

PLANNING COMMITTEE

21 July 2022

Minutes of the Planning Committee meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Thursday 21 July 2022 at 9:30am.

Committee Members present: Councillors S.M. Prochak, MBE (Vice-Chair), Mrs M.L. Barnes, T.J.C. Byrne (substitute), G.C. Curtis, B.J. Drayson, S.J. Errington, A.E. Ganly, N. Gordon, P.J. Gray, K.M. Harmer (ex-officio), L.M. Langlands, C.A. Madeley, A.S. Mier (in part), Rev. H.J. Norton and G.F. Stevens.

Other Members present: Councillors J. Barnes, S.J. Coleman (in part), P.C. Courtel (in part), K.M. Field (in part) and C.R. Maynard (in part).

Advisory Officers in attendance: Director – Place and Climate Change (in part), Development Manager, Development Management Team Leader (in part), Development Management Team Leader, Planning Consultant x 2 (in part) and Democratic Services Officer.

Also Present: Jaspreet Lyall (Legal), Councillor J. Vine-Hall – as an applicant (in part), 31 members of the public in the Council Chamber and 243 via the live webcast.

PL22/30. **MINUTES**

(1)

The Chairman was authorised to sign the Minutes of the meeting held on 23 June 2022 as correct record of the proceedings.

PL22/31. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

(2)

An apology for absence was received from Councillor J. Vine-Hall.

It was noted that Councillor Byrne was present as substitute for Councillor Vine-Hall.

PL22/32. **DISCLOSURE OF INTEREST**

(5)

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

Mrs Barnes Agenda Item 7 – Personal Interest as she had had conversations with the Applicant on the application in her role as a Rother District Councillor.

Curtis Agenda Item 10 – Personal Interest as a member of Catsfield Parish Council.

Madeley	Agenda Item 8 – Personal Interest as a Member of League of Friends of Bexhill Hospital Management Board.
Prochak	Agenda Item 7 – Personal Interest as she was known to Martin Saunders, Liberal Democrat Candidate who was one of the signatories on the application and lived in Sheepstreet Lane.
Vine-Hall	Agenda Item 9 – Disclosable Pecuniary Interest as the Applicant.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL22/33. 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.

PL22/34. **RR/2021/1574/L - NEW HOUSE FARM, SHEEPSTREET LANE, ETCHINGHAM**

(7)

Councillor Mrs Barnes moved a Motion to refuse (Listed Building Consent) and this was seconded by Councillor Norton. The Motion on being put was declared LOST.

A Motion for approval was subsequently moved and CARRIED.

DECISION: GRANT (LISTED BUILDING CONSENT)

CONDITIONS:

1. The works hereby permitted shall have been completed and retained in accordance with the following approved plans and details:
DGC-22062-02 Rev.A, dated 21.12.2021
DGC-22062-03 Rev.A, dated 21.12.2021
DGC-22062-05 Rev.B, dated 21.12.2021
DGC-22062-06, dated 27/05/2021
DGC-22062/CU/100 Rev.A, dated 21.12.2021
Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE:

1. Your attention is drawn to the associated planning permission RR/2021/1573/P and the attached conditions.

(Councillor Mrs Barnes declared a Personal Interest in so far as she had had conversations with the Applicant on the application in her role as a Rother District Councillor and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(Councillor Prochak declared a Personal Interest in so far as she was known to Martin Saunders, Liberal Democrat Candidate who was one of the signatories of the application and lived in Sheeptstreet Lane and in accordance with the Member's Code of Conduct remained in the meeting during the consideration thereof).

PL22/35. **RR/2022/1246/P - MOUNT VIEW STREET, BEXHILL**

(8)

DECISION: GRANT (FULL PLANNING FOR PHASE ONE AND OUTLINE PLANNING FOR PHASE 2) DELEGATED SUBJECT TO COMPLETION OF A SECTION 106 AGREEMENT TO SECURE:

- (i) To allow for the creation of a registered servitude from Mount View Street site bellmouth and service connection points to provide access road, underground services route, and stormwater management and discharge route to the culvert head, within the site to serve the development sites identified as Phase 2 and

Phase 3 including unfettered use and access during construction and operation. Details of servitude and agreement to be submitted as a condition.

- (ii) To provide for the extant scheme obligations relating to the extant application (RR/2015/1760/P) and secured in the legal agreement dated 24 March 2016 ('extant scheme'). Wherever possible the extant conditions, as applicable in part or full to this application, have been absorbed within this application's Conditions. The onus however remains with the Applicant to ensure that the extant conditions are discharged as applicable in terms of their land purchase agreement (which is not part of this planning matter).
- (iii) By granting consent for this application, Condition 45 to the extant scheme relating to safeguarding employment ('the employment land on the western land parcel ... shall not be used for any purposes other than those in use class B1'), namely Phase 1 & 2, is revoked.
- (iv) To enable Highway Works: access, footway/cycleway and bus infrastructure; travel plan and audit fee. Sum of financial contribution to be agreed between parties.

PHASE ONE- 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. **Approved plans and details:** The development hereby permitted shall be carried out in accordance with the following approved:
 - i. Location Plan, Drawing No. MVRDOP-GDA-V5_ZZ-DR-A-0016, dated 8 April 2022.
 - ii. Planning – existing Site Plan, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9001P, dated 11 April 2022.
 - iii. Proposed Site Plan – Phase 1, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9002P, dated 10 May 2022.
 - iv. Project Phasing, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9004P, dated 12 April 2022.
 - v. Planning – Proposed Site Sections, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9008P/P02, dated 12 May 2022.
 - vi. Planning – GA Plans, Drawing No. MVRDOP-GDA-ZZ-ZZ-DR-A-9001, dated 12 May 2022.
 - vii. Planning – Typical Pump Room & Substation Details, Drawing No. MVRDOP-GDA-ZZ-DR-A-9011P/PO1, dated 4 April 2022.
 - viii. Planning – GA Elevations, Drawing No. MVRDOP-GDA-ZZ-ZZ-DR-A-9102/PO1, dated 12 May 2022.
 - ix. Planning – Roof Plan, Drawing No. MVRDOP-GDA-ZZ-ZZ-DR-A-9201/PO1, dated 12 May 2022.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. **Preliminary Ecological Appraisal (PEA):** The development hereby approved shall be implemented strictly in accordance with recommendations stated in section 5.1 (Avoidance, Mitigation and Compensation Measures) of the Preliminary Ecological Appraisal (Ref 70080876/001/Rev1), WSP updated April 2022 which seeks to repair, restore and enhance retained hedgerows, establish new waterbodies, encourage the planting of native shrubs and sets measures that will be expected as part of the landscaping scheme. The PEA recommends that further survey work be undertaken in respect of bats, amphibians, badgers, hazel dormouse and reptiles. The Applicant will need to consult with Natural England in this regard and notify in writing the Local Planning Authority accordingly. Should these surveys reveal the presence of protected species on site, a licence may be required from Natural England and the Applicant will need to demonstrate to the Local Planning Authority of such prior to works commencing on site. Further, the Applicant will need to evidence a licence with respect to works in proximity to the identified badger sett affected by the alignment road and enabling works for utilities.

