev P5  
Proposed Staff Accommodation 1:50/100: Drawing No. 4174-SA-200 Rev P1  
Kitchen and Dining Hall Plan 1:100: Drawing No. 4174-DK-200 Rev D  
Kitchen and Dining Elevations 1:100: Drawing No. 4174-DK-201 Rev B  
Lake Sections (1 of 2) 1:250/100: Drawing No. 4174-SP-200 Rev P8  
Lake Sections (2 of 2) 1:250/100: Drawing No. 4174-SP-201 Rev P8

Swiss Hall/Education Buildings: Proposed: 1:100: Drawing No. 4174-EB-200 Rev P2  
A - Zip Wire 1:100: Drawing No. 4174-AA-200 Rev B  
B - Climbing Wall 1:100/20: Drawing No. 4174-AA-201 Rev A  
C - Abseil Tower 1:50: Drawing No. 4174-AA-202 Rev A  
D - Linear Course 1:100: Drawing No. 4174-AA-203 Rev A  
E – Swing 1:100/20: Drawing No. 4174-AA-204 Rev A  
Activity Shelter 1:50/20: Drawing No. 4174-AA-205 Rev P1  
Landscaping Plan General Arrangement: Drawing No. 241/01B;  
and block landscaping Plans: Drawing Nos. 241/02A, 241/03A,  
241/04A, 241/05A, 241/06A and 241/07A.

**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 clearly setting out the reason(s) 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 Prochak declared a Personal interest in this matter in so far as her husband was 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).

(Councillor Vine-Hall declared a Personal interest in this matter in so far as he was Chairman of Sedlescombe Parish Council and confirmed that he had not attended any Parish Council meetings where the application had been discussed or expressed an opinion on the application and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

PL20/94. **RR/2020/151/P - PETT LEVEL ROAD - LAND SOUTH OF, FAIRLIGHT COVE**

(8)

**RM**  
**DECISION: REFUSE (OUTLINE PLANNING)**

The site comprised of 3.2 hectares of land currently in agricultural use on the edge of Fairlight Cove lying on the south side of Pett Level Road and was within the edge of the High Weald Area of Outstanding Natural Beauty (AONB) (Fairlight Cove village was not within the AONB) and was partly within a Site of Special Scientific Interest Impact Risk Zone. The site was a single open field which gently sloped from the north and abutted existing residential gardens along the northern, western and southern boundaries (on Pett Level Road, Waites Lane and The Broadway). Access to the site was proposed via the adjacent field to the east and access to the field was in the top north east corner. The remainder of the site was vegetated with fields and hedging. The land was allocated in the Council's Development and Site Allocations

Plan 2019 (DaSA) and was within the development boundary of Fairlight Cove.

The proposal was for outline permission with approval of access sought only; all other matters were reserved. After consultation, the Applicant had amended the proposal for 'up to' 43 dwellings, with new access from Pett Level Road, as well as removal of the proposed doctor's surgery. Members were advised that the Clinical Commissioning Group (CCG) had confirmed that a surgery was no longer required at this location, but the CCG had not provided evidence in written form which Members would have been entitled to expect in order to make a final decision. The Applicant had confirmed provision for affordable housing, self-build plots, housing suitable for older people and submitted a variety of documents to support the application including Design & Access Statement and Transport Assessment / Statement, flood risk, drainage strategy, ecological surveys etc. Consideration was given to all statutory, non-statutory, third-party representations and it was noted that two further objections had been received which reiterated comments already detailed within the report.

Members heard from a spokesperson representing those objecting to the scheme, a representative of Fairlight Parish Council who also objected, the Applicant's Agent, a local Ward Member and Planning Officers. Members asked a series of questions in relation to several issues. These included: impact of the housing on the appearance and setting of Fairlight and impact on the landscape character of the AONB; whether development was major development in the AONB; overdevelopment of the site (including the increased number of dwellings from 30 [as stated in the DaSA] to 43 [mixture of units]); site was visible from the surrounding area and would create a hard edge to the village / poor transition into open countryside; loss of an intended doctor's surgery with insufficient justification; foul and surface water drainage / disposal issues; contaminated drainage flowing into the nearby Ramsar site and matters relating to Appropriate Assessment (which Natural England had advised was not required); lack of direct pedestrian footpath / access or linkage to the village – cut off from / no integration with the local community; village not a defined service village and had limited facilities (including no school); ecology and biodiversity impact; inconsistent buffer surrounding the site; lack of amenities; sustainability and viability; urbanisation of the area, including loss of green verges to accommodate public transport; and increased traffic to and from the site and along Battery Hill (road safety issues).

