

PLANNING COMMITTEE

16 March 2023

Minutes of the Planning Committee meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Thursday 16 March 2023 at 9:33am.

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, Mrs V. Cook (Substitute), S.J. Errington, A.E. Ganly, N. Gordon, P.J. Gray, L.M. Langlands (Substitute), C.A. Madeley, A.S. Mier and G.F. Stevens (remote).

Other Members present: Councillors K.M. Field (in part), Mrs E.M. Kirby-Green (in part) and P.N. Osborne (remote / in part).

Advisory Officers in attendance: Director – Place and Climate Change (in part), Development Manager, Interim Development Manager, Development Management Team Leader, Planning Lawyer, Principal Solicitor - Planning, Principal Planning Officer (in part), Senior Planning Officer (in part), Planning Officer and Democratic Services Officer.

Also Present: 6 members of the public in the Council Chamber and 27 via the live webcast.

PL22/121. **MINUTES**

(1)

The Chairman was authorised to sign the Minutes of the meeting held on 16 February 2023 as a correct record of the proceedings.

PL22/122. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

(2)

Apologies for absence were received from Councillors G.C. Curtis, B.J. Drayson and Rev. H.J. Norton.

It was noted that Councillors J. Barnes, Mrs Cook and Langlands were present as substitutes for Councillors Curtis, Norton and Drayson respectively.

The Chairman welcomed Kirsty Cameron the Planning Lawyer assigned to Rother Planning and also the new Development Manager Kemi Erifevieme. He also took the opportunity to thank Simon Richards the Conservation Officer and Clare Gibbons the Team Leader, who were leaving the Authority, for all their hard work.

PL22/123. **DISCLOSURE OF INTEREST**

(5)

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

Langlands Agenda Item 12 – Disclosable Pecuniary Interest as she owned a flat on the site and her husband was the Applicant.

PL22/124. **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.

PL22/125. **RR/2021/2947/P - FORMER PUTTING GREEN SITE, LAND AT - OLD LYDD ROAD, CAMBER**

(7)

DECISION: GRANT (PLANNING PERMISSION) DELEGATED SUBJECT TO THE COMPLETION OF A SECTION 106 LEGAL AGREEMENT TO SECURE THE AFFORDABLE HOUSING

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:
 - No. 001 Rev. P02 (Site Location Plan), dated 01/06/21.
 - No. 003 Rev. P10 (Proposed Site Plan), dated 10/10/22.
 - No. 004 Rev. P04 (Proposed Plans & Elevation Unit Type A), dated 06/10/22.
 - No. 005 Rev. P04 (Proposed Plans & Elevation Unit Type B), dated 06/10/22.
 - No. 006 Rev. P04 (Proposed Plans & Elevation Unit Type C), dated 06/10/22.
 - No. 007 Rev. P04 (Proposed Plans & Elevation Unit Type D), dated 06/10/22.
 - No. 008 Rev. P03 (Plots 1-4 Proposed Elevations Unit Type A), dated 05/10/22.
 - No. 009 Rev. P03 (Plots 1-4 Proposed Elevations Unit Type A), dated 05/10/22.
 - No. 010 Rev. P03 (Plot 5 Proposed Elevations Unit Type B), dated 05/10/22.
 - No. 011 Rev. P03 (Plot 7 9 and 6 8 10 Proposed Elevations Unit Type C and D), dated 05/10/22.
 - No. 012 Rev. P01 (Proposed Street Elevations Merchant Drive), dated 05/10/22.
 - No. 013 Rev. P05 (Proposed Street Elevations Old Lydd Road), dated 05/10/22.
 - No. 014 Rev. P05 (Proposed Street Elevations Old Lydd Road), dated 05/10/22.
 - No. 015 Rev. P01 (Proposed Street Elevations Royal William Square), dated 05/10/22.
 - No. 016 Rev. P02 (Proposed Site Block Plan), dated 10/10/22.

Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development hereby permitted shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the approved drainage works to serve the development have been provided.

Reason: This pre-commencement condition is required to ensure the satisfactory drainage of the site and to safeguard the environment (including the nearby designated sites of importance for biodiversity) from pollution, in accordance with Policies SRM2 (i) and EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.
4. No development hereby permitted shall commence until details of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be designed having regard to the following:

- a) Surface water runoff from the proposed development should be drained to the ground via infiltration. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
- b) The details of the proposed permeable pavement and infiltration trench should be provided as part of the detailed design. This should include cross sections and invert levels.
- c) The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- d) The detailed design of the SuDS features should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
- e) A maintenance and management plan for the entire drainage system should be provided and cover the following:
 - Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

The development shall not be occupied until evidence (including photographs) demonstrating that the surface water drainage scheme has been constructed in accordance with the approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: This pre-commencement condition is required to ensure the satisfactory drainage of the site and to safeguard the environment (including the nearby designated sites of importance for biodiversity) from pollution, in accordance with Policies SRM2 (iii), EN5 (ii) and EN7 of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii), DEN5 and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.

5. No development hereby permitted shall commence until a Contaminated Land Assessment (CLA) has been submitted to and approved in writing by the Local Planning Authority. The CLA shall include the following details:
 - a) The results of a full intrusive site investigation carried out in accordance with the recommendations set out in section 7.0 of the Omnia Phase I Geo-Environmental Site Assessment (Omnia ref: A11574/1.0), dated June 2021.
 - b) If contamination is found to be present at the site, provide a remediation strategy and timetable detailing how this contamination will be dealt with. Where remediation is required, the remediation strategy shall be implemented as approved.

Reason: This pre-commencement condition is required to ensure that human health and the natural environment (including the nearby designated sites of importance for biodiversity) are not at risk from pollution, in accordance with Policies OSS3 (viii) and EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.

6. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy and timetable detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that human health and the natural environment (including the nearby designated sites of importance for biodiversity) are not at risk from pollution, in accordance with Policies OSS3 (viii) and EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.

7. No development hereby permitted shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, the timing of the works and site-specific measures to control and monitor impacts arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, surface water run-off and groundwater. It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The construction of the development shall be carried out strictly in accordance with the approved CEMP at all times.

Reason: This pre-commencement condition is required to safeguard the amenities of neighbouring properties and the surrounding area generally, and to safeguard the integrity of the adjacent designated sites of importance for biodiversity, in accordance with Policies OSS4 (ii) and EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.

8. No development hereby permitted shall commence until construction details of the new pedestrian footway around the site have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the pedestrian footway has been provided and constructed in accordance with the approved details.

Reason: This pre-commencement condition is required to ensure satisfactory pedestrian access to the dwellings and to improve pedestrian access in the surrounding area, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and

Policy CAM1 (v) of the Development and Site Allocations Local Plan 2019.

9. No development above slab level shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed in accordance with the approved details:
- a) 1:10 scale drawings of proposed details including fenestration, eaves details, dormer windows, porches, and utility boxes (including the location of such boxes on the buildings).
 - b) Specifications and samples of the materials to be used in the construction of all external surfaces of the buildings.
 - c) The proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps).

Reason: To ensure a high building appearance and architectural quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy 2014.

10. No development above slab level shall commence until the following public realm and hard landscaping details have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details and prior to occupation of the first dwelling:
- a) Boundary treatments and means of enclosure (fences, railings and walls) indicating the location, design and materials of such, including to define and enclose the front gardens of the dwellings.
 - b) Hard surfacing materials specification (samples/product literature) (including for road surfaces, paths, parking spaces and other areas of hardstandings).

Reason: To ensure the creation of a high quality public realm, design quality, and landscape setting, in accordance with Policy EN3 of the Rother Local Plan Core Strategy 2014.