Reason: To minimise the impacts of development on biodiversity, in accordance with Policy Local Plan Core Strategy 2014 and paragraphs 174 and 180 of the National Planning Policy Framework, Circular 06/2005, and the Natural Environment and Rural Communities Act 2006.

4. **Use Class limitation:** The building shall be used for mental health services and ancillary training and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Reason: To maintain strict control over the use of the site in accordance with Policy OSS4 of the Rother Local Plan Core Strategy.

PRE-COMMENCEMENT CONDITIONS

Prior to the commencement of development

5. **Servitude agreement:** No development shall take place until the Applicant and current landowner have engrossed an Agreement that allows for the creation of a servitude from Mount View Street site junction and service connection points of sufficient width to provide access road, underground services route, and stormwater management and discharge route to the culvert head, within the site to serve the development sites identified as Phase 2 and Phase 3 including unfettered use and access during construction and operation. Reason: To ensure access and servicing of plots identified as Phase 2 and Phase 3.

6. **Road Safety Audit Stage 1:** No development shall take place until the Applicant has undertaken and submitted a Road Safety Audit shall be submitted to and approved in writing by the Local Planning Authority in consultation with County Highways.
Reason: To ensure safe access for pedestrians and cyclists to the site comply with the National Planning Policy Framework and Policies TR2 and TR3 of the Rother Local Plan Core Strategy.
7. **Archaeological works:** No development shall take place until the Applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the Applicant and approved by the Local Planning Authority.
Works shall be carried out in accordance with the programme set out in the approved Written Scheme of Investigation. A written record of any archaeological works undertaken shall be submitted to and approved in writing by the Local Planning Authority within three months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site below ground is safeguarded and recorded to comply with the National Planning Policy Framework and Policy EN2 (vi) of the Rother Local Plan Core Strategy.
8. **Habitats Regulations Assessment Screening:** To address that the application fall within the Combe Haven Site of Special Scientific Interest impact zone, prior to the commencement of development the Applicant will confirm in writing with Natural England their requirement to undertake a Screening. The Screening, if required, will be submitted to and approved in writing by the Local Planning Authority (in consultation with Natural England).
Reason: To minimise the impacts of development on and enhance local biodiversity, in accordance with Policy Local Plan Core Strategy 2014, the Conservation of Habitats and Species Regulations (2017) as amended, and paragraphs 180 and 181 of the National Planning Policy Framework.
9. **Ground Investigation Report:** The development hereby permitted shall not begin until the Recommendations as set out in section 9 of the WSP Ground Investigation Report (Ref: 70087953-GIR-R02) have been completed and a report of further conclusions/recommendations has been submitted to and approved in writing by the Local Planning Authority. Should this further work reveal significant contamination a remediation scheme shall be submitted to the Local Planning Authority for approval detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall

be submitted to and approved in writing by the Local Planning Authority.

A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy OSS3 (viii) of the Rother Local Plan Core Strategy 2004 and Policy DEN7 of the Development and Site Allocations Local Plan 2019.

10. **Air Quality Assessment:** Prior to the commencement of development, an air quality assessment shall be carried out by a suitably qualified person for the proposed development. The assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment should consider the impact of the proposed development on the air quality objectives described in the National Air Quality Strategy with respect to nitrogen dioxide, PM10 and PM2.5 particulates.

For the construction phase, an assessment should be undertaken of the potential for dust nuisance, using the Institute of Air Quality Management (IAQM) 'Guidance on the assessment of dust from demolition and construction'.

For a quantitative assessment of the operational phase detailed modelling using ADMS – Roads or other appropriate dispersion modelling platform to determine the impact of the development on existing air quality is required. This should include assessment of the cumulative impacts from the development itself and other committed developments in the vicinity, on existing air quality.

Where possible, verification of the model output should be made through a comparison of the results of any publicly available monitoring data in the study area.

To inform the background concentrations used within the model, the results of local monitoring and the available DEFRA maps should be used. Reductions in background concentrations and emissions in future years should not be used, to reflect the findings of recent research.

The significance of impact should be described with reference to the EPUK/IAQM (January 2017) 'Land-Use Planning & Development Control: Planning for Air Quality' documents and the 'Air quality and emissions mitigation guidance for Sussex authorities' (2021).

A scheme for protecting future and existing residential occupiers in the vicinity from the effects of nitrogen dioxide (NO_x) and airborne particulate matter (PM_{2.5}) arising from the development and mitigation measures to alleviate the impact of the development equivalent to the calculated damage costs shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the

occupation of the buildings hereby approved and thereafter maintained for the lifetime of the development.

Reason: In order to safeguard the amenities of the occupiers of the proposed development and other residents in the neighbourhood in respect of atmospheric pollution and the air quality in the area having regard to 'Air quality and emissions mitigation guidance for Sussex (2021)' and in compliance with Policy OSS3 of the Rother Local Plan Core Strategy and paragraph 186 of the National Planning Policy Framework.

