

PLANNING COMMITTEE

12 January 2023

Minutes of the Planning Committee meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Thursday 12 January 2023 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, N. Gordon, P.J. Gray, K.M. Harmer (ex-officio), C.A. Madeley, A.S. Mier and Rev. H.J. Norton.

Other Members present: Councillors Mrs E.M. Kirby-Green (in part) and C.R. Maynard (remote) (in part).

Advisory Officers in attendance: Development Manager, Development Management Team Leader, Planning Lawyer, Senior Planning Officer and Democratic Services Officer.

Also Present: 1 member of the public in the Council Chamber and 25 via the live webcast.

PL22/98. **MINUTES**

(1)

The Chairman was authorised to sign the Minutes of the meeting held on 15 December 2022 as correct record of the proceedings.

PL22/99. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

(2)

An apology for absence was received from Councillor G.F. Stevens

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

PL22/100. **DISCLOSURE OF INTEREST**

(5)

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

J. Barnes Agenda Item 9 – Personal and Prejudicial Interest as the Applicant was his daughter.

Mrs Barnes Agenda Item 9 – Personal and Prejudicial Interest as the Applicant was her daughter.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL22/101. **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.

PL22/102. **RR/2022/1583/P - FURTHER DOWN, MAIN ROAD, WESTFIELD**

(7)

DECISION: GRANT PLANNING PERMISSION

CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Site Location and Block Plan 3996_10
Block Plan 3996_02
Proposed Floor plan 3996_03 Plot 01
Proposed Floor plan 3996_05 Plot 02
Proposed Carports Floor plan 3996_07
Plot 01 Elevation 3996_04
Plot 02 Elevation 3996_06

Proposed Landscaping and Biodiversity Plan 3996_09
Construction Access Plan TPP-CA-001

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

2. The proposed development shall be carried out in accordance with the tree protection plans and tree constraints plan, Drawing No. TCP001 and TPP001.

Reason: To ensure the protection and preservation of trees and thus maintain the landscape within the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 and EN1 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan.

3. At the time of construction and prior to the first occupation or use of the dwellings hereby approved, the dormer windows at first floor level within the side elevations, as indicated on the approved Drawing Nos. 3996_04 and 3996_06 shall be glazed with obscure glass of obscurity level equivalent to scale 5 on the Pilkington Glass Scale and shall thereafter be retained in that condition.

Reason: To preserve surrounding residential amenity in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DHG9(i) of the Rother Development and Site Allocations Local Plan.

4. No floodlighting or other external means of illumination of the dwellings, external areas or curtilage of the dwellings hereby permitted shall be provided, installed or operated at the site without a separate planning permission.

Reason: To protect the residential amenities of the locality and to protect the special character and dark night skies of the rural area within the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (ii and iii), RA2 (viii), RA3 (v) and EN1 (v and vii) of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN7 of the Development and Sites Allocations Local Plan.

5. No above ground works shall commence until the following details have been submitted and agreed in writing by the Local Planning Authority. The agreed details shall be implemented in full in accordance with parts (a), (b) and c) of this condition.

- a. A landscaping scheme for the site, incorporating the trees and hedges to be retained, with a schedule of new native plants/trees, noting species, and plant sizes.

- b. The timetable for planting.

- c. Details of biodiversity enhancement measures including bat and bird boxes, reptile and insect housing and a timetable for their installation.

Unless alternative timetables are specifically agreed in writing by the Local Planning Authority the landscaping shall be carried out in its entirety in accordance with the agreed Timetable.

Reason: To ensure that the development reflects, conserves and enhances the landscape character and appearance of this rural site on the edge of the village within the High Weald Area of

Outstanding Natural Beauty and to enhance the biodiversity and to preserve the visual amenities of the area in accordance with Policies OSS4(iii), EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN4 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 development will be subject to the requirements of the Building Regulations, and advice should be sought from the East Sussex Building Control Partnership. No work should be carried out until any necessary permission has been obtained.
3. 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. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Bank Holidays.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

PL22/103. **RR/2022/2506/P - WYLANDS FARM, POWDERMILL LANE, CATSFIELD**

(8)

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:
Drawing No. 6754 / 22 / LBP / 2 / A, Site Location and Block Plan dated 28.09.22;
Drawing No. 6754 / 22 / 5 / B, Proposed Machinery Building dated 21.12.2022;
Reason: For the avoidance of doubt and in the interests of proper planning.