11. No development above ground level shall commence until the following soft landscaping details have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out as approved and in accordance with the agreed timetable for implementation:
- a) Detailed planting plans, supported by written material as necessary, setting out the mix of species, their size, number and planting densities as appropriate.
 - b) The detail of all new trees, including their species, sizes, quantity, positions and how they will be protected and maintained until successfully established in accordance with BS5837:2012 "Trees in Relation to Design, Demolition and Construction – Recommendations".
 - c) Timetable for implementation of the soft landscaping works.

- d) Management responsibilities and maintenance schedules for the soft landscaped areas (except privately owned domestic gardens).

Any trees or plants that, within a period of five years after planting, are removed, die or are seriously damaged shall be replaced by others of the same species, size and number as originally proposed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the creation of a high quality public realm and landscape setting, and to enhance the biodiversity value of the site, in accordance with Policies EN3 and EN5 (ix) of the Rother Local Plan Core Strategy 2014 and Policy DEN4 (iii) of the Development and Site Allocations Local Plan 2019.

12. No development above slab level shall commence until full details of the proposed air source heat pumps – to include noise levels, maintenance instructions and proposed locations on the dwellings hereby permitted – have been submitted to and approved in writing by the Local Planning Authority. The air source heat pumps shall be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenities of neighbouring properties, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.

13. No development above slab level shall commence until details of a notice board for residents and visitors – to include design and materials of the notice board, content and location – which raises awareness of the importance of the adjacent Dungeness Complex of Natura 2000 sites – comprising the Dungeness, Romney Marsh and Rye Bay Special Protection Area and Ramsar site, and the Dungeness Special Area of Conservation – as well as ways in which visitors can avoid adversely impacting the sites when visiting, has been submitted to and approved in writing by the Local Planning Authority. The approved notice board shall be provided prior to occupation of the first dwelling and shall thereafter be retained.

Reason: To ensure the development has no adverse effect on the integrity of the adjacent Natura 2000 Sites and supports the implementation of the Sustainable Access and Recreation Management Strategy, in accordance with Policy EN5 (ii) of the Rother Local Plan Core Strategy 2014 and policies DEN4 (ii) and CAM1 (vii) of the Development and Site Allocations Local Plan 2019.

14. At the time of construction and prior to occupation of the dwellings on Plots 1 to 4 hereby permitted, the bathroom windows at first floor level within the west elevations, as indicated on approved Drawing Nos. 004 Rev. P04 (Proposed Plans & Elevation Unit Type A), dated 06/10/22, and 008 Rev. P03 (Plots 1-4 Proposed Elevations Unit Type A), dated 05/10/22, 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 safeguard the amenities of neighbouring properties, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.

15. At the time of construction and prior to occupation of the first dwelling, a single integrated bat tube shall be incorporated into the fabric of each new dwelling hereby permitted, as detailed in section 5.5.3 of the ECOSA Ecological Impact Assessment (Report ref: 22.0186.0001.F0), dated November 2022, and the bat tubes shall thereafter be retained.

Reason: To enhance the biodiversity value of the site, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy 2014 and Policy DEN4 (iii) of the Development and Site Allocations Local Plan 2019.

16. The completed vehicular accesses shall have maximum gradients of 4% (1 in 25) from the channel line for 2m or for the whole width of the verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy 2014.

17. No dwelling hereby permitted shall be occupied until the vehicular accesses serving the development have been constructed in accordance with the approved drawings.

Reason: To ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy 2014.

18. The vehicular access shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy 2014.

19. No dwelling hereby permitted shall be occupied until motor vehicle parking and turning areas have been provided in accordance with the approved drawings. The motor vehicle parking and turning areas shall thereafter be kept available for the parking and turning of motor vehicles and shall not be used for any other purpose.

Reason: To ensure there is adequate parking provision and to ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway, in accordance with Policies CO6 (ii), TR3 and TR4 (i & iii) of the Rother Local Plan Core Strategy 2014.

