

PLANNING COMMITTEE

16 November 2023

Minutes of the Planning Committee meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Thursday 16 November 2023 at 9:30am.

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

Committee Members present remotely: Councillors Mrs M.L. Barnes.

Other Members present: Councillors A.E. Biggs (in part), S. Burton (in part) and K.M. Field (in part).

Advisory Officers in attendance: Development Manager, Development Management Team Leader, Principal Planning Officer, Planning Officer, Housing Enabling and Development Officer (in part), Legal Representative and Democratic Services Officer.

Also Present: 15 members of the public in the Council Chamber and 44 via the live webcast.

PL23/55. **MINUTES**
(1)

The Chair was authorised to sign the Minutes of the meeting held on 12 October 2023 as a correct record of the proceedings.

PL23/56. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**
(2)

An apology for absence was received from Councillor A.E. Ganly.

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

PL23/57. **WITHDRAWN APPLICATIONS**
(4)

It was noted that the following application was withdrawn from the agenda:

- RR/2023/1593/P – Park Pale Meadow, Mountfield Lane, Mountfield
The decision on this application would be delegated to officers.

PL23/58. **DISCLOSURE OF INTEREST**
(5)

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

Bayliss Agenda Item 7 – Personal Interest as a Cabinet Member at Rother District Council.

Agenda Item 12 – Personal Interest as a Cabinet Portfolio Holder for Regeneration and Economic Development at Rother District Council.

Agenda Item 13 – Prejudicial Interest as a Cabinet Portfolio Holder for Regeneration and Economic Development at Rother District Council due to pre-determination.

Creaser Agenda Item 9 – Personal and Prejudicial Interest as she lived near the site.

Grohne Agenda Item 11 – Personal Interest as Ward Member for Southern Rother at Rother District Council.

Mier Agenda Item 11 – Prejudicial Interest due to a potential appearance of bias.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL23/59. **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.

PL23/60.

RR/2021/2947/P - FORMER PUTTING GREEN SITE – LAND AT OLD LYDD ROAD, CAMBER

(7)

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

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 drawings:
No. 001 Rev. P02 (Site Location Plan), dated 01/06/21
No. 003 Rev. P10 (Proposed Site Plan), dated 10/10/22
No. 004 Rev. P04 (Proposed Plans & Elevation Unit Type A), dated 06/10/22
No. 005 Rev. P04 (Proposed Plans & Elevation Unit Type B), dated 06/10/22
No. 006 Rev. P04 (Proposed Plans & Elevation Unit Type C), dated 06/10/22
No. 007 Rev. P04 (Proposed Plans & Elevation Unit Type D), dated 06/10/22
No. 008 Rev. P03 (Plots 1-4 Proposed Elevations Unit Type A), dated 05/10/22
No. 009 Rev. P03 (Plots 1-4 Proposed Elevations Unit Type A), dated 05/10/22
No. 010 Rev. P03 (Plot 5 Proposed Elevations Unit Type B), dated 05/10/22
No. 011 Rev. P03 (Plot 7 9 and 6 8 10 Proposed Elevations Unit Type C and D), dated 05/10/22
No. 012 Rev. P01 (Proposed Street Elevations Merchant Drive), dated 05/10/22
No. 013 Rev. P06 (Proposed Street Elevations Old Lydd Road), dated 05/10/22

No. 014 Rev. P06 (Proposed Street Elevations Old Lydd Road), dated 05/10/22

No. 015 Rev. P01 (Proposed Street Elevations Royal William Square), dated 05/10/22

No. 016 Rev. P02 (Proposed Site Block Plan), dated 10/10/22

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

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

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

4. No development hereby permitted shall commence until details of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be designed having regard to the following:

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

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

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

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

Where remediation is required, the remediation strategy shall be implemented as approved.

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

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

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

7. No development hereby permitted shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, the timing of the works and site-specific measures to control and monitor impacts arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, surface

water run-off and groundwater. It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The construction of the development shall be carried out strictly in accordance with the approved CEMP at all times.

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

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

Reason: This pre-commencement condition is required to ensure satisfactory pedestrian access to the dwellings and to improve pedestrian access in the surrounding area, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and Policy CAM1 (v) of the Development and Site Allocations Local Plan 2019.

9. No development above slab level shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed in accordance with the approved details:

- a) 1:10 scale drawings of proposed details including fenestration, eaves details, dormer windows, porches, and utility boxes (including the location of such boxes on the buildings).
- b) Specifications and samples of the materials to be used in the construction of all external surfaces of the buildings.
- c) The proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps).