3. The materials to be used in the replacement of the building hereby permitted shall match in materials, colour and texture those used in the existing building and as specified within the application unless an alternative finish is first submitted to and approved in writing by the local planning authority. The details include the use of roof sheeting and black shiplap cladding to the walls.
Reason: To maintain the rural characteristics and detail of the existing buildings and the rural location within the High Weald AONB, in accordance with Policy OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy and Policy DEN2 of the Rother Development and Site Allocations Local Plan.

4. No part of the development shall be first occupied until visibility splays of 2.4m x 160m westbound and 2.4m x 215m eastbound have been provided at the proposed site vehicular access onto Powdermill Lane. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policies TR3 and CO6 of the Rother Local Plan Core Strategy.

5. No external lighting shall be erected at the site unless in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. Any scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011(or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Illuminated area m2	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1,000
Over 10.00	n/a	300	600	600

Environmental Zones

Zone	Surrounding	Lighting Environment	Examples
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically	National Parks, Areas of

		Dark	Outstanding Natural Beauty etc.
E2	Rural	Low District Brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium District Brightness	Small town centres or suburban locations
E4	Urban	High District Brightness	Town/city centres with high levels of night-time activity

The guidance advises that, where an area to be lit lies on the boundary of two zones or can be observed from another zone, the limits used should be those applicable to the most rigorous zone, in this case E0 or E1.

Reason: To prevent light pollution within the dark skies of the High Weald AONB, in the interests of the amenities of the area and to protect the dark sky environment, in accordance with Policies OSS4 (iii), RA3 (v) and EN1 of the Rother Local Plan Core Strategy, Policies DEN2 and DEN7 of the Development and Site Allocations Local Plan and Objective OQ4 of the High Weald Management Plan.

6. The office/workshop/store building, shall be used for the purposes specified in the application only and for no other purpose (including any other purpose in Class E (as applicable) 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 control of the uses at the site and allow assessment of the impacts of any potential changes via an application, thereby maintaining the landscape character and scenic beauty of the High Weald AONB, ensuring continued highway safety and protecting as required the local ecology and drainage matters pertinent to the site within the High Weald AONB and adjacent ancient woodland and watercourses, in accordance with Policies OSS4, EN1, RA3, SRM2, TR3, TR4 and EN7 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 DEN4 and DEN7 of the Rother Development and Site Allocations Local Plan.

7. The hours of operation of the business units (offices/workshop/storage) shall be restricted to 8am to 6pm Monday to Saturday and no working/operation shall take place on a Sunday or Bank Holiday unless otherwise approved in writing by the Local Planning Authority.

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

PL22/104. **RR/2022/2345/L - 36 HIGH STREET, ROBERTSBRIDGE**

(9)

DECISION: GRANT (LISTED BUILDING CONSENT)
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:
Block Plan – Proposed 22.06.BP01, dated May 2022
Proposed Floor Plans 22.06.PL20A, dated 13.09.22
Basement Plan 22016-01, dated August 2022
Ground Floor Plan 22016-02, dated August 2022
First Floor Plan 22016-03, dated August 2022
Heritage and Design and Access Statement RS22/06.HS.DAS, submitted 23.09.22
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The materials to be used in the development hereby permitted shall be in accordance with that described in the application, unless an alternative finish is first submitted to and approved in writing by the Local Planning Authority.
Reason: To maintain the historical characteristics of the existing building in accordance with Policy EN2 of the Rother Local Plan Core Strategy.
4. Prior to removal of concrete blocks within the chimney aperture located in the kitchen, 1:10 scale drawings of the chimney as existing and as proposed shall be submitted to the Local Planning Authority for approval. The proposed drawings should include annotations of what works are to be carried out. Annotated photographs can also be submitted to provide additional context. Once approved the works shall be carried out in accordance with the approved plans and retained as such thereafter.
Reason: To ensure the works are in accordance with HE best practice and reflect the requirements of Policy EN2 of the Rother Local Plan Core Strategy.

