

**PLANNING COMMITTEE**

15 February 2024

Minutes of the Planning Committee meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Thursday 15 February 2024 at 9:35am.

Committee Members present: Councillors B.J. Drayson (Vice-Chair), T.J.C. Byrne (in part), Mrs V. Cook, C.A. Creaser, K.M. Field (substitute) (in part), A.E. Ganly, N. Gordon, P.J. Gray, C. Pearce and J. Stanger.

Committee Members present remotely: Councillors Councillor J. Barnes (MBE) (substitute), Mrs. M.L. Barnes and C.A. Bayliss (in part).

Other Members present: Councillors S. Burton.

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

Also Present: 3 members of the public in the Council Chamber and 29 via the live webcast.

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**COUNCILLOR DRAYSON IN THE CHAIR**

The Vice-Chair advised that, following the resignation of Councillor Mier from the Planning Committee, the first item on the Agenda would be to appoint a new Chair of the Planning Committee for the remainder of the 2023/24 municipal year and subsequently, dependent on who was appointed, a new Vice-Chair of the Planning Committee.

Prior to the commencement of the formal meeting, the Vice-Chair thanked Councillor Mier for his contributions to the work of the Planning Committee and latterly as Chair of the Committee.

The Vice-Chair welcomed Councillor Mrs Cook as the new substantive Member of the Planning Committee.

**PL23/80. ELECTION OF CHAIR**

**RESOLVED:** That Councillor B.J. Drayson be elected Chair of the Planning Committee for the remainder of the 2023/24 municipal year.

**PL23/81. ELECTION OF VICE-CHAIR**

**RESOLVED:** That Councillor J. Stanger be elected Vice-Chair of the Planning Committee for the remainder of the 2023/24 municipal year.

PL23/82. **MINUTES**  
(1)

The Vice-Chair was authorised to sign the Minutes of the meeting held on 14 December 2023 as a correct record of the proceedings.

PL23/83. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**  
(2)

Apologies for absence were received from Councillors F.H. Chowdhury, T.O. Grohne and T.M. Killeen (MBE).

It was noted that Councillors J. Barnes (MBE) and Field were present as substitutes for Councillors Grohne and Killeen, respectively.

PL23/84. **DISCLOSURE OF INTERESTS AND DISPENSATIONS**  
(5)

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

Barnes J      Agenda Item 7 – Non-Registerable Interest as he was previously a Director / Vice-Chair of the Council's Housing Company (Alliance Homes [Rother] Limited).

Bayliss      Agenda Item 7 – Non-Registerable Interest as an Executive Member at Rother District Council due to pre-determination.

Cook Mrs      Agenda Item 7 – Other Registerable Interest as Ward Member for South Battle and Telham at Rother District Council.

Byrne      Agenda Item 7 – Non-Registerable Interest as an Executive Member at Rother District Council due to pre-determination.

Field      Agenda Item 7 – Non-Registerable Interest as an Executive Member at Rother District Council due to pre-determination.

There were no dispensations noted.

**PART II – DECISIONS TAKEN UNDER DELEGATED POWERS**

PL23/85. **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.

PL23/86.  
(8)

#### **PERFORMANCE REPORT FOR DEVELOPMENT MANAGEMENT**

The Chair re-ordered the Agenda to consider Agenda Item 8 next.

Members noted the report of the Development Manager on the performance of the Council's planning application decisions / targets set against central Government targets, enforcement and appeals performance, as well as a summary of appeals that the Planning Inspectorate had allowed, including reasons.

The Development Manager advised that the Council was performing above internal set targets for major applications. On-going monitoring would continue to ensure that other targets were met. It was anticipated that all targets would improve once the new planning software system was operational.

**RESOLVED:** That the report be noted.

PL23/87.  
(7)

#### **RR/2023/1487/P - BLACKFRIARS - LAND AT, BATTLE**

The Planning Committee acknowledged the improvements to the design, layout and landscaping etc. of the development but also expressed their disappointment that the Financial Viability Report and

independent Viability Assessment demonstrated that the scheme could not viably provide any affordable housing or off-site contribution. This was attributed to the current global and national economic conditions, particularly in respect of increased construction costs and reduced property values. Members agreed that a robust 'review mechanism' included within the Section 106 Agreement regarding the inclusion of affordable housing was essential in case the situation changed in the future. The Planning Committee was assured by the Applicant that should viability change, affordable housing provision would be considered / delivered.

