

PLANNING COMMITTEE

20 July 2023

Minutes of the Planning Committee meeting held at the Town Hall, Bexhill-on-Sea on Thursday 20 July 2023 at 9:31am.

Committee Members present: Councillors A.S. Mier (Chair), B.J. Drayson (Vice-Chair), J. Barnes (MBE) (Substitute), C.A. Bayliss, T.J.C. Byrne, Mrs V. Cook (ex-officio), F.H. Chowdhury, C.A. Creaser, A.E. Ganly, N. Gordon, 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), Mrs E.M. Kirby-Green (in part / remote), C.R. Maynard and S.M Prochak (MBE) (remote).

Advisory Officers in attendance: Director - Place and Climate Change (in part), Development Manager, Development Management Team Leaders x 2, Legal Consultant, Principal Planning Officers x 2, Housing Enabling and Development Officer and Democratic Services Officer.

Also present: 7 members of the public in the Council Chamber and 41 via the live webcast.

PL23/24. **MINUTES**

(1)

The Chair was authorised to sign the Minutes of the meeting held on 22 June 2023 as a correct record of the proceedings.

PL23/25. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

(2)

An apology for absence was received from Councillor Mrs M.L. Barnes.

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

PL23/26. **DISCLOSURE OF INTEREST**

(5)

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

Coupar Agenda Item 8 – Other Registrable Interest as a Member of Westfield Parish Council, elected in May 2023.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL23/27. **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.

PL23/28. **RR/2022/2570/P - 41A, 41 & 43 BARNHORN ROAD, BEXHILL**

(7)

DECISION: GRANT (FULL PLANNING PERMISSION) subject to conditions.

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:

Proposed site distance & levels plan 20086BX_PL_010_P1 July 2022
 Proposed elevation CC2, CC3, DD1&DD2 20086BX_PL_009_P1 July 2022
 Proposed elevation & street scene 20086BX_PL_007_P1 July 2022
 Proposed roof plan 20086BX_PL_006_P1 July 2022
 Proposed first floor plan 20086BX_PL_005_P1 July 2022
 Proposed ground floor plan 20086BX_PL_004_P1 July 2022
 Proposed lower ground floor plan 20086BX_PL_003_P1 July 2022
 Proposed site plan 20086BX_PL_002_P2 15 June 2023
 Location plan 20086BX_PL_001_P1 July 2022
 Proposed elevation BB1, BB2, CC1 20086BX_PL_008_P2 July 2022
 Elevation BB, CC, DD (combined) 20086BX_PL_011 Rev.P1 July 2022
 Tree protection plan 22071-01 Received 26/10/22
 Barrell Tree Consultancy: Manual for managing trees on development sites Received 26/10/22
 Landscape Strategy JBA 22-239 - SK03 September 2022
 Visibility splay assessment and vehicular access tracking 536.0056.001, Rev.C 18/05/2022
 Reason: For the avoidance of doubt and in the interests of proper planning.

PRE-COMMENCEMENT CONDITIONS

3. No development shall take place until a Precautionary Working Methods Statement (PWMS) detailing reasonable avoidance measures for Great Crested Newts has been submitted to and approved by the Local Planning Authority. Works shall be undertaken in accordance with the approved document.
 Reason: "To minimise the impacts of development on biodiversity, in accordance with Policy DEN4 of the Development and Site Allocation Plan, Policy EN5 of the Rother District Core Strategy Local Plan, section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006."

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP1) in respect of ecological matters has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
 - a) site specific surface water pollution mitigation strategy to demonstrate how potential hydrological impacts to Pevensy Levels will be mitigated;
 - b) risk assessment of potentially damaging construction activities, including to Pevensy Levels;
 - c) identification of "biodiversity protection zones";
 - d) 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);

- e) the location and timing of sensitive works to avoid harm to biodiversity features;
- f) the times during construction when specialist ecologists need to be present on site to oversee works;
- g) responsible persons and lines of communication;
- h) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- i) use of protective fences, exclusion barriers and warning signs.

Reason: To ensure that any adverse environmental impacts to the Pevensey Levels-SSSI SAC and Ramsar site, as a result of development activities are mitigated, in accordance with Policy DEN4 and DEN7 of the Development and Site Allocation Plan, Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and Site Allocation Plan, coupled with the requirements of paragraphs 174, 179 and 180 of the National Planning Policy Framework 2021.

