

PLANNING COMMITTEE

13 October 2022

Minutes of the Planning Committee meeting held at the Town Hall, Bexhill-on-Sea on Thursday 13 October 2022 at 9:30am.

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

Other Members present: Councillors C.A. Bayliss (in part), P.C. Courtel (in part), K.M. Field (in part), Mrs E.M. Kirby-Green (in part) and C.R. Maynard (in part) (remote).

Advisory Officers in attendance: Development Manager, Development Management Team Leader, Development Management Team Leader (in part), Planning Lawyer, Planning Consultant x 2 (in part), Conservation Officer (in part), Planning Officer (in part) and Democratic Services Officer.

Also Present: 16 members of the public in the Council Chamber and 72 via the live webcast.

COUNCILLOR PROCHAK IN THE CHAIR

PL22/60. MINUTES

(1)

That the minutes of the meeting on 21 July 2022 approved and signed by the Vice-Chair at the meeting on 1 September 2022 be amended in the following respect to correct an inaccuracy subsequently discovered:

RR/2022/840/P – Land at Beech Farm, Hawkhurst Road, Sedlescombe – The first sentence of paragraph 5 be reworded as follows: “Councillor Gray said that the application proposals did meet the terms of Paragraph 80(e) of the NPPF, which was a material consideration in respect of this application.

(Councillor Vine-Hall declared a Disclosable Pecuniary Interest regarding Minute Reference PL22/47 in so far as he was the Applicant and in accordance with the Members’ Code of Conduct left the room during the consideration thereof).

COUNCILLOR VINE-HALL IN THE CHAIR

PL22/61. APOLOGIES FOR ABSENCE AND SUBSTITUTES

(2)

An apology for absence was received from Councillor N. Gordon.

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

PL22/62. **DISCLOSURE OF INTEREST**

(5)

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

J. Barnes	Agenda Item 8 – Personal and Prejudicial Interest as a Director of Rother DC Housing Company Ltd.
Bayliss	Agenda Item 7 – Personal Interest as a member of Bexhill Heritage.
Courtel	Agenda Item 10 – Personal Interest as a resident in Bexhill Town Centre Conservation Area.
Curtis	Agenda Item 9 – Personal Interest as a Member of Catsfield Parish Council.
Drayson	Agenda Item 7 – Personal Interest as a member of Bexhill Heritage.
Field	Agenda Items 7 & 8 – Personal Interest as a member of East Sussex County Council.
Gray	Agenda Item 7 – Personal Interest as a member of Bexhill Heritage.
Madeley	Agenda Item 7 – Personal Interest as an officer of Bexhill Heritage.
Maynard	Agenda Item 7 – Personal Interest as an Executive Member of East Sussex County Council.
Vine-Hall	Agenda Item 1 – Disclosable Pecuniary Interest as the Applicant of RR/2022/840/P – Land at Beech Farm.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL22/63. **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.

PL22/64. **RR/2022/1784/P - ROTHER DISTRICT COUNCIL OFFICES, TOWN HALL, LONDON ROAD, BEXHILL**

(7)

RM

DECISION: REFUSE (FULL PLANNING)

The Planning Committee had visited the site which was for the demolition of two existing villa buildings, existing offices and outbuildings to the rear of the site; construction of a new Rother District Council building to serve the Council, associated public sector services, creation of market rental office space, civic and event space, a café, refurbishment of the existing Town Hall (TH) and Council Chamber (internal and external remedial works); create public landscaped courtyard to rear; improvements to hard standing to front of the building facing the Memorial Gardens; and associated infrastructure works. The key consideration was whether the proposed development would substantially harm the setting of the retained TH (heritage asset) and that the cumulative impact would not materially affect the key element for which the TH attained/retained its heritage value and that the public benefits outweighed such affect as to be supported in planning policy. The officer's opinion was that the public benefits outweighed any heritage harm and would support the Council's objective to deliver a 'low carbon future'. The Applicant had been asked to resubmit an amended landscape masterplan and fourth floor plan to ensure the creation of a high-quality public realm and landscape setting in accordance with Policies OSS4(iii) and EN3 and EN5(x) of the Rother Local Plan Core Strategy.

The site was situated within the heart of Bexhill Town Centre (BTC) and formed an architectural, cultural and community centre-point to the Town Centre and the District. The site was not a designated Archaeological Notification Area, not part of BTC Conservation Area and had no identified designated heritage assets. Members were advised that some of the buildings were subject to an application for statutory 'Listing'. The site was accessible by public transport e.g. bus and train.

The Planning Committee heard from a spokesperson from Bexhill Heritage who was not supportive of the scheme, the Applicant's Agent, Architect and Sustainability Consultant who provided answers to a number of technical and general questions, as well as both local Ward Members. Consideration was also given to the comments made by the statutory and non-statutory bodies as detailed within the report.

Members asked a series of questions in relation to several issues and the following salient points were noted:

- Design: Concern was raised and mixed views expressed regarding the size and bulk of the proposed development and whether a fourth floor was necessary. Consideration was also given to the modern design ("box-like" structure and materials proposed) of the new development and whether it complemented the existing TH. It was agreed that this could be subjective, as what was considered acceptable "beautiful" to someone was not necessarily acceptable "beautiful" to another. It was clarified that details of the design of the "bolt-on" fourth floor were still awaited; it was not clear at this stage what plant equipment would be located on that floor. It was clarified that the size of the building was appropriate for the BTC location.
- Position: The frontage of the new development was further forward than the existing TH, therefore making it seem overbearing "dwarf the heritage asset". It was clarified that the frontage followed the existing line of the current villa buildings.
- Courtyard Garden: Concern was raised regarding the design of the courtyard garden and whether there would be sufficient daylight (sunshine) within this area.
- Car Parking: A significant reduction of car parking spaces (currently 144 down to 48); concern was raised that the lack of parking (and disabled parking) would cause displacement in the surrounding residential roads. Alternative parking was available in Wainwright Road car park (approximately 52 spaces). Staff / residents would be encouraged to use other forms of transport to travel to the TH. Pool car options would be considered. It was suggested that TH forecourt be redesigned to provide additional parking. Members were reminded that East Sussex County Council (ESCC) offered 'NO OBJECTION' to the reduction of parking and that this would be addressed by a Travel Plan which was also included within the Conditions (No. 41).
- Public Transport: It was considered important that a robust (fluid) Travel Plan be facilitated by ESCC, particularly as there were limited public transport services from the rural areas of the District to Bexhill.