**DECISION: GRANT PLANNING WITH VARIATION OF AND ADDITION TO THE CONDITIONS WHERE REQUIRED AND MODIFICATION OF THE SECTION 106 PLANNING OBLIGATION WITH REGARD TO AFFORDABLE HOUSING AND INTRODUCTION OF A REVIEW MECHANISM.**

**SUBJECT TO CONDITIONS:**

**The following conditions of outline permission RR/2019/604/P are varied as required and remain extant:**

1. Approval of the details of layout, appearance, landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development commences.  
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
2. Plans and particulars of the reserved matters shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of the original outline permission granted on 18 December 2020.  
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
4. The development hereby permitted shall be begun either before the expiration of three years from the date of the original outline permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

5. Subject to the details required by Condition 1, the development hereby permitted shall be carried out in accordance with the following approved drawings and documents:  
Phasing Plan, uploaded 13/09/22  
23817A/01, dated March 2019  
23817A/02 rev. B, dated March 2019  
7500-304 rev. C, dated 15/08/2019  
Ecological Impact Assessment by The Ecology Consultancy, dated 16/06/2019  
Arboricultural Impact Assessment, by The Ecology Consultancy, dated 03/06/2019  
Transport Assessment by GTA Civils dated March 2019 and Addendum dated 15 April 2019  
6004/500, dated January 2019  
6004/501 rev. B, dated 02/04/2019  
Reason: For the avoidance of doubt and in the interests of proper planning.
6. The number of dwellings permitted within the site as defined by the original outline planning permission shall not exceed 220.  
Reason: To ensure a properly planned development in accordance with the application and Policy BT2 of the Rother District Local Plan.
7. The new spine road and site access points from The Spinney in the south and Harrier Lane in the north, shall be in the position shown on Drawing No. 7500-304 rev. C, dated 15/08/2019 and Drawing Nos. 6004/500, dated January 2019 and 6004/501 rev. B, dated 02.04.2019. The spine road shall be designed and constructed in accordance with details to be agreed under Conditions 8 and 10 of this permission, to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to its subsequent adoption as publicly maintained highway.  
Reason: To ensure the safety of persons and vehicles entering and leaving the access points and proceeding along the highway in accordance with Policy TR3 and CO6 of the Rother Local Plan Core Strategy.
8. Prior to the commencement of development on site in respect of the spine road, detailed drawings, including levels, sections and constructional details of the proposed road and internal connections to it, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The detailed road designs shall include details of 'events' along and within the road such as informal squares that the road passes through to be created at key junctions/intersections, such that the street is designed as a social space, incorporating Manual for Streets placemaking. The road shall be constructed in accordance with the approved details.  
Reason: A pre-commencement condition is required to ensure that it meets highway standards and in the interests of highway safety and for the benefit and convenience of the public and to

present a quality design and place in accordance with Policy BT2 of the Rother District Local Plan 2006 and Policies EN3, TR3 and CO6 of the Rother Local Plan Core Strategy.

9. The street lighting proposed pursuant to Condition 8 shall follow a “lighting design strategy for biodiversity” that itself shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for dormice, bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: A pre-commencement condition is required as many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and would conflict with Policies EN5 of the Rother Local Plan Core Strategy and DEN4 of the Development and Sites Allocations Local Plan.

10. Prior to commencement of development of the spine road, and notwithstanding the footway location details on approved Drawing No. 7500-304 rev.C, dated 15/08/2019, details of pedestrian facilities (footways and crossings) supported by a Road Safety Audit and other documentation as necessary shall be submitted to and agreed by the Local Planning Authority, in consultation with the Highway Authority and shall include facilities along the new road and the connections to it and shall be built and maintained to current standards, unless otherwise agreed. The footways are to be designed into the landscape and layout of the development and not simply form part of the road itself, i.e. the majority are not to be located immediately adjacent to the roadway itself, but instead be separated from the vehicular route by grass verges.

