

PLANNING COMMITTEE

22 June 2023

Minutes of the Planning Committee meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Thursday 22 June 2023 at 9:30am.

Committee Members present: Councillors A.S. Mier (Chair), B.J. Drayson (Vice-Chair), J. Barnes (MBE) (Substitute), Mrs M.L. Barnes, T.J.C. Byrne, Mrs V. Cook (ex-officio), S.J. Coleman (Substitute), F.H. Chowdhury, C.A. Creaser (remote), A.E. Ganly, P.J. Gray, T.O. Grohne, T.M. Killeen (MBE), C. Pearce and J. Stanger.

Other Members present: Councillor B.J. Coupar (in part / remote).

Advisory Officers in attendance: Development Manager, Development Management Team Leader x 2, Principal Solicitor – Planning (in part), Principal Planning Officer (in part) and Democratic Services Officer.

Also Present: 18 members of the public in the Council Chamber and 45 via the live webcast.

PL23/14. **MINUTES**

(1)

The Chair was authorised to sign the Minutes of the meeting held on 1 June 2023 as a correct record of the proceedings.

PL23/15. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

(2)

Apologies for absence were received from Councillors C.A. Bayliss and N. Gordon.

It was noted that Councillors J. Barnes and Coleman were present as a substitute for Councillors Gordon and Bayliss respectively.

PL23/16. **DISCLOSURE OF INTEREST**

(5)

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

Coupar Agenda Item 8 – Personal Interest as a Governor at Sedlescombe CE Primary School; the school was being offered some land as part of the development.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL23/17. **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.

PL23/18. **RR/2022/3018/P - BROOKLANDS ROAD – LAND AT BEXHILL**

(7)

The Planning Committee was advised that Condition 26 as outlined in the report was no longer required as the internal road was not going to be adopted by East Sussex County Council; it would therefore be removed.

DECISION: GRANT (FULL PLANNING PERMISSION) DELEGATED [SECTION 106 TO SECURE 1) TRANSPORT CONTRIBUTIONS AND OFF-SITE WORKS; 2) LOCAL EMPLOYMENT AND SKILLS PLAN; AND 3) OFF-SITE ENVIRONMENTAL MITIGATION WORKS]

SUBJECT TO CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Site Block Plan – Drawing No. 1002 P1, dated 21-12-2022
Proposed Site Plan – Drawing No. 1200 P4, dated 21-12-2022
Proposed Elevations – Light Industrial Units – Block A – Drawing No. 2120 P2, dated 2022-12-21
Proposed Elevations – Light Industrial Units – Block B – Drawing No. 2130 P2, dated 2022-12-21
Proposed Elevations – Light industrial Units – Block C – Drawing No. 2140 P2, dated 2022 -12-21
Proposed Elevation – Medical Centre – Drawing No. 2110 P2, dated 2023-05-04
Proposed GA Plans – Light Industrial Units – Block A – Drawing No. 2020 P1, dated 2022- 12- 21
Proposed GA Plans – Light Industrial Units – Block B – Drawing No. 2030 P1, dated 2022-12-21
Proposed GA Plans – Light Industrial Units – Block C – Drawing No. 2040 P1, dated 2022-12-21
Proposed GA Plans – Medical Centre – Drawing No. 2010 P1, dated 2022-12-21
Proposed Site Sections (AA – BB) Drawing No. 2205 Rev P0, dated 2022-12-21
Proposed Site Sections (CC – DD) Drawing No. 2206 Rev P0, dated 2022-12-21
Reason: For the avoidance of doubt and in the interests of proper planning.

3. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Phlorum, May 2023, Rev2, Ref: 10078), Landscape Masterplan (Lizard, 19.12.2022, Drawing. No: LLD2158-LAN-DWG-010 Rev04) and Defra Excel Biodiversity Metric 4.0 (Phlorum, 01 June 2023, V2) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. Amongst other things, this includes the requirement for an updated badger survey to inform any further badger mitigation and/or licencing, a bat licence and a great crested newt licence.
Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006 and Policy EN5 of Rother’s Core Strategy 2014 and Policy DEN4 of the Development and Site Allocation Local Plan.