11. **Construction Management Plan:** 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 (in consultation with National Highways). 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:
- i. The anticipated number, frequency and types of vehicles used during construction.
 - ii. The method of access and egress and routing of vehicles during construction (including unfettered use and access to Phase 2 & 3).
 - iii. The parking of vehicles by site operatives and visitors.
 - iv. The loading and unloading of plant, materials and waste.
 - v. The storage of plant and materials used in construction of the development.
 - vi. The erection and maintenance of security hoarding.
 - vii. 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).
 - viii. Details of public engagement both prior to and during construction works.
 - ix. Construction Environmental Management Plan:
 - x. Risk assessment of potentially damaging construction activities.
 - xi. The timing of the works including timings to avoid harm to environmentally sensitive area or features and the times when specialist ecologists need to be present on site to oversee works.
 - xii. Practical measures (both physical measures and sensitive working practices) to be used during the development in order to minimise environmental impact of the works (inter-alia, considering both potential disturbance and pollution including air quality (dust and PM10) and including traffic routing to also help reduce vehicles emissions, compounds for storage of plant/machinery/materials, protective fencing, exclusion barriers and warning signs for the protection of existing hedgerows, trees and other landscape features to be retained, detailed method statements considering construction noise, vibration and lighting effects and plant operation, storage and spillage of oil/chemicals and soil protection measures).

- xiii. Any necessary mitigation for protected species.
- xiv. A map or plan identifying biodiversity protection zones and measures to protect 15m buffer zones to surrounding treed hedgerows and The Mount woodlands and an 8m wide buffer zone alongside the main watercourse feeding into The Stream (NE Bexhill Masterplan), during works.
- xv. A Soil Management Plan including proposals for stripping and storing soil for later reuse on site in accordance with DEFRA's Construction Code of Practice for the Sustainable Use of Soil on Construction Sites September 2009.
- xvi. Measures to avoid detrimental impacts on the interest features of the Combe Haven Site of Special Scientific Interest from ground and/or surface water pollution.
- xvii. A detailed method statement for the long-term management and control of Japanese Knotweed on the site including measures to prevent its spread during any operations and measures to ensure that any soils brought onto the site are free of the seeds/root/stem on any invasive plant listed under the Wildlife and Countryside Act 1981 (as amended).
- xviii. Any necessary pollution protection methods.
- xix. Information on the persons/bodies responsible for identified activities associated with the CEMP that demonstrate they are qualified for the activity they are undertaking including an ecological clerk of works.
- xx. Measures to manage flood risk, both on and off the site, during the construction phase. This may be incorporated into the Construction Management Plan or form a standalone document.
Reason: To ensure highway and environmental safety and to protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

12. **Earthworks:** No development above ground level shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Where retaining walls of in excess of 1m in height are required the submitted construction details shall be certified by a 'Competent Person' and all development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development takes proper account of and does not prejudice the appearance of the locality in accordance with Policies OSS3 (viii) and OSS4 (iii) of the Rother Local Plan Core Strategy.

13. **Vegetation clearance:** No works shall take place on site, including vegetation clearance, unless the Local Planning Authority has been provided with either:

- i. A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specified activity to go ahead or,

- ii. A statement in writing form Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: These details are required prior to any works commencing on site to ensure the protection of European protected species in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

14. **Protection to existing trees and hedgerows:** No development shall commence until proposals for the protection of all existing trees and hedgerows to be retained on the site as approved, including measures to protect the root protection zone for the duration of construction works, have been submitted to and approved by the Local Planning Authority.

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

15. **Boundary treatment:** No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan/details indicating the positions, design, height, materials and type of boundary treatment/means of enclosure to be erected around and within the application site. Development shall be carried out in accordance with the approved details.

Reason: To enhance the appearance of the development in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

16. **Materials:** No development above ground level shall take place until full details of the materials to be used in the construction of the external facades and surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development reflects the character and/or appearance of the surrounding buildings and to preserve the visual amenities of the area 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.

17. **Hard landscaping:** No development above ground level shall take place until the hard-landscaping details have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

The details should include but not limited to the following:

- i. Proposed finished levels or contours.
- ii. Design, layout and appearance of external amenity spaces.
- iii. Car parking layouts.
- iv. Design of other vehicle and pedestrian access and circulation areas (including street widths, pavements and cycleways where relevant and other strategic public realm).

- v. Hard surfacing materials (including road surfaces, cycleways, footpaths, parking space and other areas of hardstanding, kerbs and tactile paving, etc).
- vi. Details of a co-ordinated street furniture strategy (including benches, bollards, bins, planters, sign and signals, lighting, cycle stands, M&E enclosures, tree guards, etc).
Reason: To enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

18. **Soft landscaping:** No development above ground level shall take place until the soft-landscaping details have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

The details should include but not limited to the following:

- i. Indications of all existing trees and hedgerows and their Root Protection Zone.
- ii. Design, layout and appearance of green/amenity space including verges.
- iii. Schedules of plants, noting species, plant sizes and proposed numbers/densities as required appropriate; with reference to:
 - a. The Environment Statement (Vol. 1 Main Report, dated 10 July 2015 and Addendum, dated 8 October 2015) of the extant scheme;
 - b. Section 5.1 (Avoidance, Mitigation and Compensation Measures) of the Preliminary Ecological Appraisal (Ref 70080876/001/Rev1), WSP updated April 2022 which seeks to ...encourage the planting of native shrubs; and,
 - c. We draw specific attention to Policy EN5 (ix) that encourages integrated biodiversity and developers will be expected to consider and promote opportunities for the creation and/or restoration of habitats appropriate to local context.
 - d. We note that invasive and non-indigenous species that may affect the habitat value of the neighbouring Area of Outstanding Natural Beauty or contaminate surrounding water-courses will not be supported.
- iv. Written specifications (including cultivation and other operations) associated with grass and meadow plant establishment.
- v. The soft-landscaping plans and specifications will need to address Condition 46 in the extant scheme ('planting proposals for the border of the western land parcel. The proposal shall provide a 15m buffer zone of native trees and plants to provide visual separation between the existing residential properties adjoining the site on Bodiam Avenue, Abbey View, Renown Close and St James Avenue) in order to discharge the extant Condition.
- vi. Where to service yard encroaches within the 15m-wide landscape buffer zone, Extra Heavy Standard trees are to be specified; alternatively, if trees cannot be planted along this boundary, additional width to other landscape buffer boundary planting should be provided.

Reason: To enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 and EN5 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

19. **Tree planting:** No works or development shall take place until a full specification, protection and maintenance of all proposed tree planting has been approved in writing by the Local Planning Authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be protected and the proposed time of planting in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.

A schedule of maintenance of the trees until successfully established is to be agreed in writing with the Local Planning Authority and implemented. The schedule shall include provision for replacement planting should establishment fail, such measures having regard to BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations.