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

10. No development above slab level shall commence until the following public realm and hard landscaping details have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details and prior to occupation of the first dwelling:

- a) Boundary treatments and means of enclosure (fences, railings and walls) indicating the location, design and materials of such, including to define and enclose the front gardens of the dwellings.
- b) Hard surfacing materials specification (samples/product literature) (including for road surfaces, paths, parking spaces and other areas of hardstandings).

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

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

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

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

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

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

13. No development above slab level shall commence until details of a notice board for residents and visitors – to include design and materials of the notice board, content and location – which raises awareness of the importance of the adjacent Dungeness Complex

of Natura 2000 sites – comprising the Dungeness, Romney Marsh and Rye Bay Special Protection Area and Ramsar site, and the Dungeness Special Area of Conservation – as well as ways in which visitors can avoid adversely impacting the sites when visiting, has been submitted to and approved in writing by the Local Planning Authority. The approved notice board shall be provided prior to occupation of the first dwelling and shall thereafter be retained.

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

14. At the time of construction and prior to occupation of the dwellings on Plots 1 to 4 hereby permitted, the bathroom windows at first floor level within the west elevations, as indicated on approved Drawing Nos. 004 Rev. P04 (Proposed Plans & Elevation Unit Type A), dated 06/10/22, and 008 Rev. P03 (Plots 1-4 Proposed Elevations Unit Type A), dated 05/10/22, shall be glazed with obscure glass of obscurity level equivalent to scale 5 on the Pilkington Glass Scale and shall thereafter be retained in that condition.

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

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

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

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

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

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

Reason: To ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway, in

accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy 2014.

18. The main vehicular access from Marchants Drive shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy 2014.
19. No dwelling hereby permitted shall be occupied until motor vehicle parking and turning areas have been provided in accordance with the approved drawings. The motor vehicle parking and turning areas shall thereafter be kept available for the parking and turning of motor vehicles and shall not be used for any other purpose.
Reason: To ensure there is adequate parking provision and to ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway, in accordance with Policies CO6 (ii), TR3 and TR4 (i & iii) of the Rother Local Plan Core Strategy 2014.
20. The motor vehicle parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls/fences).
Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway, in accordance with Policies CO6 (ii), TR3 and TR4 (i & iii) of the Rother Local Plan Core Strategy 2014.
21. No dwelling hereby permitted shall be occupied until a secure cycle store for each dwelling has been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority and the cycle stores shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with Policies PC1 and TR3 of the Rother Local Plan Core Strategy 2014.
22. No external lighting shall be installed until a "lighting design strategy for biodiversity" for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The installation of any external lighting shall thereafter only be undertaken in accordance with the approved strategy and shall be retained as such thereafter.
Reason: To mitigate the effects of artificial lighting on bats, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy 2014 and Policy DEN4 (ii) of the Development and Site Allocations Local Plan 2019.
23. The dwellings hereby permitted shall not be occupied until they have been constructed in accordance with Part M4(2) (accessible

and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.

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

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

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

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension beyond the rear wall of the dwellings on Plots 2 to 10 hereby approved, or beyond the north wall of the dwelling on Plot 1 hereby approved, shall be constructed.

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

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

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

NOTES:

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
2. The landowner and/or developer is advised that Sussex Police have made recommendations on the proposal from a crime

prevention viewpoint. Their details comments are available to view on the planning website.

3. The landowner and/or developer is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.
4. The landowner and/or developer will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of the new vehicular accesses. The Applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
5. The landowner and/or developer is advised that the provision of the new 2m wide pedestrian footway along the site's frontages with Old Lydd Road and Marchants Drive is likely to require a 'deed of dedication' in order that the footway can be constructed to an adoptable standard. The footway will require constructing in accordance with East Sussex County Council specification with all works carried out by an approved contractor under the appropriate legal agreement.
6. The development will be subject to the requirements of the Building Regulations, and advice should be sought from the East Sussex Building Control Partnership. No work should be carried out until any necessary permission has been obtained.
7. The developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Bank Holidays.

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

presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

(Councillor Bayliss declared a Personal Interest in this matter in so far as she was a Cabinet Member at Rother District Council and had approved the grant award and disposal of this site at earlier Cabinet meetings and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof but chose not to vote).

PL23/61. **RR/2023/1527/P - 11 ELLERSLIE LANE, MOLEYNES MEAD, BEXHILL**

(8)

The Planning Committee expressed their disappointed that the application was no longer viable to deliver affordable housing, acknowledged the findings of the independent viability assessment and noted that funding (an agreed offsite contribution) could be secured through a Section 106 Agreement.