The Planning Committee expressed concern regarding increased traffic that would be generated by the development and removal of the doctor's surgery from the scheme, as well as the density of the development which would create a hard edge to the village, poorly transitioning into the open countryside. The discussion focused particularly on the existing foul water and surface water drainage / disposal issues, which the Planning Committee felt had not been fully addressed by the Applicant or utility company, as there were known drainage issues within Fairlight, as well as lack of amenities and pedestrian footpath / access or linkage to the village.

Councillor Mier moved the motion to REFUSE (OUTLINE PLANNING) and this was seconded by Councillor Norton. The motion was declared CARRIED (unanimous).

In weighing up all the issues identified above, Members considered that the overall impact, including density of the scheme would cause harm to the landscape of the High Weald AONB and would be out of character and out of context with the wider character of the village of Fairlight Cove. The proposal was also inconsistent with the requirements of Policy FAC2 and included a number of deficiencies resulting in the proposal being considered an unsustainable form of development. The proposal was contrary to Paragraph 172 of the National Planning Policy Framework, Policies PC1, OSS3, OOS4, RA1, SRM2, CO2, CO6, LHN1, EN1, EN3, EN5 and TR3 of the Rother Local Plan Core Strategy and Policies FAC2, DEN1, DEN2, DEN4 and EN7 of the DaSA Local Plan. Therefore, the Committee considered that the application should be refused.

#### **REASONS FOR REFUSAL:**

1. The proposed development, although in outline, is accompanied by a detailed illustrative site layout plan, which indicates the need for a dense housing layout with two-storey buildings in order to accommodate up to 43 dwellings within the developable part of the site. The density and type of development required would be uncharacteristic of Fairlight Cove village and result in a hard urban edge, failing to appropriately transition from the built-up area to the open countryside, out of character with and harmful to the landscape character and scenic beauty of the High Weald AONB. These impacts are made cumulatively worse by the comparatively smaller provision of amenity and buffer landscaping when compared with the 'Detail Map' accompanying Policy FAC2 of the DaSA Local Plan and by the proposals for improved footways on Pett Level Road which would result in the urbanisation of the lane out of character with the rural landscape and context within the High Weald AONB. The proposal is contrary to Policies OSS4(iii) (v), RA1, EN1 and EN3 of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA Local Plan, and paragraph 172 of the National Planning Policy Framework.
2. The proposed development represents a significant departure from Policy FAC2 of the DaSA Local Plan as follows:
  - The proposed number of units, up to 43, represents a 43% increase over the 30 expected to be delivered within the policy allocation with no reasonable justification for the increase and resultant landscape harm identified (as set out in reason for refusal No.1 above). As such, the proposed increase in unit numbers is considered to represent an overdevelopment of the site.
  - There is no serviced plot for a doctor's surgery provided and it is premature to omit this at this time with no detailed justification for its removal and no assessment of alternative community uses provided.

- Landscape planting around the boundaries of the site is not indicated to be provided to the same extent as set out in the 'Detail Map' accompanying the policy allocation.
- It has not been demonstrated that the development can connect to the existing sewerage system in an acceptable manner. There are known capacity issues with foul and surface water drainage within Fairlight Cove village and, without sufficient detail to the contrary or an adequate response from Southern Water about resolution of existing problems and how any new development could be successfully integrated into the existing network, the development is considered to be premature in respect of drainage provision.

Furthermore, the proposal is considered to be poorly realised insomuch as:

- it causes harm to the character of the AONB as set out in reason for refusal No.1 above;
- it would create a development that is 'severed' and insufficiently integrated with Fairlight Cove village, which would likely result in a lack of social and community cohesion;
- Fairlight Cove is not a defined service village and does not have sufficient shops and services, including schools, to accommodate a development of this size;
- the unresolved drainage matters mean that there is insufficient information about the impacts, or lack thereof, on the Dungeness, Romney Marsh and Rye Bay Ramsar;
- the total number of units and the amount of affordable housing proposed would be more than that residually required to be provided in Fairlight Cove village; and
- the proposed pedestrian links to Fairlight Cove village – which include a route around the village edge and across a busy rural road in order to connect to existing pedestrian footpaths – is not considered to be safe or sustainable.