Pre-commencement

4. No development shall commence until a scheme for the **provision of foul drainage works** has been submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water) and none of the development shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

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

5. Prior to the commencement of development, a detailed **surface water drainage** system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:
 - a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 408 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
 - b) The details of the outfall of the proposed drainage system and how it connects into the sewer shall be submitted as part of a detailed design including cross sections and invert levels.
 - c) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

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 and Policy DEN5 of the Development and Site Allocations Local Plan.

6. A maintenance and management plan for the entire drainage system shall be submitted to the Local Planning Authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
 - a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

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

7. No development shall take place, including any ground works or works of demolition, until a **Construction Management Plan** has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
- the anticipated number, frequency and types of vehicles used during construction;
 - the method of access and egress and routing of vehicles during construction;
 - the parking of vehicles by site operatives and visitors;
 - the loading and unloading of plant, materials and waste;
 - the storage of plant and materials used in construction of the development;
 - the erection and maintenance of security hoarding;
 - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
 - details of public engagement both prior to and during construction works;
 - risk assessment of potentially damaging construction activities;
 - details of measures to manage flood risk, both on and off the site, during the construction phase;
 - the timing of the works including timings to avoid harm to environmentally sensitive area or features and the times when specialist ecologists need to be present on site to oversee works;
 - practical measures (both physical measures and sensitive working practices) to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution including air quality (dust and PM10) and including traffic routing to also help reduce vehicles emissions, compounds for storage of plant/machinery/materials, protective fencing, exclusion barriers and warning signs for the protection of existing hedgerows, trees and other landscape features to be retained, details of wheel washing facilities, contractor parking and facilities, detailed method statements considering construction noise, vibration and lighting effects and plant operation, storage and spillage of oil/chemicals and soil protection measures; and
 - any necessary mitigation for protected species.

Reason: These details are required prior to commencement of any works to ensure highway safety and to protect the amenities of adjoining residents during construction in accordance with Policies OSS4 (iii), TR3 and CO6 (ii) of the Rother Local Plan Core Strategy.

8. Before development commences all the tree protection measures shown on the 'Tree Retention and Protection Plan' (Drawing No. LLD2158-ARB-DWG-010 Rev 3) shall be implemented and shall be retained in situ for the duration of construction works.
Reason: To ensure the protection of trees and hedgerows during construction and the creation of a high-quality public realm and landscape setting in accordance with Policy EN3 of the Rother Local Plan Core Strategy and Policy DEN1 of the Rother Development and Site Allocations Local Plan.
9. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Local Planning Authority and be subject to its approval, in consultation with the Highway Authority.
Reason: In the interests of highway safety and for the benefit and convenience of the public at large in accordance with Policy TR4 (i) of the Rother Local Plan Core Strategy.
10. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, including a sensitive lighting strategy for bats, reptile mitigation strategy (including precautionary work methods at the off-site BNG area), great crested newt (GCN) mitigation strategy, enhancements to the reptile/GCN off-site receptor site, hedgehog hole locations and specification for bat and bird bricks/boxes 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 the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Policy EN5 of the Rother Local Plan Core

Strategy and Policy DEN4 of the Development and Site Allocation Local Plan.

11. Construction works shall only be carried out between the following times: Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 and not at all on Sundays, Public or Bank Holidays. Deliveries shall take place between 08:00 to 18:00 Monday to Friday only and not at all on Saturdays, Sundays, Public or Bank Holidays.
Reason: To protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

No development above ground

12. No development above ground level shall take place until **full details of the materials** to be used in the construction of the external surfaces of the development hereby permitted (medical center and light industrial units) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the development reflects the character and/or appearance of the existing building and to preserve the visual amenities of the area in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy and Policy HG9(ii) of the Development and Site Allocations Plan.
13. No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan/details indicating the positions, design, height, materials and type of **boundary treatment/means of enclosure** to be erected around and within the application site. Development shall be carried out in accordance with the approved details.
Reason: To enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy and Policy DEN1 of the Development and Site Allocations Local Plan.
14. No development above ground level shall take place until the **hard and soft landscaping details** for that part of the site have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
The details should include but not limited to the following:
- a) Proposed finished levels or contours.
 - b) Design, layout and appearance of green/amenity space.
 - c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - d) Car parking layouts.
 - e) Design of other vehicle and pedestrian access and circulation areas (including street widths, pavements and cycleways where relevant and other strategic public realm).

