

Committee - **Planning**

Date and Time - **Thursday 18 January 2018**
9:30am – 1:00pm and 2:00pm until close of business
(At the discretion of the Chairman, the timing of lunch may be varied)

Venue - **Town Hall, Bexhill-on-Sea**

Councillors appointed to the Committee:

B. Kentfield (Chairman), G.C. Curtis (Vice-Chairman), A.K. Azad, Mrs M.L. Barnes (ex-officio), P.R. Douart, Mrs D.C. Earl-Williams, R.V. Elliston, A.E. Ganly, T.W. Graham, Mrs B.A. Hollingsworth, Mrs J.M. Hughes, J.M. Johnson, Mrs S.M. Prochak, G.F. Stevens and M.R. Watson.

AGENDA

1. **MINUTES** – To authorise the Chairman to sign the minutes of the meeting of the Committee held on 7 December 2017 as a correct record of the proceedings.
2. **APOLOGIES FOR ABSENCE**
3. **ADDITIONAL AGENDA ITEMS** – To consider such other items as the Chairman decides are urgent and due notice of which has been given to the Head of Paid Service by 12 noon on the day preceding the meeting.
4. **WITHDRAWN APPLICATIONS** – The Service Manager – Strategy and Planning to advise Members of those planning applications on the agenda which have been withdrawn.
5. **DISCLOSURE OF INTEREST** – To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.
6. **REPORT OF THE EXECUTIVE DIRECTOR OF BUSINESS OPERATIONS - PLANNING APPLICATIONS** (Appendices to the Planning Applications are attached as a separate document)

Page
No.

NOTE: Representations on any items on the Agenda must be received in writing by 9:00am on the Monday preceding the meeting.

This agenda can be made available in large print, Braille, audiotape/CD or in another language upon request. For all enquiries please contact [louise.cook @rother.gov.uk](mailto:louise.cook@rother.gov.uk)

Tel: 01424 787812

**Rother District Council aspiring to deliver...
an Efficient, Flexible and Effective Council, Sustainable Economic Prosperity,
Stronger, Safer Communities and a Quality Physical Environment**

- 1) Applications attracting a petition; and
- 2) All other applications.

7. REPORT OF THE EXECUTIVE DIRECTOR OF BUSINESS OPERATIONS

- 1) Appeals.

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8. TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS -
Tuesday 6 February 2018 at 8:30am departing from the Town Hall, Bexhill.

Dr Anthony Leonard
Executive Director of Business Operations

Despatch date: 10 January 2018

NOTE: Representations on any items on the Agenda must be received in writing by 9:00am on the Monday preceding the meeting.

Enquiries – please ask for Louise Cook (Tel: 01424 787812)
For details of the Council, its elected representatives and meetings, visit the Rother District Council website www.rother.gov.uk

Report to	-	Planning Committee
Date	-	18 January 2018
Report of the	-	Executive Director of Business Operations
Subject	-	Planning Applications

Service Manager: Tim Hickling

Planning Committee Procedures

Background Papers

These are planning applications, forms and plans as presented in the agenda, pertinent correspondence between the applicant, agents, consultees and other representatives in respect of the application, previous planning applications and correspondence where relevant, reports to Committee, decision notices and appeal decisions which are specifically referred to in the reports. Planning applications can be viewed on the planning website <http://www.rother.gov.uk/planning>

Planning Committee Reports

If you are viewing the electronic copy of the Planning Applications report to Planning Committee then you can access individual reported applications by clicking on the link ([View application/correspondence](#)) at the end of each report.

Consultations

Relevant statutory and non-statutory consultation replies that have been received after the report has been printed and before the Committee meeting will normally be reported orally in a summary form.

Late Representations

Any individual representations in respect of planning applications on the Planning Committee agenda must be received by the Service Manager – Strategy and Planning in writing by 9am on the Monday before the meeting at the latest. Any representation received after this time cannot be considered.

