

PLANNING COMMITTEE

14 April 2022

Minutes of the Planning Committee meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Thursday 14 April 2022 at 9:30am.

Committee Members present: Councillors J. Vine-Hall (Chairman), S.M. Prochak (in part), MBE (Vice-Chairman), J. Barnes (substitute), Mrs M.L. Barnes, G.C. Curtis (remote / in part), A.E. Ganly, P.J. Gray, K.M. Harmer (in part), L.M. Langlands, C.A. Madeley (in part), A.S. Mier, Rev. H.J. Norton, G.F. Stevens and H.L. Timpe (substitute).

Other Members present: Councillors C.A. Bayliss (remote / in part), G.S. Browne (in part) T.J.C. Byrne (in part), P.C. Courtel (in part) and D.B. Oliver (remote).

Advisory Officers in attendance: Development Management Manager, Head of Housing and Community (in part), Planning Policy Manager (in part), Planning Officer (in part) and Democratic Services Officer.

Also Present: Felicity Thomas – Pallant Chambers (Legal), 30 members of the public in the Council Chamber and 17 via the live webcast.

The Chairman led Members in a minute's silence for Councillor Jonathan Johnson who had recently passed away and had been a Member of the Planning Committee.

PL21/102. **MINUTES**

(1)

The Chairman was authorised to sign the Minutes of the meeting held on 10 March 2022 as a correct record of the proceedings.

PL21/103. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

(2)

Apologies for absence were received from Councillors B.J. Drayson – Chairman to the Council and S.J. Errington.

It was noted that Councillor H.L. Timpe was present as a substitute for Councillor S.J. Errington and Councillor J. Barnes was present as a substitute for the current Conservative vacancy on the Committee.

PL21/104. **DISCLOSURE OF INTEREST**

(5)

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

Gray Agenda Item 7 – Personal and Prejudicial Interest as her

husband was a member of and her step brother-in-law was the Manager of Gullivers Bowls Club.

Madeley Agenda Item 7 – Personal and Prejudicial Interest as her grandfather was one of the three philanthropists who created Gullivers Bowls Club in 1952 and since 2006 she had been Chairman of Gullivers Action Group.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL21/105. 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 Director – Place and Climate Change 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 Director – Place and Climate Change to negotiate and amend applications, conditions, reasons for refusal and notes commensurate with the instructions of the Committee. Any applications which are considered prior to the expiry of the consultation reply period are automatically delegated for a decision.

RESOLVED: That the Planning Applications be determined as detailed below.

(7)

DECISION: GRANT FULL PLANNING PERMISSION

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 drawings:
6729/100/1/C dated November 2021
6729/100/2/C dated November 2021
2355/SU-01 dated September 2005
6729/8/D dated May 2021
6729/9/C dated May 2021
6729/10/C dated May 2021
6729/7/C dated May 2021
6729/100/LBP/B dated June 2021
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No above ground works shall commence until details of the following have been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details:
 - a) 1:10 scale drawings of proposed details including gable pediment projection to bowls pavilion; fenestration and eaves details for housing and bowls club buildings, and porches, rooflights and clocktower to housing. The houses shall be constructed in accordance with the architectural details shown on approved Drawing No. 6729/8/D unless otherwise approved in writing by the Local Planning Authority.
 - b) Samples of the materials to be used in the construction of all external faces of the buildings (housing and bowls club buildings).
 - c) The proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties.
Reason: To ensure a high building appearance and architectural quality, which reflects the character of the town, in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
4. Notwithstanding the details on the approved Layout Drawing No. 6729/7/C, no above ground works shall commence until the following public realm and hard landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

- a) Boundary treatments and any other means of enclosure (fences, railings and walls) indicating the locations, type, design, height, and materials of such. This shall include the provision of a brick garden wall to the southern rear garden boundary of Plot 08.
- b) Hard surfacing materials (including road surfaces, parking spaces and other areas of hardstandings).
- c) Minor artefacts and structures (e.g. bins, sheds, bike and refuse stores).

Reason: To ensure the creation of a high-quality public realm, design quality, and landscape setting, in accordance with Policy EN3 and EN1 of the Rother Local Plan Core Strategy.

- 5. No above ground works shall commence until the following soft landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

- a) Indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development.
- b) Planting plans, including landscape and ecological mitigation (buffer planting and green buffers).
- c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- d) Details for implementation, including written specifications for cultivation and other operations associated with plant and grass establishment.

Reason: To ensure the creation of a high quality public realm and landscape setting in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.

- 6. If within a period of 10 years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree 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 enhance the appearance of the development in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.

- 7. Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:

- a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 2 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
- b) The details of the outfall of the proposed drainage system and how it connects into the sewer shall be submitted as part of a detailed design including cross sections and invert levels.

- c) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- d) The detailed design of the surface water drainage features (underground tank) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed tank. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.