20. The motor vehicle parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and

leaving the accesses and proceeding along the highway, in accordance with Policies CO6 (ii), TR3 and TR4 (i & iii) of the Rother Local Plan Core Strategy 2014.

21. No dwelling hereby permitted shall be occupied until a secure cycle store for each dwelling has been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority and the cycle stores shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with Policies PC1 and TR3 of the Rother Local Plan Core Strategy 2014.

22. No external lighting shall be installed until a "lighting design strategy for biodiversity" for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The installation of any external lighting shall thereafter only be undertaken in accordance with the approved strategy and shall be retained as such thereafter.

Reason: To mitigate the effects of artificial lighting on bats, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy 2014 and Policy DEN4 (ii) of the Development and Site Allocations Local Plan 2019.

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

Reason: To ensure that an acceptable standard of access is provided to the dwellings, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and Policy DHG4 of the Development and Site Allocations Local Plan 2019.

24. The dwellings hereby permitted shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwellings hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that they have been constructed to achieve water consumption of no more than 110 litres per person per day.

Reason: To ensure that the dwellings are built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy 2014 and Policy DRM1 of the Development and Site Allocations Local Plan 2019.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension beyond the rear wall of the dwellings

on Plots 2 to 10 hereby approved, or beyond the north wall of the dwelling on Plot 1 hereby approved, shall be constructed.

Reason: To ensure appropriate outdoor amenity space is retained for occupiers of the dwellings, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and Policy DHG7 (i) of the Development and Site Allocations Local Plan 2019.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development permitted by Class E of Part 1 of Schedule 2 of the 2015 Order (as amended) shall be erected within the curtilage of any dwelling hereby approved.

Reason: To ensure appropriate outdoor amenity space is retained for occupiers of the dwellings, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and Policy DHG7 (i) of the Development and Site Allocations Local Plan 2019.

NOTES:

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
2. The landowner and/or developer is advised that Sussex Police have made recommendations on the proposal from a crime prevention viewpoint. Their details comments are available to view on the planning website.
3. The landowner and/or developer is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.
4. The landowner and/or developer will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of the new vehicular accesses. The Applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
5. The landowner and/or developer is advised that the provision of the new 2m wide pedestrian footway along the site's frontages with Old Lydd Road and Marchants Drive is likely to require a

‘deed of dedication’ in order that the footway can be constructed to an adoptable standard. The footway will require constructing in accordance with East Sussex County Council specification with all works carried out by an approved contractor under the appropriate legal agreement.

6. 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.
7. The 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.

PL22/126. **RR/2022/2836/P - SOUTH OF BARNHORN ROAD AND WEST OF ASHRIDGE COURT CARE HOME, BARNHORN ROAD, BEXHILL**

(8)

The Planning Committee unanimously expressed their frustration and disappointment that the provision of affordable housing would no longer be provided, since approval in November 2018. An independent review carried out on behalf of the Council demonstrated that the site was now unviable to provide affordable housing. Members were advised that this was attributed to the current global and national economic conditions, particularly in respect of increased construction costs and reduced property values.

In general, Members were continually frustrated and felt that “they had their hands tied behind their backs” regarding developments that were being re-presented to the Planning Committee as a result of the affordable housing provision rendering applications unviable. It was difficult to refuse these applications, as the Council’s current 5-year housing land supply had reduced to 2.79 years.

Planning committee asked that the Policy Manager be asked to ensure that a policy be included in the next Local Plan to ensure that all applications subject to a viability assessment have a review clause to

claw back any potential affordable housing contribution after a development is complete.

DECISION: GRANT FULL PLANNING PERMISSION SUBJECT TO CONDITIONS

CONDITIONS:

The following conditions remain extant:

3. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

13. No part of the development hereby approved shall be occupied until the Residential Travel Plan prepared by RGP dated November 2016, reference PKLG/16/3286/TP02, submitted with the application, has been brought into effect and retained thereafter together with a scheme for providing the Travel Plan Coordinator with funding in accordance with paragraph 5.1.3 of the Residential Travel Plan.