- Office Accommodation: It was important that appropriate, high quality comfortable office accommodation was provided for the Council staff. A suggestion was proposed that office space be built over the car parking area. It was clarified that this would not be sustainable as it would spread the building over a larger area; plus there would be “overlooking” issues with neighbouring residential properties.
- Town Hall Building: It was clarified that the existing radiators in the TH building would be kept and a back-up gas boiler required. It was requested that consideration be given to using hydrogen fuel rather than natural gas products.
- Construction Materials: Clarity was sought on the construction materials to be used, whether they were energy efficient / carbon neutral e.g. timber would be preferable as opposed to concrete, and lifetime costings. It was confirmed that concrete would be used for the foundations and thin flat steel for the fourth floor balcony barrier.
- Public Consultation: Concern was raised that public consultation had been limited / insufficient.
- Economic Benefits: Potential to elevate economic benefits to BTC by creating a civic community hub with additional rentable office space and joined-up services for the District.
- Memorial Gardens: Variety of options had been proposed for the forecourt / Memorial Gardens; plans and a decision were still awaited from ESCC.
- Environment Gain: The new building would be highly efficient, significantly reduce energy demand by up to 50% or more, maximise daylight and heat (e.g. south / southwest facing walls would be glazed) and solar panels used, where appropriate.
- Carbon Footprint: The development supported the Council’s commitment to be carbon neutral by 2030.

During deliberation, Councillor Prochak proposed deferral subject to final drawings being received from the Architects on the fourth floor designs and a decision as well as a landscaping masterplan for the frontage of the site. This was seconded by Councillor Byrne. Members were advised that should the motion be passed, then the Planning Committee would be agreeing to the overall application and that only the deferred items would be brought back for further consideration. The motion was declared LOST (3 for / 10 against / 1 abstention).

After further deliberation, the Planning Committee felt that the new design would have an unacceptable adverse impact on the character, appearance and setting of the existing TH, a non-designated heritage asset and detract from the character and appearance of the wider surrounding area which would outweigh the public benefits of the scheme, which would be contrary to Policies OSS4, EN2 and EN3 of the Rother Local Plan Core Strategy and Paragraphs 139, 130, 199, 203 and 204 of the National Planning Policy Framework.

Councillor J. Barnes moved the motion to REFUSE (Full Planning) and this was seconded by Councillor Drayson. The motion was declared CARRIED (7 for / 6 against / 1 abstention).

REASON FOR REFUSAL:

1. The proposed new town hall extension by way of its design would have an unacceptable adverse impact on the character, appearance and setting of the existing Town Hall a non-designated heritage asset and detract from the character and appearance of the wider surrounding area which would outweigh the public benefits of the scheme. Accordingly, it is considered to depart from Policies OSS4, EN2 and EN3 of the Rother Local Plan Core Strategy and Paragraphs 139, 130, 199,203 and 204 of the National Planning Policy Framework.

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, amendments to the proposal to attempt to address those concerns. Unfortunately, this was not sufficient to overcome the objections but the reasons for refusal were clearly set out thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

(Councillors Bayliss, Drayson and Gray each declared a Personal Interest in this matter as they were members of Bexhill Heritage and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

(When it first became apparent, Councillor Field declared a Personal Interest in this matter as a Member of East Sussex County Council and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

(Councillor Madeley declared a Personal Interest in this matter as an officer of Bexhill Heritage and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

(When it first became apparent, Councillor Maynard declared a Personal Interest in this matter as an Executive Member of East Sussex County Council and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

The above minute was amended at the subsequent Planning Committee meeting held on 10 November 2022.

PL22/65.

RR/2022/1330/P - BLACKFRIARS - LAND AT, BATTLE

(8)

DECISION: GRANT PLANNING PERMISSION WITH VARIATION OF AND ADDITION TO THE CONDITIONS

CONDITIONS:

The following conditions of outline permission RR/2019/604/P are varied as required and remain extant:

1. Approval of the details of layout, appearance, landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development commences.
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
2. Plans and particulars of the reserved matters shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
3. Application for approval of all 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).
4. 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).
5. Subject to the details required by Condition 1, the development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
Phasing Plan, uploaded 13/09/22
23817A/01, dated March 2019
23817A/02 rev.B, dated March 2019
7500-304 rev.C, dated 15/08/2019
Ecological Impact Assessment by The Ecology Consultancy, dated 16/06/2019
Arboricultural Impact Assessment, by The Ecology Consultancy, dated 03/06/2019
Transport Assessment by GTA Civils dated March 2019 and Addendum dated 15 April 2019
6004/500, dated January 2019
6004/501 rev.B, dated 02.04.2019
Reason: For the avoidance of doubt and in the interests of proper planning.
6. The number of dwellings permitted within the site as defined by this planning permission shall not exceed 220.

Reason: To ensure a properly planned development in accordance with the application and Policy BT2 of the Rother District Local Plan.

7. The new spine road and site access points from The Spinney in the south and Harrier Lane in the north, shall be in the position shown on drawing no. 7500-304 rev. C, dated 15/08/2019 and Drawing Nos. 6004/500, dated January 2019 and 6004/501 rev.B, dated 02.04.2019. The spine road shall be designed and constructed in accordance with details to be agreed under Conditions 8 and 10 of this permission, to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to its subsequent adoption as publicly maintained highway.

Reason: To ensure the safety of persons and vehicles entering and leaving the access points and proceeding along the highway in accordance with Policy TR3 and CO6 of the Rother Local Plan Core Strategy.

8. Prior to the commencement of development on site in respect of the spine road, detailed drawings, including levels, sections and constructional details of the proposed road and internal connections to it, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The detailed road designs shall include details of 'events' along and within the road such as informal squares that the road passes through to be created at key junctions/intersections, such that the street is designed as a social space, incorporating Manual for Streets placemaking. The road shall be constructed in accordance with the approved details.

Reason: A pre-commencement condition is required to ensure that it meets highway standards and in the interests of highway safety and for the benefit and convenience of the public and to present a quality design and place in accordance with Policy BT2 of the Rother District Local Plan 2006 and Policies EN3, TR3 and CO6 of the Rother Local Plan Core Strategy.

9. The street lighting proposed pursuant to Condition 8 shall follow a "lighting design strategy for biodiversity" that itself shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for dormice, bats 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

- b) show how and where external lighting 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 the above species using their territory or having access to their breeding sites and resting places.