DECISION: GRANT (PLANNING PERMISSION) DELEGATED SUBJECT TO VARIATION OF THE SECTION 106 LEGAL AGREEMENT TO SECURE A FINANCIAL CONTRIBUTION IN PLACE OF ONSITE PROVISION OF AFFORDABLE HOUSING

SUBJECT TO CONDITIONS

CONDITION 2 IS VARIED AS FOLLOWS:

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Proposed Site Layout Plan: Drawing No. 7290/C/L1/C dated June 2022
Proposed Mix plan: Drawing No. 7290/VC/15 rev A dated 19 July 2023
Parking strategy plan: Drawing No. 7290/VC/12 dated November 2022
Fire and access plan: Drawing No. 7290/VC/13 dated November 2022
Proposed Refuse strategy: Drawing No. 7290/VC/14 dated November 2022
Site sections: Drawing No. 7290/VC/20 dated November 2022
Landscaping Plan: Drawing No. 7290/VC/11 dated November 2022
Ecology Plan: Drawing No. 7290/VC/10 dated November 2022

House types:

- Plot 1: Drawing No. 7290/C/A1/1/A dated June 2022
- Plot 2, 7, 20: Drawing No. 7290/C/A2/1/A dated June 2022
- Plot 3, 23: Drawing No. 7290/C/A3/1/A dated June 2022
- Plot 4-6: Drawing No. 7290/C/B1/1/A dated June 2022
- Plot 8: Drawing No. 7290/C/C1/1/B dated June 2022
- Plot 11: Drawing No. 7290/C/C2/1/B dated June 2022

Plot 14: Drawing No. 7290/C/C3/1/B dated June 2022
Plot 24: Drawing No. 7290/C/C4/1/B dated June 2022
Plot 9-10: Drawing No. 7290/C/D1/1/B dated June 2022
Plot 9-10: Drawing No. 7290/C/D1/2/B dated June 2022
Plot 12-13: Drawing No. 7290/C/D2/1/B dated June 2022
Plot 12-13: Drawing No. 7290/C/D2/2/B dated June 2022
Plot 15-17: Drawing No. 7290/C/E1/1/A dated June 2022
Plot 18-19: Drawing No. 7290/C/F1/1/A dated June 2022
Plot 21-22: Drawing No. 7290/C/G1/1/B dated June 2022
Plot 25: Drawing No. 7290/C/H1/1/C dated June 2022
Plot 26: Drawing No. 7290/C/H2/1/C dated June 2022
Garage Type Y1: Drawing No. 7290/C/Y1/1/B dated June 2022
Reason: For the avoidance of doubt and in the interests of proper planning.

CONDITIONS THAT REMAIN EXTANT:

3. In part: Development shall not commence until a drainage strategy detailing the proposed means of surface water disposal and an implementation timetable, has been submitted to and approved by the Local Planning Authority in consultation with the Southern Water, the Highway Authority East Sussex County Council and the Lead Local Flood Authority (ESCC - LLFA). The development shall be carried out in accordance with the approved scheme and timetable, so as to be implemented in full prior to the occupation of the dwellings.
 - (1) – details approved.
 - (2) A maintenance and management plan for the entire drainage system shall be submitted for the consideration and approval of 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 shall 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 for the consideration and subsequent approval in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.
 - (3) The Applicant shall detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.
 - (4) Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: To accord with the requirements of Southern Water, the Highway Authority, and the LLFA to ensure the satisfactory

storage of/disposal of surface water from the site and to accord with Policy SRM2 of the Rother Local Plan Core Strategy. A pre-commencement condition is necessary to ensure that measures where necessary are put in place at the initial groundwork stage and thereafter built into the scheme to ensure satisfactory drainage.

6. No development shall commence until tree protection measures have been put in place in accordance with the detail contained in the 'Arboricultural Report: Tree Survey: Arboricultural Impact Assessment and Tree Protection Plan (February 2020)' the approved protection measures shall be retained in situ for the duration of construction works.
Reason: To ensure the protection of trees 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.
12. The accesses shall not be used until appropriate visibility splays are provided in each direction. The splays are to be cleared of all obstructions exceeding 600mm in height and kept clear thereafter.
Reason: In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway, and to accord with Policy TR3 of the Rother Local Plan Core Strategy.
13. The development shall not be occupied until parking areas have been provided in accordance with the details shown on Drawing No. 29379A \ 12 B, 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, and to accord with Policy TR4 of the Rother Local Plan Core Strategy.
14. The development shall not be occupied until cycle parking areas/facilities have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas/facilities 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, and to accord with Policy TR3 of the Rother Local Plan Core Strategy.
15. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the details shown on Drawing No. 29379A \ 12 B, and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, and to accord with Policy TR3 of the Rother Local Plan Core Strategy.

18. The ecological mitigation measures set out in the Ecological Impact Assessment (26 June 2020) report shall be carried out in full in accordance with the timings in the report and shall be completed prior to the occupation of the dwellings. No works affecting protected species, or their habitat shall be carried out without first the necessary licence(s) being obtained through Natural England. This shall include the proposed closure of the on-site badger sett, which pursuant to the necessary licence being obtained shall only be carried out in accordance with the badger mitigation strategy (David Archer Associates, June 2020) unless otherwise varied by Natural England.