Reason: A pre-commencement condition is required to ensure that highway standards are maintained, that the public footpath is incorporated and is to remain accessible and in the interests of highway safety and for the benefit and convenience of the public and to present a quality design and place in accordance with Policy BT2 of the Rother District Local Plan 2006 and Policies EN3, TR3 and CO6 of the Rother Local Plan Core Strategy.

11. No development shall commence on any part of the site until details of the proposed means of foul disposal and a sustainable surface water system relating to that part of the site, including its future maintenance and management, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water, the Lead Local Flood Authority and the Local Highway Authority. Surface water must not discharge onto the highway and vice versa. The development shall only be carried out in accordance with the approved details.  
Reason: A pre-commencement condition is required to ensure that the drainage infrastructure carried out in the initial stages of the development will not increase the risk of flooding, will improve and protect water quality, and ensure future maintenance of the sustainable surface water drainage system in accordance with Policy SRM2 of the Rother Local Plan Core Strategy and Policy DEN5 of the Development and Site Allocations Local Plan.
  
12. No development shall take place on any part of the site, including any ground works, vegetation clearance or works of demolition, until a Construction & Environmental Management Plan (CEMP: Biodiversity) for that part of the site 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:
  - a) the anticipated number, frequency and types of vehicles used during construction;
  - b) the method of access and egress and routing of vehicles during construction;
  - c) the parking of vehicles by site operatives and visitors (including location and capacity);
  - d) the loading and unloading of plant, materials and waste;
  - e) the storage of plant and materials used in construction of the development;
  - f) the erection and maintenance of security hoarding;
  - g) 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);
  - h) details of public engagement both prior to and during construction works;
  - i) unless alternative times are specifically agreed in writing construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 08:00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank and Public Holidays;
  - j) measures to manage flood risk, both on and off the site, during the construction phase;
  - k) risk assessment of potentially environmental damaging construction activities and 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);
- l) identification of “biodiversity protection zones”;
- m) the location and timing of sensitive works to avoid harm to biodiversity features and the times during construction when specialist ecologists need to be present on site to oversee works;
- n) responsible persons and lines of communication and the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- o) use of protective fences, exclusion barriers and warning signs.

Reason: A pre commencement condition is required from the outset because the works need to be managed in all stages of construction to maintain the safety of all road users and so as not to unreasonably harm the amenities of adjoining properties and in the interests of highway safety, and to enable the Local Planning Authority to properly ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan having regard to Policies OSS4, EN1, EN5, TR3 and CO6 of the Rother Local Plan Core Strategy, and Policies DEN1, 2 and 4 of the Development and Sites Allocations Local Plan.

13. Prior to the commencement of development, an ecological design strategy (EDS) addressing mitigation and compensation for habitats and species, restoration of degraded habitats and enhancements to increase the biodiversity value of the site has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
  - b) review of site potential and constraints;
  - c) detailed design(s) and/or working method(s) to achieve stated objectives;
  - d) extent and location/area of proposed works on appropriate scale maps and plans;
  - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
  - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - g) persons responsible for implementing the works;
  - h) details of initial aftercare and long-term maintenance;
  - i) details for monitoring and remedial measures; and
  - j) details for the disposal if any wastes arising from the works.

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

Reason: A pre-commencement condition is required to enable the Local Planning Authority to properly ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan and to ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, in accordance with the requirements of the National Planning Policy



Framework and Policies EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN4 of the Development and Sites Allocations Local Plan.

14. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection, rescue and translocation of protected species has been submitted to and approved in writing by the Local Planning Authority for each phase of development. 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 for each phase of the development and shall be retained in that manner thereafter.

Reason: a pre-commencement condition is required to protect habitats and species identified in the ecological surveys from adverse impacts during construction Policies EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN4 of the Development and Sites Allocations Local Plan.