All external lighting 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 should any other external lighting be installed without prior consent from the planning authority.

Reason: A pre-commencement condition is required as many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and would conflict with Policies EN5 of the Rother Local Plan Core Strategy and DEN4 of the Development and Sites Allocations Local Plan.

10. Prior to commencement of development of the spine road, and notwithstanding the footway location details on approved Drawing No. 7500-304 rev.C, dated 15/08/2019, details of pedestrian facilities (footways and crossings) supported by a Road Safety Audit and other documentation as necessary shall be submitted to and agreed by the Local Planning Authority, in consultation with the Highway Authority and shall include facilities along the new road and the connections to it and shall be built and maintained to current standards, unless otherwise agreed. The footways are to be designed into the landscape and layout of the development and not simply form part of the road itself, i.e. the majority are not to be located immediately adjacent to the roadway itself, but instead be separated from the vehicular route by grass verges.

Reason: A pre-commencement condition is required to ensure that highway standards are maintained, that the public footpath is incorporated and is to remain accessible and in the interests of highway safety and for the benefit and convenience of the public and to present a quality design and place in accordance with Policy BT2 of the Rother District Local Plan 2006 and Policies EN3, TR3 and CO6 of the Rother Local Plan Core Strategy.

11. No development shall commence on any part of the site until details of the proposed means of foul disposal and a sustainable surface water system relating to that part of the site, including its future maintenance and management, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water, the Lead Local Flood Authority and the local Highway Authority. Surface water must not discharge onto the highway and vice versa. The development shall only be carried out in accordance with the approved details.

Reason: A pre-commencement condition is required to ensure that the drainage infrastructure carried out in the initial stages of the development will not increase the risk of flooding, will improve and protect water quality, and ensure future maintenance of the sustainable surface water drainage system in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.

12. No development shall take place on any part of the site, including any ground works, vegetation clearance or works of demolition, until a Construction & Environmental Management Plan (CEMP: Biodiversity) for that part of the site has been submitted to and

approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- a) the anticipated number, frequency and types of vehicles used during construction;
- b) the method of access and egress and routing of vehicles during construction;
- c) the parking of vehicles by site operatives and visitors (including location and capacity);
- d) the loading and unloading of plant, materials and waste;
- e) the storage of plant and materials used in construction of the development;
- f) the erection and maintenance of security hoarding;
- g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- h) details of public engagement both prior to and during construction works;
- i) unless alternative times are specifically agreed in writing construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 08:00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank and Public Holidays;
- j) measures to manage flood risk, both on and off the site, during the construction phase;
- k) risk assessment of potentially environmental damaging construction activities and practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- l) identification of “biodiversity protection zones”;
- m) the location and timing of sensitive works to avoid harm to biodiversity features and the times during construction when specialist ecologists need to be present on site to oversee works;
- n) responsible persons and lines of communication and the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- o) use of protective fences, exclusion barriers and warning signs.

Reason: A pre commencement condition is required from the outset because the works need to be managed in all stages of construction to maintain the safety of all road users and so as not to unreasonably harm the amenities of adjoining properties and in the interests of highway safety, and to enable the Local Planning Authority to properly ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan having regard to Policies OSS4, EN1, EN5, TR3 and CO6 of the Rother Local Plan Core Strategy, and Policies DEN1, 2 and 4 of the Development and Sites Allocations Local Plan.

13. Prior to the commencement of development, an ecological design strategy (EDS) addressing mitigation and compensation for habitats and species, restoration of degraded habitats and enhancements to increase the biodiversity value of the site has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

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

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: A pre-commencement condition is required to enable the Local Planning Authority to properly ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan and to ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, in accordance with the requirements of the National Planning Policy Framework and Policies EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1, 2 and 4 of the Development and Sites Allocations Local Plan.

14. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection, rescue and translocation of protected species has been submitted to and approved in writing by the Local Planning Authority for each phase of development. 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); and
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details for each phase of the development and shall be retained in that manner thereafter.

Reason: a pre-commencement condition is required to protect habitats and species identified in the ecological surveys from adverse impacts during construction Policies EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1, 2 and 4 of the Development and Sites Allocations Local Plan.

15. No development shall commence until details for the protection of existing trees and hedgerows on the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with a scheme for protection, which shall include protective fencing. The approved scheme shall be put in place prior to the commencement of any development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: The site contains trees and hedgerows which contribute to the character of the area and should be conserved to ensure that the development is integrated within the landscape of the High Weald Area of Outstanding Natural Beauty. The commencement of any groundworks could potentially impact on trees and hedgerows and pre-commencement measures therefore need to be put in place to ensure that protected trees/hedgerows remain in situ as agreed and with measures in accordance with the British Standard and to accord with Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy.

16. No development shall commence on any part of the site until the Applicant has secured the implementation of a programme of archaeological works for that part of the site, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition is required 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.

17. Prior to the commencement of development and subsequent to an approved archaeological site investigation a construction method statement to show the preservation in-situ of significant archaeological remains shall be submitted to and approved in writing by the Local Planning Authority and works shall be completed in accordance with the approved details.

Reason: A pre-commencement condition is required 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.

Reserved Matters Submissions

18. Prior to commencement of development of Parcel 1, the details of a new access on to Harrier Lane to serve Parcel 1 shall be submitted and agreed with the Highway Authority. The new access shall be subject to a full Road Safety Audit procedures and detailed design, and the submitted details will include but not be limited to adequate visibility splays, pedestrian and cycle facilities, suitable gradient, drainage and construction. The new access will be implemented prior to the first occupation of the any dwelling in Parcel 1.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies CO6, TR2 and TR3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

19. Pursuant to Condition 1, no above ground works shall commence until details of the following have been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details:

- a) 1:200 scale street scene drawings, accurately reflecting site topography, showing proposed buildings in context;
- b) 1:50 drawings of all proposed buildings including details of all fenestration, eaves details, porches, dormers, rooflights, chimneystacks, pipes, vents and utility meters and boxes;
- c) samples of the materials to be used in the construction of all external faces of the buildings;
- d) the proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps); and
- e) details of pedestrian and cycle links to the surrounding area including Battle Station, and proposed measures to seek to deliver such links.

