

PLANNING COMMITTEE

14 December 2023

Minutes of the Planning Committee meeting held at the Town Hall, Bexhill-on-Sea on Thursday 14 December 2023 at 9:30am.

Committee Members present: Councillors A.S. Mier (Chair), B.J. Drayson (Vice-Chair) (in part), Mrs. M.L. Barnes, C.A. Bayliss, 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: Councillors J. Barnes (MBE), S.J. Coleman (in part), K.M. Field (in part), A. Rathbone Ariel (in part) and R.B. Thomas (in part).

Other Members present remotely: Councillor C.J. Winter (in part).

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

Also Present: 27 members of the public in the Council Chamber and 41 via the live webcast.

PL23/69. **MINUTES**

(1)

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

PL23/70. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

(2)

Apologies for absence were received from Councillors T.J.C. Byrne and Mrs V. Cook (ex-officio).

PL23/71. **DISCLOSURE OF INTEREST**

(5)

There were no declarations of interest made.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL23/72. **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.

PL23/73. **RR/2022/2131/P - LAND OFF TURKEY ROAD, TURKEY ROAD, BEXHILL**

(7)

RM

DECISION: REFUSE (PLANNING PERMISSION)

The Planning Committee had visited the site which was a full application to erect 89 residential dwellings (including 27 affordable housing units), ancillary structures, new access road from Turkey Road, internal roads, car parking, landscaping and public open space, drainage features, and other associated and necessary works. The site was located in Turkey Road, next to the Ashdown Brickworks & Quarry (a safeguarded mineral site), part of which was within the consultation zone for the safeguarded minerals site, Bexhill Cemetery and was outside of but immediately adjoined to the development boundary for Bexhill, as defined within the Development and Site Allocations Local Plan (DaSA). A DaSA allocation for 30 dwellings (Policy BEX6) was located to the east of the site. At present, the Council could not demonstrate a 5-year supply of housing (2.79 years as of 1 April 2022). As the site was within the countryside, all policies relating to housing supply were considered out-of-date. Therefore, the presumption in favour of sustainable development contained within the National Planning Policy Framework (NPPF) applied. The provision of

89 dwellings, including 27 affordable units, would significantly boost the supply of housing, would generate approximately £1,500,000 and £740,000 Community Infrastructure Levy (CIL) and New Homes Bonus (NHB) funding respectively. The officer's opinion was that overall, the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits when assessed against the NPPF. Plus, significant consideration must be given to the Council's lack of a 5-year housing supply and therefore approval was recommended subject to conditions and a Section 106 Legal Agreement.

The Planning Committee heard from three spokespersons representing those objecting to the scheme (one representative from Brickworks & Quarry and two neighbours), the Applicant, the Applicant's Agent and Consultant, the two local Ward Members (St Stephens), as well as two local Members, whose Wards (St. Marks and Sidley) adjoined and were close to the site. 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: impact of the Brickworks & Quarry – 24 hours, seven days per week operation on the development and future residents, particularly regarding contamination, noise, odours, dust particles and light pollution (lack of evidence to mitigate these issues); effectiveness and length of time that the noise assessment survey was carried out (24 hours, seven days per week – inadequate); sterilisation of minerals at the Brickworks & Quarry and mineral impact assessment (methodology of survey); proximity of the properties to the Brickworks & Quarry; locality (including buffer size [too small]), height, foundations, effectiveness and maintenance of the acoustic barrier; the site was in the countryside and outside the development boundary; harm to the habitat and wildlife species and relocation of existing species; proximity to the cemetery; dangerous access along a 60mph narrow country road (subject to several accidents); no public footpath, pavement or crossing facilities along Turkey Road (crossings and walkways were included within the scheme); provision of residential parking and visitor parking; lack of individual outdoor amenity space for some of the dwellings (open spaces were included within the scheme and accessible to all residents); surface water and flooding issues which were prevalent on the site and along Turkey Road, as well as improvements; the location of the Pumping Station and water attenuation/basins; water capture/run-off into Turkey Road (or nearby golf course); topography of the site (considerable slope); overlooked existing neighbouring properties; pressures on the infrastructure; biodiversity net gain; removal of trees and proposed landscaping; proposed affordable housing mix (social housing) and location (in both apartment blocks only); affordable housing element would be sold to a preferred national Registered Provider; substantial CIL and NHB funding that could be achieved (if refusal lost); the number of previous planning applications that were refused on the site (unsuitable location); car dependant site; economic health of the Brickworks & Quarry (a substantial local employer in Bexhill); community identity of the scheme; tilted balance; lack of 5-year housing supply; affordable housing to be offered to Bexhill/local residents in first instance (include