Late petitions cannot be considered in any circumstance, as petitions will only be accepted prior to publication of the agenda in accordance with the guidance on submitting petitions found at <http://www.rother.gov.uk/speakingatplanningcommittee>

Delegated Applications

In certain circumstances the Planning Committee will indicate that it is only prepared to grant/refuse planning permission if/unless certain amendments to a proposal are undertaken or the application is subject to the completion of outstanding or further consultations. In these circumstances the Service Manager – Strategy and Planning can be delegated the 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 which cannot be satisfactorily concluded, then the application will be reported back to the Planning Committee or reported via the (internal electronic)

Notified D system as a means of providing further information for elected Members. This delegation also allows the Service Manager – Strategy and Planning to negotiate and amend applications, conditions, reasons for refusal and notes commensurate with the instructions of the Committee.

Applications requiring the applicant entering into an obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) are also delegated.

Order of Presentation

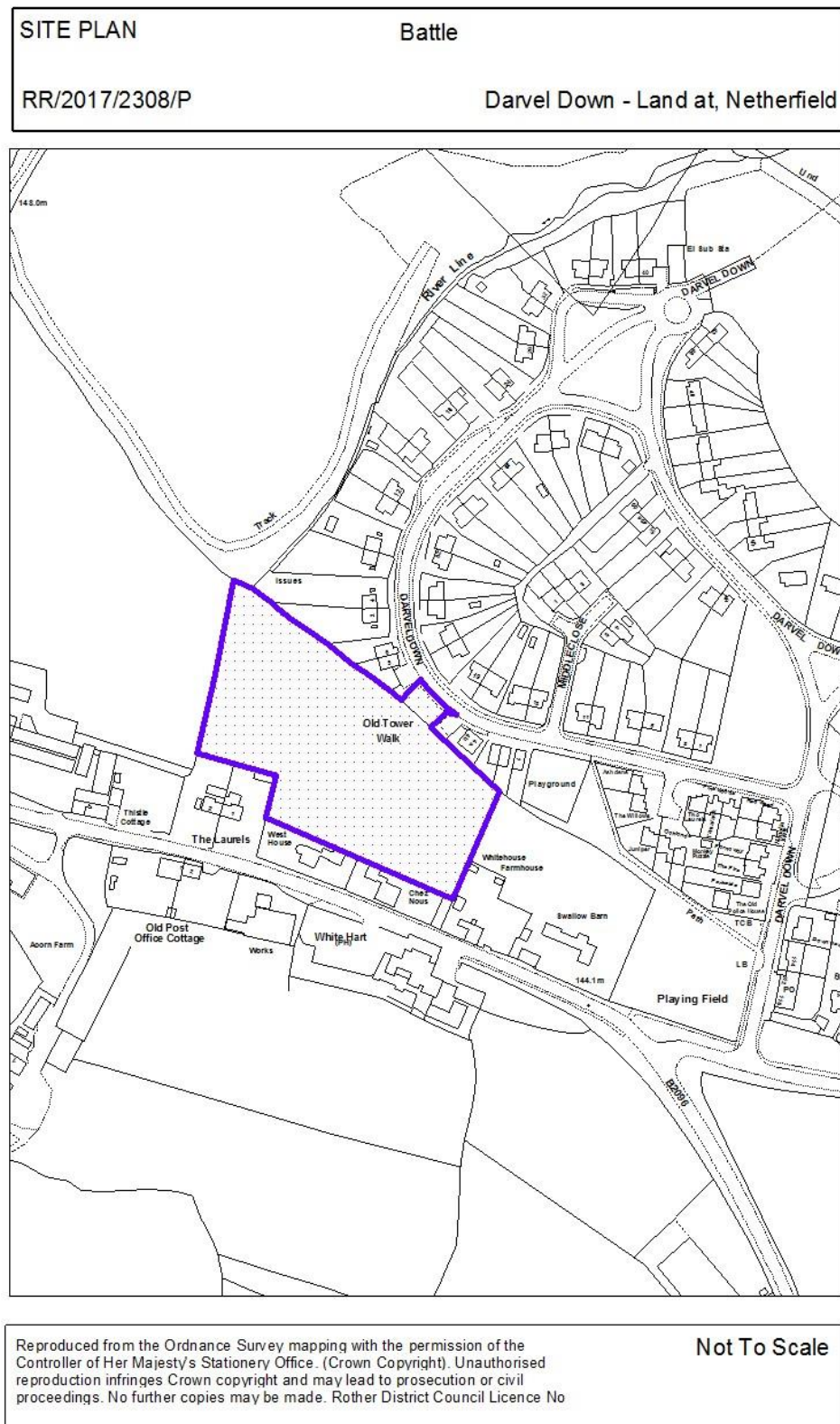
The report on planning applications is presented in the following order as shown below:-