(Councillors J. Barnes and Mrs Barnes both declared a Personal and Prejudicial Interest in this matter in so far as the Applicant was their

daughter and in accordance with the Members' Code of Conduct left in the room during the consideration thereof).

PL22/105. **RR/2022/2376/P - STRAND MEADOW - LAND TO THE SOUTH WEST OF, BURWASH**

(10)

DECISION: APPROVE MODIFICATION OF THE SECTION 106 PLANNING OBLIGATION:

- **Inclusion of Park Lane Homes (South East) Limited (the Developer) as a party to the Planning Obligation.**
- **Removal of Affordable Housing contribution, both on and off site, as the approved development is not viable, or deliverable, to provide the Affordable Housing provision included in the existing Section 106. The application is accompanied by a detailed Viability Assessment produced by Turner Morum dated 14 September 2022 which includes appraisals for policy compliant 40% Affordable Housing, 20% Affordable Housing and wholly Open Market scenarios.**
- **Inclusion of new clauses to provide for both early and late stage review mechanisms in relation to viability to ensure the development is brought forward within an agreed timescale (early stage review). A review of actual costs and revenues prior to the occupation of the 15th dwelling (late stage review) and in the event of a "surplus" arising a method for calculating an off-site Affordable Housing contribution. It is proposed the review mechanisms will follow the principals set out in the previous Section 106 agreed with the Council in relation to Application RR/2018/1787/P, which was the subject of Appeal Ref: APP/U1430/W/19/3223824.**
- **Removal of the definition of "Parish Land" and the obligation to offer the "Parish Land" to Burwash Parish Council (Schedule 3 Part 4 and Schedule 10) as the Parish Council has previously advised they have no need for the "Parish Land".**
- **Amendment to the Section 106 Plan to remove the identification of the "Parish Land" and amend the route of the Footpath Link to accord with the approved drawings.**
- **Timing for the submission of the Specification relating to the Landscape Area and Recreation Land (Schedule 3 Part 2) to be amended to require submission prior to any above ground works being carried out.**
- **Inclusion of the updated Ecological Report dated September 2020 and submitted with the Reserved Matters Application RR/2020/1822/P (Schedule 9).**

The above minute was amended at the subsequent Planning Committee meeting held on 16 February 2023.

(11)

Consideration was given to the report of the Interim Development Manager regarding clarification and proposed changes to the Planning Scheme of Delegation (Part 8 – Delegations to Officers – 3.1 of the Council's Constitution).

Since August 2020, the Planning Committee had considered several of revisions to the Scheme of Delegations, which included amendments to the call-in procedure, legal obligations, powers in relation to tree works and the Chair of the Planning Committee's emergency call-in powers. The report detailed the changes and Appendix 1 attached to the report was the finalised version of the Planning Scheme of Delegation which included all the previously agreed changes, as well as additional amendments proposed by the Interim Development Manager (in agreement with the Chair of the Planning Committee).

The Planning Committee formally approved the Planning Scheme of Delegation with the following amendments and agreed that the Constitution be amended accordingly:

- reference to Chairman be changed to Chair throughout the document;
- 3.1.3 – Head of Paid Service be replaced with Chief Executive;
- 3.1.6 – last sentence to be reworded “Under the delegated system all applications identified with the (DEL) notification on the weekly list will be dealt with by officers where there are no conflicting views and the matter has not been subject to ‘call-in’ by a Member.”
- 3.1.7 – to be split, 3.1.7 to finish at “if requested by the Ward Member or Chair of the Planning Committee; second part of 3.1.7 to be reworded and renumbered 3.1.8 “Where the time for call-in set out above has expired, a Member may subject to the agreement of the Chair of Planning Committee in agreement with the Development Manager, call-in a planning application where such an application is considered to be controversial or generate significant local interest. Under exceptional circumstances, the Chair of the Planning Committee will be granted authority to call-in an application, at any time before the Decision Notice is issued after consultation with the local Ward Member(s). Call-ins’ may not be made under any other circumstances by officers or Members.
- 3.1.14 – remove the wording “and in this regard no investigations shall take place in respect of anonymous complaints”. Replace “or” with “nor”;
- 3.1.15 – add in reference to Council's adopted planning policy, guidance and local enforcement plan – officers to reword;
- 3.1.16 – reword “To issue Notices under Powers to require information in relation to the subject land under Section 330 of the Town and Country Planning Act 1990 and to issue Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990;
- 3.1.22 – delete; and
- to be renumbered, as appropriate.