Reason: To encourage and promote sustainable transport

4. The access to the development hereby permitted shall be carried out in accordance with the following approved plans: Location plan 4377/LP dated November 2016 and Extent of Proposed Access plan 2016/3286/010 dated October 2018.

Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID:21a-022-20140306.

6. No other development shall take place until the highway improvements comprising the site access, visibility splays and right turn lane as shown in approved RGP Drawing No. 2016/3286/010 dated October 2018 have first been provided for construction traffic use and no part of the development shall be occupied for its permitted use until all other highway improvements shown on the approved drawing including the footway extension and uncontrolled pedestrian crossing have been completed and made available for public use. The access shall be retained available for use thereafter.

Reason: To ensure the free flow and safety of traffic.

The details submitted in respect of Conditions, 9, (submitted under the associated Reserved Matter application RR/2020/1410/P) has been partially approved with the exception of the management and maintenance section. Therefore, Condition 9 is varied as follows:

9. No dwelling shall be occupied until the drainage works approved under reference RR/2020/14/10/P have been completed and

made operational and details of the maintenance of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The drainage works shall be retained operational thereafter.

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

Condition 10 (varied under RR/2022/2837/P) is partially discharged (under RR/2021/1523/DC) and therefore, also remains extant. The (varied) Condition 10 is as follows:

10. No development, other than the formation of the approved access, shall take place until the implementation of a programme of archaeological works has been secured in accordance with the Written Scheme of Investigation for an Archaeological Strip Map and Sample Excavation by Chris Butler Archaeological Services Ltd dated August 2021. Prior to beginning any works associated with creating the access, the temporary fencing indicated on the submitted plan (ref: PLG/ARCH/01, received 02/02/2023) shall be erected and retained in place until the completion of the archaeological works.

Reason: To ensure that the archaeological and historic interest of the site below ground is safeguarded to comply with National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

The details submitted in respect of Conditions 7, 8, 11, 12 & 14 (below) (submitted and approved under the associated Reserved Matter application RR/2020/1410/P) has been approved. It remains for the Applicant/developers to implement the development in accordance with the approved details, then the full terms of these conditions can be discharged:

1. Details of the access within the site, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;

- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) delivery, demolition and construction working hours; and
- ix) the mitigation measures to protect the integrity of the Pevensey Levels SAC during construction specified in paragraph 5.2.1 of the Report to Inform a Habitats Regulations Assessment (including Appropriate Assessment) by Aspect Ecology reference 5524 HRA vf/DM/LB dated 29 October 2018.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 8. No site clearance, preparatory work or development shall take place until a scheme for the protection of trees to be retained on or overhanging the site (the tree protection plan) and the appropriate working methods in relation to those trees (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any protected area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.
- 11. No development shall take place (including any ground works and site clearance) until the translocation of protected reptiles to a receptor area identified in the layout to be submitted and approved as a reserved matter has taken place in accordance with the measures set out in section 3 of the Ecological Mitigation Statement by Camber Ecology dated April 2018 submitted with the appeal.
- 12. No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, height, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the approved details. No dwelling shall be occupied until its boundary treatment has been completed.

14. No dwelling shall be occupied until details of a scheme of electric vehicle charging infrastructure has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details

NOTES

1. The Applicants' attention is drawn to the associated reserved matter consent RR/2020/14/10/P and the attached conditions.
2. General nature conservation note: The Applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. You are advised that it may be necessary, as per submitted reports, to continue to engage a suitably qualified and experienced professional to remain compliant with existing detailed biodiversity method statements, strategies, plans and schemes and remain compliant with protected species legislation. If protected Species are present, work should cease, and a suitably qualified and experienced professional and/or Natural England be consulted.
3. NatureSpace note: The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.
4. This permission may include condition(s) requiring the submission of details prior to the commencement of development. Following close consideration in the courts, it is now well established that if the permission contains conditions requiring further details to be submitted to the Council or other matters to take place prior to development commencing and these conditions have not been complied with, the development may be unlawful and not have planning permission. You are therefore strongly advised to ensure that all such conditions have been complied with before the development is commenced. A fee is payable for written requests for compliance with conditions; the current fee is £34.00 for each request for householder developments and £116.00 for each request for all other categories of development. The appropriate 1APP form can be downloaded from the Council's Planning website www.rother.gov.uk/planning.