Given the above, the proposal is considered to represent an unsustainable form of development where the application of policies in the National Planning Policy Framework (namely paragraph 172) provide a clear reason for refusing the development and the proposal, because of its inconsistency with Policy FAC2 and its poor detailing, otherwise results in adverse impacts which significantly and demonstrably outweigh its benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, including but not limited to paragraphs 91 and 92. The proposal is contrary to Policies PC1, OSS3, OSS4, RA1, SRM2, CO2, CO6, EN1, EN3, EN5, EN6, EN7 and TR3 of the Rother Local Plan Core Strategy and Policies FAC2, DEN1, DEN2, DEN4, DEN5 and DEN7 of the DaSA Local Plan.

**NOTE:**

1. This decision notice relates to the following set of plans and documents:  
No. 101466-SK Drawing No: PL-03D dated 25/02/21

Drawing -008 rev B dated 18/12/2020  
Drawing No. Sk12 Rev E – Sketch Layout Western Field Only  
Drawing No. PL-10 Rev C – Illustrative Open Space Areas  
Drawing No. Sk14 Rev C – Proposed Dwelling Breakdown  
Design & Access Statement

**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 clearly setting out the reason(s) 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 Mier declared a Personal interest in this matter in so far as he was the Council's appointed representative on the Romney Marshes Area Internal Drainage Board and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(Councillor Prochak declared a Personal interest in this matter in so far as her husband was 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).

PL20/95. **RR/2020/1410/P - SOUTH OF BARNHORN ROAD AND WEST OF ASHRIDGE COURT**

(9)

**DECISION: GRANT (RESERVED MATTERS), including adoption of the Appropriate Assessment and details submitted under Conditions 8, 9 (apart from maintenance and management of the Sustainable Drainage System) 11, 12 and 14.**

**CONDITIONS:**

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

4377 - LP Site Location Plan  
J0027708 110 Rev 13 - Illustrative Masterplan  
J0027708 112 Rev 4 - Street Scenes  
J0027708 113 Rev 6 - Site Levels Plan – Sheet 1  
J0027708 114 Rev 7 - Site Levels Plan – Sheet 2  
J0027708 115 Rev 1 - Roof Plan  
J0027708 201 Rev 2 - House Type 1 (Brick) Plot 15 Elevations  
Floor Plans  
J0027708 202 Rev 3 - House Type 1 (Tile Hanging) Plot 2  
Elevations Floor Plans  
J0027708 203 Rev 2 - House Type 2 (Tile Hanging) Plots 11 & 12  
Elevations Floor Plans

J0027708 204 Rev 2 - House Type 2B (Brick) Plots 10 & 13 Elevations Floor Plans  
 J0027708 205 Rev 2 -House Type 3D (Tile Hanging) Plots 26 & 27 Elevations Floor Plans  
 J0027708 206 Rev 3- House Type 3D (Tile Hanging) Plots 22 & 23 Elevations Floor Plans  
 J0027708 207 Rev 2 - House Type 3A (Brick) Plots 24 & 25 Elevations Floor Plans  
 J0027708 208 Rev 2 - House Type 3A (Tile Hanging) Plots 17 & 18 Elevations Floor Plans  
 J0027708 209 Rev 2 - House Type 4 (Tile Hanging) Plot 3 Elevations Floor Plans  
 J0027708 210 Rev 2 - House Type 4 (Cladding) Plots 14 & 16 Elevations Floor Plans  
 J0027708 211 Rev 2 - House Type 5 (Cladding) Plots 19 & 28 Elevations Floor Plans  
 J0027708 212 Rev 2 - House Type 5 (Cladding) Plot 20 Elevations Floor Plans  
 J0027708 213 Rev 2 - House Type 6 (Cladding) Plots 21 & 29 Elevations Floor Plans  
 J0027708 214 Rev 4 - House Type Gateway Villa 1 (Brick and Render) Plots 4-6 Elevations Floor Plans  
 J0027708 215 Rev 2 - House Type Gateway Villa 2 (Brick and Render) Plots 7-9 Elevations Floor Plans  
 J0027708 216 Rev 3 - House Type 3A (Tile Hanging) Plot 1 Elevations Floor Plans  
 PLG/1629/20C - Soft Landscape Proposals and Enclosures  
 Reason: For the avoidance of doubt and in the interests of proper planning.