Reason: To ensure a high building appearance and architectural quality, which reflects the character of the town, in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

20. Pursuant to Condition 1, no above ground works shall commence until a walking and cycling audit of the routes to key destinations in Battle from the site, including Battle Station, has been completed and agreed with the Highway Authority and the audit shall include the identification of mitigation measures and improvement schemes needed to increase walking and cycling as a mode of travel, and prior to first occupation of the development the agreed measures/schemes shall be implemented in accordance with the agreed details.

Reason: To achieve a well-connected, accessible development by non-car modes and to meet the objectives of sustainable development, in accordance with Policies BT2, EN3, TR2 and TR3

of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

21. Pursuant to Condition 1, no above ground works shall commence until an assessment of the impacts of development traffic in Battle High Street and at London Road/North Trade Road/High Street junction shall be completed and agreed with the Highway Authority and the assessment shall identify and include design of mitigation measures, and prior to first occupation of the development the agreed measures shall be implemented.

Reason: To ensure the traffic impacts of the development are mitigated and the safety of persons and vehicles proceeding along the highway, in accordance with Policies CO6, TR2 and TR3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

22. Pursuant to Condition 1, no above ground works shall commence until the following public realm and hard landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

- a) proposed finished levels or contours;
- b) boundary treatments (plot and other) and any other means of enclosure (fences, railings and walls) indicating the locations, type, design, height, and materials of such;
- c) vehicle and cycle parking layouts;
- d) design of other vehicle and pedestrian access and circulation areas, (including street widths, pavements and cycleways where relevant, and other strategic public realm);
- e) hard surfacing materials (including road surfaces, cycleways, footpaths, parking spaces and other areas of hard standing, kerbs and tactile paving);
- f) a coordinated street furniture strategy (including benches, bollards, bins, planters, and signage) including proposed locations;
- g) an external lighting strategy, (including type and design of lighting equipment, and non-lighting zones) that accords with the lighting biodiversity strategy and that responds to, and reinforces, the street hierarchies;
- h) minor artefacts and structures;
- i) play areas (Local Areas of Equipped Play or Landscape Areas of Play) including full specification and details of play equipment proposed; and
- l) proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports).

Reason: To ensure the creation of a high quality public realm, design quality, and landscape setting, in accordance with Policies EN3, EN1, TR2 and TR4 of the Rother Local Plan Core Strategy.

23. No above ground works shall commence until the following soft landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be

carried out as approved and in accordance with an agreed implementation programme.

- a) indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development;
- b) design, layout and appearance of structural and amenity green space, including verges;
- c) planting plans, including landscape and ecological mitigation (buffer planting and green buffers);
- d) written specifications (including cultivation and other operations associated with plant and grass establishment);
- e) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- f) details for implementation.

Reason: To ensure the creation of a high quality public realm and landscape setting [that enhances the landscape and scenic quality of the High Weald Area of Outstanding Natural Beauty] in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.

24. If within a period of 10 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development and the landscape of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.

25. Prior to the occupation of any dwelling, a landscape management plan, including management responsibilities and maintenance schedules for the communal hard and soft landscape/open space areas, including any street furniture and minor artefacts therein, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To ensure a high quality public realm taking account of the characteristics of the locality [and enhancing the landscape character and quality of the High Weald Area of Outstanding Natural Beauty] in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

26. Prior to the occupation of any dwelling, 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) a SuDs and wetland habitat strategy;
- c) a woodland management plan;
- d) ecological trends and constraints on site that might influence management;
- e) aims and objectives of management;

- f) appropriate management options for achieving aims and objectives;
- g) prescriptions for management actions, together with a plan of management compartments;
- h) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- i) details of the body or organisation responsible for implementation of the plan; and
- j) on-going 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: require in order to positively management constantly changing biological communities and to maintain their conservation value, to ensure the long term management of habitats, species and other biodiversity features, in accordance with the requirements of the National Planning Policy Framework and Policies EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1, 2 and 4 of the Development and Sites Allocations Local Plan.

27. Prior to the occupation of any dwelling evidence (including photographs) shall be submitted to the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: To ensure that the drainage infrastructure for the development will not increase the risk of flooding, will improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.

28. No dwelling or other building shall be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 16 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy EN2 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

29. The details of layout pursuant to Condition 1 above shall include details of the siting and form of bins for the storage and recycling of refuse within the site (internally or externally), and collection points and the approved details shall be implemented before the occupation of each relevant dwelling(s) and thereafter continued,

with all bins and containers available for use, maintained and replaced as need be.

Reason: To safeguard the visual amenities of the locality and in the interests of providing a sustainable development in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

30. The details of layout pursuant to Condition 1 above shall include details for the parking and turning of vehicles (including turning of refuse vehicles) in accordance with the East Sussex Residential Parking Demand Calculator and the provision of cycle parking areas, and all those approved areas shall be provided before the occupation of the any dwelling or in accordance with a programme to be agreed in writing by the Local Planning Authority and thereafter retained for those uses only.

Reason: To ensure the provision of adequate on-site parking and turning facilities that do not prejudice the free flow of traffic or conditions of general safety along the highway and in order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with Policies CO6, TR4 and TR3 of the Rother Local Plan Core Strategy.

31. During any forms of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority in consultation with the Highway Authority, to prevent contamination and damage to the adjacent roads.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large, in accordance with Policies CO6 and OSS4 of the Rother Local Plan Core Strategy.

32. Prior to the occupation of any dwelling, a Travel Plan Statement in association with this development shall be submitted to the Local Planning Authority to ensure that private car trips to and from the site are reduced. The travel plan should include targets for reduced car use and a monitoring programme to ensure these targets are met.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development and in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy.

33. Each dwelling shall not be occupied until the boundary treatments that relate to it as approved under Condition 22 have been completed in accordance with the approved details.

Reason: To ensure a high quality public realm taking account of the characteristics of the locality in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

34. If any part of the development hereby approved, or subsequently approved under the reserved matters, does not commence (or, having commenced, is suspended for more than 12 months) within one year from the date of the planning permission, the approved ecological measures relating to that part of the development secured though the permission shall be reviewed and, where

necessary, amended and updated. The review shall be informed by further ecological surveys for notable habitats and species including badgers, bats, reptiles and breeding birds, commissioned to:

- i) establish if there have been any changes in the presence and/or abundance of protected species; and
- ii) identify any likely ecological impacts that might arise from the changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that phase. Works must then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure the protection and enhancement of wildlife and supporting habitats of nature conservation value in accordance with Policy EN5 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the National Planning Policy Framework.