15. No development shall commence until details for the protection of existing trees and hedgerows on the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with a scheme for protection, which shall include protective fencing. The approved scheme shall be put in place prior to the commencement of any development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: The site contains trees and hedgerows which contribute to the character of the area and should be conserved to ensure that the development is integrated within the landscape of the High Weald National Landscape. The commencement of any groundworks could potentially impact on trees and hedgerows and pre-commencement measures therefore need to be put in place to ensure that protected trees/hedgerows remain in situ as agreed and with measures in accordance with the British Standard and to accord with Policies OSS4 (iii) and EN1 of the Rother Local Plan

Core Strategy and Policies DEN1 and DEN2 of Development and Sites Allocations Local Plan.

16. No development shall commence on any part of the site until the Applicant has secured the implementation of a programme of archaeological works for that part of the site, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.  
Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.
17. Prior to the commencement of development and subsequent to an approved archaeological site investigation a construction method statement to show the preservation in-situ of significant archaeological remains shall be submitted to and approved in writing by the Local Planning Authority and works shall be completed in accordance with the approved details.  
Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

**Reserved Matters Submissions**

18. Prior to commencement of development of Parcel 1, the details of a new access on to Harrier Lane to serve Parcel 1 shall be submitted and agreed with the Highway Authority. The new access shall be subject to a full Road Safety Audit procedures and detailed design, and the submitted details will include but not be limited to adequate visibility splays, pedestrian and cycle facilities, suitable gradient, drainage and construction. The new access will be implemented prior to the first occupation of the any dwelling in Parcel 1.  
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies CO6, TR2 and TR3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
19. Pursuant to Condition 1, no above ground works shall commence until details of the following have been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details:
- a) 1:200 scale street scene drawings, accurately reflecting site topography, showing proposed buildings in context;
  - b) 1:50 drawings of all proposed buildings including details of all fenestration, eaves details, porches, dormers, rooflights, chimneystacks, pipes, vents and utility meters and boxes;
  - c) samples of the materials to be used in the construction of all external faces of the buildings;

- d) 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); and
- e) details of pedestrian and cycle links to the surrounding area including Battle Station, and proposed measures to seek to deliver such links.

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

20. Pursuant to Condition 1, no above ground works shall commence until a walking and cycling audit of the routes to key destinations in Battle from the site, including Battle Station, has been completed and agreed with the Highway Authority and the audit shall include the identification of mitigation measures and improvement schemes needed to increase walking and cycling as a mode of travel, and prior to first occupation of the development the agreed measures/schemes shall be implemented in accordance with the agreed details.

Reason: To achieve a well-connected, accessible development by non-car modes and to meet the objectives of sustainable development, in accordance with Policies BT2, EN3, TR2 and TR3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

21. Pursuant to Condition 1, no above ground works shall commence until an assessment of the impacts of development traffic in Battle High Street and at London Road/North Trade Road/High Street junction shall be completed and agreed with the Highway Authority and the assessment shall identify and include design of mitigation measures, and prior to first occupation of the development the agreed measures shall be implemented.

Reason: To ensure the traffic impacts of the development are mitigated and the safety of persons and vehicles proceeding along the highway, in accordance with Policies CO6, TR2 and TR3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

22. Pursuant to Condition 1, no above ground works shall commence until the following public realm and hard landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

- a) proposed finished levels or contours;
- b) boundary treatments (plot and other) and any other means of enclosure (fences, railings and walls) indicating the locations, type, design, height, and materials of such;
- c) vehicle and cycle parking layouts;
- d) design of other vehicle and pedestrian access and circulation areas, (including street widths, pavements and cycleways where relevant, and other strategic public realm);

- e) hard surfacing materials (including road surfaces, cycleways, footpaths, parking spaces and other areas of hard standings, kerbs and tactile paving);
- f) a coordinated street furniture strategy (including benches, bollards, bins, planters, and signage) including proposed locations;
- g) an external lighting strategy, (including type and design of lighting equipment, and non-lighting zones) that accords with the lighting biodiversity strategy and that responds to, and reinforces, the street hierarchies;
- h) minor artefacts and structures;
- i) play areas (Local Areas of Equipped Play or Landscape Areas of Play) including full specification and details of play equipment proposed; and
- l) proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports).

