

PLANNING COMMITTEE

26 May 2022

Minutes of the Planning Committee meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Thursday 26 May 2022 at 9:30am.

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

Other Members present: Councillors C.A. Clark (in part) and B.J. Drayson (in part).

Advisory Officers in attendance: Development Management Team Leader, Senior Planning Officer (in part), Planning Officer (in part), Conservation Officer (in part) and Democratic Services Officer.

Also Present: Felicity Thomas – Pallant Chambers (Legal), 10 members of the public in the Council Chamber and 52 via the live webcast.

PL22/4. **MINUTES**

(1)

The Chairman was authorised to sign the Minutes of the meetings held on 14 April 2022 and 16 May 2022 as correct records of the proceedings.

PL22/5. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

(2)

An apology for absence was received from Councillor T.J.C. Byrne.

It was noted that Councillor J. Barnes was present remotely as a substitute for the current Conservative vacancy on the Committee.

PL22/6. **DISCLOSURE OF INTEREST**

(5)

There were no declarations of interest made.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL22/7. **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.

PL22/8. **RR/2020/2132/P - 29 SEABOURNE ROAD, BEXHILL**

(7)

DECISION: DEFERRED TO ALLOW THE PLANNING COMMITTEE TO CONSIDER / REVIEW THE GOVERNMENT GUIDANCE ON PROTECTED SPECIES AND DEVELOPMENT (HOW TO ASSESS A PLANNING APPLICATION WHEN THERE ARE PROTECTED SPECIES ON OR NEAR A PROPOSED DEVELOPMENT SITE)

PL22/9. **RR/2022/164/P - 9 CODDEN SEA ROAD, BEXHILL**

(8)

DECISION: APPROVE 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 plans and details:
Site/ Location Plan, 21007-01, received 24.01.22
21007-10 Rev F Proposed Ground Floor, received 30.03.22
21007-02 Rev A Existing Ground Floor, received 24.01.22
21007-03 Existing Elevations, received 24.01.22
21007-11 B proposed elevations amended, received 30.03.22
Reason: For the avoidance of doubt and in the interests of proper planning.

3. Before the kitchen extraction system and outdoor condenser units are used on the premises, they shall be acoustically attenuated as specified in the 'Acoustic Impact Assessment' report by Enviroconsult (Report Reference: 288/PapaJohn (Bexhill), 9 March 2022) and the 'Supporting Information on the Proposed Extraction System and Plant' submitted with the application. They shall be mounted in a way which will minimise transmission of structure-borne sound and vibration. Additionally, the extraction system shall be provided with all grease baffle filters and activated carbon filters specified in the latter document, the whole system to be maintained as described in section 9.0 of that document. The noise mitigation scheme shall be maintained for the life of the approved development and shall not be altered without the prior written approval of the Local Planning Authority.
Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

4. Before the unit is occupied for the approved use, change of use is begun the airborne sound insulation performance of the separating floor/ceiling between the commercial property and the residential premises above shall be determined and, if necessary, insulated against airborne and impact sound to achieve a minimum airborne sound insulation performance of 5 dB better than the standard for 'Residential purposes formed by material change of use' detailed in the Building Regulations Approved Document E (i.e. $D_{nT,w} + C_{tr} 43 + 5$ dB). Written details of the scheme, including calculations showing that this performance standard can be achieved, shall be submitted to and be approved in writing by the Local Planning Authority before the occupation of the unit of the development commences. The Applicant shall certify to the Local Planning Authority that noise mitigation measures agreed have been installed and shall be permanently maintained thereafter.
Reason: To protect the residential amenities of the occupiers in the above flats, in accordance with Policy OSS4 (ii) and (iv) of the Rother Local Plan Core Strategy.

5. The hot food takeaway and pizza delivery shall only operate between the hours of 11:00hrs to 23:00hrs from Sundays to Thursdays and; 11:00hrs to 24:00hrs on Fridays and Saturdays. Deliveries shall be restricted to take place only between the hours of 07:00hrs and 19:00hrs.

Reason: To protect the residential amenities of the locality, in accordance with Policy OSS4 (ii) and (iv) of the Rother Local Plan Core Strategy.

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.