- f) Hard surfacing materials (including road surfaces, cycleways, footpaths, parking space and other areas of hardstanding, kerbs and tactile paving).
- g) Details of any street furniture (including benches, bollards, bins, planters, sign and signals).
- h) The extra heavy standard trees proposed to the north of the central tree line should be positioned within the new hedgerow fronting the road, so a 'hop-over' as part of the existing wildlife corridor can be created.
- i) Fixing of green walls to provide a minimum 200mm gap between the supporting structure and building façade.
- j) (Where possible) mixed species native hedgerows bordering the two external amenity areas should be included.

Reason: To enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy, Policy DEN1 of the Development and Site Allocations Local Plan, and the NE Bexhill SPD.

15. Prior to any above ground works taking place, full details of any mechanical plant and a reassessment of appropriate plant noise limits at the nearest existing residential properties shall be submitted to and approved by the Local Planning Authority. Works shall be completed in accordance with the subsequently approved details.

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

16. Prior to any above ground works taking place, a written scheme shall be submitted to and agreed in writing by the Local Planning Authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The approved scheme shall be implemented and maintained for the lifetime of the development and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of the locality, in terms of light pollution especially for people living and/or working nearby and local ecology, in accordance with Policies OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy and Policies DEN1 and DEN7 of the Development and Site Allocations Local Plan.

Prior construction of first floor level

17. No development above first floor slab level of the building receiving the biosolar green roof (Medical Centre) shall take place until details of the green roof construction have been submitted to and approved in writing by the Local Planning Authority. The details shall include extent (with shingle perimeter included), cross section to show build-up and substrate depth, spacing of PV panels/array, plants/seed mix and a maintenance and irrigation programme. Evidence must be provided of how the four criterion to meet 'Good' condition in Technical Annex 1 (TAB 22) of Defra's Biodiversity Metric version 4 have been met. The roofs shall then be constructed in accordance with the approved details before

first occupation and shall be retained, maintained and monitored as agreed thereafter.

Reason: To ensure that the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocation Local Plan.

First occupation

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

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

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

Reason: To ensure the protection and enhancement of wildlife and the amenity of neighbouring residential occupiers in accordance with Policies OSS4 and EN5 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the National Planning Policy Framework.

19. 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; 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 and the targeted condition of habitats required to deliver a net gain in biodiversity and to ensure the enhancement of wildlife and supporting habitats in accordance with Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and Site Allocation Local Plan, the NE Bexhill SPD and the National Planning Policy Framework.

20. The buildings shall not be occupied until the refuse and recycling bin storage areas have been provided and thereafter all areas shall be maintained for that use.

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

21. No development shall be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing and as amended as part of the Section 278 agreement and detailed design.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy TR4 (i) of the Rother Local Plan Core Strategy and Policy DHG12 of the Development and Site Allocations Local Plan.

22. The new access points shall not be used until appropriate visibility splays are provided either side of both the new accesses and maintained thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy TR4 (i) of the Rother Local Plan Core Strategy and Policy DHG12 of the Development and Site Allocations Local Plan.

23. The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to approved in writing by the Local Planning Authority in consultation with the Highway Authority 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 Policy TR4 (i) of the Rother Local Plan Core Strategy.
24. 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 Policy TR4 (i) of the Rother Local Plan Core Strategy.
25. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority 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 Policy TR4 (i) of the Rother Local Plan Core Strategy.
26. No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.
Reason: In the interests of providing a sustainable development and to reduce the harmful effects of traffic upon the character, amenities and highway safety for the surrounding area, in accordance with Policy TR2 of the Rother Local Plan Core Strategy.
27. The buildings shall not be occupied until evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage design.
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 and Policy DEN5 of the Development and Site Allocation Local Plan.

Ongoing

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

Reason: To enhance the appearance of the development in accordance with Policy EN3 of the Rother Local Plan Core Strategy and Policy DEN1 of the Development and site Allocations Local Plan.