(9)

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 plans and details:
Location Plan, Drawing No. 19-151-001-P02, dated 05/05/22
Existing Site Plan 1, Drawing No. 19-151-002-P02, dated 05/05/22
Existing Site Plan 2, Drawing No. 19-151-003-P02, dated 05/05/22
Existing Plans & Elevations, Drawing No. 19-151-004-P02, dated 05/05/22
Proposed Block Plan, Drawing No. 19-151-005-P03, dated 05/05/22
Proposed Floor Plans, Drawing No. 19-151-007-P04, dated 30/01/2022
Proposed Elevations, Drawing No. 19-151-008-P06, dated 30/01/2022
Proposed Sections, Drawing No. 19-151-009-P03, dated 05/05/22
Tree Survey Plan, Drawing No. West/Cem/22/010, dated Feb 2022
Tree Protection Plan, Drawing No. SAN/RTW/22/011, dated April 2022
Arboricultural Report, prepared by Landvision Landscape Architects, dated April 2022
Drainage Strategy, ref. E8572 RE001 B, dated April 2022
Schematic Drainage Layout ref: E8572 201 P1, dated 06/04/2022
Preliminary Ecological Appraisal, prepared by Ecology Works Ltd, dated December 2022
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of i) retained habitat and ancient woodland, ii) hazel dormice, iii) reptiles, iv) badgers, and v) breeding birds has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
 - a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;

- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant); and
- g) disposal of any wastes arising from the works.

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

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

4. No development shall take place until an Ecological Design Strategy (EDS) addressing mitigation and compensation for the loss of semi-natural habitat, and enhancement measures to provide biodiversity net gain, to include the recommendations in the Preliminary Ecological Appraisal (Ecology Works, December 2022) has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, as amended, paragraphs 174 and 180 of the National Planning Policy Framework, and Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

5. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning

Authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures.

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

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

6. No above ground works shall commence until details of the following have been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details:

- a) 1:10 scale drawings of proposed details including fenestration, rooflights, and eaves details;
- b) specifications and samples of the materials to be used in the construction of all external surfaces of the buildings; and
- c) the proposed site levels and finished floor levels of all buildings in relation to existing site levels.

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

7. No above ground works shall commence until a full schedule of repairs to the Edwardian Lodge, has been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details. The repair schedule shall include:

- a) method statement for the demolition of the mid/late twentieth century additions, and internal alterations, to ensure the protection of the lodge building;
- b) specifications and samples of any materials to be used in any repair/reinstatement work; and
- c) details of any repairs to historic fabric of the lodge, including repointing, brickwork repairs, and timber repairs.

Reason: To ensure the preservation of the non-designated heritage asset, in accordance with Policy EN2 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

8. No above ground works shall commence until the following public realm and hard landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.
- a) boundary treatments and any other means of enclosure (fences, railings and walls) indicating the design and materials of such;
 - b) hard surfacing materials specification (samples/product literature) (including for road surfaces, paths, parking spaces and other areas of hardstandings); and
 - c) street furniture, signage and lighting, where relevant, including proposed locations.

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

9. 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) Planting plans, including schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, and
 - b) details for implementation and management.

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

10. No dwelling shall be occupied until the foul and surface water drainage works for the whole site have been completed in accordance with the submitted Drainage Strategy (ref: E8572 RE001 B, dated April 2022) and the Schematic Drainage Layout (ref: E8572 201 P1, dated 06/04/2022).