PL22/10. **RR/2022/111/P - KEEPERS COTTAGE, MOUNTFIELD LANE, MOUNTFIELD**

(9)

DECISION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. Having regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed works, by virtue of scale, mass, siting, design and detail would be out of keeping with the character and form of the existing building and would result in the loss of fabric. As such the proposal would adversely affect the special architectural and historic character and interest of the listed building as a designated heritage asset, contrary to Policies EN2 (iii) and EN3 of the Rother Local Plan Core Strategy, Policy DHG9 (v) of the adopted Development and Site Allocations Local Plan and Paragraphs 199 and 200 of the National Planning Policy Framework.
2. The proposed extension by reason of its scale, design and form, would be out of keeping with the existing listed cottage, a typical feature of the High Weald Area of Outstanding Natural Beauty (AONB) and hence also impact harmfully on the landscape character of the High Weald AONB and remote countryside location. Therefore, the proposal conflicts with Policies OSS4 (iii), EN1 (i), EN3 and RA3 of the Rother Local Plan Core Strategy, Policies DHG9(ii)(vii), DEN1 and DEN2 of the Development and Site Allocations Local Plan and Objective S3 of the High Weald AONB Management Plan.

NOTE:

1. This refusal relates to the proposal as shown on the following plans:
Drawing No. 2106/RS1, dated March 2021
Drawing No. 2106/RS2, dated March 2021
Drawing No. 2106/1, dated July 2021

Drawing No. 2106/2, dated July 2021
Drawing No. 2106/3, dated July 2021
Drawing No. 2106/4, dated July 2021

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.

PL22/11. **RR/2022/112/L - KEEPERS COTTAGE, MOUNTFIELD LANE, MOUNTFIELD**

(10)

DECISION: REFUSE (LISTED BUILDING CONSENT)

REASONS FOR REFUSAL:

1. Having regard to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed works, by virtue of excessive bulk, scale, loss of a clear building form and typology would adversely affect the setting and special architectural and historic character and interest of the listed building as a designated heritage asset, and as such would be contrary to Policies EN2 and RA1 of the Rother Local Plan Core Strategy, Policy DHG9 of the Development and Site Allocation Plan, and paragraphs 200 and 202 of the National Planning Policy Framework.

NOTES:

1. This refusal relates to the proposal as shown on the following plans:
Drawing No. 2106/RS1, dated March 2021
Drawing No. 2106/RS2, dated March 2021
Drawing No. 2106/1, dated July 2021
Drawing No. 2106/2, dated July 2021
Drawing No. 2106/3, dated July 2021
Drawing No. 2106/4, dated July 2021

It is suggested that a revised application to only consider the restoration of the cottage may be accepted and given due consideration. However, in this case the principle of extension is not supported.

PL22/12. **RR/2022/795/P - KINGSMEAD, CALDBEC HILL, BATTLE**

(11)

DECISION: GRANT (FULL PLANNING) SUBJECT TO EXPIRY OF THE CONSULTATION PERIOD ON 27 MAY 2022

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:
Location Plan, not dated
Amended Block Plan, received 11 May 2022
Beacon Brazier Details, not dated
Reason: For the avoidance of doubt and in the interests of proper planning.

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.

PL22/13. **PLANNING STATISTICS FOR THE QUARTER JANUARY - MARCH 2022 (INCLUDING SUMMARY OF PLANNING STATISTICS FOR 2020-2022)**

(12)

Consideration was given to the report of the Director – Place and Climate Change on the planning statistics for the quarter January to March 2022 which included a summary of planning statistics for 2020/22.

The backlog of work was reducing despite an increase of applications during 2021/22. Significant focus would continue to manage all cases and monitoring would be ongoing.

Members were advised that parish and town councils could access and search a list of the enforcement notices (since 2013) issued within their areas, via the following website link: www.rother.gov.uk/planning-and-building-control/planning-enforcement-team/planning-enforcement-notices/.

RESOLVED: That the report be noted.

PL22/14. **UNDETERMINED MAJOR PLANNING APPLICATIONS**

(13)

Members noted the report on the current status of 23 undetermined Major Planning Applications. Four were subject to a Section 106 obligation/completion, one was under discussion with consultees and pending additional information, one was under discussion, one was where the applicant had been advised to appeal; one was subject to additional information from the applicant, one was subject to the applicant addressing issues raised by consultees and a response was awaited, one was ongoing subject to addressing objections raised by the Environment Agency and Natural England, one was outstanding due to the impact on GCN and comments were awaited from Nature Space, one was subject to consideration of amendments submitted, one had been extended until 30 June 2022 due to interrelated highway issues, two were subject to awaited amendments, one was subject to issues raised by the Case Officer, one was subject to write-up approval, one was awaiting agent's update, one was recently allocated to new Case officer and was under consideration, one was awaiting submitted Shadow Habitats Regulations Assessment and drainage details, one was subject to awaited consultee responses, one was subject to consultation period which had not yet expired, and one was awaiting Highway comments.

RESOLVED: That the report be noted.

PL22/15. **APPEALS**

(14)

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.

PL22/16. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**

(15)

The next site inspection was scheduled to be held on Tuesday 21 June 2022 at 9:00am departing from the Town Hall, Bexhill.

CHAIR

The meeting closed at 12:25pm.