NEW CONDITION 35 IS ADDED and states:

35. The development hereby approved shall be carried out in accordance with the approved phasing contained within the Phasing Plan identifying 4 phases for this element of the outline site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To clarify how the site is to be phased and to assist with the determination of subsequent reserved matters applications and other condition details in regard to provision of infrastructure provisions and environmental mitigation and to cater for the needs and impacts arising from the development in accordance with Policy BA1, EN1 and EN3 Of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

Conditions 1, 3, 4, 8, 9, 11, 12, 13, 14, 15, 16, 17 & 26 (in relation to this particular part of the site) of outline permission RR/2019/604/P, have had details approved. Works to be completed in accordance with the approved details.

No conditions have been discharged as may apply to the land parcel in the far north east corner, unrelated to RDC/Alliance Homes land.

The following conditions of Reserved Matters permission RR/2020/2307/P are varied as required and remain extant:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and details (for clarity, no 'illustrative views' are approved):

DR-A-0101 rev.P02, site plan, dated 18/03/21

DR-A-0100 rev.P02, site location plan, dated 02/02/21

DR-A-05100 rev.N, proposed site plan, dated 22/08/22

Design & Access Statement Addendum Document rev. E, dated 19/05/22

Schedule of Accommodation, dated 25/05/22
 Landscape and Ecology Management Plan, Issue 2, dated December 2020
 10704-GTA-MP-XX-GA-C-1143 rev.P10, external works layout, dated 12/09/22
 10704-GTA-MP-XX-GA-C-1149 rev.P2, external works layout, dated 12/09/22
 EL-A-05101 rev.H type 1a, elevations, dated 23/05/22
 GA-A-03102 rev.G . type 1a, floor plans, dated 23/05/22
 GA-A-03104 rev.G. type 1b, floor plans, dated 23/05/22
 GA-A-05105 rev.H. type 1b, elevations, dated 27/01/21
 GA-A-03107 rev.H. type 2, floor plans, dated 23/05/22
 GA-A-05108 rev.J. type 2, elevations, dated 23/05/22
 GA-A-03110 rev.F. type 3a, floor plans, dated 23/05/22
 GA-A-05111 rev.F. type 3a, elevations, dated 23/05/22
 GA-A-03113 rev.D. type 3b, floor plans, dated 23/05/22
 GA-A-05114 rev.C. type 3b, elevations, dated 23/05/22
 GA-A-03116 rev.F. type 4, floor plans, dated 23/05/22
 GA-A-05117 rev.F. type 4, elevations, dated 23/05/22
 GA-A-03135 rev.C type 4a, floor plans, dated 23/05/22
 GA-A-05136 rev.C type 4a, elevations, dated 23/05/22
 GA-A-03119 rev.F . type 5, floor plans, dated 23/05/22
 GA-A-05120 rev.F. type 5, elevations, dated 23/05/22
 GA-A-05123 rev.B. type 6, elevations, dated 23/05/22
 GA-A-03122 rev.F . type 6, floor plans, dated 23/05/22
 GA-A-05125 rev.B. type 7, elevations, dated 23/05/22
 GA-A-03124 rev.F . type 7, floor plans, dated 23/05/22
 GA-A-03126 rev.H. type 8, floor plans, dated 09/08/22
 GA-A-05127 rev.J. type 8, elevations, dated 09/08/22
 GA-A-03129 rev.G. type 9a, floor plans, dated 23/05/22
 GA-A-05130 rev.J. type 9a, elevations, dated 23/05/22
 GA-A-03132 rev.G. type 9b, floor plans, dated 23/05/22
 GA-A-05133 rev.I. type 9b, elevations, dated 23/05/22
 Landscape Strategy, Issue 3, dated March 2021 (in terms of the principles only)
 DR-A-0212 rev.P02, Communal Areas Plan, dated 24/03/21
 RP-A-0001, Energy and Sustainability Statement, dated 14 December 2021
 Reason: For the avoidance of doubt and in the interests of proper planning.

2. No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted to and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the Applicant's expense.

Reason: In order to ascertain the condition of approach roads prior to any HGV movements and thereby provide a base point to identify any damage resulting from development and requirements subsequent to maintenance works following completion of the development, in the interests of highway safety and the amenities of the area, having regard to Policies CO6, TR3 and OSS4 of the Rother Local Plan Core Strategy.

3. Notwithstanding the information regarding car-parking, car-barns and parking pergolas shown on the layout plans and on Drawing Nos. DR-A-0220 Rev P02 and P03, prior to commencement of development above ground the following information regarding car-ports (barns and pergolas) is to be submitted to and approved in writing by the Local Planning Authority and the development thereafter shall be carried out in accordance with the approved details:

- a) Layout drawings for each of the three plots, that indicate locations of the different types of car-ports, i.e. clay-tiled roofed car-barns and of timber parking pergolas, including orientation, direction of access, any required security details and space for soft landscaping (including 'green walls' to the pergolas) and specification thereof.
- b) Full 1:100 scaled elevational drawings of all car-ports showing them in the combinations/runs in which they are proposed to be deployed in the layout.

Reason: To ensure a development of high design quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy, the High Weald Housing Design Guide and the National Planning Policy Framework.

4. Prior to the commencement of development above ground a 1:50 scale layout drawing of the square along the spine road in Plot 3 is to be submitted to and approved in writing by the Local Planning Authority, and the development thereafter shall be carried out in accordance with the approved details. The layout drawing shall refine the precise dimensions and design of the square, the hard-surfacing materials proposed within and around it, including kerbing details, any soft landscaping within or around it, and any other artefacts associated with it, e.g. lighting.

Reason: To ensure the creation of a high quality public realm and high design quality and having regard to the requirements of the outline permission, in accordance with Policy EN3 of the Rother District Local Plan Core Strategy and the National Planning Policy Framework.

5. The information regarding boundary treatments on Drawing No. DR-A-0210 Rev P03 and in the Landscape Strategy document is not fully comprehensive and does not fully enclose the fronts and sides of plots, as well as proposing a too extensive variety of frontage boundary treatments and is not hereby approved. Pursuant to Condition 22 (b) of the outline permission RR/2019/604/P, detailed boundary treatment information remains to be submitted and approved. This information shall include detailed annotated layouts of each of the three plots at scale 1:200, indicating the locations of boundary enclosures to delineate and enclose front and side private curtilages, to provide meaningful enclosure from the adjacent public realm and from each other, including between driveways. The drawings shall be annotated to show each boundary treatment type, and the number and type of boundary treatments shall be rationalised to fully reflect and represent local character and contribute positively to street character in the development.