as a condition within the Section 106 Agreement); and an excellent scheme proposed in the wrong location.

During deliberation, Councillor Ganly proposed granting (planning permission) as detailed in the report. This was seconded by Councillor Bayliss. The motion was declared LOST (5 for / 6 against / 2 abstentions).

At this point of the meeting, Councillor Drayson left the room and took no further part in the rest of the discussion and did not vote.

After further deliberation, the Planning Committee felt that the impact on the amenities of the future residents from the existing Brickworks & Quarry regarding dust and pollution would outweigh the benefits of the scheme. It was also agreed that the scheme could/would potentially affect the future economic growth of the Brickworks & Quarry, particularly as they were a significant employer in Bexhill (the district). Accordingly, it was considered contrary to Policy OSS4(i) of the Rother Local Plan Core Strategy and Policy DEN7 of the DaSA Local Plan, as well as Paragraph 185 of the NPPF. The wording of the "Reason for Refusal" and any additional relevant policies to be confirmed and agreed by officers in consultation with the Chair of the Planning Committee.

Councillor Gray moved the motion to REFUSE (Planning Permission) and this was seconded by Councillor Grohne. The motion was declared CARRIED (6 for / 5 against / 1 abstention).

REASON FOR REFUSAL:

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that the amenities of future occupiers of the proposed residential dwellings would not be unreasonably harmed by dust and pollution from existing operations at the adjacent Ashdown Brickworks & Quarry. Furthermore, the proposed residential development, by reason of its close proximity to the Brickworks & Quarry, has the potential to unreasonably restrict the future economic growth of the adjacent business, which is a significant employer in the district. The proposal is contrary to Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014, Policy DEN7 of the Development and Site Allocations Local Plan 2019 and Paragraph 185 of the National Planning Policy Framework, which seek to ensure that new development is appropriate for its location with appropriate amenities provided for future occupiers. The proposal is also contrary to Policy OSS4 (iv) of the Rother Local Plan Core Strategy 2014, Policy SP8 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017 and Paragraph 187 of the National Planning Policy Framework, which seek to ensure that new development is compatible with both the existing and planned use of adjacent land.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with Paragraph 38 of the National Planning Policy Framework, the Local

Planning Authority has worked in a positive and pro-active way with the Applicant and looked for solutions to enable the grant of planning permission. However, it has not been possible to overcome all matters of concern and the reasons for this have been clearly set out in the reason for refusal, thereby allowing the Applicant the opportunity to consider whether or not they can be remedied as part of a revised scheme.

PL23/74. **RR/2023/2110/P - COLLEY CORNER - LAND AT COLLINGTON LANE EAST, BEXHILL**

(8)

DECISION: GRANT (FULL PLANNING)

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 Location Plan, Drawing No. CC LO01Rev A, dated 19 October 2023
Proposed Floor Plans and Elevations, Drawing No. CC PL01, 03 October 2023
Proposed Elevations, Drawing No. CC PL01, dated 03 October 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 extension hereby permitted shall be as stated within the application and approved drawings unless an alternative finish is first submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development is in character with its surroundings in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
4. Within three months of delivery of the modular building on site, a soft landscaping scheme for the site shall be submitted to and approved by the Local Planning Authority, which shall include:
 - a) indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development;
 - b) planting plans;
 - c) written specifications (including cultivation and other operations associated with plant and grass establishment);
 - d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
 - e) boundary treatments; and

f) implementation programme.