Reason: A pre-commencement condition is required as the very nature of surface water drainage schemes can require works to be put in place prior to any other above ground development being undertaken. To control the quality and rate of run-off in relation to surface water drainage thereby protecting water quality and reducing local flood risks in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 163 and 165 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

- 8. A maintenance and management plan for the entire drainage system shall be submitted to the 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 cover the following:
 - a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development. These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

Reason: The full implementation of the approved scheme and its long term management is to prevent the increased risk of flooding, to improve and protect water quality in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraph 165 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

- 9. The Applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

Reason: To control the quality and rate of run-off in relation to surface water drainage thereby protecting water quality and reducing local flood risks in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 163 and 165 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

10. Prior to the occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: The full implementation of the approved scheme is to prevent the increased risk of flooding, to improve and protect water quality in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraph 165 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

11. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity through the provision of bird, bat and insect boxes, and the use of native species and/or species of known wildlife value in the landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures; and
- j) details for disposal of any wastes arising from works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Policy EN5 of the Rother Local Plan Core Strategy 2014.

12. The development shall not be occupied until parking areas have been provided in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6, TR3 and TR4 of the Rother Local Plan Core Strategy and DHG12 of the Development and Site Allocations Local Plan.

13. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).
Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6 and TR4 of the Rother Local Plan Core Strategy.
14. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area(s) shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
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 SMR1 and TR2 of the Rother Local Plan Core Strategy and DHG7 of the Development and Site Allocations Local Plan.
15. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6, TR3 and TR4 of the Rother Local Plan Core Strategy and DHG12 of the Development and Site Allocations Local Plan.
16. The new estate roads shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.
Reason: In the interest of highway safety and for this benefit and convenience of the public at large in accordance with Policies CO6, TR3 and TR4 of the Rother Local Plan Core Strategy and DHG12 of the Development and Site Allocations Local Plan.
17. Before building commences, the new estate roads shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Planning Authority in consultation with the Highway Authority.
Reason: In the interests of highway safety and for the benefit and convenience of the public at large in accordance with Policies CO6, TR3 and TR4 of the Rother Local Plan Core Strategy and DHG12 of the Development and Site Allocations Local Plan.
18. No part of the development shall be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development in accordance with Policies CO6, TR3 and TR4 of the Rother Local Plan Core Strategy and DHG12 of the Development and Site Allocations Local Plan.

19. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- a) the anticipated number, frequency and types of vehicles used during construction;
- b) the method of access and egress and routeing of vehicles during construction;
- c) the parking of vehicles by site operatives and visitors;
- d) the loading and unloading of plant, materials and waste;
- e) the storage of plant and materials used in construction of the development;
- f) the erection and maintenance of security hoarding;
- g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
- h) details of public engagement both prior to and during construction works.

Reason: These details are required prior to commencement of any works to ensure highway safety and to protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

20. The development hereby permitted must be carried out in accordance with the recommendations contained within the submitted Arboricultural Impact Assessment and Method Statement dated May 2021.

Reason: To ensure that the development does not unduly impact the nearby trees in accordance with Policy EN3 (ii) (e) of the Rother Local Plan Core Strategy.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), no a. extensions, buildings, structures, alterations, installations or other operations as defined within Part 1 of the Schedule 2 of the order, shall be carried out on the site otherwise than in accordance with a planning.

Reason: To ensure that the satisfactory appearance of the development and area is maintained in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

22. Notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without

modification), no fences, gates or walls, or structures of any kind, shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: To safeguard the open plan character and appearance of the development and area in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

23. Before commencement of any ground works for the development hereby approved, the finished ground floor levels of the building(s) in relation to existing and proposed site levels, the adjacent highway and adjacent properties, together with details of levels of all accesses, to include pathways, driveways, steps and ramps, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory accessible development of the site in accordance with Policy OSS4 (ii) and/or (iii) of the Rother Local Plan Core Strategy.

24. Prior to any above ground works details of electric vehicle (EV) charging points shall be submitted to and approved by the Local Planning Authority. The details provided shall include:

- a) the layout and design of the future EV connection points, including location of the power supply and confirmation of connection; and
- b) a clear demonstration that they are capable of providing a reasonable power output for each parking space for which it is intended to be used and its compatibility with all vehicles which may require access to it.

The charge points shall be installed prior to first use and thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure a satisfactory standard of development which seeks to provide a wide supply of transport types and reflects the move to a low carbon future, in accordance with Policy TR3 of the Rother Local Plan Core Strategy and paragraph 112(e) of the National Planning Policy Framework.