Reason: To ensure the creation of a high quality public realm, design quality, and landscape setting, in accordance with Policies EN3, EN1, TR2 and TR4 of the Rother Local Plan Core Strategy.

23. No above ground works shall commence until the following soft landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

- a) 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) design, layout and appearance of structural and amenity green space, including verges;
- c) planting plans, including landscape and ecological mitigation (buffer planting and green buffers);
- d) written specifications (including cultivation and other operations associated with plant and grass establishment);
- e) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- f) details for implementation.

Reason: To ensure the creation of a high quality public realm and landscape setting that enhances the landscape and scenic quality of the High Weald National Landscape, in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy and DEN1 and DEN2 of the Development and Sites Allocations Local Plan.

24. If within a period of 10 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development and the landscape of the High Weald National Landscape, in accordance

with Policies EN1 and EN3 of the Rother Local Plan Core Strategy and DEN1 and DEN2 of the Development and Sites Allocations Local Plan.

25. Prior to the occupation of any dwelling, a landscape management plan, including management responsibilities and maintenance schedules for the communal hard and soft landscape/open space areas, including any street furniture and minor artefacts therein, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To ensure a high quality public realm taking account of the characteristics of the locality and enhancing the landscape character and quality of the High Weald National Landscape, in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Sites Allocations Local Plan.

26. Prior to the occupation of any dwelling, a landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

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

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

Reason: require in order to positively management constantly changing biological communities and to maintain their conservation value, to ensure the long term management of habitats, species and other biodiversity features, in accordance with the requirements of the National Planning Policy Framework and Policies EN1 and EN5 of the Rother Local Plan Core Strategy

and Policies DEN1, DEN2 and DEN4 of the Development and Sites Allocations Local Plan.

27. Prior to the occupation of any dwelling evidence (including photographs) shall be submitted to the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.  
Reason: To ensure that the drainage infrastructure for the development will not increase the risk of flooding, will improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.
28. No dwelling or other building shall be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 16 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.  
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy EN2 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
29. The details of layout pursuant to Condition 1 above shall include details of the siting and form of bins for the storage and recycling of refuse within the site (internally or externally), and collection points and the approved details shall be implemented before the occupation of each relevant dwelling(s) and thereafter continued, with all bins and containers available for use, maintained and replaced as need be.  
Reason: To safeguard the visual amenities of the locality and in the interests of providing a sustainable development in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
30. The details of layout pursuant to Condition 1 above shall include details for the parking and turning of vehicles (including turning of refuse vehicles) in accordance with the East Sussex Residential Parking Demand Calculator and the provision of cycle parking areas, and all those approved areas shall be provided before the occupation of the any dwelling or in accordance with a programme to be agreed in writing by the Local Planning Authority and thereafter retained for those uses only.  
Reason: To ensure the provision of adequate on-site parking and turning facilities that do not prejudice the free flow of traffic or conditions of general safety along the highway and in order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with Policies CO6, TR4 and TR3 of the Rother Local Plan Core Strategy.

31. During any forms of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority in consultation with the Highway Authority, to prevent contamination and damage to the adjacent roads.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large, in accordance with Policies CO6 and OSS4 of the Rother Local Plan Core Strategy.

32. Prior to the occupation of any dwelling, a Travel Plan Statement in association with this development shall be submitted to the Local Planning Authority to ensure that private car trips to and from the site are reduced. The travel plan should include targets for reduced car use and a monitoring programme to ensure these targets are met.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development and in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy.

33. Each dwelling shall not be occupied until the boundary treatments that relate to it as approved under Condition 22 have been completed in accordance with the approved details.

Reason: To ensure a high quality public realm taking account of the characteristics of the locality in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

34. If any part of the development hereby approved, or subsequently approved under the reserved matters, does not commence (or, having commenced, is suspended for more than 12 months) within one year from the date of the planning permission, the approved ecological measures relating to that part of the development secured through the permission shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys for notable habitats and species including badgers, bats, reptiles and breeding birds, commissioned to:

- a) establish if there have been any changes in the presence and/or abundance of protected species; and
- b) identify any likely ecological impacts that might arise from the changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that phase. Works must then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure the protection and enhancement of wildlife and supporting habitats of nature conservation value in accordance with Policy EN5 of the Rother Local Plan Core

Strategy, the NE Bexhill SPD and the National Planning Policy Framework.

