

PLANNING COMMITTEE

5 September 2024

Minutes of the Planning Committee meeting held at the Town Hall, Bexhill-on-Sea on Thursday 5 September 2024 at 9:30am.

Committee Members present: Councillors B.J. Drayson (Chair), J. Stanger (Vice-Chair), J. Barnes (substitute), Mrs M.L. Barnes, C.A. Bayliss, T.J.C. Byrne, F.H. Chowdhury, C.A. Creaser, A.E. Ganly, P.J. Gray, T.O. Grohne and C. Pearce.

Other Members present: Councillors T.M. Killeen (MBE) (in part) and C.J. Winter.

Other Members present remotely: Councillors S. Burton (in part) and Mrs E.M. Kirby Green (in part).

Advisory Officers in attendance: Interim Head of Planning, Development Manager, Development Management – Team Leader, Principal Planning Officer, Senior Planning Officers x 2 (in part), Planning Officer (in part), Conservation Consultant (in part), Legal Representative and Democratic Services Officer.

Also Present: Revai Kinsella – Pevensey & Cuckmere Water Level Management Board, 54 members of the public in the Council Chamber and 81 via the live webcast.

PL24/30. MINUTES

The Chair was authorised to sign the Minutes of the meeting held on 18 July 2024 as a correct record of the proceedings.

PL24/31. APOLOGIES FOR ABSENCE AND SUBSTITUTES

Apologies for absence were received from Councillors Mrs V. Cook, N. Gordon and A.S. Mier.

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

PL24/32. DISCLOSURE OF INTERESTS AND DISPENSATIONS

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

J. Barnes	Agenda Item 7 – Other Registerable Interest as he was the Vice-Chair of Etchingam Parish Council, who had commented on the Application.
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	Agenda Item 11 – Other Registerable Interest as the Ward Member for Burwash and the Weald.
Bayliss	Agenda Item 9 – Other Registerable Interest as the Ward Member for Central Ward, Bexhill.
Byrne	Agenda Items 9 & 10 – Other Registerable Interest as a Member of Bexhill-on-Sea Town Council.
Drayson	Agenda Item 7 – Non-Registerable Interest as his son owned/worked for the Architects.
	Agenda Item 9 – Other Registerable Interest as a Member of Bexhill-on-Sea Town Council, plus in the interest of openness, he advised that his home address backed on to Egerton Park.
	Agenda Item 10 – Other Registerable Interest as a Member of Bexhill-on-Sea Town Council.
Gray	Agenda Item 7 – Non-Registerable Interest as she knew two families who lived in the area through her association as being a Member of the Green Party.

There were no dispensations noted.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL24/33. PLANNING APPLICATIONS - INDEX

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 Interim Head of Planning 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 Interim Head of Planning 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.

COUNCILLOR STANGER IN THE CHAIR

PL24/34. **RR/2023/2540/P - BURGH HILL – LAND SOUTH OF HURST GREEN**

RM

DECISION: REFUSE (OUTLINE PLANNING PERMISSION)

The application had been called-in by one of the local Ward Members (Councillor Mrs Barnes) for the following reasons, namely market housing only, suburbanisation of the rural character, too many accesses to the narrow country lane, visual intrusion on Area of Outstanding Natural Beauty (AONB) and damage to ecology and wildlife.

The Planning Committee had visited the site. The proposal was for outline planning permission to erect up to seven (3 to 5-bedroom) dwellings and associated infrastructure with all matters reserved except for access. The site was located outside of, but immediately adjoined the development boundary of Hurst Green village on three sides. As the Council could not demonstrate a 5-year housing supply, the Council's policies were out of date and therefore limited weight had been given to the development boundary. The site was a 1.58ha of undeveloped land on the southern side of Burgh Hill which was within the High Weald National Landscape (designated as an AONB). A Tree Preservation Order covered the trees along the eastern boundary of the site, there were no Public Rights of Way across the site, however two were in close proximity. The draft Hurst Green Parish Neighbourhood Plan (HGPNP) included the application site within the extended development boundary and allocated the site for housing development of up to seven dwellings. A hedgerow would be planted, set back from the northern boundary, behind the proposed new footpath. The officer's opinion was that, overall, the adverse impacts of the scheme (being outside of the out-of-date development boundary and some harm to the AONB) would not significantly and demonstrably outweigh the benefits when assessed against the National Planning Policy Framework as a whole. Plus, the new dwelling(s) would contribute towards the Council's lack of a 5-year housing supply.