29. No deliveries, loading or unloading or other servicing activities on any part of the site, nor any use/occupation of the industrial units, shall take place at the site other than between the hours of 08.00 and 18.00 on Mondays to Saturdays inclusive or at any time on Sundays or Public Holidays.

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

30. The doors indicated in the rear elevation of the light industrial units in Block A (indicated on Drawing No. BGHES-RHP-B2-ZZ-DR-A 2020 – P1) shall be used for emergency exit purposes only.

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

31. The nine commercial units shall be used for light industrial purposes only and not for any other purpose (including any other purpose within Class E) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To retain the industrial employment floorspace required to meet the districts employment floorspace demand in accordance with Policy EC2 of the Rother Local Plan Core Strategy.

NOTES:

1. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990.
2. The application site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board drainage district. Therefore, the Applicant should apply for consent to discharge surface water runoff into the Water Level Management Board's area as required by the Board's Byeway 3, which is the process by which the Board agrees the proposed discharge rates. Should consent be given it will be subject to the payment of a Surface Water Development Contribution fee, calculated in line

with the Board's charging policy. This policy is available using the following link:

https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf.

3. This planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation.
4. Highways Authority's requirements associated with this development proposal will need to be secured through a Section (106/184/171/278) Legal Agreement between the Applicant and East Sussex County Council. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
5. It is illegal to plant or otherwise cause the spread of any plants listed on Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended). The PEA recorded buddleia as present onsite and whilst it is not on Schedule 9, it was considered as an invasive non-native species that should be appropriately controlled and prevented from spreading. It was recommended that a member for the Property Care Association Invasive Weed Control Group (PCA IWCG) is contacted to manage the buddleia. There is no legal requirement to undertake this, but it would be good construction practice.

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.

PL23/19. **RR/2022/2619/P - THE PADDOCK, BREDE LANE, SEDLESCOMBE**

(8)

The Planning Committee was advised that Condition 5 as outlined in the report was no longer required, as it was a partial repeat of Condition 4 which already covered the issue; it would therefore be removed.

DECISION: GRANT (FULL PLANNING) DELEGATED SUBJECT TO COMPLETION OF A SECTION 106 AGREEMENT IN RESPECT OF:

on-site affordable housing; off-site highway improvements; transfer of land for school playing fields; transfer of land for public open space with commuted sum for maintenance; management of the development area in terms of public areas and drainage.

SUBJECT TO 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:
200529_LP-01 Rev.B dated 03/03/23 (location plan)
200529_SL-01 Rev.U dated 03/03/23 (site layout)
200529_SL-PS Rev.C dated 03/03/23 (parking strategy)
200529_SS-01 Rev.E dated 05/04/23 (street scene/sections A-A & B-B)
200529_SS-02 Rev.B dated 6/10/22 (street scenes/sections C-C & D-D)
LLD2587-ARB-DWG-002 rev.04, dated 13/10/22 (tree retention and protection)
200529_HT-A-EL Rev.A dated 05/04/23 (house type A elevations)
200529_HT-C-EL1 Rev.A dated 05/04/23 (house type C1 elevations)
200529_HT-D-EL Rev.A dated 05/04/23 (house type D elevations)
200529_HT-F-EL Rev.A dated 05/04/23 (house type F elevations)
200529_HT-A-FP dated 08/10/22 (house type A floor plans)
200529_HT-B-EL dated 08/10/22 (house type B elevations)
200529_HT-B-FP dated 08/10/22 (house type B floor plans)
200529_HT-C-EL2 dated 08/10/22 (house type C2 elevations)
200529_HT-C-FP2 dated 08/10/22 (house type C2 floor plans)
200529_HT-C-FP1 dated 08/10/22 (house type C1 floor plans)
200529_HT-D-FP dated 08/10/22 (house type D floor plans)
200529_HT-E-EL dated 08/10/22 (house type E elevations)
200529_HT-E-FP dated 08/10/22 (house type E floor plans)
200529_HT-Ea-EL1 & 2 dated 08/10/22 (house type Ea elevations)
200529_HT-Ea-FP dated 08/10/22 (house type Ea floor plans)
200529_HT-F-FP dated 08/10/22 (house type F floor plans)
200529_HT-G-EL1, 2 & 3 dated 08/10/22 (house type G elevations)
200529_HT-G-FP dated 10/11/22 (house type G floor plans)
200529_AB-SG-01 dated 10/11/22 (garages plans and elevations)
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place until the Applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been