Reason: To ensure the creation of a high-quality public realm and landscape setting in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

5. Prior to occupation of the dwelling a scheme for the provision of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority and the dwelling shall not be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

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

6. The development shall not be occupied until the parking area has been provided in accordance with the approved site plan (Ref: CC LO01Rev A, dated 19 October 2023) 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 in accordance with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.

7. 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(s) 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(s) 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.

NOTE:

1. The Applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that a condition triggering the optional technical standards for Water Efficiency 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.

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 manner and has imposed planning conditions to enable the grant of planning permission.

(9)

DECISION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The proposal by reason of the dwellings' overall height, large footprint, volume and overall scale and mass would represent bulky, visually intrusive and overbearing dwellings that would appear incongruous in its location and siting set within an existing plot, to the east of the existing dwelling. As a result, it would materially harm to the character and appearance of the locality, including the surrounding landscape setting and scenic beauty of the High Weald Area of Outstanding Natural Beauty. The proposal would extend built residential form into the Area of Outstanding Natural Beauty countryside having unacceptable character impacts. The proposal would be out of keeping within the locality, resulting in having a harsh urbanising effect upon the existing countryside character of the area through its architectural form, materials and its siting. The proposal would give rise to irreversible harmful impacts upon the High Weald Area of Outstanding Natural Beauty. As such, the proposal is contrary to Policies OSS2, OSS4, RA2, RA3, EN1 and EN3 of the Rother Local Plan Core Strategy (2014) and Policies DIM2 and DEN2 of the Development Site and Allocations Local Plan (2019) and paragraphs 176, 130 and 180 of the National Planning Policy Framework and Objectives 2 and 3 of the High Weald Management Plan.
2. The site lies within an unsustainable countryside location where occupiers of the proposed development would be highly reliant on private motor vehicles and would not be able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development would be contrary to Policies PC1, OSS3 (v) and TR3 of the Rother Local Plan Core Strategy and paragraph 8 of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.

NOTE:

1. This decision notice relates to the following set of plans:
Drawing No. 25 22 110A, Proposed Ground Floor Plans and Elevations dated 23.08.23
Drawing No. 25 22 111, Proposed First Floor and Roof Plans dated Jan 2023
Drawing No. 25 22 112A, Proposed Site Plan and Section dated 23 August 2023
Planning Statement submitted 19 July 2023
Preliminary Ecological Appraisal and Bat Survey Report dated 22 May 2023
Tree Survey Arboricultural Impact Assessment & Tree Protection Plan dated February 2023

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. However, in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.

PL23/76.
(10)

RR/2023/1804/P - ST MARYS RECREATION GROUND, BEXHILL

Following advice from Legal Services, the term 'sundown' contained within Condition 3 of the recommendations as outlined in the report was considered not clear and therefore needed to be more concise, which would then be enforceable. After deliberation, the Planning Committee agreed that Condition 3 be reworded to stipulate that the season be extended from 1 April to 30 September and a) On one weekday evening per week and shall cease before 10pm.

DECISION: GRANT (FULL PLANNING)

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: RC racetrack at St. Mary's Recreation Ground dated 20/09/2023
Block plan: radio-controlled car track area and parking dated 20/09/2023
East/North Elevation 'Drivers' Stand / Rostrum submitted 29/08/2023
Site East/North Elevation submitted 29/08/2023
Shipping Container Elevations submitted 29/08/2023
1066 Racing parking/vehicle access and movement plan detail submitted 09/02/2022
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The use hereby permitted shall only take place 1 April to 30 September and on the follow days and hours:
 - a) On one weekday evening per week, ceasing before 10pm.
 - b) On Sundays only between 9am – 2pm.
 - c) On up to four individual weekend days per year between the 9am to 6pm.

Reason: To safeguard the amenities of the locality in accordance with Policy OSS4 (ii) of the Rother District Local Plan Core Strategy and Policy DEN7 of the Rother Development and Site Allocations Local Plan.

4. The race car track hereby permitted shall only be used by electric remote-control vehicles and shall not be used by petrol or other fuel powered remote control vehicles.