Reason: To enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

20. **Foul water drainage:** No development shall commence until a scheme for the provision of foul drainage works, including address within the requirements of the North East Bexhill allocations and extant scheme, has been submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water) and none of the development shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

Reason: The details required are integral to the whole (extant scheme) development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy; and, to deliver the mitigation as identified in Chapter 12 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

21. **Surface water drainage:** Prior to the commencement of development, a detailed surface water drainage management proposals, including address within the requirements of the NE Bexhill allocations and extant scheme, shall be submitted to and approved in writing by the Local Planning Authority [in consultation with The Pevensey and Cuckmere Water Level Management Board and the (Lead Local Flood Authority)], and the development shall thereafter be completed and maintained in accordance with the approved details. The surface water drainage system shall incorporate inter-alia the following and details as required by the LLFA; and, shall be prepared in consultation with the Board and take due reference of their byelaw requirements:

- i. 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

rates agreed with the board for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.

- ii. The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
- iii. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- iv. Groundwater monitoring study: the detailed design of the surface water drainage features (underground tank and pond, etc.) shall be informed by findings of groundwater monitoring study undertaken between October and March to determine the highest winter groundwater table. 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 measure 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: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy; 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; and, to deliver the mitigation as identified in Chapter 12 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

22. **Drainage Plan:** Prior to the commencement of development, a maintenance and management plan for the entire drainage system shall be submitted to the Local Planning Authority in consultation with the Lead Local Flood Authority to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
- i. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - ii. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.
The approved plan shall remain in place for the lifetime of the development.

Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.

23. **Energy Statement:** Prior to the commencement of development, a comprehensive written Statement expanding in detail on WSP

Energy Statement (Ref: 70087953-WSP-ME-ES-01, dated March 2022) shall be submitted to and agreed in writing by the Local Planning Authority. The approved Statement shall be implemented and maintained for the lifetime of the development and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To provide a sustainable development including high levels of energy performance and carbon reduction in accordance with Policy SRM1 and 2 of the Rother Local Plan Core Strategy; and, to deliver the mitigation as identified in Chapter 10 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

24. **Light pollution:** Prior to the commencement of development, a written scheme shall be submitted to and agreed in writing by the Local Planning Authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The approved scheme shall be implemented and maintained for the lifetime of the development and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of the locality, in terms of light pollution especially for people living and/or working nearby, in accordance with Policies OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy.

25. **Noise:** Prior to the commencement of development, a reassessment of appropriate plant noise limits at the nearest existing residential properties shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the amenities of existing occupiers are protected and in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.

26. **Working hours:** During the construction phase, no works shall take place other than within the hours Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 and not at all on Sundays, Public or Bank Holidays. Deliveries shall take place between 08:00 to 18:00 Monday to Friday only and not at all on Saturdays, Sundays, Public or Bank Holidays.

Reason: To protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

FIRST OCCUPATION CONDITIONS

27. **Archaeological investigation/ assessment:** No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that Phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the programme set out in the

Written Scheme of Investigation approved under condition 'Archaeological works'.

Reason: To ensure that the archaeological and historic interest of the site is safeguarded and recorded in accordance with Policy EN2(vi) of the Rother Local Plan Core Strategy and the National Planning Policy Framework; and, to deliver the mitigation as identified in Chapter 9 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

28. **Landscape and Ecological Management Plan (LEMP):** The building shall not be occupied until a LEMP has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP should include but not limited to the following:
- i. Aims and objectives of management.
 - ii. Appropriate management options for achieving aims and objectives.
 - iii. Prescriptions for management actions.
 - iv. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period).
 - v. Ongoing monitoring and remedial measures.

The LEMP shall set out, where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the enhancement of wildlife and supporting habitats in accordance with Policy EN5 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the National Planning Policy Framework; and, to deliver the mitigation as identified in Chapter 1 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

29. **Service/ Access road:** The building shall not be occupied until the part of the service road which provides access to it and the allocated parking spaces related to it have been constructed. This should provide provision for road bellmouths/ junctions to serve Phase 2 and 3 including any underground ducting, or similar, to allow for future infrastructure services.

Reason: 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 TR3 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

30. **Northbound bus stop:** The building shall not be occupied until a northbound bus stop, including footpath, on Mount View Street south of the site and access detail where the footpath link is provided to the crossing point and new bus stop to the south of the site have been constructed. Details to be submitted to and approved in writing by the Local Planning Authority (in collaboration with the County Highways).

Reason: To ensure the safety of persons and cyclists entering and leaving the access in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy and in the interests of the visual amenities of the locality.

31. **Travel Plan:** The building shall not be occupied until a Travel Plan (live for 5-years), as set out in sections 7 to 9 of the WSP Travel Plan (Ref.70080876-001a dated May 2022), detailing the provision of alternative transport arrangements to enable access to and from the site other than by car has been submitted to and approved in writing by the Local Planning Authority (in collaboration with the County Highways) including a timetable for the implementation and monitoring of the Plan and arrangements for its monitoring by the Local Planning Authority to ensure compliance and measures to be undertaken to ensure ongoing compliance.

Reason: To provide a sustainable development and to reduce the harmful effects of traffic upon the character, amenities and highway safety for the surrounding area, in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy.

32. **Pedestrians and cyclists:** No building shall be occupied until a means of access for pedestrians and cyclists has been constructed in accordance drawings submitted and approved in writing by the Local Planning Authority (in consultation with County Highways) and the access shall thereafter be retained.

Reason: To ensure the safety of persons and cyclists entering and leaving the access in accordance with Policy TR3 of the Rother Local Plan Core Strategy and in the interests of the visual amenities of the locality.

33. **Lighting and CCTV:** The building shall not be occupied until a 'Lighting Design and CCTV Strategy' for the development has been submitted and approved on writing by the Local Planning Authority. The strategy shall include the following:

- i. Identify those areas/features on site that are particularly sensitive for bats, barn owls, dormice and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and,
- ii. The type and design of lighting and CCTV equipment, how and the exact location it will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent any species mentioned above or the occupiers of neighbouring residential occupiers.

All external lighting and CCTV shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances shall any other external lighting or CCTV be installed without the express planning permission of the Local Planning Authority.