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

Reason: The site is located in an area where archaeology has already been found and hence a pre-commencement condition is required to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

4. No development shall commence until details (including a technical design) of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority. (With regard to the technical detail for a surface water drainage system to serve the site during construction and the subsequent development, the developer is referred to the comments of the Lead Local Flood Authority in their response dated 30 May 2023. In addition, the scheme shall ensure that no drainage is connected to or discharges onto the highway.)

Reason: Drainage is an integral necessary requirement for the development and at the present time the full details have yet to be approved and to ensure that the development functions efficiently and effectively without resulting in flooding or other harmful impacts to the local area, wildlife or habitats in this rural location within the High Weald Area of Outstanding Natural Beauty, in accordance with Policy SRM2 of the Rother Local Plan Core Strategy and Policy DEN5 of the Development and Site Allocations Local Plan and paragraph 169 and 174 of the National Planning Policy Framework.

5. No development shall take place and no equipment, machinery or materials shall be brought on to the site for the purposes of the development until the erection of fencing for the protection of any retained trees and hedges (and including the ancient woodland buffer zone) has been undertaken in accordance with approved plan LLD2587-ARB-DWG-002 rev.04, dated 13.10.22. The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure that trees and hedges are not damaged or otherwise adversely affected by building operations and soil compaction to conserve and enhance the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty and mitigate and enhance the appearance of the development, in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan and Paragraphs 174 and 176 of the National Planning Policy Framework.

6. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has

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

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and egress and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area having regard to Policies CO6 and TR3 of the Rother Local Plan Core Strategy.

7. 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, eaves details and porches.
- b) Samples of the materials to be used in the construction of all external faces of the buildings, including bricks, cladding and the clay tiles to be used for the roof tiles and tile hanging and fenestration.
- 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).
- d) Details for the provision of renewable energy generation on the site.
- e) Details for the provision of EV charging points to serve each plot.

Reason: To ensure a high building appearance and architectural quality, to provide renewable energy on site having regard to climate change and net zero carbon and to protect the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies PC1, OSS4, EN1, EN3 and TR3 of the Rother Local Plan Core Strategy and Policies DRM3, DEN1 and DEN2 of the Development and Site Allocations Local Plan.

8. No above ground works 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 as approved:

- a) Boundary treatments (plot and other, including the ancient woodland buffer zone) and any other means of enclosure (fences, railings and walls) indicating the locations, type, design, height, and materials of such.
- b) Hard surfacing materials (including road surfaces, footpaths, parking spaces and other areas of hardstanding).
- c) Public access gates and benches to serve the community open space.

Reason: To ensure the creation of a high-quality public realm, design quality, and landscape setting, in accordance with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.

9. No above ground works 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 an agreed implementation programme:

- a) Planting plans, including landscape and ecological mitigation (buffer planting and green buffers).
- b) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- c) Details for implementation, including written specifications for cultivation and other operations associated with plant and grass establishment.

Reason: To ensure the creation of a high-quality public realm and landscape setting, that enhances the landscape and scenic quality of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.

10. No spoil shall be placed into the field/area of community open space west of the development site nor levels changed within this area, unless a scheme has first been submitted to and approved in writing by the Local Planning Authority. Subsequent changes in level shall only be undertaken in accordance with the approved scheme.

Reason: To ensure that an unnatural feature is not created and that the proposals conserve and enhance the landscape and scenic quality of the High Weald AONB, in accordance with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.

11. The development hereby approved shall be implemented strictly in accordance with the recommendations/measures stated in the supporting document, "Ecological Impact Assessment by Lizard Landscape Design and Ecology, dated 13/10/22" and those details shall be incorporated within the landscape management

plan to be submitted in accordance with the associated Section 106 agreement.

Reason: To minimise the impacts of development on biodiversity, specifically reptiles, in accordance with 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.