RESOLVED: That the Planning Scheme of Delegation as set out at Appendix 1, with agreed amendments be approved and that the Constitution be amended accordingly.

PL22/107. **APPEALS**

(12)

Members noted the report on Appeals that had been started, allowed or dismissed since the Committee's last meeting, together with the list of forthcoming Hearings and Inquiries.

The Development Manager advised that the Fryatts Way – land at, Bexhill (Application No. RR/2021/1656/P) Appeal had been upheld by the Inspector. A comprehensive discussion ensued on the detail of the appeal, how it was conducted, processes involved, the Inspector's decision and impact of the decision, which included the Council's housing land supply etc.

Members requested and it was agreed that a training session be held on the Rule 6 for interested parties involved in an inquiry, for planning appeals and called-in applications.

RESOLVED: That:

- 1) the report be noted; and
- 2) a training session on the Rule 6 for interested parties involved in an inquiry, for planning appeals and called-in applications be organised.

PL22/108. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**

(13)

The next site inspection was scheduled to be held on Tuesday 14 February 2023 at 9:00am departing from the Town Hall, Bexhill.

CHAIR

The meeting closed at 12:25pm

3.1 Director – Place and Climate Change / Development Manager

Planning Service

The Council's Cabinet and Planning Committee may delegate some of its functions and powers to specific officers of the Council. The following is a list of those delegations

C denotes from Cabinet. P denotes from Planning Committee.

In the absence of the nominated officers delegated power may be exercised by the Chief Executive or such officer as the Chief Executive may nominate.

DEVELOPMENT MANAGER

All functions exercised by Development Manager and in their absence the Development Management Team Leaders.

Development Management

- 3.1.1 To deal with applications for Listed Building consent under S10 of the Planning (Listed Buildings and Conservation Areas) Act 1990. (P)
- 3.1.2 To prescribe conditions or reasons for refusal or approval to be applied to any planning application determined by the Council for delegated decisions or resolved to be delegated by the Planning Committee. Decisions taken under this power to be reported to the next available meeting of the Planning Committee. (P)
- 3.1.3 That where decisions of the Planning Committee vary from an officer recommendation the Decision Notice will not be issued until it agrees with the draft minutes approved by the Chair of the Planning Committee. Alignment of the two documents will take place within two clear working days of the receipt of the draft minutes. Should any issue be unresolved at the end of those two days it will be referred to the Chief Executive for final resolution. (C)
- 3.1.4 To approve minor amendments to planning consents and to approve or disapprove any matter submitted as a condition of planning approval. Function also to be exercised by Team Leaders, Principal Officers (Level 5) and Senior Officers (Level 4). (P)
- 3.1.5 To deal with applications for Lawful Development Certificates under S191 and S192 of the Town and Country Planning Act 1990. Function also to be exercised by the Development Manager, Team Leaders, Principal Officers (Level 5) and Senior Officers (Level 4). (P)
- 3.1.6 To determine applications for planning permission in accordance with the arrangements detailed under Delegated Procedures and to determine individual planning applications specifically delegated by Committee resolution and to prescribe conditions or reasons for refusal or approval as

appropriate. Under the delegated system all applications identified with the (DEL) notification on the weekly list will be dealt with by officers where there are no conflicting views and the matter has not been subject to a 'call-in' by a Member.