2. No development above ground shall begin until a glazing and ventilation scheme to protect the dwellings on plots 1-13 against noise from Barnhorn Road (A259) has been submitted to and approved by the Local Planning Authority and the dwellings shall be completed in accordance with the approved scheme prior to their occupation. The scheme shall be based on the submitted Site Noise Assessment-Final Report-2109W-SEC-00002-06, dated July 2020, and shall include details of trickle ventilation alongside an overheating assessment.  
 Reason: To preserve the residential amenities of the occupiers having regard to Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DEN7 of the Rother Development and Site Allocations Local Plan.
  
3. No development above ground shall take place until details of the sound power level of the pumping station and any mitigation provided by enclosures has been submitted to and approved in writing by the Local Planning Authority and the approved scheme thereafter installed and retained. The scheme shall be based on the submitted Site Noise Assessment-Final Report-2109W-SEC-00002-06, dated July 2020, and include a full BS4142:2014+A1:2019 assessment.  
 Reason: To safeguard the amenities of the area and plot 21 in particular, in accordance with Policy OSS4 (i) of the Rother District

Local Plan and Policy DEN7 of the Rother Development and Site Allocations Local Plan.

4. No development above ground level shall take place until details/specifications of all external materials for the dwellings and hard landscapes areas have been submitted to and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details:  
Reason: To ensure a high building appearance and architectural quality, in accordance with Policies OSS4 (iii), EN1 and EN3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
5. No development above ground level shall take place until amended locations for the bin storage areas within the back gardens of Plots 2, 5, 8, 11, 12 and 15 have been submitted to and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details:  
Reason: To reposition bin storage areas closer to the road frontages to minimise travel distances while ensuring a high quality environment in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
6. No dwelling shall be occupied until the parking and turning areas have been provided in accordance with the approved Site Levels Plans, Drawing Nos. J0027708 113 Rev 6, dated 14.06.2020 and J0027708 114 Rev 7, dated 29.06.2020 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.
7. The development shall not be occupied until the garden sheds/cycle store have been provided in accordance with the approved Site Levels Plans, Drawing Nos. J0027708 113 Rev 6, dated 14.06.2020 and J0027708 114 Rev 7, dated 29.06.2020 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.
8. The dwelling(s) 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(s) 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.

9. 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(s) 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. The following details submitted pursuant to conditions imposed on outline permission RR/2016/3206/P are approved by this decision notice:

Condition 7: The Construction Management Plan, amended version submitted 13.10.20.

Drainage Scheme BPS Drawing No. DR-D-0200-S4 Rev P02 dated 09/12/2020

Drainage Details 1 BPS Drawing No. DR-D-0220-S4 Rev P01 dated 09/12/2020

Drainage Details 2 BPS Drawing No. DR-D-0221-S4 Rev P01 dated 09/12/2020

Drainage Details 3 BPS Drawing No. DR-D-0222-S4 Rev P01 dated 09/12/2020

Condition 8: The Arboricultural Report, dated May 2020.

Condition 9: The Flood Risk and Drainage Assessment Report, with the exception of the management and maintenance section, for which confirmation of adoption by Pevensey & Cuckmere WLMB is required.

Condition 11: The Reptile Mitigation Closing Statement, dated June 2020.

Condition 12: The Soft Landscape Proposals and Enclosures Plan (PLG/1629/20C), submitted 29.10.20.

Condition 13: The Travel Plan (amended), dated Nov 2020 is not approved by this permission as it is still under consideration.

Condition 14: The electric vehicle charging infrastructure proposed by paragraph 2.3.5 of the Transport Statement Addendum, dated June 2020.

2. All conditions and notes of the outline permission RR/2016/3206/P continue to apply to this development.

3. 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.
4. 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 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.

**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 approve the details in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

PL20/96.  
(10)

**RR/2020/2285/P - THE HURST, NETHERFIELD HILL**

**RM**  
**DECISION: GRANT (FULL PLANNING)**

The proposal was for a conservatory on the front elevation of the dwelling. The property was located within the countryside and High Weald Area of Outstanding Natural Beauty (AONB).