NOTES:

1. The Applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub and buildings are likely to contain nesting birds between 01 March and 31 August inclusive. These habitats are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

2. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.
3. The Applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed Traffic Regulation Order. The Applicant would be responsible for meeting all costs associated with this process which is a minimum of £5000. The Applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.
4. The Applicant is advised to contact the Health and Safety Executive with regard to inspecting the Building for Asbestos. Further information can be found on the following link:
<https://www.hse.gov.uk/asbestos/managing/inspect.htm>

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 Gray declared a personal and prejudicial interest in this matter in so far as her husband was a member of and her step brother-in-law was the Manager of Gullivers Bowls Club and in accordance with the Members' Code of Conduct left the room during the consideration thereof, after addressing the Planning Committee in accordance with the public speaking scheme).

(Councillor Madeley declared a personal and prejudicial interest in this matter in so far as her grandfather was one of the three philanthropists who created Gullivers Bowls Club in 1952 and since 2006 she had been Chairman of Gullivers Action Group and in accordance with the Members' Code of Conduct left the room during the consideration thereof, after addressing the Planning Committee in accordance with the public speaking scheme).

PL21/107. **RR/2021/2614/P - 23A WESTERN ROAD, BEXHILL**

(8)

DECISION: REFUSE (PLANNING PERMISSION)

REASON FOR REFUSAL:

1. Having regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed

scheme does not demonstrate how it will sustain and enhance the significance of the designated heritage asset (the conservation area), the proposed UPVC does not reflect the materials or proportionality of the original fittings, the proposal is in clear public view and slimline double glazing is not proposed, and as such would be contrary to Policies BX2 and EN2 of the Rother Local Plan Core Strategy, Policy DHG9 of the Development and Site Allocation Plan. In relation to the National Planning Policy Framework, the proposal fails to satisfy paragraph 7,8, 130, 194, 200 and 202 of the National Planning Policy Framework.

NOTE:

1. This refusal relates to the proposal as shown on the following plans:
Location Block Plan, Drawing No. 7159 / LBP, dated February 2022
Existing Layout, Drawing No. 7159 / EX, dated January 2022
Proposed Layout, Drawing No. 7159 / 1, dated January 2022
Technical Details, Drawing No. 7159 / 2, dated January 2022

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 determining the application within a timely manner, clearly setting out the reason 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.

PL21/108. **RR2022163P - NESS VIEW, 1 THE CLOSE, FAIRLIGHT**

(9)

RM

DECISION: APPROVE (FULL PLANNING)

Members had visited the site which was a proposal to replace existing dormers and extensions with two new continuous first floor dormers, plus a single storey front and rear replacement extension with proposed glazed infill and internal alterations on a detached chalet style bungalow. The application was a resubmission of a previous application, which was withdrawn following advice that it would be recommended for refusal, due to the adverse impact on the visual amenity of the streetscene and locality. The only difference from the previous application was that a green roof replaced a roof terrace. The Council's Development Site and Allocations Plan (DaSA) adopted in 2019 concluded that the property was outside the development boundary and High Weald Area of Outstanding Natural Beauty. The officer's opinion had not altered from the previous application and the recommendation was for refusal.

The Planning Committee heard from the Applicant's architect who advised that his company specialised in renovation / retrofit schemes and outlined the low-carbon modernised plans for the property.

Members also heard from the local Ward Member and comments were noted from Fairlight Parish Council, as well as the Sussex Newt Officer who had no objection to the application.

After deliberation and initial concerns that the design looked top-heavy, the Planning Committee felt that the proposal did meet the requirements of the Rother Local Plan Core Strategy and the DaSA. They felt the design would significantly improve the property, was not offensive, was ecologically sound and would not have an adverse impact on the visual amenity of the streetscene and locality. It was also considered that it would not be visible from the Fire Hills Country Park. Therefore, the Planning Committee granted full planning permission subject to the inclusion of relevant standard conditions (delegated to officers to consider).

Councillor Mier moved the motion to APPROVE (Full Planning) and this was seconded by Councillor Prochak. The motion was declared CARRIED (8 for / 5 against).

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing Nos. BB_PL_110 Rev B, BB_PL_111 Rev C, BB-PL_0120 Rev C and BB_PL_0121 Rev C dated 24 January 2022.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The materials to be used in the construction of the external surfaces of the development hereby approved shall match in materials, colour and texture those used in the existing building unless an alternative finish is first submitted to and approved in writing by the Local Planning Authority.
Reason: In accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy and Policy HG9(ii) of the Rother Development and Site Allocations Plan.

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.