Reason: To ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy and Policy DEN5 of the Development and Site Allocations Local Plan.

11. The development shall not be occupied until parking areas have been provided in accordance with the approved plans (ref: 19 151 0005 P03, dated 23/03/2022) and the areas shall thereafter be

retained for that use and shall not be used other than for the parking of motor vehicles.

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

12. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans (ref: 19 151 0005 P03, dated 23/03/2022) and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.

13. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans (ref: 19 151 0005 P03, dated 23/03/2022) and the turning space shall thereafter be retained for that use and shall not be obstructed.

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

14. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.

15. The existing stone gate piers and gates to the southern end of the cemetery avenue, at the junction of Turkey Road and St Mary's Road, are to be retained in situ.

Reason: To ensure the preservation of the non-designated heritage asset and its setting, in accordance with Policy EN2 of the Rother Local Plan Core Strategy.

16. The development hereby permitted shall be carried out only in accordance with the "Arboricultural Report" prepared by Landvision Landscape Architects, dated April 2022 and the Tree Protection Plan, ref: SAN/RTW/22/011, dated April 2022. No variation shall be made unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure protection of the trees during construction and to maintain the character and landscape setting in accordance with Policies EN3 and OSS4 (iii) of the Rother Local Plan Core Strategy.

17. The dwelling on plot No. 3 as shown on Drawing No. 19-151-007-P04, dated 30/01/2023, shall not be occupied until it has been constructed in accordance with Part M4(3) (b) (wheelchair accessible dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.
Reason: To ensure that the development contributes towards meeting the district's forecasted increase in the number of people with mobility issues and limiting illnesses in accordance with Policy DHG4 of the Development and Site Allocations Local Plan.
18. The dwelling on plot No. 5 as shown on Drawing No. 19-151-007-P04, dated 30/01/2023 shall not be occupied until it has been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.
Reason: To ensure that an acceptable standard of access is provided to the dwelling(s) in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 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 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.

PL22/128. **RR/2022/2959/P - ACORN FARM, SHRUB LANE, BURWASH**

(10)

DECISION: DEFERRED FOR FURTHER INFORMATION TO ADDRESS EAST SUSSEX COUNTY COUNCIL HIGHWAYS COMMENTS (A SPEED SURVEY TO BE COMPLETED), TO INCLUDE A CONDITION TO RESTRICT LIGHT POLLUTION AND POTENTIAL FOR RENEWABLE ENERGY MEASURES

During the discussion, the Planning Committee requested that the Applicant complete a speed survey of Shrub Lane and provide details of how the visibility splay issue would be addressed and recommended that the Applicant considered the addition of including renewable energy and dark sky measures e.g. solar PV, battery storage and air source heating smart glazing and electrochromic glass within their application. It was also suggested that a further condition be added to restrict outside lighting to protect the dark skies.

(11)

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 documents:
Existing Block Plan – 6901/EX, dated June 2021
Amended Proposed Block Plan – 6901/22/LBP/E, revised 12/1/23
Amended Site Plan – 6901/22/3/I, revised 12/1/23
Shepherds Hut Elevations/Floor Plans – 6901/22/2/A, dated 11/7/22
Planning Statement
Arboricultural Impact Assessment – dated October 2022
Preliminary Ecological Appraisal – dated 4/11/22
Flood Risk Assessment – dated 26/1/23
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The development hereby permitted shall only be used as tourist accommodation and occupied for that purpose only and none of the buildings shall be occupied as a person's sole or main place of residence.
Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies OSS4 (iii) EC6 and RA3 (v) of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEC2 of the Development and Site Allocations Local Plan.
4. The holiday let units shall not be occupied for more than 56 days in total in any calendar year by any one person.
Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies OSS4 (iii) EC6 and RA3 of the Rother Local Plan Core Strategy and Policy DEC2 of the Development and Site Allocations Local Plan.
5. The owners/operators shall maintain an up-to-date register of the names of all owners and/or occupiers of individual shepherds hut on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.
Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies OSS4 (iii) EC6 and RA3 of the Rother Local Plan Core Strategy.