- 3.1.7 The weekly list sets out new applications on a ward basis, so that Councillors are fully aware of new submissions in their local area at the outset. They may call applications to Committee (clearly citing planning reasons and whether the call-in is conditional or a recommendation of approval or refusal) up to seven days (no later than 5pm on the last day) after the closure of any weekly list publicity period or expiry of the site notice whichever is the later (P). The officer for a planning application is required to inform the Ward Member or Chair of the Planning Committee of the expected outcome of an application prior to call-in (or any time after) if requested by the Ward Member or Chair of the Planning Committee.
- 3.1.8 Where the time for call-in set out above has expired, a Member may subject to the agreement of the Chair of Planning Committee and in agreement with the Development Manager, call-in a planning application where such an application is considered to be controversial or generate significant local interest. Under exceptional circumstances, the Chair of the Planning Committee be granted authority to call-in an application, at any time before the Decision Notice is issued after consultation with the local Ward Member(s). Call-ins' may not be made under any other circumstances by officers or Members.
- 3.1.9 Planning applications on the weekly list sets out the applications which are time limited and/or for information only, for example those set against the relevant regulations and those not subject to appraisal against planning policy. Such applications are not subject to any call-in measures.
- 3.1.10 Planning applications which are labelled (COM) automatically go to be determined at Planning Committee where the Applicant is or is related to an elected Member of the Council or member of Council staff, is for Council owned land, or applications submitted by the Council itself.
- 3.1.11 To refuse planning permission for applications in circumstances where no extension of time is agreed, and it is not possible to resolve any outstanding matters. Function also to be exercised by Team Leaders, Principal Officers (Level 5) and Senior Officers (Level 4). (P)
- 3.1.12 To rescind or revoke all obsolete, irrelevant or inoperative entries in the registers under his control relating to the Town and Country Planning Act 1990; Article 4 Directions made under the General Permitted Development Orders; the Town and Country Planning (Control of Advertisements) Regulations 1992, and Notices under Section 65 of the Public Health Act 1936. Function also to be exercised by the Team Leaders, Principal Officers (Level 5) and Senior Officers (Level 4). (P) (C)
- 3.1.13 To exercise the Council's functions under Section 224 of the Town and Country Planning Act 1990 – power to remove or obliterate placards and posters. Function also to be exercised by the Development Manager and Development Management Team Leaders. (C)

- 3.1.14 Acting in conjunction with the Solicitor to the Council to authorise Section 106 Planning Obligations or authorise the modification of existing Section 106 Planning Obligations which relate to planning control matters. (Any Obligations that relate to financial matters, including changes to affordable housing provision are to be referred to the Planning Committee for decision). All such Obligations to be concluded within a six-month period of the authorisation unless extended at the discretion of the Development Manager or Solicitor to the Council. Function also to be exercised by the Development Management Team Leaders. (P)
- 3.1.15 To decide not to investigate alleged breaches of planning control where it is considered that the matter is not having a serious impact on amenity or the environment, having regard to the provisions of the development plan and any other material considerations nor in respect of slight variations which would otherwise be permitted by the Town & Country (General Permitted Development) Order 2015 (as amended) or other minor development that amounts only to a technical breach. Function also to be exercised where appropriate by the Development Manager and Development Management Team Leaders. (P)
- 3.1.16 To take enforcement action, having first consulted with the Solicitor to the Council in respect of breaches of planning control, under Part V11 and Part VIII of the Town and Country Planning Act 1990 which are having a serious impact on amenity or the environment, having regard to the provisions of the Council's adopted planning policy and guidance, the current local enforcement plan and any other material considerations. The Solicitor to the Council be authorised to take any other steps necessary to remedy the breach of planning control including legal action under Part VII and Part VIII of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Development Manager and the Development Management Team Leaders. (P)
- 3.1.17 To issue Notices under Powers to require information in relation to the subject land under Section 330 of the Town and Country Planning Act 1990 and to issue Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Development Manager and the Development Management Team Leaders. (P)
- 3.1.18 Acting through the Solicitor to the Council, to withdraw an enforcement notice which has been complied with, where it is considered that the breach of planning control cannot be repeated or waive or relax any requirements of any notice under Section 173A of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Development Manager and the Development Management Team Leaders. (P)
- 3.1.19 Acting in consultation with the Solicitor to the Council, to extend the period for compliance with any enforcement notice under Section 173A where that would be expedient; such extension not to exceed 12 months. Function also to be exercised where appropriate by the Development Manager and the Development Management Team Leaders. (P)
- 3.1.20 The making of land use planning representations to the Traffic Commissioner on applications for Operators Licences made under the