12. Prior to above ground works, specific details of biodiversity enhancements within the site, including in the ancient woodland buffer zone to reduce predation, are to be submitted to and approved in writing by the Local Planning Authority and works shall be completed and maintained in accordance with the approved details.

Reason: To ensure protection of protected species and provide biodiversity enhancements in accordance with Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and Site Allocations Local Plan and paragraphs 174 and 180 of the National Planning Policy Framework.

13. No development shall be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing [Ref: 200529 SL-01].

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policies CO6 and TR3 of the Rother Local Plan Core Strategy.

14. The access shall not be used until visibility splays of 2.4m X 50m are provided to the east and 2.4m X 54m are provided to the west and maintained thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policies CO6 and TR3 of the Rother Local Plan Core Strategy.

15. The development shall not be occupied until the parking areas and electric charging points have been provided in accordance with the approved plans 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 having regard to Policies TR4 of the Rother Local Plan Core Strategy.

16. 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.

17. The proposed garage[s] shall measure at least 3m by 6m (internally) incorporating space for cycle storage.

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 having regard to Policy TR4 of the Rother Local Plan Core Strategy.

18. The development shall not be occupied until a cycle parking area has been provided for each unit in accordance with the approved plans, (via use of the garage/shed to be provided for each unit) and the area[s] shall thereafter be retained for that use.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development having regard to Policy TR4 of the Rother Local Plan Core Strategy.

19. No lighting shall be provided on the site unless a scheme has first been submitted to and approved in writing by the Local Planning Authority. The lighting 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 m ²	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 Dark	National Parks, Areas of Outstanding Natural Beauty etc.
E2	Rural	Low Brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium Brightness	Small town centres or suburban locations
E4	Urban	High 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.

Reason: To prevent light pollution/overspill/obtrusive lighting in the interests of the amenities of adjoining residents, to protect the dark sky environment and local biodiversity within the countryside of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (ii) (iii) RA3 (v) EN1 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2, DEN4 and DEN7 of the Development and Site allocations Local Plan.

20. The dwellings hereby approved shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The 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 the dwellings have been constructed to achieve water consumption of no more than 110 litres per person per day.
Reason: To ensure that the dwellings is built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy and Policy DRM1 of the Development and Site Allocations Local Plan.
21. 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 and Policy DHG4 of the Development and Site Allocations Local Plan.
22. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy 'D' REPORT Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.
23. If within a period of 10 years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason: To enhance the appearance of the development and the landscape of the High Weald Area of Outstanding Natural Beauty in accordance with policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.

NOTES:

1. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990.
2. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
3. Authority's requirements associated with the development proposal will need to be secured through a section 278/106 Legal Agreement between the Applicant and East Sussex County Council. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
4. 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.
5. The Applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found, and these should be sought before development commences.
6. Southern Water require a formal application for connection to the public sewerage system in order to service this development. Their initial assessment of the application does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.
7. The Applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that conditions triggering the optional technical standards for Water Efficiency and/or Accessibility and Wheelchair Housing Standards are attached to this planning permission and that development

should be built accordingly. Enforcement action may be taken without further notice if the relevant standards are not achieved.

8. The Highway Authority would wish to see roads within the site that are not to be offered for adoption, laid out and constructed to standards at, or at least close to, adoption standards.
(Attach Highway Form HT401 to decision)

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

(Councillor Coupar declared a Personal Interest in this matter in so far as she was a Governor at Sedlescombe CE Primary School; the school was being offered some land as part of the development and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

PL23/20. **RR/2022/2791/P - FIRTREE COTTAGE - LAND ADJACENT TO NETHERFIELD HILL, BATTLE**

(9)

During deliberation, Councillor Ganly moved the motion to refuse granting (Full Planning) citing that the development would cause harm to the landscape of the High Weald Area of Outstanding Natural Beauty. This was seconded by Councillor Byrne. The motion was declared LOST (5 for / 7 against / 1 abstention).

Councillor J. Barnes moved the motion to approve granting (Full Planning) for a temporary period of two years. This was seconded by Councillor Mrs Barnes. This motion was declared LOST (4 for / 8 against / 1 abstention).