35. The development hereby approved shall be carried out in accordance with the approved phasing contained within the Phasing Plan identifying four phases for this element of the outline site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To clarify how the site is to be phased and to assist with the determination of subsequent reserved matters applications and other condition details in regard to provision of infrastructure provisions and environmental mitigation and to cater for the needs and impacts arising from the development in accordance with Policy BA1, EN1 and EN3 Of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

**Conditions 1, 3, 4, 8, 9, 11, 12, 13, 14, 15, 16, 17 & 26 (in relation to this particular part of the site) of outline permission RR/2019/604/P, have had details approved. Works to be completed in accordance with the approved details.**

**No conditions have been discharged as may apply to the land parcel in the far north and east corner, unrelated to RDC/Alliance Homes land.**

**The following conditions of Reserved Matters permission RR/2022/1330/P are varied as required and remain extant:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
23009-05100 Site location Plan  
23009-PDA-XX-ZZ-DR-A-05101 rev.J, illustrative site plan, dated 6.11.23  
Design & Access Statement Addendum Document rev. D, dated 7/12/23  
23009-PDA-XX-ZZ-DR-A-05105 rev.C, External materials layout, dated 6/12/23  
23009-PDA-XX-ZZ-DR-A-05106 rev.E, adoptable roads and pathways, dated 6/12/23  
Schedule of Accommodation rev.D, noting that all are now market housing, dated 15/05/23  
Landscape and Ecology Management Plan, Issue 2, dated December 2020  
10704-GTA-MP-XX-GA-C-1143 rev.P10, external works layout, dated 12/09/22  
10704-GTA-MP-XX-GA-C-1149 rev.P2, external works layout, dated 12/09/22  
D3276-FAB-ZZ-ZZ-DR-L-02001-8 rev.PO2, landscape hardworks sheet 1 – 8 inclusive, dated 03/08/23  
D3276-FAB-ZZ-ZZ-DR-L-01001 PO1, landscape legend  
D3276-FAB-ZZ-ZZ-SP-L-00001 rev.PL01, Outline landscape specification  
23009(05)301 rev.B – HT 3D elevations, dated 4/12/23



23009(05)301 rev.B – HT 4A elevations, dated 4/12/23  
 23009(05)241 rev.D – HT 2D elevations, dated 21/04/23  
 23009(05)289 rev.B – HT 3C elevations, dated 4/12/23  
 23009(05)305 rev.C – HT 3D elevations, dated 1/8/23  
 23009(05)251 rev.B – HT 3A elevations, dated 18/7/23  
 23009(05)261 rev.B – HT 3D elevations, dated 18/7/23  
 23009(05)250 rev.B – HT 3A floor plans, dated 18/7/23  
 23009(05)200 rev.A – HT 1A elevations, dated 14/7/23  
 23009(05)201 rev.B – HT 1A elevations, dated 14/7/23  
 23009(05)210 rev.A – HT 2A floor plans, dated 14/7/23  
 23009(05)211 rev.A – HT 2A elevations, dated 14/7/23  
 23009(05)220 rev.A – HT 2B floor plans, dated 14/7/23  
 23009(05)221 rev.B – HT 2B elevations, dated 14/7/23  
 23009(05)230 rev.A – HT 2C floor plans, dated 14/7/23  
 23009(05)231 rev.A – HT 2C elevations, dated 14/7/23  
 23009(05)240 rev.A – HT 2D floor plans, dated 14/7/23  
 23009(05)221 rev.B – HT 2B elevations, dated 14/7/23  
 23009(05)270 rev.A – HT 3B floor plans, dated 14/7/23  
 23009(05)271 rev.A – HT 3B elevations, dated 14/7/23  
 23009(05)276 rev.A – HT 3B elevations, dated 14/7/23  
 23009(05)285 rev.A – HT 3C elevations, dated 14/7/23  
 23009(05)288 rev.A – HT 3C floor plans, dated 14/7/23  
 23009(05)300 rev.A – HT 3D floor plans, dated 14/7/23  
 23009(05)320 rev.A – HT 4A floor plans, dated 14/7/23  
 23009(05)321 rev.B – HT 4A elevations, dated 14/7/23  
 23009(05)330 rev.B – HT 4B floor plans, dated 14/7/23  
 23009(05)331 rev.A – HT 4B elevations, dated 14/7/23  
 BZ508.PDA.xxA.XXA.DTAA.A (05)1121, 113 & 114, site sections,  
 dated 23/6/23  
 Stage 3 Landscape Strategy, by Fabrik, dated 14/07/2023  
 Energy and Sustainability Statement, dated July 2023  
 23009-PDA-XX-ZZ-DR-A-05104 rev. C, Refuse strategy, dated  
 6/12/23  
 Arboricultural Impact Assessment and Method Statement by  
 Temple, dated 22/08/23  
 Reason: For the avoidance of doubt and in the interests of proper  
 planning.