5. No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement (BMS) for the protection of a) badgers b) reptiles c) amphibians d) hedgehogs and e) invasive plants, 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 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, Policy DEN4 of the Development and Site Allocation Plan, Policy EN5 of the Rother District Core Strategy Local Plan, section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.”

6. No development shall take place until an ecological design strategy (EDS) addressing compensation for the loss of habitat, protection of retained habitat (boundary/buffer planting), bird and bat box specifications and enhancement of the site to provide

measurable biodiversity net gain, in line with the recommendations in the Landscape Strategy (James Blake Associates, September 2022, Ref: JBA 22-239 - SK03 Rev.A) and EclA (Tyler Grange, October 2022, Ref: 14961_R01a_CS_CW) 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, Policy EN5 of Rother Local Plan Core Strategy 2014, and Policy DEN4 of the Development and Site Allocation Plan.

7. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a Construction Environmental Management Plan have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Environmental Management Plan unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).

Reason: To ensure that the A259 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Informative: The CEMP shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to:

- site hours of operation;
- numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the

SRN during highway peak hours such as the use vehicle booking systems etc);

- measures to ensure that HGV loads are adequately secured;
- travel plan and guided access/ egress and parking arrangements for site workers, visitors and deliveries; and,
- sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

8. No part of the development hereby permitted shall commence until drainage details have been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The approved drainage details shall thereafter be constructed in accordance with the approved plans and maintained in perpetuity.

Reason: To ensure that the A259 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety.

Informative: Drainage details shall comply with DfT Circular 01/22 Paragraph

9. No part of the development hereby permitted shall commence until details of the boundary treatment adjacent to the A259 boundary have been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The approved boundary treatment shall thereafter be constructed in accordance with the approved plans and maintained in perpetuity.

Reason: To ensure that the A259 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. National Highways Planning Response (NHPR 22-12) December 2022.

Informative: For reasons of safety, liability and maintenance, all fences, barriers, screening and other structures must be erected on the developer's land, and far enough within the developer's land to enable maintenance to take place without encroachment onto highway land.

10. No development shall take place until the Applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

OTHER CONDITIONS

11. 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 10.

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

12. Demolition of the dwellings (Nos. 41, 41a and 43 Barnhorn Road) shall not be carried out until confirmation has been submitted to the Local Planning Authority of either of the following options:

a) a licence issued by Natural England, pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017, as amended, authorizing the specified activity/development (the subject of this application) to go ahead;

or;

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development (the subject of this application) will require a licence.

Reason: To ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to DEN4 of the Development and Site Allocation Plan, Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and Site Allocation Plan, coupled with the requirements of paragraphs 174, 179 and 180 of the National Planning Policy Framework 2021.

13. No works/construction above ground-level shall be undertaken until an appropriate drainage strategy is submitted to and approved in writing by Local Planning Authority which shall comprise one (or both) of the following options:

a) If it is proposed to proceed with an infiltration-based drainage strategy, details shall be submitted of the infiltration testing which shall be carried out to BRE365 standard in the location and at the depth of the proposed soakaways. This shall include groundwater monitoring which would be required to be undertaken between November and April, using dataloggers, to determine whether high groundwater levels will preclude the use infiltration at the site.

b) If it is proposed to rely on pumping to the surface water sewer, details shall be submitted of the pumps with one to act as a back-up in the event of pump failure.

Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site, to prevent water pollution and to protect the Pevensey Levels SSSI SAC and Ramsar site, in accordance with Policies OSS4 (iii & viii) and EN1, EN5 and EN7 of the Rother Local Plan Core

Strategy, and Policy DEN1, DEN4 and DEN5 of the Development and Site Allocation Plan.

14. Prior to the installation of any external lighting or first occupation/use of the development hereby approved, 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 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 boundary/buffer planting with light 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. The details are therefore required having regard to Policies OSS4 (iv) and EN1 and EN5 of the Rother Local Plan Core Strategy, and Policy DEN1, DEN4 and DEN5 of the Development and Site Allocation Plan.