The Planning Committee heard from a representative of Hurst Green Parish Council (HGPC), which was opposed to the scheme, a

spokesperson representing those objecting to the scheme (Burgh Hill Community Group) and the Applicant's Agent. 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 and commented as follows: outside the development boundary; impact on the AONB (highly intrusive and damaging on the landscape) and would be visible across the valley; break-up the skyline; would do sustainable and irreversible harm and destroy the views across Cooks Field; popular walking area; suburbanise Burgh Hill; no biodiversity net gain; destroy ancient hedgerow and dormouse habitat; suburbanise a routeway with a 2m pavement / footpath with no linkage to the existing highway walkways (substantial gap); no gain for pedestrians (narrow road); increased traffic / car dependant site; highway safety issues, particularly increased traffic movements on a multiple speed limit road; potential continuation of current ribbon development; limited amenities within the area (25 minute walk); drainage and flooding risks, particularly during heavy rainfall; tilted balance; overlooking and intrusive on neighbouring properties; HGPC had reached their housing targets; and lack of 5-year housing supply.

Members were advised that the footpath / pavement was within the site boundary, water management would be dealt with under the conditions (Condition 16), HGPC's representative had stated that their draft Neighbourhood Plan had been abandoned (officers confirmed that only limited weight had been given to this), and that HGPC's housing targets had not been reached, some applications were still outstanding and / or Section 106 Legal Agreements were still to be finalised.

During deliberation, Councillor Byrne moved the motion to GRANT (Outline Planning Permission) delegated subject to conditions and completion of a Section 106 Legal Agreement as detailed within the report. This was seconded by Councillor Bayliss.

The motion was declared LOST (4 for / 7 against).

Councillor J. Barnes moved the motion to REFUSE (Outline Planning Permission) and this was seconded by Councillor Gray, for the following reason, namely the application would not conserve the landscape, would cause significant harm and have an adverse impact on the High Weald National Landscape (AONB) contrary to Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan any other relevant policies delegated to officers to consider in consultation with and subject to the agreement of the Chair of Planning Committee).

The motion was declared CARRIED (7 for / 3 against / 1 abstention).

REASON FOR REFUSAL:

1. The proposed development by reason of its location on an unspoiled field and impact on landscape views overlooking to the field would fail to conserve and enhance the landscape and scenic

beauty of the High Weald National Landscape (HWNL) [Area of Outstanding Natural Beauty] and cause irreparable harm to the intrinsic character and appearance of this part of HWNL. The removal of road hedgerows to facilitate the pedestrian pathway would also cause demonstrable harm to the landscape character of the area and have a suburbanisation effect. As such, the proposal would be contrary to Policy EN1 of the Rother Local Plan Core Strategy (2014) and Policies DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan (2019).

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 looked for solutions to enable the grant of planning permission. However, it has not been possible to overcome all matters of concern and the proposal remains contrary to the planning policies set out in the reasons for refusal.

(Councillor J. Barnes declared an Other Registerable Interest in so far as he was Vice-Chair of Etchingam Parish Council who had commented on the Application; he had taken no part in these discussions and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(Councillor Drayson declared a Non-Registerable Interest in so far as his son owned / worked for the Architects and in accordance with the Members' Code of Conduct left the meeting during the consideration thereof).

(Councillor Gray declared a Non-Registerable Interest in so far as she knew two families who lived in the area through her association as a Member of the Green Party and in accordance with the Member's Code of Conduct remained in the meeting during the consideration thereof).

COUNCILLOR DRAYSON IN THE CHAIR

PL24/35. **RR/2024/542/P - CALDBEC HOUSE, CALDBEC HILL, BATTLE**

The application had been called-in to the Planning Committee by one of the local Ward Members (Councillor Field) for the following reasons, namely overdevelopment, impact on the street scene and poor access.