Goods Vehicles (Licensing of Operators) Act 1995. Function also to be exercised by the Development Manager and Development Management Team Leaders. (P)

3.1.21 The making of directions under Article 4 of the Town and Country (General Permitted Development) Order 1995. Function also to be exercised by the Development Manager and Development Management Team Leaders. (P)

3.1.22 To exercise the Council's functions in respect of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 or any subsequent replacement regulations. Function also to be exercised by Development Manager and Development Management Team Leaders. (P)

Rights of Entry

3.1.23 To authorise at his discretion officers (either generally or specifically) to exercise all or any statutory rights of entry in the Planning Acts and the Regulations made thereunder. (P)

Planning Policy

3.1.24 To make representations on draft planning and related policy statements and documents upon which the Council is consulted in terms of their alignment with Council policies and strategies in consultation with the Chair of Planning Committee. (C)

Tree Matters

3.1.25 That the following actions shall be delegated to the Development Manager and Development Management Team Leaders:

- To determine applications to fell, lop or prune trees the subject of a tree preservation order or in a conservation area. (C)
- To respond to Forestry Commission consultations on the basis of the Council's adopted policy. (C)
- To deal with the hedgerow removal notices under The Hedgerow Regulations 1997 and to issue hedgerow retention notices. (C)

3.1.26 Acting through the Solicitor to the Council, to make such tree preservation orders as considered necessary. This justified through a report to be confirmed by the Development Manager and/or Development Management Team Leaders before the Order is confirmed detailing any objection received. (P)

3.1.27 To exercise the Council's functions in respect of High Hedges under Section 8 of the Anti-Social Behaviour Act 2003. Function to be exercised following consultation with and acting through the Solicitor to the Council. This justified through a report to be confirmed by the Development Manager and Development Management Team. (P)

Highway Matters

- 3.1.28 To deal with consultations by the East Sussex County Council on highway matters, including the creation, diversion and closure of footpaths and bridleways, and traffic management measures and highway Stopping Up Orders. (C)

Nature Conservation Matters

- 3.1.29 To determine Appropriate Assessments submitted to the Council under the Conservation (Natural Habitats etc) Regulations 1994.

DIRECTOR – PLACE AND CLIMATE CHANGE – STRATEGY AND PLANNING AND BUILDING CONTROL MANAGER (Concurrent Power)

- 3.1.30 To prepare and implement, after consultation with the Chief Finance Officer, a scheme for the charging of fees in accordance with the Building (Local Authority Charges) Regulations 1998.
- 3.1.31 To approve Site Waste Management Policies for the construction and demolition of sites after consultation with the Director – Place and Climate Change.
- 3.1.32 To issue decisions on all applications under the Building Regulations, and to determine applications for relaxation thereof. (C)
- 3.1.33 To employ qualified consultant structural engineers to check where necessary structural details of applications submitted under the Building Regulations. (C)
- 3.1.34 To exercise the Council's functions under the following Sections of the Building Act 1984. (C)

S.8	Relaxation of Building Regulations
S.16	Passing and rejection of plans
S.19	Use of short-lived materials
S.20	Use of materials unsuitable for permanent building
S.21	Provision of drainage
S.22	Drainage of buildings in combination
S.24	Provision of exits etc.
S.25	Provision of water supply
S.31	Proposed departure from plans
S.32	Lapse of deposit of plans
S.36	Removal of alteration of offending work
S.59	Drainage of buildings
S.72	Means of escape in case of fire
S.73	Raising of chimney
S.74	Cellars and rooms below subsoil water level
S.75	Consents under Section 74
S.76	Defective Premises
S.77	Dangerous Building
S.78	Dangerous building - emergency measures

S.79	Ruinous and dilapidated buildings and neglected sites
S.80. 81, 82	Demolitions
S.84	Paving and drainage of yards and passages
S.95	Power to authorise officers to enter premises

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