

PLANNING COMMITTEE

20 May 2021

Minutes of the Planning Committee meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Thursday 20 May 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, B.J. Drayson (ex-officio), S.J. Errington, A.E. Ganly, P.J. Gray, K.M. Harmer, Rev. H.J. Norton, C.A. Madeley, A.S. Mier, G.F. Stevens and H.L. Timpe (Substitute).

Other Members present: Councillor M. Mooney (in part).

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

Also Present: 1 member of the press, plus 59 members of the public via the YouTube live broadcast.

PL21/1. ELECTION OF CHAIRMAN

(1)

RESOLVED: That Councillor J. Vine-Hall be elected Chairman of the Committee for the ensuing municipal year.

PL21/2. ELECTION OF VICE-CHAIRMAN

(2)

RESOLVED: That Councillor S.M. Prochak be elected Vice-Chairman of the Committee for the ensuing municipal year.

PL21/3. MINUTES

(3)

The Chairman was authorised to sign the Minutes of the meeting held on 15 April 2021 as a correct record of the proceedings.

PL21/4. APOLOGIES FOR ABSENCE AND SUBSTITUTES

(4)

Apologies for absence were received from Councillors G.C. Curtis, J.M. Johnson and L.M. Langlands.

It was noted that Councillors J. Barnes and Timpe were present as substitutes for Councillors J.M. Johnson and L.M. Langlands respectively.

At this point in the meeting, the Chairman took the opportunity to pay tribute to the Democratic Services and IT Transformation teams for their work and support of providing virtual meetings over the last year. He also welcomed Councillor Gray as a new Member to the Planning Committee.

PL21/5. DISCLOSURE OF INTEREST

(7)

There were no declarations of interest made.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL21/6. PLANNING APPLICATIONS - INDEX

(8)

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.

(9)

RM

DECISION: NOT TO DEFEND THE APPEAL AGAINST NON-DETERMINATION ON THE GROUNDS THAT THE PLANNING APPLICATION WOULD HAVE BEEN APPROVED DELEGATED SUBJECT TO CONDITIONS AND A SECTION 106 LEGAL AGREEMENT TO SECURE AFFORDABLE HOUSING

The Planning Committee had visited the site as part of their site inspections. An Appeal had been submitted against the application for non-determination. Prior to submission, the Applicant had sought pre-application advice, consulted the local community which had resulted in a reduction of dwellings as well as design changes.

The proposal was for the demolition of an existing building (former nursing home) and redevelopment of the site to provide 12 residential units (block of four flats, 3-terraced houses, one pair of semi-detached houses, a detached and two self-build detached houses), car parking, cycle and refuse facilities and associated works on a vacant brownfield site. Members were advised that the proposed dwellings would not contribute towards the residual housing needs of the village of Burwash, as there was no requirement for new dwellings in Burwash Common as identified in the Council's Rother Local Plan Core Strategy. Not all relevant policy matters had been addressed and no discussions were undertaken with the Applicant prior to the appeal being lodged. Application concerns related to design issues, harm to the High Weald Area of Outstanding Natural Beauty, living conditions of future occupiers with some of the proposed units, unjustified loss of a community facility, as well as affordable housing not being secured.

Members noted comments from one of the local Ward Members who was in favour of redevelopment and heard from the other local Ward Member who outlined the history of the site who was present at the meeting. He also advised that a local action group 'Save Our Fields' had submitted no objections to the site. No objections were also noted from Burwash Parish Council.

After full consideration of the proposal, officers' concerns, property marketing information and comments from the statutory and non-statutory bodies, the Planning Committee's ultimate view was that they would not have refused planning permission but would have supported it. Therefore, they agreed that the Council should not defend the Appeal, however they requested that delegated authority be given to officers to apply relevant standard conditions, along with securing a Section 106 agreement to secure affordable housing, as part of the Council's general response to the Appeal.

Councillor Ganly moved the motion to NOT DEFEND THE APPEAL and this was seconded by Councillor Mrs Barnes. The motion was declared CARRIED (11 for / 1 against).

(10)

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

Members had visited the site which was a substantial residential plot just outside of the Development Boundary for Northiam and within the High Weald Area of Outstanding Natural Beauty (AONB). In December 2018 planning permission had been granted to erect three 4-bedroom two-storey dwellings with integral garages.