PL21/109. **RR/2020/1826/P - CURLEW COTTAGE - LAND ADJACENT, PETT LEVEL ROAD, PETT**

(10)

DECISION: REFUSE FULL PLANNING PERMISSION

REASONS FOR REFUSAL:

1. The application site falls within Pett Level which does not have a defined settlement boundary within the recently adopted Development and Site Allocations. For the purposes of planning policy, the appeal site therefore lies within the open countryside. The proposal does not support local agriculture, economic or tourists needs nor maintains or improves rural character and does not constitute any special circumstances. Therefore, it is contrary to Policies RA2, RA3, OSS3 and T3 of the Rother Local Plan Core Strategy which seek to protect the countryside from inappropriate development and locate new residential development where there is good access to facilities and services.
2. The proposed detached 2-storey dwelling and detached double garage due to its height and scale would be visually intrusive and would represent an incongruous addition to the site which is out of character and detracts from this countryside location. The development would therefore conflict with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy, Policy DHG9.

NOTE:

1. The refusal relates to the following plans:
Site Location Plan, dated 9.10.20
OV/DB/MR/RATIO/04 Comparison Land to Building Ratio of Application Site & Neighbouring Plots, dated 19.1.21
OV/DB/MR/02 Proposed Site Layout, dated 19.1.21
OV/DB/MR/01 Proposed Elevations/ Floor plans, dated 9.10.20
OV/DB/MR/03 Proposed Garage, dated 9.10.20

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

PL21/110. **RR/2019/2194/P - FOUNDRY CLOSE, LAND EAST, HURST GREEN
- DEED OF VARIATION**

(11)

The Planning Committee considered the report of the Director – Place and Climate Change which detailed the proposed deed of variation to a Section 106 agreement regarding residential development of 20 houses, associated parking and landscaping (Application No. RR/2019/2194/P).

The developer Optivo had acquired the site located on the eastern side of Hurst Green to the rear of properties fronting the A21, was seeking to build it out with 100% affordable housing (comprising 14 shared ownership and six affordable rented) and sought a deed of variation to the existing Section 106 agreement. It was noted that there would be financial implications for the Council associated with the loss of Community Infrastructure Levy (CIL) payments which could amount to approximately £259,400.

After a detailed discussion, receiving advice, clarity and legal reassurances from the Head of Housing and Community, Planning Policy Manager and Planning Lawyer, the Planning Committee approved in principle the changes to the deed of variation and agreed that delegated authority be granted to the Director – Place and Climate Change to agree the final terms, as outlined in paragraph 6.3 of the report.

RESOLVED: That the principle changes for the deed of variation be approved and delegated authority be granted to the Director – Place and Climate Change to agree the final terms, as follows:

- i. reference to the agreed mix of affordable housing in side letter dated 19 November 2021;
- ii. removal of the reference to Rural and Designated Protection Area;
- iii. removal of the local connection restrictions for the Shared Ownership units to comply with Homes England grant funding requirements;
- iv. amendments/clarification to the Mortgagee in Possession clauses to meet lender's requirements;
- v. reference to the recent approved Non-Material Amendment approval RR/2021/2558/MA.
- vi. naming Optivo as the registered provider; and
- vii. amendments to allow Optivo to manage the Open Space rather than a private management company.

PL21/111. **PROPOSED CHANGES TO THE SCHEME OF DELEGATION AND
ESTABLISHMENT OF A PLANNING CONSULTATION GROUP**

(12)

Consideration was given to the report of the Development Manager which detailed proposed changes to the Council's Scheme of Delegation and establishment of a Planning Consultation Group (PCG).

The proposed amendments would allow non-Major scheme applications to be considered by a PCG to consider the most appropriate means of determination, instead of being presented at Planning Committee (PC). Applications would be those submitted by officers, elected Members or their relatives of said officers or Members, as well as Council-owned land applications. This was considered cost effective and would allow the PC to concentrate on more complex and controversial applications.

It was proposed that the membership of the PCG consist of the Chair of Planning (or Vice-Chair in their stead), two other Members to be chosen by rota, the Development Manager or (Area Team Leader(s) in their stead) and where appropriate the case officer(s) in a presentational capacity. Meetings would be held on the Monday prior to the submission deadline of committee reports for each Committee cycle; additional meetings might also be required. A list of the applications and outcome of the PCG's decisions would be reported to the next scheduled meeting of the PC.

The PCG would consider whether applications be presented at PC or dealt with under delegated powers, with no other decision-making purpose. The quorum would be three and the Chair would have a casting vote where there was difference of opinion or abstention.

It was noted that these amendments did not impinge on the existing call-in rights of Members.

After discussion, Members agreed not to approve the establishment of a PCG and therefore no further action would be taken on this matter.

RESOLVED: That the establishment of a Planning Consultation Group not be approved and therefore no further action be taken on this matter.

PL21/112. **APPEALS**

(13)

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.

Members requested that "Appeals Pending" information be added to future reports.

RESOLVED: That:

- 1) the report be noted; and
- 2) "Appeals Pending" information be added to future reports.

PL21/113. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**

(14)

The next site inspection was scheduled to be held on Tuesday 24 May 2022 at 9:00am departing from the Town Hall, Bexhill.

CHAIRMAN

The meeting closed at 3:23pm.