6.1 APPLICATIONS ATTRACTING A PETITION (PUBLIC SPEAKING)

<u>RR/2017/2308/P</u>	4	BATTLE	Darvel Down – Land at, Netherfield
<u>RR/2017/2175/P</u>	38	BEXHILL	Barnhorn road – Land north of and west of The Broadwalk
<u>RR/2017/1914/P</u>	58	BEXHILL	Pebsham Rural Business Park, Pebsham Lane.

6.2 ALL OTHER APPLICATIONS

REFERENCE	PAGE	PARISH	SITE ADDRESS
<u>RR/2017/1714/P</u>	68	PETT	Pannel Place, Oak Valley Camping, Pannel Lane.
<u>RR/2017/2210/P</u>	83	EWHURST	Damson Field, Shoreham Lane, Ewhurst Green.
<u>RR/2017/2533/P</u>	90	BEXHILL	21 Ninfield Road.



RR/2017/2308/P

BATTLE Darvel Down – land at, Netherfield**Outline: Erection of 25 dwellings.**

Applicant: Asprey Homes (Southern) Ltd. and Amicus Horizon
Agent: Mrs S Field, WS Planning and Architecture
Case Officer: Ms J Edwards (Email: jo.edwards@rother.gov.uk)
Parish: BATTLE

Ward Members: Councillors J Barnes and Mrs E M Kirby-Green

Reason for Committee consideration: Member referral: Councillor K M Field

Statutory 13 week date: 29 January 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

1.1 Saved Policy DS3 of the Rother District Local Plan (2006) remains part of the development plan. It is relevant insofar as the site abuts but lies outside the development boundary for Netherfield. However, as discussed later, the policy is recognised as being out of date because the current boundaries do not allow for the provision of the housing growth now required in the district in accordance with the adopted Core Strategy and will therefore need to be amended.

1.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:

- PC1 Presumption in favour of sustainable development
- OSS1 Overall spatial development strategy (additional dwellings required)
- OSS2 Use of development boundaries
- OSS3 Location of development
- OSS4 General development considerations
- RA1 Villages
- RA2 General strategy for the countryside
- RA3 Development in the countryside
- SRM2 Water supply and wastewater management
- CO1 Community facilities and services
- CO3 Improving sports and recreation provision
- LHN1 Achieving mixed and balanced communities
- LHN2 Affordable housing
- EN1 Landscape stewardship
- EN3 Design quality
- EN5 Biodiversity and green space

- EN7 Flood risk and development
- TR2 Integrated transport
- TR3 Access and new development
- TR4 Car parking
- CO6 Community Safety

1.3 The National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG) are also material considerations, particularly

- Paragraphs 7-14, 17 - Core planning principles for sustainable development.
- Paragraphs 17, 32, 35, and 58 - Transport and parking.
- Paragraph 47 - Delivering a wide choice of high quality homes via 'deliverable and developable' sites.
- Paragraph 49 - Five-year supply of deliverable housing sites.
- Paragraph 55 - Housing located to enhance or maintain vitality of a rural community.
- Paragraphs 56- 66 - Requiring good design.
- Paragraph 109 - Planning should contribute to and enhance the natural and local environment, minimise impacts on biodiversity and provide net gains where possible.
- Paragraph 115 - Great weight to be given to protecting and enhancing the landscape and scenic beauty of the AONB.
- Paragraph 118 - Conservation and enhancement of biodiversity.