15. No development above ground level shall take place on any part of the site until the hard and 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 to be retained;
 - 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;
 - e) implementation and maintenance programme;
 - f) proposed finished levels or contours;
 - g) means of enclosure (fences and walls);
 - h) hard surfacing materials (road surface, cycleways, footpaths, parking spaces including curbs and tactile paving);
 - i) lighting strategy, including proposed locations and product specifications (having regard to Condition13); and

j) minor structures (e.g. pumping station etc).

Prior to the first occupation/use of the development hereby approved, both the soft landscaping plan and hard landscaping plan shall be implemented and completed in their entirety in accordance with the approved plans and thereafter shall be retained.

If within a period of five years from the date of the planting, any tree or plant is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree or plant 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 ensure the creation of a high-quality landscape setting; to ensure the ongoing enhancement of the development which collectively, would additionally mitigate and enhance biodiversity net-gain provisions; and in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

16. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5-years from the date of the occupation of the building for its permitted use.
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard (3998 (Tree Work)).
 - b) If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to 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 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.
 - d) No fire shall be lit within 10m from the outside of the crown spread of any tree which is to be retained.
 - e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
 - f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority.

Reason: To ensure that tree(s) are not damaged or otherwise adversely affected by building operations and soil compaction to enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

17. Prior to the first occupation/use of the development hereby approved, the parking areas (which shall measure at least 2.5m by 5m (plus extra 50cm where the spaces abut a wall) shall be provided in accordance with the approved plans/details, and thereafter retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide adequate space for the parking of vehicles in order to provide a satisfactory standard of development, having regard to Policy TR4 and OSS4 (i & iv) of the Rother Local Plan Core Strategy.

18. Prior to the first occupation/use of the development hereby approved, details/plans for secure and covered cycle parking/storage shall be submitted to and approved in writing by the 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 having regards to Paragraphs 20, 104, 105 152, 153 of the National Planning Policy Framework and Policy TR2, TR3 of the Rother Local Plan Core Strategy.

19. Prior to the first occupation/use of the development hereby approved, details/plans for the installation of electric vehicle and electric bike charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, made operational, and retained thereafter.

Reason: To ensure sustainable development in order to mitigate the impacts climate change, and to provide a range of options for sustainable modes of travel, having regards to Paragraphs 20, 104, 105 152, 153 of the National Planning Policy Framework and Policy TR2, TR3, SRM1 of the Rother Local Plan Core Strategy.

20. Prior to any above-ground construction/works, details of the siting and form of the refuse/recycling store, mobility scooter storage and sub-station shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented and thereafter retained.

Reason: To ensure the provision of adequate amenities for the residents and to safeguard the visual amenities of the locality in accordance with Policy OSS4 (i & iv) of the Rother Local Plan Core Strategy.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), no fences, gates, walls, or any other means of enclosure, shall be erected along the front (north) boundary of the application site.
Reason: To safeguard the character and appearance of the development having regard to the street scene, in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
22. Prior to the first occupation of the development hereby approved, the ground-floor and first-floor windows in the east and west elevation (serving Flats 11, 20, 19, 30 and 34) shall be incapable of being opened except for a top-hung opening and shall be retained as such thereafter.
Reason: To avoid harmful overlooking and safeguard the privacy of the occupiers of the adjoining properties at 39 and 45 Barnhorn Road having regard to Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DHG9(i) of the Rother Development and Site Allocations Plan, coupled with the requirements of paragraph 130 of the National Planning Policy Framework 2021.
23. At the time of construction and prior to the first occupation or use of the development hereby approved, obscure glazing (equivalent to scale 5 on the Pilkington Glass Scale) shall be installed where detailed in the approved plans and shall be retained as such thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining property having regard to Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DHG9(i) of the Rother Development and Site Allocations Plan, coupled with the requirements of paragraph 130 of the National Planning Policy Framework 2021.
24. The occupation of the residential units hereby permitted shall be limited to those meeting the requirements of 'retirement living', which in this case, has been specified by the applicant; to persons over 60 years of age with a spouse or partner of at least 55 years of age.
Reason: The proposal has been assessed by the local planning authority and consultees, in terms of access and parking arrangements/requirements. Parking is to be provided at a lower-level, which in this case, is accepted owing to the nature of the development being a retirement living scheme, than what would be required for an unfettered housing scheme. Regard is had to Policy OSS4, CO6, TR2, TR3 and TR4 of the Rother Core Strategy Local Plan 2014 and Paragraph 110, 112 and 130 of the National Planning Policy Framework 2021.
25. The residential aspect of the proposal shall not be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking

spaces will be managed, and how residents and their visitors will be deterred from parking on the street is to be managed. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the residential unit and shall thereafter be retained.