2. No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted to and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the Applicant's expense.  
Reason: In order to ascertain the condition of approach roads prior to any HGV movements and thereby provide a base point to identify any damage resulting from development and requirements subsequent to maintenance works following completion of the development, in the interests of highway safety and the amenities of the area, having regard to Policies CO6, TR3 and OSS4 of the Rother Local Plan Core Strategy.
3. Prior to the commencement of development above ground a 1:50 scale layout drawing of the square along the spine road in Plot 3

is to be submitted to and approved in writing by the Local Planning Authority, and the development thereafter shall be carried out in accordance with the approved details. The layout drawing shall refine the precise dimensions and design of the square, the hard-surfacing materials proposed within and around it, including kerbing details, any soft landscaping within or around it, and any other artefacts associated with it, e.g. lighting.

Reason: To ensure the creation of a high quality public realm and high design quality and having regard to the requirements of the outline permission, in accordance with Policy EN3 of the Rother District Local Plan Core Strategy and the National Planning Policy Framework.

4. Pursuant to Condition 22 (b) of the outline permission RR/2019/604/P, detailed boundary treatment information remains to be submitted and approved. This information shall include detailed annotated layouts of each of the three plots at scale 1:200, indicating the locations of boundary enclosures to delineate and enclose front and side private curtilages, to provide meaningful enclosure from the adjacent public realm and from each other, including between driveways. The drawings shall be annotated to show each boundary treatment type, and the number and type of boundary treatments shall be rationalised to fully reflect and represent local character and contribute positively to street character in the development.

Reason: To ensure a development of high design quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy, the High Weald Housing Design Guide and the National Planning Policy Framework.

5. Pursuant to Condition 19 of outline planning permission RR/2019/604/P a detailed schedule of materials, by annotated plan and full streetscenes of all areas of the site at scale 1:200, indicating the combinations of materials to be used on elevations sufficient to be assessed in the streetscene context, along with details of the materials themselves, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a development of high design quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy, the High Weald Housing Design Guide and the National Planning Policy Framework.

6. Prior to commencement of development above ground on any phase of the development, a layout plan indicating all sources of renewable energy to be utilised across that phase of the site shall be submitted for approval. Details shall including siting and type, with the roof slope locations of solar panels, along with detailed information regarding the size, profile and appearance of the panels. All details are to be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure a development of high design quality which improves the sustainability and carbon neutral details of the proposals, in accordance with Policy EN3 of the Rother Local Plan

Core Strategy, Policy DRM3 of the Development and Site Allocations Local Plan, the High Weald Housing Design Guide and the National Planning Policy Framework.

7. The Landscape Strategy document is largely illustrative and whilst the broad approach is supported, it is not sufficiently refined and resolved at a detailed level. Therefore, details regarding hard and soft landscaping, pursuant to Conditions 22 (d) and (e), 23 and 24 of the outline planning permission RR/2019/604/P, remain to be submitted to and approved by the Local Planning Authority. These details shall include detailed annotated landscape and planting layouts at scale 1:200, also indicating the delivery of the tree-lined avenue to the main spine street, verge treatments, and planting and other materials specifications.