Reason: to ensure the protection of protected species in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no building or structure shall be erected, constructed or stationed on the land identified as 'Sustainable Drainage System/Ecology Landscape Area' within the southern part of the site and shown on Drawing No. PJC/4274E/20.

Reason: In the interests of protecting residential amenity, the existing trees, and providing wildlife mitigation measures in accordance with Policies OSS4 (ii)(iii) and EN5 of the Rother Local Plan Core Strategy.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), with respect to the western facing (front) roof slopes of the dwellings on Plots 1, 7, 9 and 10 fronting Fryatts Way and the northern (rear) roof slopes of the dwellings on Plots 20, 21, 22 and 23 facing the property known as 'Welton' to the north, no additions to the roof of that dwelling house (including dormer windows) as defined within Class B of Part 1 of the Schedule 2 of the Order, shall be carried out on any roof-slope facing onto either Fryatts Way or the property to the north, otherwise than in accordance with a planning permission granted by the Local Planning Authority.

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

ADVISORY NOTES:

1. Condition 1 has been complied with as works have commenced on site.
2. Condition 3 has been complied with in part only.

3. Conditions 4, 5, 7, 8, 9, 10, 11, 16, 17, 19, 22 have been approved.
4. The granting of planning permission does not authorise the felling, lopping or topping of trees within the site which are protected by a Tree Preservation Order unless indicated to be removed on any plans which may be approved at the reserved matters stage.
5. The planning permission is subject to a Section 106 planning obligation.
6. The Community Infrastructure Levy applies to this permission.
7. The Highway Authority would wish to see the 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.
8. The Applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found, and these should be sought before development commences.
9. The Highway Authority, in relation to Section 38 Agreement of the Highways Act, 1980 – Provision of Adoptable Highway, advises the Applicant to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that any works commenced prior to the Section 38 agreement being in place are undertaken at their own risk.
10. In relation to the submitted Construction Environment Management Plan, the Highway authority would require any damage to the highway as a direct consequence of construction traffic to be rectified at the Applicant's expense.

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.

PL23/62.

RR/2020/1044/P - CHURCHFIELDS INDUSTRIAL ESTATE, LONG RAKE SPAR STORAGE LANE, RYE HARBOUR ROAD, ICKLESHAM

(9)

DECISION: GRANT (PLANNING PERMISSION)

SUBJECT TO CONDITIONS

CONDITION 1 of planning permission RR/2017/2541/P has already been discharged with implementation of the development.

CONDITION 2 IS VARIED AS FOLLOWS

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Drawing No. 4330-220 Rev.B, Elevations, received 29/01/21

Drawing No. 4330-210 Rev.C, Landscape Plan, dated 12/01/2021

Drainage schedule

Shadow Habitats Regulations Assessment, Revision C, by Greenspace, dated June 2023

Transport Statement by DHA, dated November 2020

Noise Assessment Reports (2), by MRL Acoustics, dated August 2020

6th version of the Long Rake Spar Dust Management Plan of July 2023

Drawing No. LR/017/251, dated 07-12-17

Drawing No. C17002-010 rev. P1, dated 29-11-17

Drawing No. WM/146/502 rev.3, dated 19-03-18

Drawing No. LR/017/500 rev.2, dated 21-03-18

Landscape Statement by Lloydbore Ltd, dated 23/10/2017

Amended grass seed mix by Lloydbore Ltd, submitted with email 04-05-18

Surface Water Management Strategy by Rural Partners Limited, dated November 2017 (subject to the additional drainage details and compliance with conditions 4 and 5 below)

Tidax Drawing No. EMC-2018-006-01, dated 02/03/2018 (surface water drainage design)

Heritage Statement by ASE, version 2, dated September 2017

Planning Statement and Flood Risk Assessment by Rural Partners Limited, dated November 2017

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

CONDITION 3 IS NO LONGER REQUIRED

CONDITION 4 IS SUBJECT TO SEPARATE DISCHARGE AND REAPPLIED

Prior to commencement of works to provide the surface water drainage system, a maintenance and management plan for the lifetime of the development, shall first be submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To ensure the provision of a sustainable surface water drainage system and to prevent pollution of controlled waters and harm to the Site of Special Scientific Interest and avoid flood risk elsewhere, in accordance with the National Planning Policy Framework paragraph 167 and 174 and Policies OSS3 (viii), EN5 (ii) and EN7 of the Rother Local Plan Core Strategy and Policy DEN4 and DEN5 of the Development and Site Allocations Local Plan.