The Planning Committee had visited the site and heard representations from both local Ward Members (Councillor Burton and the Chair of the Planning Committee read out a statement on behalf of Councillor Field, as she was unable to attend the meeting). They also noted the updated information which contained further details from the Applicant, as well as a comment from Battle Town Council that had been disseminated prior to the meeting.

It was clarified that the archaeological and historical interest of the site would be safeguarded, and that native species would be planted, which was covered under Conditions 5 and 9 respectively.

After deliberation, the Planning Committee granted planning permission.

Councillor Bayliss moved the motion to GRANT (Full Planning) and this was seconded by Councillor Stanger.

The motion was declared CARRIED (12 for [unanimous]).

DECISION: GRANT (FULL 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 Block Plan, Drawing No. 7879/LBP/C, dated 28/06/2024
Proposed Block Plan, Drawing No. 7879/BP1/C, dated 28/06/2024
Proposed Floor Plans and Elevations, Drawing No. 7879/1/B, dated 11/04/2024
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall commence until a scheme of surface and foul water drainage works (which shall be designed in accordance with sustainable drainage principles) has been submitted to and agreed in writing by the Local Planning Authority. The dwelling hereby permitted shall not be occupied until the approved sustainable surface and foul water drainage works to serve the development have been implemented 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 SRM2 of the Rother Local Plan Core Strategy and DEN5 of the Development and Site Allocations Local Plan.
4. No development above ground level shall take place until samples/details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To preserve the visual amenities of the area within the High Weald National Landscape in accordance with Policies OSS4(iii) and EN3 (i) of the Rother Local Plan Core Strategy and

Policies DEN1 and DEN2 of the Rother Development and Site Allocations Plan.

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

Reason: To ensure that the archaeological and historical interest of the site 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.

6. The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

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

7. No development shall take place (including any demolition, ground works, site clearance) until a precautionary working method statement for amphibians (including great crested newts) and 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;
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation;
- 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 species from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended, the Conservation of Habitats and Species Regulations 2017, as amended and in accordance with Policy EN2 of the Battle Neighbourhood Plan, Policies BA1 (ix), EN1 and EN5 of the Rother Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

8. No development shall take place until an ecological design strategy (EDS) addressing ecological compensation and enhancement to achieve a minimum of 10% biodiversity net gain,

including, but not limited to, measures identified in the Preliminary Ecological Appraisal (The Mayhew Consultancy, April 2024), and the incorporation of bat, swift and invertebrate bricks / boxes, has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures; and
- j) details for disposal of any wastes arising from works.

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

Reason: To ensure that the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a minimum 10% net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 180 and 186 of the National Planning Policy Framework and Policies HD2 and EN2 of the Battle Neighbourhood Plan, Policies BA1 (ix), EN1 and EN5 of the Rother Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

9. No development above ground level shall take place on any part of the site until the hard and soft landscaping details for the whole site have been submitted to and approved by the Local Planning Authority, which shall include but not be limited to:

- 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 treatment;
- f) hard surfacing materials; and
- g) implementation programme

Reason: To enhance the appearance of the development within the High Weald National landscape, in accordance with Policy OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN7 of the Development and Site Allocations Local Plan.

10. The development shall be constructed in accordance with recommendations set out from section 9 – 14.3 of the Tree Survey

Arboricultural Impact Assessment & Tree Protection Plan undertaken by The Mayhew Consultancy, dated April 2024.

Reason: To ensure the protection of trees and hedgerows during construction and the creation of a high-quality public realm and landscape setting within the High Weald National Landscape, in accordance with Policy EN1, EN3 and Policy EN5 (ix) of the Rother District Local Plan Core Strategy and Policy DEN2 of Rother Development and Site Allocations Local Plan and the National Planning Policy Framework

11. All landscape works shall be carried out and retained in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority and if within a period of five years from the date of the planting any tree or plant is removed, uprooted, destroyed or dies, (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development in accordance with Policy OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN7 of the Development and Site Allocations Local Plan.

12. The dwelling hereby approved shall not be occupied until parking spaces and turning area (shown on the approved plan, reference: 7879/BP1/C, dated 28/06/2024), have been provided in accordance with the approved plans and thereafter retained for the parking and turning of motor vehicles only.