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

8. Prior to the construction of any of the pedestrian footways and cycle links, detailed drawings, including levels, sections and constructional details of the proposed footways, surface water drainage, outfall disposal, planting and street lighting to be provided, shall be submitted to the Local Planning Authority and be subject to its approval, in consultation with the Highway Authority. Works shall be completed in accordance with the approved details.

Reason: To provide alternative modes of transport and improve permeability of the site, in the interests of pedestrian and highway safety and for the benefit and convenience of the public at large, in accordance with Policies EN3, TR3 and CO6 of the Rother Local Plan Core Strategy.

9. No above ground works shall commence in respect of any dwelling unit until full details of the construction and materials for any related retaining walls has been submitted to and approved in writing by the Local Planning Authority. All works shall be completed and thereafter maintained in accordance with the approved details.

Reason: To ensure a development of high design quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy, the High Weald Housing Design Guide and the National Planning Policy Framework.

#### **NOTES:**

1. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990.pl191010 – RR/2019/604/P.

2. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
3. This permission includes conditions requiring the submission of details prior to the commencement of development. Following close consideration in the courts, it is now well established that if the permission contains conditions requiring further details to be submitted to the Council or other matters to take place prior to development commencing and these conditions have not been complied with, the development is unlawful and does not have planning permission. You are therefore strongly advised to ensure that all such conditions have been complied with before the development is commenced.
4. For the avoidance of doubt the Applicant is reminded that:
  - Parking spaces shall measure at least 2.5m by 5m with an extra 50cm on each dimension where spaces abut walls or fences).
  - Any garages shall measure at least 3m by 6m (internally) and will count as 1/3 of a space of the total parking provision and requirement.
  - Cycle parking shall be covered and secure and in a convenient location for each dwelling.
5. For the avoidance of doubt, the access junctions shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.
6. The Highway Authority's requirements associated with this development proposal will need to be secured through a Section 278 Legal Agreement between the Applicant and East Sussex County Council.
7. The following public rights of way across the site should be retained and remain accessible at all times: Public Footpaths 76 and 77b. It is noted that a footpath diversion via s257 of the Town and Country Planning Act may be applicable.
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. This planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation. Further advice on the requirements of these

Acts is available from Natural England, Sussex and Surrey Team, Phoenix House, 33 North Street, Lewes, East Sussex BN7 2PH.

10. Any works affecting watercourses require Ordinary Watercourse Consent and the Applicant should contact East Sussex County Council land drainage section at [watercourse.consenting@eastsussex.gov.uk](mailto:watercourse.consenting@eastsussex.gov.uk).
11. Non-compliance with Japanese Knotweed management and control could render the Applicant liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). pl191010 – RR/2019/604/P.
12. The archaeological written scheme of investigation, ensuing works and production of reports should accord with the relevant portions of the East Sussex County Council (ESCC) document “Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation in East Sussex” (2008), including Annexe B, and should be undertaken only by a suitably qualified archaeologist. For assistance and advice in seeking compliance with the requirements of the condition, please contact the County Archaeologist at ESCC, Transport & Environment, County Hall, Lewes, BN7 1UE or telephone 01273 481608.
13. The Applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**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 J. Barnes declared a Non-Registerable Interest in this matter in so far as he was previously a Director / Vice-Chair of the Council’s Housing Company (Alliance Homes [Rother] Limited) and in accordance with the Members’ Code of Conduct remained in the meeting during the consideration thereof).

(Councillors Bayliss, Byrne and Field each declared a Non-Registerable Interest in this matter in so far as they were Executive Members at Rother District Council and had made decisions on the

finances of this site and were pre-determined, and in accordance with the Members' Code of Conduct left the room/meeting during the consideration thereof).

(Councillor Mrs Cook declared an Other Registerable Interest in this matter in so far as she was the Ward Member for South Battle and Telham and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

PL23/88. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**  
(9)

The next site inspection was scheduled to be held on Tuesday 12 March 2024 at 9:30am departing from the Town Hall, Bexhill.

**CHAIR**

The meeting closed at 11:02am.