Reason: To protect the living conditions of occupiers of nearby residential properties and to protect the rural character of the locality in accordance with Policies OSS4 (ii) (iii) and RA3 of the Rother Local Plan Core Strategy and Policy DEN7 of the Rother Development and Site Allocations Local Plan.

5. No floodlighting or other external means of illumination of the racetrack hereby permitted shall be provided, installed or operated at the site.

Reason: To protect the residential amenities of the locality and to protect the special character of the rural area, in accordance with Policies OSS4 (ii and iii), RA3 (v) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN7 of the Rother Development and Site Allocations Local Plan.

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 and has imposed planning conditions to enable the grant of planning permission.

PL23/77.
(11)

RR/2023/1630/P - 21 STARRS MEAD, JAYSPERCH, BATTLE

After discussion, the Planning Committee agreed that an additional condition be added to the application to mitigate overlooking issues between Nos. 20 and 21 Starrs Mead to erect a permanent appropriate screen to the extended veranda to the standard of the High Weald Design Guide.

DECISION: GRANT (PLANNING PERMISSION)

SUBJECT TO CONDITIONS:

1. The development hereby permitted shall be retained in accordance with the following approved plans and details:
Location Plan Drawing No. 7778/LBP dated 11.09.23
Existing Layout Drawing No. 7778/EX/A dated 08/09/23
Proposed Layout Drawing No. 7778/1/A dated 08.09.23
Reason: For the avoidance of doubt and in the interests of proper planning.
2. Notwithstanding the submitted detail on Drawing No. 7778/1/A (Proposed Layout dated 19/09/23), details of an alternative privacy screen to replace the existing along the east side of the extended platform and designed to the High Weald Area of Outstanding Natural Beauty Design Guide standard shall be

submitted to, and approved in writing by, the Local Planning Authority within two months of this decision. The approved screening shall be implemented within three months of the approval and thereafter maintained.

Reason: In the interest of visual amenity of the area and residential amenity, in accordance with Policies DH9 of the Development and Site Allocations Local Plan, OSS4(iii) of the Rother Local Plan Core Strategy and the High Weald Area of Outstanding Natural Beauty Design Guide.

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.

PL23/78. **RR/2023/1948/P - SPRINGFIELD, WHATLINGTON ROAD, WHATLINGTON**

(12)

DECISION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The proposal by reason of the dwelling's overall height, large footprint, volume and overall scale and mass would represent a bulky, visually intrusive and overbearing dwelling that would appear incongruous in its location and siting set to the northwest of the host dwelling and building line of development in the area. Although described as a replacement dwelling, the new development would occupy an entirely different footprint around 75m from the existing. For these reasons, it would materially harm the character and appearance of the locality, including the surrounding landscape setting and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB). The proposal would extend built residential form into the AONB having unacceptable character impacts. The proposal would be out of keeping within the locality, resulting in having a harsh urbanising effect upon the existing countryside character of the area through its architectural form, materials and its siting. The proposal would give rise to irreversible harmful impacts upon the High Weald AONB. As such, the proposal is contrary to Policies OSS2, OSS4, RA2, RA3, EN3 of the Rother Local Plan Core Strategy (2014) and Policies DIM2, DEN2 of the Rother Development and Site Allocations Local Plan (2019) and paragraphs 126, 130, 134 and 176 of the National Planning Policy Framework and Objectives 2 and 3 of the High Weald Management Plan.

NOTE:

1. This refusal of planning permission relates to the following drawings and documents:
Drawing No. 7468/LBP, Location / Block Plan dated 20 December 2022
Drawing No. 7468/23/3, Proposed Site Layout dated 1 August 2023
Drawing No. 7468/23/2, Proposed Dwelling Elevations dated 1 August 2023
Drawing No. 7468/23/1, Proposed Dwelling Floor Plans dated 1 August 2023

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 determining the application, clearly setting out the reason for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

PL23/79.
(13)

TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS

The next site inspection was scheduled to be held on Tuesday 16 January 2024 at 9:30am departing from the Town Hall, Bexhill.

CHAIR

The meeting closed at 2:25pm.