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to Policy CO6, TR4 and OSS4 of the Rother Local Plan Core Strategy and DIM1 of the Development and Site Allocations Local Plan.

13. The development shall not be occupied until the cycle parking area has been provided in accordance with the plans or details which have been first submitted to and approved in writing by the Local Planning Authority and the area 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 OSS4 (ii) & TR3 of the Rother Local Plan Core Strategy.

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

the Local Planning Authority to demonstrate that the dwelling(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 Rother Development and Site Allocations Local Plan.

15. The windows and doors on the southeast elevation of the dwelling hereby permitted shall not be installed until details of the glazing for the windows and doors have been submitted to and approved in writing by the Local Planning Authority. The details shall include information on the glass technology to be utilised to prevent or significantly reduce light transmission through the glazing at night, which could be in the form of electrochromatic glass or 'smart glazing'. The windows and doors shall be installed and thereafter retained in accordance with the approved details.

Reason: To prevent light pollution and to protect the dark night skies and local ecology of the surrounding countryside, in accordance with Policies EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN7 of the Development and Site Allocations Local Plan.

16. At the time of construction and prior to the first occupation of the dwelling hereby approved, the ensuite windows at first floor level within the north east elevation, as indicated on the approved Drawing No. 7879/1/B, date stamped 11/04/2024, 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 avoid overlooking and preserve surrounding residential amenity in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

NOTES:

1. Rother District Council adopted the Community Infrastructure Levy (CIL) Charging Schedule on 4 April 2016. CIL applies to all applicable planning permissions granted on or after this date. In this case, the development hereby approved is CIL LIABLE. The Applicant/Agent is advised to ensure the appropriate submission of the relevant CIL form(s). Forms and guidance are available on the Councils website: www.rother.gov.uk/planning-and-building-control/planning-policy/community-infrastructure-levy-cil-2/.
2. This permission may include condition(s) requiring the submission of details prior to the occupation 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 may be unlawful and not have planning permission. You are therefore strongly advised to ensure

that all such conditions have been complied with before the development is commenced. A fee is payable for written requests for compliance with conditions; the current fee is £43.00 for each request for householder developments and £145.00 for each request for all other categories of development. The appropriate 1APP form can be downloaded from the Council's Planning website www.rother.gov.uk/planning.

3. 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 is 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.
4. The Applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

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.

PL24/36. **RR/2024/1037/P - EGERTON PARK, EGERTON ROAD, BEXHILL**

The application was presented to the Planning Committee as it was located on Council-owned land.

Councillor J. Barnes moved the motion to GRANT (Full Planning Permission) and this was seconded by Councillor Creaser.

The motion was declared CARRIED (12 for [unanimous]).

DECISION: GRANT (FULL PLANNING PERMISSION)

SUBJECT TO CONDITION:

1. The development is hereby permitted in accordance with the following approved details:
Location Plan: Egerton Park kickabout court, dated 17/06/2024
Specification Sheet- Removable ALU80 Ball Stop System Posts

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

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.

(Councillor Bayliss declared an Other Registerable Interest in so far as she was the Ward Member for Central Ward, Bexhill and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(Councillor Byrne declared an Other Registerable Interest in so far as he was a Member of Bexhill-on-Sea Town Council and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(Councillor Drayson declared an Other Registerable Interest in so far as he was a Member of Bexhill-on-Sea Town Council and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof. He also advised that in the interests of openness his home address backed on to Egerton Park. As the application did not affect his financial interest or well-being, a formal declaration under the Members' Code of Conduct was not required).

PL24/37. **RR/2024/398/P - LITTLE COMMON RECREATION GROUND, GREEN LANE, BEXHILL**

The application was presented to the Planning Committee as it was located on Council-owned land.

The Planning Committee heard from one of the local Ward Members (Councillor Winter) who was fully supportive of the application.

Councillor Creaser moved the motion to GRANT (Full Planning Permission) subject to conditions and this was seconded by Councillor Grohne.

The motion was declared CARRIED (12 for [unanimous]).

DECISION: GRANT (FULL PLANNING)

Condition 3 of RR/2020/296/P is hereby removed.