CONDITION 5 IS SUBJECT TO SEPARATE DISCHARGE AND REAPPLIED

Prior to occupation of the extensions hereby approved, the surface water drainage design shown on Tidax Drawing No. EMC-2018-006-01, dated 02/03/2018, shall be implemented only in accordance with the approved drawing, unless any alternate details are first submitted

to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Prior to occupation of the extensions, evidence (including photographs) of the construction of the drainage system to accord with the approved design details shall be submitted to the Local Planning Authority.

Reason: To ensure the provision of a sustainable surface water drainage system and to prevent pollution of controlled waters and harm to the Site of Special Scientific Interest and avoid flood risk elsewhere, in accordance with the National Planning Policy Framework paragraph 167 and 174 and Policies OSS3 (viii), EN5 (ii) and EN7 of the Rother Local Plan Core Strategy and Policies DEN4 and DEN5 of the Development and Site Allocations Local Plan.

CONDITION 6 REMAINS EXTANT

The 'construction/maintenance methodology' agreed with Natural England including the planting details supplied by Lloydbore Ltd shall be adhered to with specific reference to the following matters:

- Prior to planting top of the existing bund, it is to be profiled as required so that any surface water run-off drains into the site, away from the adjoining Site of Special Scientific Interest.
- Planting of the face of the bund adjacent to the Site of Special Scientific Interest is to be timed so that soil conditions are suitable without the need for cultivation or watering.
- Landscape management, as with planting, is not to include irrigation.

Reason: To ensure the protection and preservation of the adjacent Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest and the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and reduce any impacts on adjacent water levels, in accordance with Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and Site Allocations Local Plan, the National Planning Policy Framework and the Habitat Regulations.

CONDITION 7 IS VARIED AS FOLLOWS

With exception of the internally located aggregate drying plant, no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site before 6.00 or after 18.00hrs on weekdays; before 8.00 or after 13.00 on Saturdays, or at any time on Sundays, Bank or Public Holidays. In this regard for clarification it is noted that:

- Exceptionally, **ONLY** the aggregate drying plant within the building shall be operated for any 24-hour period.
- Only deliveries from Rye Wharf and no other operations or deliveries, shall be taken at or dispatched from the site between the hours of 6.00 and 8.00 on weekdays.

Reason: To protect the residential amenities of the locality in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy, Policy DEN7 of the Development and Site Allocations Local Plan and having regard to paragraph 174 and 185 of the National Planning Policy Framework.

CONDITION 8 IS VARIED AS FOLLOWS

In accordance with the Transport Statement, paragraphs 5.3.2 and 5.3.6, no more than 136 arrivals or departures in total by HGV's shall occur at the application site on any day that a shipment requires unloading from Rye Wharf, set to occur on no more than 18 days across any one calendar year. On all other days no more than 11 arrivals or departures in total by HGV's shall occur at the application site.

Reason: To protect the residential amenities of the locality and having regard to the local highway situation, there being only one vehicular access route to the village of Rye Harbour, in accordance with Policies OSS4 (ii) and TR3 of the Rother Local Plan Core Strategy and having regard to paragraph 110 of the National Planning Policy Framework.

CONDITION 9 IS VARIED AS FOLLOWS

No floodlighting or other external means of illumination shall be provided, installed or operated at the site, except as hereby approved and in accordance with the shadow Habitat Regulations Assessment or in accordance with a detailed scheme which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise light spill and impacts on the river side and surrounding Site of Special Scientific Interest, thereby safeguard protected species and habitats and to safeguard the visual amenities of the locality in accordance with Policies OSS1 (iii) (e), OSS4 (iii) (iv), RY1 (ix) and EN5 (ii) of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and Site Allocations Local Plan and chapter 15 of the National Planning Policy Framework.

CONDITION 10 IS VARIED AS FOLLOWS

Bagging of aggregates shall only take place within buildings on the site with appropriate dust controls in place, in accordance with the 6th version of the Long Rake Spar Dust Management Plan of July 2023.

Reason: To protect the residential amenities of the locality and to prevent pollution of controlled waters and harm to the Site of Special Scientific Interest, in accordance with Policies OSS3 (viii), OSS4 (ii) and EN5 (ii) of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and Site Allocations Local Plan and the National Planning Policy Framework.

CONDITION 11 REMAINS EXTANT AND IS REAPPLIED

The access, parking and turning arrangements for HGV's and staff cars shall be provided prior to occupation or use of the extensions hereby approved, as set out on approved Drawing No. WM/146/502 rev.3, dated 19-03-18 and shall hereafter be retained for those uses only.

Reason: To ensure that vehicles can enter and leave the site in a forward gear and park on-site, in the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to Policies TR3 and TR4 of the Rother Local Plan Core Strategy.