Reason: To ensure the protection and enhancement of wildlife and the amenity of neighbouring residential occupiers in accordance with Policies OSS4 and EN5 of the Rother Local Plan Core

Strategy, the NE Bexhill SPD and the National Planning Policy Framework; and, to deliver the mitigation as identified in Chapter 11 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

34. **Refuse and recycling bin:** The building shall not be occupied until the refuse and recycling bin storage areas have been provided and thereafter all areas will be maintained.
Reason: To safeguard the visual amenities of the locality and in the interests of providing a sustainable development in accordance with Policy OSS4 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.
35. **Drainage (as constructed):** The building shall not be occupied until evidence (including photographs) has been submitted showing that the drainage system has been constructed as per the final agreed detailed drainage design. To be approved in writing by the Local Planning Authority.
Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.

ONGOING CONDITIONS

36. **Five-year replanting:** If within a period of five years from the date of soft landscape planting, or any planting in replacement, is removed, uprooted, destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective) planting 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 Policy EN3 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.
37. **Landscape seeding:** If within a period of one year from the date of first seeding of landscape areas, in the opinion of the Local Planning Authority, planting has not attained 80% cover, then the planting will be reseeded on an annual basis to attain 100% cover, unless the Local Planning Authority gives its written consent to any variation.
Reason: To enhance the appearance of the development in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.
38. **New wetland habitats/Sustainable Drainage System (SUDS):** No development shall commence until details of the new wetland habitats (surface water ponds) proposed as part of the SUDS has been submitted to and approved in writing by the Local Planning Authority including a timetable for the implementation and monitoring of the habitat and arrangements for its monitoring by the Local Planning Authority to ensure compliance and measures to be

undertaken to ensure ongoing compliance. The habitat strategy will address:

- i. New ponds, attenuation basins, swales and wetland planting.
- ii. Provide for connectivity to adjacent ponds and water courses (by example Phase 2 and 3) to enhance the potential for breeding and dispersal of reptiles and amphibians on and around the site and to adjacent habitats.
- iii. To operate as a water filtration system to maintain the quality and quantity of the surface water run-off entering the adjacent NE Bexhill masterplan stream and Pebsham Stream.
- iv. Long-term maintenance and management strategy.

Reason: To ensure that the habitat is developed in a way that contributes to the nature conservation value of the site in accordance with Policies EN7 and SRM2 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the National Planning Policy Framework; and, to deliver the mitigation as identified in Chapter 12 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

39. **Fire vehicle track:** The 'Fire Track' indicated on the submitted Proposed Site Plan – Phase 1, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9002P/P02 dated 10 May 2022 shall be used to emergency access purposes only.

Reason: To safeguard the amenity of neighbouring residential occupiers in line with Policy OSS4 of the Rother Local Plan Core Strategy.

40. **Permeable paving:** If within a period of one year from the date of first seeding/planting of the permeable paving areas, in the opinion of the Local Planning Authority, planting has not attained 80% cover, then the planting will be reseeded/planted on an annual basis to attain 100% cover, unless the Local Planning Authority gives its written consent to any variation. Works will address, where through vegetation maintenance or soil slip, the surface has created any depressions, rutting and cracked or broken blocks considered detrimental to the structural performance or a hazard to users, reinstatement to raise the planted surface within 25mm of the level of the paving; and, rehabilitation of surface and upper sub-structure, as required.

Reason: to ensure that the permeable paving functions as required to address surface water catchment and management. To enhance the appearance of the development in accordance with Policy EN3 of the Rother Local Plan Core Strategy.

41. **Working hours:** (Delivery and Servicing Plan) no deliveries, loading or unloading or other servicing activities shall take place at the site other than between the hours of 0800 and or after 1800 on weekdays; before 0800 or after 1300 on Saturdays, or at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring residential occupiers in line with Policy OSS4 of the Rother Local Plan Core Strategy.

PHASE TWO - GRANT (OUTLINE PLANNING PERMISSION)

CONDITIONS:

1. **Reserved Matters:** Approval of the details of the access, appearance, landscaping, layout and scale of the Phase 2, (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only as approved.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. **Expiration:** Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
3. **Expiration:** The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
4. **Drawings:** Subject to the details required by Condition 1, the development hereby permitted shall not materially depart from the following approved drawings:
 - i. Proposed Site Plan – Phase 2, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9003P, dated 10 May 2022.
 - ii. Planning – Phase 2 Site Sections, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9009P/PO2, dated 12 May 2022.
 - iii. Phase 2 – Proposed Upper and Lower Ground Floor Site Plans, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9010P/PO2, dated 12 May 2022.
Reason: For the avoidance of doubt and in the interests of proper planning as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21 a-022-20140306.
5. **Construction Management Plan:** As set-out for Phase 1 above.
Reason: These details are required prior to commencement of any works to ensure highway and environmental safety and to protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

6. **Phased parking provision:** No development shall commence until details of a phased parking/re-provision strategy for Phase 1 and Phase 2 is submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only as approved.

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 (iii) of the Rother Local Plan Core Strategy.

NOTES:

1. This permission is the subject of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
2. National Highways have advised that the Construction Management Plan shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation, numbers, frequency, routing and type of vehicles visiting the site (including measure to limit delivery journeys on the SRN during highway peak hours such as the use vehicle booking systems etc); measure to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).
3. National Highways would wish to see the roads within the site that are not to be offered for adoption be laid out and constructed to standards at, or at least close to, adopted standards.
4. East Sussex Fire & Rescue Service have recommended the installation of a sprinkler system and further guidance is available in the British Standard, Codes of Practice BS EN 116925, BS 9251 & BS EN 12845.
5. The Applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found, and these should be sought before development commences.
6. This planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation.

7. The Applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.

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 Madeley declared a Personal Interest in so far as she was a Member of League of Friends of Bexhill Hospital Management Board and in accordance with the Member's Code of Conduct remained in the meeting during the consideration thereof).