The proposal sought permission to vary Condition 2 (approved drawings) of the extant permission to include two pitched roof dormers on the rear roof slope of each dwelling. These would serve an additional bedroom and en-suite within the roof space, making the properties 5-bedroom three-storey houses instead of 4-bedroom two-storey houses. Members were advised that the height of the properties would not be increased, and that construction of the dormers had already commenced.

The Planning Committee heard from the local Ward Member who was present at the meeting and was not in favour of supporting approval of the application. Objection was also noted from Northiam Parish Council.

After deliberation, Members felt that the decision made in December 2018 was appropriate and should remain. They felt that the new design was too large (bulky / top heavy) for the size of plots, would affect the amenity areas (small gardens), could create additional parking issues, would have an adverse impact on the landscape which would be out of character within the High Weald AONB and that 5-bedroom houses were not warranted within this location. Therefore, Members considered that the application should be refused.

Councillor Prochak moved the motion to REFUSE (Full Planning) and this was seconded by Councillor Mrs Barnes. The motion was declared CARRIED (7 for / 4 against).

As construction of the dormers had already commenced, delegated authority was sought for officers to commence enforcement procedures.

Councillors Prochak moved the motion to grant delegated authority to officers to commence ENFORCEMENT and this was seconded by Councillor Mrs Barnes. The motion was declared CARRIED (unanimous).

REASON FOR REFUSAL:

1. The proposed dormers, by reason of their large size and bulk, would appear disproportionately large in the rear roofslopes of the dwellings, making them appear top heavy. As such, the proposed development would relate poorly to the design of the original houses and would cause visual harm. Additionally, because of their

elevated position, the dormers would be prominent in views from properties to the south and east in Dixter Lane. In this respect, there are no other dormers of the size and bulk proposed nearby. As such, the dormers would be out of character with the area. The proposed dormers would be in conflict with Policies OSS4 (iii), EN1 (i) and EN3 of the Rother Local Plan Core Strategy, adopted in 2014, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan, adopted in 2019, and paragraph 172 of the National Planning Policy Framework, in that they would detract from the character and appearance of the locality, would not contribute positively to the character of the site and its surroundings and would detract from the landscape character of the High Weald Area of Outstanding Natural Beauty.

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 with the Planning Committee clearly 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.

PL21/9. **REVIEW OF THE CHANGES TO THE PLANNING SCHEME OF DELEGATION IMPLEMENTED IN OCTOBER 2020**

(11)

In August 2020, the Planning Committee approved revisions to the Planning Scheme of Delegation, removal of the 'Notified D' report, insertion of an enhanced weekly list and other related changes and requested that the new system be reviewed in six months from the date of implementation.

The new system was implemented on 6 October 2020 and Members were informed of any new submissions within their Wards from the outset, allowing them to consider calling applications to the Planning Committee (for planning reasons) up to seven days after the closure of any weekly list publicity period, and also encouraged discussion with officers to ensure mutual understanding of planning considerations and issues within the community, prior to calling to Planning Committee.

It had been necessary to revise the wording of the weekly list to incorporate the timing of Parish and Town Council meetings and possible delays with site notices being erected etc.

After discussion, Members felt that the revised Planning Scheme of Delegation and improved weekly list was working well and agreed that it be approved, and that the Council's Constitution be amended accordingly. It was also agreed that only under exceptional circumstances, the Chairman of the Planning Committee be granted authority to call-in an application, at any time before the decision notice is issued after consultation with the local Ward Member(s).

RESOLVED: That:

- 1) the officer scheme of delegation in respect of the Planning Service be permanently amended by the removal of the 'Notified D' report process and the insertion of an enhanced weekly list process as agreed by Committee in August 2020 (PL20/29 refers);
- 2) only under exception circumstances, the Chairman of the Planning Committee be granted authority to call-in an application, at any time before the decision notice is issued after consultation with the local Ward Member(s); and
- 3) the Council's Constitution be amended accordingly.

PL21/10. 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.

Concern was raised regarding the number of appeals lodged as a result of non-determination. Members were reminded that resource issues were still prevalent within the Planning Department. Additional resources were being enlisted to assist with the backlog of outstanding and new planning applications. Officers would continue to monitor the situation.

RESOLVED: That the report be noted.

PL21/11. TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS

(13)

The next site inspection was scheduled to be held on Tuesday 15 June 2021 at 8:30am departing from the Town Hall, Bexhill.

CHAIRMAN

The meeting closed at 11:25am.