ADDITIONAL CONDITIONS ARE APPLIED

12. At all times when the factory is operating the sound level rating from all site operations and activities (including the unloading of

aggregate vessels) shall not exceed +5dB above background sound level (taken as a 15 minute LA90 at the boundary with the nearest noise sensitive premises) during the hours of 06:00 and 23:00 and shall not exceed the background level (taken as a 15 minute LA90 at the boundary with the nearest noise sensitive premises) during the hours of 23:00 and 06:00.

All measurements shall be taken in accordance with the methodology of BS 4142:2014 +A1:2019 – Methods for rating and assessing industrial and commercial sound (and/or its subsequent amendments).

Reason: To protect the residential amenities of the locality in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy, Policy DEN7 of the Development and Site Allocations Local Plan and having regard to paragraphs 174 and 185 of the National Planning Policy Framework.

13. No operations, processes or development hereby approved shall be undertaken within the site unless in full compliance with the mitigation measures set out in the Shadow Habitats Regulations Assessment, Revision C, by Greenspace, dated June 2023. This has specific regard to, (but not the only measures to be followed), in respect of noise, dust and lighting at paragraphs 7.3.4, .26, .29, .32, .36 and .37.

Reason: To ensure the protection and preservation of the adjacent Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest and the Dungeness, Romney Marsh and Rye Bay Special Protection Area and reduce any impacts on adjacent water levels, in accordance with Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and site Allocations Local Plan, the National Planning Policy Framework and the Habitat Regulations.

14. The landscape planting and alterations to the bund are to be completed within the current planting season, i.e. by the end of March 2024, in accordance with the approved plan Drawing No. 4330-210 Rev.C, Landscape Plan, dated 12/01/2021 and in accordance with the requirements of Condition 6 above.

Reason: To ensure the visual and green enhancement of the site and protection and preservation of the adjacent Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest and the Dungeness, Romney Marsh and Rye Bay Special Protection Area and reduce any impacts on adjacent water levels, in accordance with Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and site Allocations Local Plan, the National Planning Policy Framework and the Habitat Regulations.

NOTE:

1. Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the Local Planning Authority for approval. The minimum volume of the secondary containment

should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.

All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

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.

(When it first became apparent Councillor Creaser declared a Personal and Prejudicial Interest as she lived at the junction between New Winchelsea Road and Rye Harbour Road, therefore the increase in vehicles might affect her wellbeing and in accordance with the Members' Code of Conduct left the room during the consideration thereof).

PL23/63. **RR/2023/1948/P - SPRINGFIELD, WHATLINGTON ROAD, WHATLINGTON**

(10)

DECISION: DEFERRED TO ALLOW OFFICERS TO EXPLORE THE LEGAL POSITION OF ALLOWING A NEW DWELLING IN A DIFFERENT LOCATION WITH THE EXISTING TO BE DEMOLISHED AND EXTANT PERMISSION FOR A REPLACEMENT TO BE RESCINDED AS PART OF THE PROPOSAL AND FOR THE PLANNING COMMITTEE TO ATTEND A SITE VISIT.

This application would be reconsidered at the Planning Committee meeting scheduled to be held on 14 December 2023.

COUNCILLOR DRAYSON IN THE CHAIR

PL23/64. **RR/2023/976/P - LAND AT BAIRNSBOURNE, SEA ROAD, FAIRLIGHT**

(11)

RM

DECISION: REFUSE (PLANNING PERMISSION)

The Planning Committee had visited the site which was a resubmission of a previously refused application to erect a new single storey 3-bedroomed bungalow accessed via a new driveway off Lower Waites Lane. The site formed part of the rear garden of Bairnsbourne, was located outside but adjacent to the development boundary for Fairlight Cove and the High Weald Area of Outstanding Natural Beauty, as well as 14.7m outside the coastal zone buffer as identified within the Development and Site Allocations Local Plan. It was also located within the Fairlight and Pett Level Drainage Area. The officer's opinion was that the amended scheme had overcome previous reasons for refusal, that there would be no harm to the stability or drainage or protected species of the area, parking and turning provision had been provided, and it would not cause harm to the character of the local area or the neighbouring amenities.

The Planning Committee heard from two spokespersons representing those objecting to the scheme, a representative on behalf of Fairlight Parish Council that objected to the scheme, the Applicant's Agent who identified that the Applicants had submitted the application as they wanted to downsize and remain in the village, a representative from LEAP Environment, 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: stability and longevity of the site / property particularly in relation of the cliff edge and erosion; risk / impact to neighbouring properties particularly during construction; drainage (water run-off) / land slippage; location and volume of the attenuation / storage tanks, including the length of time they reached maximum capacity and how much weight they would impose; insufficient 'desktop' survey with no in ground analysis; access (single track road with no passing spaces) and limited (tight) parking provision; removal of trees and vegetation; position, appearance and design of the new dwelling (faced the neighbouring property); choice of materials and shallow foundations proposed; potential insurance issues; outside the development boundary; and located near a steep bank and stream.