Reason: To ensure that the limited on-site parking is adequately managed on-site, in order to safeguard the safe operation of the public highway, having regard to OSS4, CO6, TR2, TR3 and TR4 of the Rother Core Strategy Local Plan 2014, and Paragraphs 110, 111 and 112 of the National Planning Policy Framework 2021.

26. Prior to first use of any of the units, existing direct accesses of dwellings 41a and 43 should be stopped up and new footways should be constructed which shall be completed in accordance with pavement requirement set up in CD 239 Footway and cycleway pavement design. Before carrying out any works within the limits of the SRN highway, the Applicant should be aware that no works will be permitted on land owned by National Highways without prior consent.

Reason: To ensure that the A259 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

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 Applicant will be required to enter into a Section 184 and 171 Licence with East Sussex Highways, for the provision of the widened vehicular access, closure of the existing accesses, and any other works related to the highway. 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.
3. Roadworks Permit: The Applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The Applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
4. 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.

5. 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.
6. Breeding birds note: The Applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use of being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present 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.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

PL23/29.

RR/2023/919/P - WESTFIELD DOWN - LAND AT, MAIN ROAD, WESTFIELD

(8)

DECISION: DEFERRED TO SEEK FURTHER LEGAL ADVICE CONCERNING THE RELATED SECTION 106 PLANNING OBLIGATION AND TO ENABLE ALL PARTIES TO ENGAGE IN FURTHER DISCUSSION.

The applicant agreed to grant an extension to the time limit in which to determine the planning application to October 2023, in order for the Council to seek further legal advice concerning the related Section 106 Planning Obligation and to enable all parties to engage in further discussion.

The Director – Place and Climate Change confirmed to Members that the development would continue under the existing Section 106 Planning Obligation, with occupation taking place in accordance with current requirements.

(Councillor Coupar declared an Other Registrable Interest in this matter in so far as she was a Member of Westfield Parish Council elected in May 2023, and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

PL23/30. **RR/2022/2935/P - WESTFIELD DOWN - LAND AT, MAIN ROAD, WESTFIELD**

(9)

DECISION: DEFERRED TO SEEK FURTHER LEGAL ADVICE AND TO ENABLE ALL PARTIES TO ENGAGE IN FURTHER DISCUSSION.

PL23/31. **RR/2022/2959/P - ACORN FARM, SHRUB LANE, BURWASH**

(10)

RM

DECISION: GRANT (FULL PLANNING) subject to conditions.

This application was previously considered by the Planning Committee on 16 March 2023 and deferred until East Sussex County Council (ESCC) Highways comments had been considered and a speed survey completed. Should the application be approved, Members also requested that additional conditions be applied regarding light pollution and renewable energy measures. The traffic survey had been completed. ESCC Highways had no objections subject to the provision and maintenance of visibility splays and on-site minimum dimension vehicle and cycle parking facilities.

The proposal was for the erection of a new 3-bedroom agricultural dwelling for farmworker(s) with parking provision for two cars. Acorn Farm (275 hectares) was located to the north of Burwash on the western side of Shrub Lane. The current agricultural buildings were set back from the road and screened by hedges and trees. It had been run as an agricultural business since the early 1980s with a mix of cattle and sheep. The site was located within the High Weald Area of Outstanding Natural Beauty (AONB) and outside the defined development boundary. Although the proposal did meet policy requirements for a new agricultural dwelling and provide adequate living without harm to neighbouring properties, the officer's opinion was that it would have a harmful urbanising effect, fail to conserve the landscape and scenic beauty of the High Weald AONB and lead to increased traffic.

The Planning Committee heard from the Local Ward Members who were supportive of the application. Consideration was also given to the new evidence provided by ESCC Highways regarding traffic management, visibility splays and parking provision.