Reason: To ensure a development of high design quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy, the High Weald Housing Design Guide and the National Planning Policy Framework.

6. Pursuant to Condition 19 of outline planning permission RR/2019/604/P a detailed schedule of materials, by annotated plan and full streetscenes of all areas of the site at scale 1:200, indicating the combinations of materials to be used on elevations sufficient to be assessed in the streetscene context, along with details of the materials themselves, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a development of high design quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy, the High Weald Housing Design Guide and the National Planning Policy Framework.

7. Prior to commencement of development above ground a layout plan indicating the roof slope locations of solar panels, along with detailed information regarding the size, profile and appearance of the panels, is to be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure a development of high design quality which improves the sustainability and carbon neutral details of the proposals, in accordance with Policy EN3 of the Rother Local Plan Core Strategy, Policy DRM3 of the Development and Site Allocations Local Plan, the High Weald Housing Design Guide and the National Planning Policy Framework.

8. The Landscape Strategy document is largely illustrative and whilst the broad approach is supported, it is not sufficiently refined and resolved at a detailed level. Therefore, details regarding hard and soft landscaping, pursuant to Conditions 22 (d) and (e), 23 and 24 of the outline planning permission RR/2019/604/P, remain to be submitted to and approved by the Local Planning Authority. These details shall include detailed annotated landscape and planting layouts at scale 1:200, also indicating the delivery of the tree-lined avenue to the main spine street, verge treatments, and planting and other materials specifications.

Reason: To ensure the creation of a high-quality public realm and landscape setting that enhances the landscape and scenic quality of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1 and EN3 of the Rother District Local Plan Core Strategy, Policies DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan and the National Planning Policy Framework.

9. Prior to the construction of any of the pedestrian footways and cycle links, detailed drawings, including levels, sections and constructional details of the proposed footways, surface water drainage, outfall disposal, planting and street lighting to be provided, shall be submitted to the Local Planning Authority and be

subject to its approval, in consultation with the Highway Authority. Works shall be completed in accordance with the approved details.
Reason: To provide alternative modes of transport and improve permeability of the site, in the interests of pedestrian and highway safety and for the benefit and convenience of the public at large, in accordance with Policies EN3, TR3 and CO6 of the Rother Local Plan Core Strategy.

NEW CONDITIONS 10 AND 11 ARE ADDED and state:

10. No above ground works shall commence in relation to construction of the Earth Sheltered Housing within Plot 1 until full details for the safety barriers above and behind the dwellings, have been submitted to and approved in writing by the Local Planning Authority. All works shall be completed and thereafter maintained in accordance with the approved details.

Reason: To ensure a development of high design quality, safety and street scape in accordance with Policy EN3 of the Rother Local Plan Core Strategy, the High Weald Housing Design Guide and the National Planning Policy Framework.

11. No above ground works shall commence in respect of any dwelling unit until full details of the construction and materials for any related retaining walls has been submitted to and approved in writing by the Local Planning Authority. All works shall be completed and thereafter maintained in accordance with the approved details.

Reason: To ensure a development of high design quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy, the High Weald Housing Design Guide and the National Planning Policy Framework.

NOTES:

1. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990. pl191010 – RR/2019/604/P.
2. 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.
3. This permission includes conditions 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 is unlawful and does not have planning permission. You are therefore strongly advised to ensure that all such conditions have been complied with before the development is commenced.

4. For the avoidance of doubt the Applicant is reminded that:
 - Parking spaces shall measure at least 2.5m by 5m with an extra 50cm on each dimension where spaces abut walls or fences).
 - Any garages shall measure at least 3m by 6m (internally) and will count as 1/3 of a space of the total parking provision and requirement.
 - Cycle parking shall be covered and secure and in a convenient location for each dwelling.
5. For the avoidance of doubt, the access junctions shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.
6. The Highway Authority's requirements associated with this development proposal will need to be secured through a Section 278 Legal Agreement between the Applicant and East Sussex County Council.
7. The following public rights of way across the site should be retained and remain accessible at all times: Public Footpaths 76 and 77b. It is noted that a footpath diversion via s257 of the Town and Country Planning Act may be applicable.
8. 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.
9. 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. Further advice on the requirements of these Acts is available from Natural England, Sussex and Surrey Team, Phoenix House, 33 North Street, Lewes, East Sussex BN7 2PH.
10. Any works affecting watercourses require Ordinary Watercourse Consent and the Applicant should contact East Sussex County Council land drainage section at watercourse.consenting@eastsussex.gov.uk.
11. Non-compliance with Japanese Knotweed management and control could render the Applicant liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). pl191010 – RR/2019/604/P.
12. The archaeological written scheme of investigation, ensuing works and production of reports should accord with the relevant portions of the East Sussex County Council (ESCC) document "Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation in East Sussex" (2008), including

Annexe B, and should be undertaken only by a suitably qualified archaeologist. For assistance and advice in seeking compliance with the requirements of the condition, please contact the County Archaeologist at ESCC, Transport & Environment, County Hall, Lewes, BN7 1UE or telephone 01273 481608.

13. The Applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

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 J. Barnes declared a Personal and Prejudicial Interest in this matter in so far as he was a Director of Rother DC Housing Company Ltd and in accordance with the Members' Code of Conduct left the room during the consideration thereof).

(When it first became apparent, Councillor Field declared a Personal Interest in this matter as a Member of East Sussex County Council and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

PL22/66. **RR/2022/219/P - GLEBELANDS, POTMANS LANE, CATSFIELD**

(9)

DECISION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. It has not been demonstrated that the existing agricultural enterprise has a functional requirement for a full-time agricultural worker to live on site. In addition it has not been demonstrated that the agricultural business is financially sound nor that it is forecast to become financially sound and as such it would not have regard to the need for it to fund a full-time agricultural worker's wage and creation/maintenance of the proposed dwelling. As such, the proposal would result in an unjustified new dwelling in the countryside, in conflict with Policy RA3 (iii) of the Rother Local Plan Core Strategy and paragraph 80 of the National Planning Policy Framework.