After deliberation, the Planning Committee felt that the desktop 'Preliminary Land Stability and Cliff Assessment' completed by LEAP was insufficient and therefore could not demonstrate the potential adverse effect on the stability of the existing sea cliff, plus the harm it would cause to flooding in the area which would be detrimental to the cliff / sea erosion and neighbouring land, which was contrary to Policy EN7 of the Rother Local Plan Core Strategy, Policies DEN5 and DEN6 of the Development and Site Allocations Plan. It was considered an inappropriate development within the location particularly regarding the

closeness to the coastal zone buffer and cliff edge. Therefore, the Planning Committee resolved to refuse full planning permission.

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

REASON FOR REFUSAL:

1. Notwithstanding the additional submitted information with regard to drainage and land stability issues, the desk top assessment and proposed drainage details are not of sufficient detail and not supported by ground investigation to conclusively demonstrate that the proposed development would not cause further harm to flooding in the area nor impacting on land stability and thus detrimental to local cliff erosion and neighbouring land. The site is within an area known for poor drainage, is within 3m of a stream to the northwest and approximately 15m at the closest point to the coastal protection zone for the cliff face at Fairlight Cove. Development in this area needs to be carefully controlled and any risk mitigated. Full details of drainage have not yet been provided, yet to be assessed by a drainage specialist/engineer, and those details are thus not able to be factored into the considerations of flood risk and land stability. As such the development is contrary to Policies DEN6 and DEN5 of the Development and Site Allocations Local Plan (2019), Policy EN7 of the Rother Local Plan Core Strategy and paragraphs 161 and 167 of the National Planning Policy Framework.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

(Councillor Grohne declared a Personal Interest in this matter in so far as he was the Ward Member for Southern Rother and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(Councillor Mier declared a Prejudicial Interest in this matter in so far as that as there could be an appearance of bias due to his previous associations and dealing with this matter, he vacated the Chair and left the room during the consideration thereof).

COUNCILLOR MIER IN THE CHAIR

PL23/65. **RR/2022/2763/P - CHURCH FARM BUNGALOW, MAIN STREET, BECKLEY**

(15)

The Chair, in agreement with the Planning Committee re-ordered the agenda, as there was public speaking associated with this application.

DECISION: GRANT (PLANNING PERMISSION)

SUBJECT TO CONDITIONS:

1. The ancillary building hereby permitted shall be retained in accordance with the following approved plans and details:
 Site Location Plan dated 19 June 2023
 Block Plan, scale 1:500, dated 02/02/2023
 Corrected/amended floor plan
 Corrected/amended elevations
 Reason: For the avoidance of doubt and in the interests of proper planning.

2. The building hereby permitted is permitted solely as additional accommodation for the existing dwelling known as Church Farm Bungalow, Main Street, Beckley TN31 6RS and shall not be occupied by any person who is not a member of the family (as defined by section 186 of the Housing Act 1985 or in any provision equivalent to any re-enactment of that Act) residing in the family dwelling.
 Reason: In the interests of protecting the character of the area and to preclude the creation of a new dwelling within the countryside, in accordance with Policies RA3 and OSS4 of the Rother Local Plan Core Strategy and having regard to Policy DHG10 of the Development and Site Allocations Local Plan.

3. Any existing or proposed external lighting 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. In a rural area this should not exceed 600 lumens as detailed in the table below.

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

Environmental Zones

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

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

The guidance advises that, where an area to be lit lies on the boundary of two zones or can be observed from another zone, the limits used should be those applicable to the most rigorous zone. Reason: To prevent light pollution, overspill and obtrusive lighting and in the interests of protecting the dark sky environment and ecology within the countryside of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (iii), RA3 (v) and EN1 (vii) of the Rother Local Plan Core Strategy and Policies DEN2 and DEN7 (ii) of the Development and Site Allocations Local Plan.

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

PL23/66. **RR/2023/1210/P - 1B AMHERST ROAD, OLD AUTOLEC BUILDINGS, BEXHILL**

(12)

The Planning Committee sought clarity that, once demolished, the boundary with the neighbouring properties would be re-established. Reassurance was given that consideration would be given to the boundary, however detail was not known at the meeting.

DECISION: GRANT (PLANNING PERMISSION)

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:
Drawing No. (00720-PL- 100), dated (July 23)
Reason: For the avoidance of doubt and in the interests of proper planning.
3. All demolition works shall be carried out in full in accordance with the recommendations of the Demolition Method Statement dated 04/07/2023 and the Asbestos Refurbishment and Demolition Survey for Asbestos Materials dated 2 September 2021.
Reason: To ensure the satisfactory development and appearance of the site and safety of residents and in accordance with Policy OSS4 (ii) (iii) 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.