Members heard from the Applicant who outlined the history of the property, neighbouring property and surrounding area, as well as the two local Ward Members who were present at the meeting and were in favour of supporting approval of the application. It was also noted that Battle Town Council supported the application.

The Planning Committee discussed the acceptability of the proposal and in weighing up all the issues considered that the conservatory would not be an incongruous addition within the street scene, as it was not visible from the road, would not affect the setting of the adjacent Listed Building and therefore would not have an adverse impact on the landscape, character of scenic beauty in the High Weald AONB. Therefore, the Planning Committee approved granting full planning.

Councillor Mrs Barnes moved the motion to APPROVE (Full Planning) and this was seconded by Councillor Harmer. The motion was declared CARRIED (11 for / 1 abstain).

**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. 6723 / LBP, Location and Block Plan dated November 2020;  
Drawing No. 6723 / 1 / A, Proposed Floor Plan and Elevations dated November 2020.  
Reason: For the avoidance of doubt and in the interests of proper planning.

**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.

(Councillor Prochak declared a Personal and Prejudicial Interest in so far as she was a personal acquaintance of the Applicant and in accordance with the Members' Code of Conduct left the meeting during the consideration thereof).

PL20/97. **RR/2020/2373/P - UNIT 12, THE COLONNADE, THE PROMENADE**

(11)

**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 Site Location Plan, Block Plan, Floorplan and Description of Proposal document which were submitted with the application.  
Reason: For the avoidance of doubt and in the interests of proper planning.

3. The planning use of Unit 12 of The Colonnade will revert to Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting this order with or without modification), when the use as a virtual reality flying experience, hereby approved, ceases.

Reason: To protect the Bexhill Town Centre and Bexhill Cultural Area and enable proper consideration of future proposals in accordance with Policies BEX12 and BEX15 of the Rother Development and Site Allocations Local Plan.

**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.

PL20/98. **IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 12, CONSIDERATION BE GIVEN TO THE FOLLOWING MOTION SUBMITTED BY THE CHAIRMAN**

(12)

In accordance with Council Procedure Rule 12 consideration was given to the following Motion for Council; it was moved by Councillor Vine-Hall and seconded by Councillor J. Barnes that:

“Where decisions of the Planning Committee vary from an officer recommendation the decision notice will not be issued until it agrees with the draft minutes approved by the Chairman. Alignment of the two documents will take place within two clear working days of the receipt of the draft minutes. Should any issue be unresolved at the end of those two days it will be referred to the Head of Paid Service for final resolution.”

**RESOLVED:** That the Motion on being put was declared **CARRIED**.

PL20/99. **UNDETERMINED MAJOR PLANNING APPLICATIONS**

(13)

Members noted the report on the current status of 11 undetermined Major Planning Applications. Six were subject to a Section 106 obligation/completion, one was subject to shared access resolution, one was ongoing subject to discussions regarding the Habitat Regulations Assessment, one was awaiting amended submissions, two had been amended and re-advertised.

The Development Manager updated the Committee on resource issues within the Planning Department. A recruitment exercise had been undertaken with two successful appointments made, however there

remained a national shortage of planning officers. Investigations were currently underway to enlist additional resources to assist with the backlog of outstanding and new major planning applications. Legal agreement was awaited, and it was anticipated that these arrangements would be place by mid-April. Members were reminded that a Local Government Association Peer Review was underway of the planning process at the Council.

**RESOLVED:** That the report be noted.

PL20/100. **PLANNING STATISTICS FOR THE QUARTER OCTOBER – DECEMBER 2020 (INCLUDING SUMMARY OF PLANNING STATISTICS FOR 2020-2021)**

(14)

Consideration was given to the report of the Head of Strategy and Planning on the planning statistics for the quarter October to December 2020 which included a summary of planning statistics for 2020/21.

Members noted the increase in Local Land Charge Searches received, this was attributed to the relaxation in Stamp Duty charges.

**RESOLVED:** That the report be noted.

PL20/101. **APPEALS**

(15)

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.

PL20/102. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**

(16)

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 13 April 2021 at 8:30am departing from the Town Hall, Bexhill. Members would be notified should site inspections be held.

**CHAIRMAN**

The meeting closed at 4:47pm.