Conditions 2, 4, 5, 6, 7 and 8 of RR/2020/296/P remain extant:

2. The development hereby permitted shall be maintained in accordance with the following approved plans and details:
Existing Site Block Plan, BA2018.02
Proposed Site Location Plan, BA2018/05/C, dated Aug 2020
Arena Seating, S-50/2, dated 20/08/2018
Arena Seating, ST-110/1, dated 05/10/2018
Footpath diversion diagram, 001, submitted with the application
V-mesh panel fencing diagram, 005, submitted with the application
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a022-20140306.
4. No matches shall be played on the enclosed football pitch, hereby approved, on the same day as a cricket match is held on the non-turf cricket pitch (NTP).
Reason: To prevent the risk of injury to football players or spectators during matches due to ball strikes from the NTP in accordance with Policy OSS4(iv) of the Rother Local Plan Core Strategy.
5. The floodlighting approved by RR/2009/2818/P shall not be used on:
 - a) any consecutive evening.
 - b) more than six weekday evenings in any one calendar month from September to March.
 - c) more than once a weekday evening per week during April, subject to Rother District Council's Season Dates.Reason: To safeguard the visual and residential amenities of the locality in accordance with Policy OSS4(ii) and (iii) of the Rother Local Plan Core Strategy.
6. The floodlighting approved by RR/2009/2818/P shall not be used from 1 May to 1 September in any calendar year.
Reason: To safeguard the visual and residential amenities of the locality in accordance with Policy OSS4(ii) and (iii) of the Rother Local Plan Core Strategy.
7. The floodlighting approved by RR/2009/2818/P shall only be used for matches by Little Common Football Club, except for one Cup Final tie per season and shall not be used for any training sessions.
Reason: To safeguard the visual and residential amenities of the locality in accordance with Policy OSS4(ii) and (iii) of the Rother Local Plan Core Strategy.
8. The lighting approved by RR/2009/2918/P shall be maintained in accordance with the manufacturer's specification unless otherwise agreed in writing by the Local Planning Authority. If any associated light spill or glare becomes visually intrusive within the landscape or detrimental to the residential amenities of the area,

the luminaire direction and angle shall be adjusted to minimise any such impacts.

Reason: To safeguard the visual and residential amenities of the locality in accordance with Policy OSS4(ii) and (iii) of the Rother Local Plan Core Strategy

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.

(Councillors Byrne and Drayson each declared an Other Registerable Interest in so far as they were Members of Bexhill-on-Sea Town Council and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

PL24/38. **RR/2023/795/P & RR/2023/796/L - SWAN INN, HIGH STREET, BURWASH**

The application had been called-in by the Chair of the Planning Committee (Councillor Drayson) regarding the history of the site.

The Planning Committee heard from a neighbour who objected to the scheme, a representative on behalf of Burwash Parish Council (the Clerk) that objected to the scheme and the Applicant, as well as one of the local Ward Members (Councillor Mrs Kirby-Green). Plus, the Conservation Consultant (with the assistance of the Senior Planning Officer) clarified and outlined the law and context of both applications. Judgement had been made on the documents provided by the Applicant (plans) and the officer's report outlined the unauthorised works, proposed remedial measures and stringent time-based conditions applied. If any of the conditions were breached, enforcement proceedings would be undertaken.

During discussion, it was generally agreed that it was disappointing that unauthorised works had been carried out on the Grade II Listed Building. The Planning Committee was advised that if the applications were refused, then the works would remain unauthorised and the proposed remedial works could not be undertaken, which would cause further harm to the Grade II Listed Building. It was unfortunate that the staircase had been totally removed and replaced; this could not be reinstated. Concern was raised regarding the structurally unsound chimney and damage to the party wall and back garden, which were raised by the neighbour. Officers clarified that none of these issues were material to the determination of these applications and that Listed Building Consent did not include works / alterations to the back garden. Councillor J. Barnes also raised concern that consideration had not been given to 2018 property survey. Officers confirmed that they were not aware of a 2018 property survey.