2. The site lies within an unsustainable countryside location where occupiers of the development would be highly reliant on private motor vehicles and would not be able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development is contrary to Policies PC1, OSS3 (v), SRM1 (vii) and TR3 of the Rother Local Plan Core Strategy and paragraphs 8 and 110 (a) of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.
3. In the absence of justification for the erection of an agricultural dwelling, the proposed residential use of the site with associated domestic activity and paraphernalia, would have a harmful urbanising effect in the countryside. The proposal as such would be an alien and obtrusive development within the otherwise rural character and appearance of the countryside that would cause harm to the intrinsic landscape and visual appearance of the rural locality, in conflict with Policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (v) & EN1 of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan and paragraph 174 of the National Planning Policy Framework.

NOTE:

1. This refusal of planning permission relates to the following drawings:
 - Drawing No. 113-21-201, dated March 2021
 - Drawing No. 113-21-100, dated Jan 2021
 - Planning Statement
 - Supporting information – photographs
 - Report on business use

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

(Councillor Curtis declared a Personal Interest in this matter as a Member of Catsfield Parish Council and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

PL22/67. **RR/2022/1639/P - 23A WESTERN ROAD, BEXHILL**

(10)

DECISION: REFUSE PLANNING PERMISSION

REASON FOR REFUSAL:

1. Having regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed works, by virtue of material, appearance, section sizes, glazing bar arrangement, proportionality, and finish neither preserve nor enhance the character or appearance of the Bexhill Town Centre Conservation Area, and as such would be contrary to Policies EN2, EN3 and BX2 of the Rother Local Plan Core Strategy, Policy DHG9 and DEN1 of the Development and Site Allocations Local Plan, and paragraphs 130, 200 and 202 of the National Planning Policy Framework.

NOTE:

1. This recommendation for refusal relates to the following submitted plans and documents:
Site / Block Plan – Drawing No. 7159-LBP, dated February 2022
Existing Elevations – Drawing No. 7159-EX, dated January 2022
Amended Details – Drawing No. 7159-22-1-A, dated January 2022
Heritage Statement – dated 30 June 2022

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

(Councillor Courtel declared a Personal Interest in this matter as he was a resident in the Bexhill Town Centre Conservation Area and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

PL22/68.

RR/2022/1920/P - 16 BEECHING ROAD, BEXHILL

(11)

DECISION: GRANT (PLANNING PERMISSION)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
Location Plan & Block Plan; Drawing No. D21019-HDS-A-R3-DG-XX-PL-1000 dated 29/07/22

Proposed Site Plan 52105/P/10; Drawing No. D21019-HDS-A-R3-DG-00-PL-105 Rev P3 dated 29/07/22.

Proposed Elevations; Drawing No. D21019-HDS-A-R3-DG-XX-EL-210 Rev P3 dated 29/07/22.

Existing & Proposed Street Elevations and 3D Views; Drawing No. D21019-HDS-A-R3-DG-XX-EL-220 Rev P2 dated 29/07/22

Waste Management Plan Rev P2 dated 29.07.2022

Lighting Scheme Proposal Ref LS01642 dated 28July 2022

General Arrangement; Drawing No. WHB3976-00 dated 30/06/21

Design & Access Statement Ref P4 dated 29.07.2022

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

3. The Community Diagnostic Hub as indicated on approved Drawing No. D21019-HDS-A-R3-DG-00-PL-105 Rev P3 dated 29/07/22 shall be used for the purposes falling within Class E(e) and E (g) only and for no other purpose (including any other purpose in Class E 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 ensure that the site remains as a community facility or employment site in accordance with Policies CO1, CO2 and EC3 of the Rother Local Plan Core Strategy.

4. The level of noise emitted from the plant room and air handling equipment hereby approved shall not exceed 47 dB LAeq when measured at the north west boundary of 16 Beeching Road on a line at 90 degrees to the north west elevation of the proposed plant room and air handling equipment.

Reason: To be in line with the environmental requirements for the existing building (RR/2003/135/P) and to safeguard the amenities of the locality and to control noise pollution in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DEN7 of the Development and Site Allocations Local Plan.

5. The use hereby permitted shall not be open to patients outside the following times 08:00 to 21:00, Monday to Friday and 08:00 to 18:00 weekends and bank holidays (except in emergency situations where use of the Community Diagnostic Hub is required) unless otherwise approved in writing with the Local Planning Authority.

Reason: To safeguard the amenities of the locality in accordance with Policy OSS4 (ii) 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.

PL22/69. **RR/2022/736/P - LEA FARM - LAND AT, PEASMARSH**

(12)

DECISION: DEFERRED TO ALLOW THE PLANNING COMMITTEE TO ATTEND A SITE VISIT

PL22/70. **RR/2022/1350/P - THE OAST, BRICKYARD LANE, BRIGHTLING**

(13)

DECISION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be retained in accordance with the following approved plans and details:
Site Location Plan, Drawing No. 56041RP1-04, dated 19/05/2022
Site Block Plan, Drawing No. 56041RP2-04, dated 28/09/2021
Proposed Elevations and Floor Plans, Drawing No. 56041RP3-04b, dated 26/09/2022
Reason: For the avoidance of doubt and in the interests of proper planning.
2. The building hereby permitted shall only be used as a potting/storage shed in association with the existing dwelling and shall not be used as a separate residential dwelling unit, be sold off separately, rented out, used as holiday accommodation or for any commercial purpose.
Reason: In the interests of protecting the character of the High Weald countryside and rural setting of the listed building and to preclude the creation of a new dwelling within the countryside, in accordance with Policies OSS3, OSS4, EN1, EN2, RA2 and RA3 of the Rother Local Plan Core Strategy.
3. No floodlighting or other external means of illumination of the building shall be provided, installed or operated at the site without a further planning permission.
Reason: To safeguard the special character and dark skies of the rural area within the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii), RA3(iv) and EN1 of the Rother Local Plan Core Strategy and DEN7 of the Development and Site Allocations Local Plan.
4. Within two months of this approval a) details of soft landscaping for that part of the site to be reinstated to grass, and b) removal of the windows to the north and south elevations and reinstatement of timber cladding and insertion of closed and sealed shutters to the windows in the east elevation, shall be submitted to and approved in writing by the Local Planning Authority. These works shall be completed within two months of their approval in accordance with the approved details.

Reason: To mitigate against any domestic appearance of the outbuilding, thereby enhancing the appearance as a rural outbuilding and so maintaining the rural setting of the listed building and the rural character of the area within the High Weald Area of Outstanding Natural Beauty, in accordance with Policy OSS4 (iii), EN1 and EN2 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.