PL22/36. **RR/2022/840/P - LAND AT BEECH FARM, HAWKHURST ROAD, SEDLESCOMBE**

(9)

RM

DECISION: APPROVE (FULL PLANNING) SUBJECT TO A S106 TO SECURE AN AFFORDABLE HOUSING CONTRIBUTION IN LIEU OF AND CONDITIONS DELEGATED TO OFFICERS

Members had visited the site which was for the erection a new detached carbon neutral live/work dwelling with a ground floor design studio, including landscaping (tree/hedge removal and replanting) with biodiversity enhancements. The development had been specifically promoted as a design of exceptional quality to meet the requirements of paragraph 80 e) of the National Planning Policy Framework (NPPF). It was described as a modern interpretation of a High Weald vernacular building. The existing storage building and access track would be removed, a new access point on Hawkhurst Road and an attenuation pond installed in the southwest corner of the field. The site was located within the countryside, the High Weald Area of Outstanding Natural Beauty (AONB) and outside the development boundary. The officer's opinion was that the design was not bespoke architecture or of exceptional design quality. There were concerns regarding the landscaping, domestication of the site, creation of a new access and associated earthworks. In conclusion the proposal would not meet the exceptional requirements of paragraph 80 e) of the NPPF would be harmful to the landscape and scenic beauty of the AONB, contrary to Policy EN1(i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan and paragraph 176 of the NPPF. It would be a creation of a new unjustified dwelling in the countryside / unsustainable location contrary to the

spatial strategy for Sedlescombe within its Neighbourhood Plan and the district, with no affordable housing contribution provided.

The Planning Committee heard from two spokespersons who objected to the scheme. They also heard from the Applicant who outlined the history of the site, provided details of the application, proposed usage and landscaping/replanting details. Members also had the opportunity to hear from Dr Feltwell, a local ecologist who outlined the ecological benefits and clarified that the development met the High Weald AONB Unit's criteria. Consideration was also given to the verbal comments made by the Clerk to Sedlescombe Parish Council and the local Ward Member.

Members asked a series of questions in relation to several issues. These included: impact on and protection of the AONB; whether pre-application advice was sought from the Council (High Weald AONB Unit only); suitable or unsuitable location for development; ecological weight and biodiversity issues; access; highway safety particularly increased traffic movements on a busy high speed road; business usage of the property; visibility of the site from the main road; landscaping (replacement trees); design (kit or not) and materials proposed (not traditional); length of construction and foundation materials; compliant with the Council's policies; energy efficiency (generates more energy than uses) and supply; battery storage; no affordable housing provision; site not identified within the Sedlescombe Neighbourhood Plan; opportunity for this project to be the first within the UK / World; and could lead to increased number of these types of properties within the AONB.

Following discussion, the Planning Committee felt that the proposed development was of exemplar "outstanding" design and met the exceptional requirements as described in paragraph 80 e) of the NPPF. The development was sympathetic / sensitive to and would enhance the character and landscape of the AONB. It ticked the right design / environmental / ecological boxes and contributed towards the Council's climate emergency aspirations, would be a valuable asset to the countryside and, where appropriate, similar projects should be encouraged throughout the District. It also contributed towards the Council's 5-year housing supply shortage. Therefore, the Planning Committee resolved to grant full planning permission subject to the signing of a legal agreement for the provision of a financial contribution in lieu of affordable housing and the inclusion of relevant standard conditions (delegated to officers to consider in consultation with and subject to the agreement of the Vice-Chair) including the removal of permitted development rights.

Councillor Norton moved the motion to APPROVE (Full Planning) and this was seconded by Councillor Gray.

In accordance with Council Procedure Rule 17.5(b) a vote by roll call for the substantive Motion was taken.

FOR the Motion (10): T.J.C. Byrne, G.C. Curtis, B.J. Drayson, S.J. Errington, P.J. Gray, L.M. Langlands, C.A. Madeley, A.S. Mier, Rev. H.J. Norton and S.M. Prochak.

AGAINST the Motion (4): Mrs. M.L. Barnes, A.E. Ganly, N. Gordon and G.F. Stevens.

The Motion being put forward was declared **CARRIED**.

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. 7095/LBP dated March 2022
Drawing No. 7095/100 dated May 2022
Drawing No. GHA-BEC-LS-001 revision C dated 10/02/22
Drawing No. WA2E revision A dated 3.3.22
Drawing No. WA2P revision B dated 24.3.22
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall commence until the tree protection measures have been provided in accordance with The Mayhew Consultancy Ltd Arboricultural Report (AR/110922 dated March 2022). The tree protection measures shall be retained for the duration of the development and until all machinery, equipment and building materials have been removed from the site.
Reason: To protect the health of the retained trees on the site and to preserve the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan.
4. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.
5. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of Hazel Dormouse has been submitted to and approved in writing by

the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, and to accord with Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Rother Development and Site Allocations Local Plan.

6. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site to provide biodiversity net gain 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;
- 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 provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Rother Development and Site Allocations Local Plan.

7. No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.

8. Prior to the occupation of the development hereby permitted a landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include the following:
 - a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) details of the body or organisation responsible for implementation of the plan;
 - h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features in accordance with Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Rother Development and Site Allocations Local Plan.

9. All ecological measures and/or works shall be carried out in accordance with the details contained in Response to Environment Team Comments (Wildlife Matters Consulting Unit, 08/06/22) with respect to the protection of badgers and Reasonable Avoidance Measures (Wildlife Matters Consulting Unit, 25/05/22) with respect to the protection of great crested newts and reptiles as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy EN5 of the Rother

Local Plan Core Strategy and Policy DEN4 of the Rother Development and Site Allocations Local Plan.

10. The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy
The access shall not be used until visibility splays of 2.4m by 160m are provided in both directions and maintained thereafter.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
11. The development shall not be occupied until a parking area has been provided in accordance with drawing no. GHA-BEC-LS-001 revision C dated 10/02/22 and 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 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
12. 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 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
13. The development shall not be occupied until a cycle parking area has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the area 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 PC1 and TR3 of the Rother Local Plan Core Strategy.
14. The gate shall be positioned at least 5.5m back from the edge of the highway and open inwards in order that a vehicle may wait clear of the highway whilst the garage door is being operated

Reason: To ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.

15. The dwelling 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 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 has been constructed to achieve water consumption of no more than 110 litres per person per day.

Reason: To ensure that the dwelling is built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy and Policy DRM1 of the Rother Development and Site Allocations Local Plan.

16. The dwelling hereby permitted shall not be occupied until it has been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.

Reason: To ensure that an acceptable standard of access is provided to the dwelling in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Rother Development and Site Allocations Local Plan.

17. 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 extensions, buildings, structures, alterations, installations or hardstandings as defined within classes A-H inclusive of Part 1 of the Schedule 2 of the order, shall be carried out on the site otherwise than in accordance with a planning permission granted by the local planning authority.

Reason: To preserve the natural landscape quality and character of the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii), EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan.