Councillor Bayliss requested that the application be deferred (this was not seconded) to allow the Planning Committee to carry out a site visit, so that they could see the alterations first hand. The Interim Head of

Planning advised that it would be unusual for a Planning Committee to carry out a site visit within a property (the applicant's home). She led Members through the "before and after" photographs and outlined the works that had been undertaken and what would be rectified, should planning permission be granted.

The Planning Committee expressed their concern that by granting permission this could potentially set a precedent for others to carry out unauthorised works (encourage "lawless activity") to Grade II Listed Buildings across the district, without seeking the correct planning permission(s) beforehand.

The Planning Committee was disappointed that the outstanding enforcement issue (ENF/19/19/BUR) was still ongoing and unresolved. Some Members felt that the Applicant should be prosecuted for the unauthorised works.

APPLICATION A:

During the discussion, Councillor J. Barnes moved the motion to REFUSE (Listed Building Consent) and this was seconded by Councillor Grohne, for the following reasons, namely that there was insufficient justification for the removal of the historic fabric, harmful to the architectural and historical interest of the Grade II Listed Building and delegated authority be given to officers to list the relevant policies.

The motion was declared LOST (3 for / 8 against / 1 abstention).

After further deliberation, the Planning Committee reluctantly agreed to approve Listed Building Consent.

Councillor Stanger moved the motion to GRANT (Listed Building Consent) subject to conditions and this was seconded by Councillor Bayliss.

The motion was declared CARRIED (7 for / 3 against / 2 abstentions).

APPLICATION B:

Councillor Ganly moved the motion to GRANT (Planning Permission) subject to conditions and this was seconded by Councillor Stanger.

The motion was declared CARRIED (12 for [unanimous]).

DECISION: GRANT (Listed Building Consent) Application A

SUBJECT TO CONDITIONS:

1. The works hereby approved shall be completed within 12 months of the decision date.
Reason: To ensure works contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990 are reversed in a timely manner.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Site Location Plan, Drawing No. 100047474, dated 10/04/2024
 Basement Plan, Drawing No. V2, undated
 Existing/Proposed Ground Floor Plan, Drawing No. 003 Rev B, undated
 Existing/Proposed First Floor Plan, Drawing No. 005 Rev B, undated
 Staircase Section, Drawing No. 301, dated 07/22
 Proposed Casement Windows Elevation, Drawing No. 304, dated 07/22
 Proposed Casement Window Section, Drawing No. 305, dated 07/22
 Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to commencement of works and within three months of the approval date, a full schedule of works and methodology shall be submitted to the Local Planning Authority for approval. The document should specifically detail the materials to be used and the extent of the works. Once approved, the works shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure the works proposed are reflective of traditional techniques and to comply with Policy EN2 of the Rother Local Plan Core Strategy and Policy GP02 of the Burwash Neighbourhood Plan.

4. A photographic record of the reversal of previous works shall be recorded and submitted at each stage detailed below to the Local Planning Authority for approval. The photographic record shall show:

- a) The removal of plaster board – Stage 1
- b) The removal of unauthorised insulations – Stage 1
- c) The installation of approved insulation – Stage 2
- d) The installation of new authorised materials prior to final plaster coats and paint being applied – Stage 3
- e) The unpainted final plaster finish – Stage 4

Photographs that show the fullest possible extent of each room at each stage will be required.

Reason: To ensure compliance with the approved details and to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy EN2 of the Rother Local Plan Core Strategy and Policy GP02 of the Burwash Neighbourhood Plan.

5. The development hereby approved shall be made available for inspection by the Local Planning authority, at a reasonable time, upon completion of the works, or at the expiry of the time period stated in Condition 1 above, to ensure that the works have been carried out in accordance with the permissions and to ensure that there has been no breach of planning control (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of the historic environment, securing high

quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system in accordance with Policy EN2 of the Rother Local Plan Core Strategy and Policy GP02 of the Burwash Neighbourhood Plan.

NOTES:

1. The attention of the Applicant is drawn to the associated planning application RR/2023/795/P and its associated conditions.
2. A 12 month condition has been included within this decision. Council officers will inspect the premises and works on expiry of this decision to ensure the works have been carried out as approved.