(At the commencement of the meeting, Councillor Bayliss had declared a Personal Interest in this matter in so far as she was the Cabinet Portfolio Holder for Regeneration and Economic Development at Rother District Council and had been party to discussions in relation to the future use of this site. However, Councillor Bayliss had already left the meeting prior to this application being considered).

PL23/67. **RR/2023/1743/P - CAR PARK CENTRAL, COASTAL CONTROL CENTRE, OLD LYDD ROAD, CAMBER**

(13)

DECISION: GRANT (PLANNING PERMISSION)

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:
Location Plan- 2215-S4-000, dated 09.10.23
Proposed Site Plan- 2215-S4-001, dated 09.10.23
Proposed Ground Floor Plan- 2215-S4-100, dated 09.10.23
Proposed First Floor Plan- 2215-S4-101, dated 09.10.23
Proposed Roof Plan- 2215-S4-102, dated 09.10.23

Proposed East Elevation- 2215-S4-200, dated 09.10.23
Proposed West Elevation- 2215-S4-201, dated 09.10.23
Proposed Short Elevations- 2215-S4-202, dated 09.10.23
Proposed S-N Section- 2215-S4-300, dated 09.10.23
Proposed W-E Sections- 2215-S4-301, dated 09.10.23
Proposed W-E Sections- 2215-S4-302, dated 09.10.23
Design and Access Statement (Prepared by DK-CM), final issue dated 17.08.23
Flood Risk Assessment for Planning (Prepared by UNDA)- 93150-DKCM-CamberCentralPC, dated July 2023
Preliminary Ecological Appraisal (Prepared by The Ecology Partnership), dated August 2023
Reason: For the avoidance of doubt and in the interests of proper planning.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with that described in the application unless an alternative finish is first submitted to and approved in writing by the Local Planning Authority.
Reason: To maintain the characteristics of the existing building in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy.

- 4 Traffic Management Plan: no development shall take place, including any ground works or works of demolition, until a Traffic 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:
 - i. The anticipated number, frequency and types of vehicles used during construction.
 - ii. Delivery and construction phase working hours.
 - iii. The method of access and egress and routing of vehicles during construction.
 - iv. The parking of vehicles by site operatives and visitors.
 - v. The loading and unloading of plant, materials and waste.
 - vi. The storage of plant and materials used in construction of the development.
 - vii. The erection and maintenance of security hoarding, including provision to protected identified landscapes.
 - viii. 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).
 - ix. Scheme for the control of noise and dust.
 - x. Details of public engagement both prior to and during construction works.
 - xi. The erection and maintenance of security hoarding to the Public Right-of-Way to ensure continued safe access to this route during construction.
 - xii. The Applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This

may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

Reason: Pre-commencement condition for works to ensure that the amenities of existing occupiers are protected and in the interests of and for the safety of persons and vehicles using the local road network serving the site, having regard to National Planning Policy Framework paragraphs 174 and 185, and Policy OSS4(iii) of the Rother Local Plan Core Strategy and Policy CAM2 of the Rother Development and Site Allocations Local Plan.

5. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include contractor requirements detailed in the Schedule of Planning Application Comments (DK-CM, 05/10/23) and the following:
 - a) “no vibration” construction methods;
 - b) risk assessment of potentially damaging construction activities;
 - 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), including those to onsite retained sand dune habitats and the adjacent Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest and Camber Dunes, Camber Local Geological Site;
 - 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 deliver Tool Box Talks and 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.

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

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

6. No development shall take place (including any demolition, ground works, site clearance) until a works method statement and mitigation strategy for the protection of reptiles has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
 - a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);

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

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

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

7. No development shall take place until an ecological design strategy (EDS) addressing habitat creation and enhancement for the site to provide biodiversity net gain, including compensatory sand dune habitats and native landscape planting, log piles and specification for bee and bird bricks/boxes (ideally integrated into the buildings). This is to be submitted 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 2014.

NOTE:

- 1. 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; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

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.

(At the commencement of the meeting, Councillor Bayliss had declared a Prejudicial Interest in this matter in so far as she was the Cabinet Portfolio Holder for Regeneration and Economic Development at Rother District Council and had been party to discussions in relation to the future use of this site and was pre-determined. However, Councillor Bayliss had already left the meeting prior to this application being considered).

PL23/68.
(16)

TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS

The next site inspection was scheduled to be held on Tuesday 12 December 2023 at 9:30am departing from the Town Hall, Bexhill.

CHAIR

The meeting closed at 3:12pm.