After deliberation, the Planning Committee felt that the proposed development complied with Rother Local Plan Core Strategy Policies RA2 General Strategy for the Countryside and RA3 Development in Countryside (iii). They felt that the site was an ideal location for an agricultural dwelling to support the farm and would not have a harmful urbanising impact on the character, appearance and scenic beauty of the High Weald AONB. The proposed conditions suggested by ESCC Highways were fully supported. Therefore, the Planning Committee granted full planning permission subject to the inclusion of relevant standard conditions (delegated to officers to consider in consultation with and subject to agreement of the Chair) including the protection of dark skies / light pollution, use of renewable energy products, where possible and landscaping to include species sympathetic to the particular area of the AONB.

Councillor Bayliss moved the motion to APPROVE (Full Planning) and this was seconded by Councillor Gordon. The motion was declared CARRIED (14 for / 0 against).

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 Plan, Drawing No. PHA-PL-007, dated 02/12/2022
Location & Block Plan, Drawing No. PHA-PL-001A, dated 25/05/22
Proposed Site Plan, Drawing No. PHA-PL-008, dated 04/01/22
Proposed Floor Plans, Drawing No. PHA-PL-004, dated 17/12/21
Proposed Elevations, Drawing No. PHA-PL-005, dated 17/12/21
154504-001, Access Visibility Splays, dated June 2023
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the area in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents.
Reason: To reserve suitable residential accommodation for persons employed locally in agriculture and to ensure that the need which led to the grant of permission, for a full time worker on Acorn Farm, remains satisfied in accordance with Policy RA3 (iii) (a) of the Rother Local Plan Core Strategy.
4. No ground works shall commence until details (including any 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. The details shall include

future management and maintenance of the scheme and the drainage is to be provided in accordance with the approved details prior to occupation of the dwelling. 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 above ground works 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) Samples of the materials to be used in the construction of all external faces of the building, including bricks, cladding, colour finishes, 'clay' tiles to be used for the roof tiles and fenestration.
- b) Details for the use of electromagnetic glass or similar particularly within the large glazed areas on the rear and south side elevations.
- c) The proposed site levels and finished floor levels of the building in relation to existing site levels, and to adjacent highway (including levels of paths, drives, any steps and ramps).
- d) Details for the provision of renewable energy generation on the site.

Reason: To ensure a high building appearance and architectural quality that reflects the traditional materials of the High Weald AONB, to mitigate light pollution and protect the dark skies and local ecology, 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 and EN3 of the Rother Local Plan Core Strategy and Policies DRM3, DEN1, DEN2, DEN4 and DEN7 of the Development and Site Allocations Local Plan and the High Weald Housing Design Guide.

6. 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) Details of all trees and plants to be retained with details for their protection during construction.

- b) Planting plans, including landscape and ecological mitigation and new boundary hedges.
- c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- d) 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.

- 7. The development shall not be occupied until the parking area has been provided in accordance with the approved plans and the area 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 Policy TR4 of the Rother Local Plan Core Strategy.

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

- 9. The development shall not be occupied until cycle parking has been provided for the dwelling in accordance with a plan to be first approved by the local planning authority the approved area 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.

- 10. The dwelling hereby approved shall not be occupied until visibility splays of 2.4m by 116m are provided to the north and 2.4m X 121m to the south and they shall be maintained thereafter.

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

- 11. 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	1000
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	districtVillage or relatively dark outer suburban locations
E3	Suburban	Medium brightness	districtSmall town centres or suburban locations
E4	Urban	High brightness	districtTown/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.

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

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

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

Reason: To ensure that an acceptable standard of access is provided to the 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.

14. 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. 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 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.
3. 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 the 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.

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 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.

PL23/32. **RR/2023/1344/DN - OLD KING OFFA HIGH, BEXHILL**

(11)

The Planning Committee agreed that details were not required regarding the demolition of the premises or restoration of the land.

DECISION: DETAILS NOT REQUIRED

PL23/33. **APPEALS**

(12)

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

Members raised concerns regarding inconsistent Inspector opinions. Appeals were reviewed regularly by officers and challenged, if required.

Appeals information would be presented to Members in a different format in the future.

RESOLVED: That the report be noted.

PL23/34. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**

(13)

The next site inspection was scheduled to be held on Tuesday 10 October 2023 at 9:30am departing from the Town Hall, Bexhill.

CHAIR

The meeting closed at 12:25pm