NOTES:

1. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990.
2. The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts

be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

3. 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 of being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub 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.
4. The Applicant will be required to enter a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
5. The Applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
6. The Applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that conditions triggering the optional technical standards for Water Efficiency and Accessibility 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.
7. 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.

(Councillor Vine-Hall declared a Disclosable Pecuniary Interest in so far as he was the Applicant 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).

The above minute was amended at the subsequent Planning Committee meetings held on 1 September 2022 and 13 October 2022.

PL22/37. **RR/2022/219/P - GLEBELANDS, POTMANS LANE, CATSFIELD**

(10)

DECISION: DEFERRED TO ALLOW THE RURAL SURVEYOR AND OFFICERS TO COMMENT ON AND CONSIDER THE APPLICANT'S REVISED BUSINESS PLAN WHICH HAD ONLY BEEN SUBMITTED IN THE LAST COUPLE OF DAYS

(Councillor Curtis declared a Personal Interest in so far as he was a member of Catsfield Parish Council and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

PL22/38. **RR/2022/1219/P - PEPPERPOT BARN, CARRICKS HILL, DALLINGTON**

(11)

RM

DECISION: APPROVE (FULL PLANNING) SUBJECT TO CONDITIONS DELEGATED TO OFFICERS

The proposal was a resubmission of an application which was previously refused for an extension of the existing building on the site, as well as change of use of the building from a Class B1 commercial unit to a mixed use live/work unit (sui generis). The site was located approximately 0.7km from the village of Dallington, formed part of a relatively small field that contained a commercial building which was clad and roofed in sheet metal and parking was provided by an area of hardstanding. The field was surrounded by mature trees and hedgerow which were considered historic field boundaries. The site was located within the High Weald Area of Outstanding Natural Beauty (AONB) and outside of any defined development boundary. The officer's opinion was that the proposed development did not comply with the Council's Local Plan Core Strategy (Policies OSS2, OSS4, RA2, RA3, EN1 and TR3), Development and Site Allocations Local Plan (Policies DEN2 and DIM2) or paragraphs 104 and 176 of the National Planning Policy Framework (NPPF) and the recommendation was for refusal.

The Planning Committee heard from the Applicant, the Applicant's partner who spoke on behalf of the Applicant's Agent who both outlined the site history, provided details of the application, proposed usage (carpentry business), materials to be used and support received from the local community. Members also heard from the Chairman of Dallington Parish Council (DPC) who outlined the local amenities within the village, economic potential of the business and community benefits and stipulated that DPC was supportive of the application. The comments of the Local Ward Member were also considered, and regard was given to the Appeal decision of 2019, where permission was dismissed.

After deliberation, the Planning Committee felt that the proposed development complied with Rother Local Plan Core Strategy Policy RA2(iii) and paragraph 80 of the NPPF. They felt that the site was an

ideal location for a live/work unit as the Applicant currently used the property for his carpentry business and local amenities were within walking distance. It was of a good design with a proposed low carbon output, provide security for the business, ultimately supporting the local economy and community. The development would not fail to conserve and would enhance the landscape and scenic beauty of the AONB. Therefore, the Planning Committee granted full planning permission subject to the inclusion of relevant standard conditions (delegated to officers to consider in consultation with and subject to the agreement of the Chair) including the removal of permitted development rights and that the permission included the continuation of the carpentry business.

Councillor Curtis moved the motion to APPROVE (Full Planning) and this was seconded by Councillor Mrs Barnes. 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:
Site Location Plan, Drawing No. 01 Rev P1, dated November 2021
Proposed Floor Plans, Drawing No. 06 Rev P1, dated November 2021
Proposed Elevations, Drawing No. 07 Rev P1, dated November 2021
Proposed Site Plan, Drawing No. 08 Rev P1, dated November 2021
Proposed Perspective View, Drawing No. 09 Rev P1, dated November 2021
Reason: For the avoidance of doubt and in the interests of proper planning
3. No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the extension and building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the development reflects the character and appearance of the locality within the High Weald AONB and to preserve the visual amenities of the area in accordance with Policies EN3 and OSS4 (iii) of the Rother Local Plan Core Strategy and Policy DEN2 of the Rother Development and Site Allocations Local Plan.
4. No development shall commence until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning authority and none of the dwellings shall be occupied until the drainage works to serve the

development have been provided in accordance with the approved details.

Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.

5. The mitigations and enhancement measures recommended within section 6.0 of the Preliminary Ecological Appraisal undertaken by The Mayhew Consultancy shall be implemented in full.

Reasons: To ensure the development safeguards protected species using the site, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy, Policy DEN4 of the Rother – Development and Site Allocations Local Plan

6. No works above ground shall take place until the hard and soft landscaping details for the site have been submitted to and approved by the local planning authority, which shall include:

- a. planting plans;
- b. written specifications (including cultivation and other operations associated with plant and grass establishment);
- c. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- d. hard surfacing materials;
- e. implementation programme.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

Reason: To enhance and maintain the character and appearance of the locality within the High Weald AONB, in accordance with Policy OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy and Policy DEN1 and DEN2 of the Development and Site Allocations Local Plan.

7. The office and workspace shall be used only for business/commercial purposes and shall not be used for C3 residential use.

Reason: To prevent further domestication of the site and to preclude the creation of a new dwelling in the countryside in accordance with policy RA3 of the Rother Local Plan Core Strategy.

8. 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 extensions, structures or alterations, as defined within classes A, B or E of Part 1 of the Schedule 2 of the order, shall be carried out on the site otherwise than in accordance with a planning permission granted by the local planning authority.

Reason: To ensure that the satisfactory appearance of the development and area is maintained and to preserve the natural landscape quality and character of the High Weald AONB in

accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

9. The dwelling hereby permitted shall not be occupied until the refuse and recycling areas have been laid out within the site in accordance with drawing no. 08 Rev P1 dated November 2021. Thereafter, these areas shall be used for the storage and collection of waste only.

Reason: To ensure sufficient bin storage and collection points are provided for the dwelling and in the interests of visual amenity, having regard to Policy OSS4 of the Rother Local Plan Core Strategy and policy DHG7 (iii) of the Development and Site Allocations Local Plan.

10. The dwelling hereby permitted shall not be occupied until it has been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.

Reason: To ensure that an acceptable standard of access is provided to the dwelling in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Rother Development and Site Allocations Local Plan.

11. The dwelling 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 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 dwellings have been constructed to achieve water consumption of no more than 110 litres per person per day.