6. The development hereby approved shall operate a restricted season between the months of March and October and the holiday units shall not be occupied outside of these months.
Reason: To ensure that the risks of potential flood impacts on the users of the site would be minimised in accordance with Policy EN7 of the Rother Local Plan Core Strategy.
7. No floodlighting or other external means of illumination of the huts shall be provided, installed or operated at the site without further planning permission.
Reason: To safeguard the special character of the rural area within the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy.
8. No development above ground level shall take place on any part of the site until the soft landscaping details have been submitted to and approved by the Local Planning Authority, which shall include:
- a) indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development;
 - b) planting plans;
 - c) written specifications (including cultivation and other operations associated with plant and grass establishment);
 - d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
 - e) implementation programme including the recommendations of the Arboricultural Report dated October 2022.
- Reason: To ensure the creation of a high quality public realm and landscape setting in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.
9. No development shall commence until a scheme for the provision of foul water drainage works including details of the treatment plant have been submitted to and approved in writing by the Local Planning Authority and none of the shepherds' huts shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.
Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.
10. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment dated 26 January 2023 and the mitigation measures detailed in section 4 (Executive Summary). Where details are required by condition to be submitted and approved by the Local Planning Authority, the details shall accord with the approved Flood Risk Assessment.
Reason: To ensure that the risks of potential flood impacts on the users of the site would be minimised in accordance with Policy EN7 of the Rother Local Plan Core Strategy.

11. Prior to occupation, a “lighting design strategy for biodiversity” 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 bats and dormice 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/or 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. This will include no direct lighting of boundaries with light spill onto ASNW avoided and spill onto other habitats reduced to acceptable levels.

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: 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.

12. No development shall take place until an ecological design strategy (EDS) addressing compensation for the loss of habitat, protection of retained habitat (fencing and buffer planting to ASNW), bird and bat box specifications, grassland restoration, details of signage and Site Information Pack wording and enhancement of the site to provide measurable biodiversity net gain, in line with the recommendations in the PEA (PJC, November 2022, Ref: 4823E/22) has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location/area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures; and
 - j) details for disposal of any wastes arising from works.

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, and Policy EN5 of the Rother Local Plan Core Strategy 2014.

13. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of a) badgers b) reptiles c) amphibians d) watercourses and e) ASNW, has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

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

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

Reason: To protect habitats and species identified in the PEA from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and The Conservation of Habitats and Species Regulations 2017, as amended.

14. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of "biodiversity protection zones";
- c) 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);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated.

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

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

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features.

NOTE:

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

the recommended mitigation and compensation measures are carried out, the proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. The provision of bird boxes, bat boxes and recommended log piles and brash piles will help enhance the site for biodiversity in line with the NERC Act and National Planning Policy Framework.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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.

PL22/130. **RR/2023/57/T - 7 ANDERIDA COURT, MANSELL CLOSE, BEXHILL**
(12)

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

(Councillor Langlands declared a Disclosable Pecuniary Interest in this matter in so far as she owned a flat on the site and her husband was the Applicant and in accordance with the Members' Code of Conduct left in the room during the consideration thereof).

PL22/131. **APPEALS**
(13)

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

The Interim Development Manager advised that the Villa Flair, Union Street, Flimwell, Ticehurst (Application No. RR/2021/2804/P) Appeal had been upheld by the Inspector and the Council would not be liable for costs.

The level of appeals being lodged was reducing; this was attributed to planning applications being processed within target timescales and the Planning Inspectorate reducing the back-log of outstanding appeals.

RESOLVED: That the report be noted.

PL22/132. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**
(14)

The next site inspection was scheduled to be held on Tuesday 11 April 2023 at 9:00am departing from the Town Hall, Bexhill.

CHAIR

The meeting closed at 12:40pm.