DECISION: GRANT (FULL PLANNING) Application B

SUBJECT TO CONDITIONS:

1. The works hereby approved shall be completed within 12 months of the decision date.
Reason: To ensure works contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990 are reversed in a timely manner.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Site Location Plan, Drawing No. 100047474, dated 10/04/2024
Basement Plan, Drawing No. V2, undated
Existing/Proposed Ground Floor Plan, Drawing No. 003 Rev B, undated
Existing/Proposed First Floor Plan, Drawing No. 005 Rev B, undated
Staircase Section, Drawing No. 301, dated 07/22
Proposed Casement Windows Elevation, Drawing No. 304, dated 07/22
Proposed Casement Window Section, Drawing No. 305, dated 07/22
Reason: For the avoidance of doubt and in the interests of proper planning.

NOTES:

1. The attention of the Applicant is drawn to the associated listed building consent application RR/2023/796/L and its associated conditions.
2. A 12 month condition has been included within this decision. Council officers will inspect the premises and works on expiry of this decision to ensure the works have been carried out as approved.

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.

(When it first became apparent, Councillor J. Barnes declared an Other Registerable Interest in so far as he was the Ward Member for Burwash and the Weald, he had commented on the outstanding enforcement issue but remained open-minded regarding these applications and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

PL24/39. RR/2022/1388/DC - LAND AT CLAVERING WALK, BEXHILL

The Planning Committee, whilst determining reserved matters regarding Application RR/2020/2260/P in August 2021, had requested that consideration of the details submitted in response to Condition 17 (Surface Water Drainage) of the outline planning permission (Application RR2018/3127/P) be reported to the Committee for its determination, along with a draft Appropriate Assessment under the Habitats Regulations.

The Chair of the Planning Committee advised that as this report was for the discharge of condition only, it was not subject to the public speaking scheme at the meeting. However, he advised that Councillor Winter had requested to speak as the Ward Member for St. Marks, Bexhill.

Councillor Winter proceeded to read out his comments, but stated at the end that these were the comments of the Bellway Opposition Action Group (and not his own). The meeting was disrupted by comments from the public gallery. The Applicant was present (along with some of his technical colleagues) who protested that they had not had the right to speak or reply. The meeting was temporarily adjourned to allow the Interim Head of Planning to speak to the Applicant.

The Chair of the Planning Committee advised that, in the interest of fairness, he had agreed that the Applicant could address the Planning Committee, answer any questions raised by Members and could refer to his colleagues should technical questions be raised that he could not answer.

Clarity was sought on the surface water drainage management, specialist management company (Icosa Water), longevity of the drainage system and excessive (during heavy downpours) water run-off into the Pevensey Levels. Reassurance was provided by the Applicant and representative from the Pevensey & Cuckmere Water Level Management Board that all necessary robust measures had been proposed and would be put in place to ensure protection of the Pevensey Levels Special Area of Conservation and Ramsar Site.

Councillor Drayson moved the motion to APPROVE the Appropriate Assessment and discharge of conditions as detailed below and this was seconded by Councillor Ganly.

The motion was declared CARRIED (9 for / 3 against).

DECISION: APPROPRIATE ASSESSMENT BE AGREED AND DETAILS RESERVED BY CONDITIONS 11, 16 AND 17 IMPOSED ON OUTLINE PLANNING PERMISSION RR/2018/3127/P AND CONDITION 2 IMPOSED ON APPROVAL OF RESERVED MATTERS RR/2020/2260/P BE APPROVED, AS DETAILED IN THE FOLLOWING DOCUMENTS:

- Construction Environmental Management Plan (Revision 008, dated 08 – Mar – 2024)
- Construction Traffic Management Plan (Revision N, dated 22.03.24)
- Drainage Technical Note (Revision L, dated 25.03.24)
- Drainage Maintenance and Management Plan (Revision E, dated 16/06/2023)

PL24/40.
(13)

PERFORMANCE REPORT FOR DEVELOPMENT MANAGEMENT

Members were advised that the Performance Report would be presented at the next meeting of the Planning Committee scheduled to be held on Thursday 10 October 2024.

PL24/41.
(14)

TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS

The next site inspection was scheduled to be held on Tuesday 8 October 2024 at 9:30am departing from the Town Hall, Bexhill.

CHAIR

The meeting closed at 3:33pm.