Reason: To ensure that the dwelling is built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy and Policy DRM1 of the Rother Development and Site Allocations Local Plan.

NOTES:

1. 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.
2. The landowner and/or developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period.
3. The Applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that conditions triggering the optional technical standards for Water Efficiency and Accessibility 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

4. This permission may include condition(s) requiring the submission of details prior to the commencement of development. Following close consideration in the courts, it is now well established that if the permission contains conditions requiring further details to be submitted to the Council or other matters to take place prior to development commencing and these conditions have not been complied with, the development may be unlawful and not have planning permission. You are therefore strongly advised to ensure that all such conditions have been complied with before the development is commenced. A fee is payable for written requests for compliance with conditions; the current fee is £34.00 for each request for householder developments and £116.00 for each request for all other categories of development. The appropriate 1APP form can be downloaded from the Council's Planning website www.rother.gov.uk/planning.

The above minute was amended at the subsequent Planning Committee meeting held on 1 September 2022.

- PL22/39. **RR/2021/2804/P - VILLA FLAIR, UNION STREET, FLIMWELL, TICEHURST**
(12)
DECISION: DEFERRED TO ALLOW THE PLANNING COMMITTEE TO ATTEND A SITE VISIT
- PL22/40. **RR/2022/1113/P - 1 STABLEFIELDS – LAND AT COTTAGE LANE, WESTFIELD**
(13)
DECISION: DEFERRED TO ALLOW THE PLANNING COMMITTEE TO ATTEND A SITE VISIT
- PL22/41. **RR/2020/1613/P - KINGWOOD HILL - LAND ON EAST SIDE OF, BREDE**
(14)
DECISION: DEFERRED TO ALLOW CONSIDERATION OF WHETHER THE SITE WAS DELIVERABLE AND FURTHER INFORMATION WAS RECEIVED FROM EAST SUSSEX COUNTY COUNCIL REGARDING EDUCATION PROVISION FOR THE APPLICANT'S CHILDREN
- PL22/42. **RR/2022/830/P - CAR PARK, ST. MARYS LANE, BEXHILL**
(15)
DECISION: GRANT (FULL PLANNING) SUBJECT TO CONDITIONS TO OFFICERS INCLUDING EHO OFFICERS TO ADVISE ON CONTAMINATED LAND CONDITION

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, Drawing No. 4775.LP. A, dated 14 March 2022
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall commence until full elevational drawings of the portable changing facility have first been submitted to and approved in writing by the Local Planning Authority. This drawing should include details/samples of the external finish of the structure including the wood cladding to be used.
Reason: To ensure that the development reflects the character and/or appearance of the existing building and to preserve the visual amenities of the area in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy.
4. No floodlighting or other external means of illumination of the portable changing facility hereby permitted shall be provided, installed or operated at the site.
Reason: To protect the residential amenities of the locality and to protect the special character of the rural area, in accordance with Policies OSS4 (ii and iii), RA3 (v) and EN1 of the Rother Local Plan Core Strategy.
5. There shall be no on-site discharge of sewage, solid or liquid, from any chemical toilets; all sewage shall be collected for disposal by an appropriately registered contractor.
Reason: To protect the amenity of the locality and for people living and/or working nearby, in accordance with local planning Policy SRM2 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 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.

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 following approved plans and details:
Location Block Plan, Drawing No. 7275 LBP dated April 2022
Existing Plans, Drawing No. 7275 / EX dated April 2022
Proposed Plans, Drawing No. 7275 / 1 / A dated April 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 extension hereby permitted shall match be as stated on the application form and approved plans unless an alternative finish is first submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development is in character with its surroundings in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy and Policy DHG9(ii) of the Rother Development and Site Allocations Plan.
4. The outbuilding hereby permitted shall only be used for ancillary residential accommodation in association with the existing dwelling and shall not be used as a separate dwelling unit.
Reason: In the interests of protecting the character of the area and in the interests of protecting the residential amenities of neighbouring properties and to preclude the creation of a new dwelling within the countryside in accordance with Policies OSS4 and RA3 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 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.

RM

DECISION: APPROVE (FULL PLANNING)

The proposal was to build an upward extension to the side and rear of a semi-detached cottage located on the east side of Virgins Croft, within the footprint of the existing single-story extension, as well as associated works including new windows and doors. The application was a resubmission of three similar previously refused and one withdrawn application. The property was within the development boundary for Battle and within the High Weald Area of Outstanding Natural Beauty (AONB). The officer's opinion was that the addition would be prominent, not respect the character or design of the property, would not appear visually subservient to the host building, would have a harmful impact on neighbouring amenities, by loss of light and would be overbearing and the recommendation was for refusal.

The Planning Committee heard from the Applicant's agent who outlined the Applicant's local connection to Battle, details of the application including history of other 2-storey extensions to properties within the row of houses (three at present) and materials to be used including solar panels. Members also heard from the local Ward Member who was supportive of the application. Comments were also noted from Battle Town Council, as well as the Sussex Newt Officer who had no objection to the application.

After deliberation, the Planning Committee felt that a precedent had already been established, as other properties in the row of houses had 2-storey extensions. They felt that the proposal was not overly large or an incongruous addition and would appear subservient to the host property. It was considered that the design would significantly improve the property and enhance the character and appearance of the street scene and scenic beauty within the High Weald AONB. Therefore, the Planning Committee granted full planning permission in accordance with the approved plans and subject to the inclusion of relevant standard conditions (delegated to officers to consider in consultation with and subject to the agreement of the Vice-Chair) including the use of relevant (in-keeping) materials.

Councillor Curtis moved the motion to APPROVE (Full Planning) and this was seconded by Councillor Mier. The motion was declared CARRIED (12 for / 1 against / 1 abstention).

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. 2089/01 revision E dated April 2022
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development above ground level shall take place until further details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the development reflects the character and appearance of the existing building and to preserve the visual amenities of the area in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy and Policy HG9(ii) of the Rother Development and Site Allocations Plan.

NOTE:

1. The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

The above minute was amended at the subsequent Planning Committee meeting held on 1 September 2022.

PL22/45. **APPEALS**

(18)

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.

PL22/46. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**

(19)

The next site inspection was scheduled to be held on Tuesday 30 August 2022 at 9:00am departing from the Town Hall, Bexhill.

CHAIR

The meeting closed at 5:42pm.