Councillor Coleman moved the motion to approve granting (Full Planning) as per the officer's recommendation, as detailed within the report with two additional conditions, regarding restrictions on the size of the caravans and Condition 8 to be reworded; delegated to officers to provide the appropriate wording. This was seconded by Councillor Drayson. This motion was declared CARRIED (10 for / 3 against).

DECISION: GRANT (FULL PLANNING)

SUBJECT TO CONDITIONS:

1. The use hereby permitted shall be discontinued, and the caravans removed from the site on or before 22 June 2026.
Reason: The residential use of the site is not considered suitable on a permanent basis in this location due to the harm it causes to the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty but is permitted on a temporary basis due to current lack of local provision of Gypsy and Traveller sites. There is also no alternative accommodation for the occupiers to move to and the personal circumstances of the occupiers mean it is in their best interests to remain on the site at the current time. A temporary permission will time limit the harm to the landscape and natural beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1(i) and LHN6 of the Rother Local Plan Core Strategy.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Location Plan (2022-1321v1-Location dated 4 October 2022)
Block Plan (2022-1321v1-ExistBlock dated 4 October 2022)
Block Plan (2022-1321v1-PropBlock dated 4 October 2022)
Reason: For the avoidance of doubt and in the interests of proper planning
3. Within two months of the date of the decision, the site shall be laid out in accordance with the approved block plan (2022-1321v1-PropBlock dated 4 October 2022)
Reason: To protect the ancient woodland adjacent to the site, including any protected species that may be present, from increased disturbance, lighting from the caravans and compaction of the ground where the touring caravans would be stored in accordance with Policies EN1 (vi) and EN5 (viii) (ix) of the Rother Local Plan Core Strategy, Policy DEN4 (ii) of the Development and Site Allocations Local Plan, paragraph 180 of the National Planning Policy Framework, together with standing advice produced by the Forestry Commission and Natural England relating to ancient woodlands.
4. Within two months of the date of the decision, a soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of species, planting method and a plan showing the position of the planting. The scheme shall be planted in the next planting season following written approval by the Local Planning Authority. If within a period of five years from the date of planting any tree or plant is removed, uprooted, destroyed or defective, another tree or plant of the same species and size as originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason: To enhance the setting of the development in the interests of conserving the natural beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1(i) and LHN6 of the Rother Local Plan Core Strategy.

5. Within two months of the date of the decision, a scheme for the provision of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Within two months of the written approval of the Local Planning Authority, the foul and surface drainage works shall be provided and thereafter maintained in accordance with the approved details.
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.
6. Within two months of the date of the decision, visibility splays measuring 2.4m by 95m to the northwest and 2.4m x 155m to the southeast shall be provided. The visibility 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 in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
7. Within six months of the date of the decision, the access shall be reconstructed in accordance with the attached HT407 diagram.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
8. The occupation of the site shall be restricted to only Ms Sherri McCallister and Ms Susan Smith and their dependants on the basis of them being Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such. When the land ceases to be occupied by those named above, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored in accordance with a scheme and timetable that has first been submitted to and approved in writing by the Local Planning Authority.
Reason: The proposed development is only acceptable on a temporary 3-year basis due to the personal circumstances of the occupiers and their way of life, which mean that they meet the definition of a "gypsy or traveller".
9. There shall be no more than two pitches within the site. On each of the two pitches hereby approved no more than two caravans shall be stationed at any one time, of which no more than one shall be a mobile home or a static caravan as defined in the Caravan Sites

and Control of Development Act 1960 and the Caravan Sites Act 1968.

Reason: To conserve the natural beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1(i) and LHN6 of the Rother Local Plan Core Strategy.

10. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and no commercial activities, including burning, shall take place on the land, including the storage of materials, plant or waste.

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

11. Any static caravans present on the site shall not exceed the dimensions annotated on the approved block plan, reference 2022-1321v1-PropBlock dated 4 October 2022.

Reason: To limit the temporary harm to the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1(i) and LHN6 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.