PL22/71. **RR/2021/1982/P - THE OAST, BRICKYARD LANE, BRIGHTLING**

(14)

RM

DECISION: REFUSE (FULL PLANNING)

The Planning Committee had visited the site which was for retrospective planning permission to create a widened access to the field including twin track. The site formed part of a Grade II Listed property called "The Oast" which was originally part of a farmstead set on the northern side of Brightling Road. The property was accessed along a shared tarmacked driveway off Brickyard Lane which consisted of "The Oast", plus several outbuildings, a surrounding garden and neighbouring fields. The site was located within the High Weald Area of Outstanding Natural Beauty (AONB) and Rother District Boundary. The officer's opinion was that the proposal would allow the Applicant to empty and maintain the sewage treatment tank, provide better access to manage the agricultural land and would not have an adverse impact on the character and appearance of the locality or highway safety.

The Planning Committee heard from the Applicant's Agent who provided information on the Applicant's reasons for needing a new track and access and what it would be specifically used for. They also heard from one of the local Ward Members who was not supportive of the scheme. Consideration was also given to the comments made by Brightling Parish Council as detailed within the report.

After deliberation, the Planning Committee felt that there was not sufficient justification for the construction of a track as the sewage tank was able to be accessed during the summer months, when the ground was hard, for emptying as was typical for many rural properties and agricultural vehicles were able to access the field as they were designed for this purpose. It would also have an unnecessary impact on the AONB contrary to Policies OSS4 and EN1 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development

and Site Allocations Local Plan. Therefore, the Planning Committee resolved to refuse full planning permission.

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

REASON FOR REFUSAL:

1. The requirement for a surfaced track as proposed has not been demonstrated or justified. It is not necessary for a surfaced track to be provided to maintain the agricultural field nor for the very infrequent, likely only once a year, emptying of the sewage treatment tank. The track is an incongruous feature and would result in a scar on the landscape, harmful to the natural landscape character and scenic beauty of the High Weald Area of Outstanding Natural beauty, contrary to Policies OSS4 and EN1 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

PL22/72.

RR/2022/1587/P - SPRINGFIELD, SPRAYS LANE, WESTFIELD

(15)

DECISION: GRANT (PLANNING PERMISSION)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
Site Location Plan, Drawing No. 6593/22/LBP, dated June 2022
Proposed Elevations and floor plans, Drawing No. 6593/22/1/A, dated 22/06/2022
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 proposal hereby permitted shall match in materials, colour

and texture those submitted with this application 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 building hereby permitted shall only be used for incidental use in association with the existing dwelling (Springfield) and shall not be used as a separate dwelling unit.

Reason: To protect the character and appearance of the area and to preclude the creation of a new dwelling within the countryside in accordance with Policies OSS4 (iii) and RA3 of the Rother Local Plan Core Strategy and DEN1 and DHG10 of the Rother Development and Site Allocations Local Plan.

5. The building hereby permitted shall be used only for purposes incidental to the occupation and enjoyment of the existing dwelling (Springfield) as such, and not for any business, commercial or industrial purposes.

Reason: In the interests of protecting the character of the area and the residential amenities of neighbouring properties in accordance with Policy OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy and Policy DEN1 of the Rother Development and Site Allocations Local Plan.

6. No outdoor/exterior lighting shall be installed on or adjacent the building hereby approved unless details have first been submitted to and approved in writing by the Local Planning Authority. Any outdoor/exterior lighting scheme shall be maintained and implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To prevent light pollution and to protect the dark night skies and local ecology 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, DEN2 and DEN7 of the Rother Development and Site Allocations Local Plan.

7. If the current drainage system is to be utilised, the system must be investigated, and maintenance or rehabilitation carried out should it be required.

Reason: To ensure satisfactory surface water drainage of the site, in accordance with Policies EN7 and SRM2 of the Rother Local Plan Core Strategy and Policy DEN5 of the Rother Development and Site Allocations Local Plan.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that

have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

PL22/73. **RR/2022/1681/P - BROOM COTTAGE, WESTDOWN LANE, BURWASH**

(16)

DECISION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The proposal would be out of character with the existing dwelling through the scale, proportions, details and design changes of the extension. It would not demonstrate subservience to the existing dwelling, including by way of its roof form. The proposal would fail to respect the historic reading of the site. It would therefore be contrary to Policies RA3 (v) and EN3 (i) of the Rother Local Plan Core Strategy; Policy DHG9 (ii) (v) of the Development and Site Allocations Local Plan and Policy GP04 of the Burwash Neighbourhood Plan.
2. The proposal would cause harm to the High Weald Area of Outstanding Natural Beauty through the proposed additional glazing that would cause additional light pollution to the dark night skies and impact upon local ecology particularly within the adjacent ancient woodland. It would therefore be contrary to Policy EN1 (i) of the Rother Local Plan Core Strategy; Policies DEN1, DEN2 and DEN7 of the Development and Site Allocations Local Plan, Policy EN04 of the Burwash Neighbourhood Plan and Paragraph 176 of the National Planning Policy Framework.

NOTE:

1. This recommendation for refusal relates to the following submitted plans and documents:
Site / Block Plan – Drawing No. 101 P1, dated July 2022
Block Plan – Drawing No. 103 P1, dated July 2022
Block Plan – Drawing No. 105 P1, dated July 2022
Photographs – Drawing No. 102 P1, dated July 2022
Existing Elevations / Floor Plans – Drawing No. 104 P1, dated July 2022
Proposed Floor Plans – Drawing No. 106 P1, dated July 2022
Proposed Floor Plans – Drawing No. 107 P1, dated July 2022
Proposed Elevations – Drawing No. 108 P1, dated July 2022
Proposed Elevations – Drawing No. 109 P1, dated July 2022
Proposed Street Scene – Drawing No. 110 P1, dated July 2022
Proposed Street Scene – Drawing No. 111 P1, dated July 2022
Proposed Street Scene – Drawing No. 112 P1, dated July 2022
Proposed Street Scene – Drawing No. 113 P1, dated July 2022
Proposed Street Scene – Drawing No. 114 P1, dated July 2022
Proposed Street Scene – Drawing No. 115 P1, dated July 2022
Proposed Street Scene – Drawing No. 116 P1, dated July 2022

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

PL22/74. **APPEALS**

(17)

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.

PL22/75. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**

(18)

The next site inspection was scheduled to be held on Tuesday 8 November 2022 at 9:00am departing from the Town Hall, Bexhill.

CHAIR

The meeting closed at 5:25pm.