PL23/21. **RR/2023/272/P - THE OLD VINEYARD - LAND AT BIRCHENWOOD FARM, PASHLEY ROAD, TICEHURST**

(10)

RM

DECISION: REFUSE (FULL PLANNING)

The Planning Committee had visited the site which sought to convert and extend an existing shed to provide a modest 1-bedroom dwelling for occupation by the Applicant who was a Romany Gypsy, as well as the removal of three metal storage containers and additional landscape planting. The site, a former vineyard, was located to the northeast side of Pashley Road and accessed via a shared private unmade drive, which served several houses. The site consisted of an area of hardstanding containing a concrete block building / shed with a corrugated roof and three storage containers. A public footpath ran along the northern boundary within the site which was separated by a fence. The site contained hedges and trees with views eastwards. The site was located outside the development boundary for Ticehurst, as detailed in the adopted Neighbourhood Plan and was within the

countryside of the High Weald Area of Outstanding Natural Beauty (AONB).

The officer's report outlined the Applicant's Gypsy and Traveller (G&T) status, personal history, health issues, traffic movements, and referenced details of the Lisa Smith Judgement (protected characteristics under the Equalities Act 2010) which was considered relevant to this application. The accommodation needs and potential shortfall in supply of compliant and non-compliant Planning Policy for Traveller Sites, identified in the East Sussex Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (2022) within Rother were considered material considerations. The officer's opinion was that there would be limited harm to the AONB and that significant weight should be attributed to the Applicant's personal circumstances, as well as the uncertainty of deliverable allocated G&T sites within the district.

The Planning Committee heard from two spokespersons representing those objecting to the scheme, a representative on behalf of Ticehurst Parish Council that objected the scheme and the Applicant's Agent, who advised that the Applicant was willing to change some of the application details e.g. materials used etc. if required, as well as one of the local Ward Members. Consideration was also given to the comments made by the statutory and non-statutory bodies as detailed within the report.

Members asked a series of questions in relation to several issues, these included: G&T status of the Applicant; conversion of a derelict garage; choice of materials and pitched roof; design (substandard) out of keeping with the neighbouring properties; highway safety issues particularly increased traffic movements on a multiple speed limit road, which had minimal footpaths; access entrance on a bend; outside the development boundary; highly visible, particularly from the public footpath; limited amenities within the area and limited public transport services; impact on the High Weald AONB; new permanent dwelling in the countryside (if approved could set precedent for future new build applications in the countryside); site not included within the Ticehurst Neighbourhood Plan; current enforcement proceedings on the site; and local people being disadvantaged.

After deliberation, the Planning Committee felt that the new extended building would be visually intrusive in a rural, countryside setting which would cause considerable harm to the character and appearance of the High Weald AONB, contrary to Policies OSS4(iii), RA2 (viii), RA3 (v), EN1 (i) (v) and LHN6 (ii) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Plan, R1 of the Ticehurst Neighbourhood Plan, paragraphs 174 and 176 of the National Planning Policy Framework and Policy H, paragraph 25 of the Planning Policy for Traveller Sites. The site was situated outside of the development boundary and was not accessible to local amenities or public transport. It was an inappropriate development within the countryside. Therefore, the Planning Committee resolved to refuse full planning permission.

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

REASONS FOR REFUSAL:

1. The development represents a visual intrusion of a new extended building, vehicles and other external domestic paraphernalia in a rural, countryside setting outside any defined development boundary, which considerably harms the character and appearance of the High Weald AONB, contrary to Policies OSS4 (iii), RA2 (viii), RA3 (v), EN1 (i) (v) and LHN6 (ii) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan, paragraphs 174 and 176 of the National Planning Policy Framework and Policy H, paragraph 25 of the Planning Policy for Traveller Sites.
2. The site lies within an unsustainable countryside location where occupiers of the development are highly reliant on private motor vehicles and are not able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development is contrary to Policies PC1, OSS3 (v), SRM1 (vii), LHN6 (iii) and TR3 of the Rother Local Plan Core Strategy and paragraph 8 of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.

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 refuse planning permission for the reasons set out above.

PL23/22. APPEALS

(11)

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

RESOLVED: That the report be noted.

PL23/23. TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS

(12)

The next site inspection was scheduled to be held on Tuesday 18 July 2023 at 9:30am departing from the Town Hall, Bexhill.

CHAIR

The meeting closed at 3:34pm.