1.4 The Battle Neighbourhood Plan (BNP) that will also cover Netherfield is in the early stages of preparation with no sites publicly identified. As such no weight can be afforded to it.

2.0 SITE

2.1 The application site comprises a field of 1hectare located to the south side of Darvel Down between residential development fronting onto Darvel Down to the north and onto the B2096 to the south. To the west the site is adjoined by open countryside beyond a line of mature trees and to the east by the large gardens of Whitehouse Farmhouse and Swallow Barn. There is an existing farm gate access into the field across undeveloped land in the ownership of Amicus Horizon (now Optivo) between nos. 4a/4b and 5 Old Tower Walk on Darvel Down.

2.2 A row of mature trees line the northern boundary of the site protected by Tree Preservation Order (TPO), the remainder of the land comprises rough grassland. The land is on a slight slope at the top of an east – west ridge and lies between 142m and 147m AOD with levels falling from south to north-west.

2.3 The site lies outside of the limit of the British Gypsum planning consent but is partly underlain by abandoned mine workings.

2.4 The site lies outside of the 2006 development boundary of the village and, along with the whole of Netherfield, within the High Weald Area of Outstanding Natural Beauty (AONB).

3.0 HISTORY

3.1 RR/2017/941/P Outline: Erection of up to 30 dwellings REFUSED on 23 August 2017 for the reasons:

1. *The proposed development lies within the area of Darvel Down, an attractive and historically distinctive mid twentieth century residential estate development within the High Weald area originally built to accommodate the workers of the local gypsum mines and their families. The original estate to which the new development will directly relate is laid out at low density providing generously sized private garden areas and public areas of open space in a green landscaped setting and is of a spacious character that is considered desirable to maintain. In contrast the density of the proposed development is significantly greater and as such would result in a cramped and undesirably dense, overdevelopment of this small site at odds and out of character with the historic core of Darvel Down. The development would therefore be contrary Rother Local Plan Core Strategy policies OSS4 (iii) and (v), EN2 (i), EN3, RA1 (i) and paragraphs 58 and 64 of the National Planning Policy Framework.*
 2. *The proposed vehicular access arrangements submitted for approval at the outline stage are unsatisfactory and would fail to provide adequate and safe manoeuvring space for large vehicles accessing and egressing the site onto the narrow carriageway of Darvel Down. The proposed solution, that would require double yellow lines to be marked out on the north side of the carriageway opposite the access road, would result in the loss of several on street parking spaces and therefore exacerbate the difficult parking conditions already experienced on this part of Darvel Down. The proposal is therefore considered to be contrary to Rother Local Plan Core Strategy policies OSS4 (ii), CO6 (ii) and (iii), TR3, TR4 (i) and paragraphs 17(4), 32 and 64 of the National Planning Policy Framework.*
 3. *The provision of the vehicular and pedestrian access as indicated on drawing no. 17/0305/SK02 Rev A dated June 2017 would harm the future viability of or involve the total loss of a mature oak tree within a row of trees protected by a tree preservation order and of recognised visual amenity value in contributing to the distinctive character and appearance of the area contrary to Rother Local Plan Core Strategy policies OSS4 (iii) and RA2 (viii).*
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4.0 PROPOSAL

- 4.1 This is a revised application for residential development following refusal of a more intensive scheme last year (see 3.1 above).
- 4.2 The application is made in outline for 25 dwellings with all matters other than access reserved for future approval. Vehicular access is proposed onto Darvel Down in the same position as the existing farm gate between 4a/4b and 5 Old Tower Walk. The proposed access would require the removal of one mature English Oak tree on the east side of the gate (Ref T1) that is one

of the protected trees on the northern boundary. In this respect the application is the same as that proposed under RR/2017/941/P.

- 4.3 The application is accompanied by an indicative layout and indicative street scenes for 25 dwellings that show two storey dwellings arranged in short, staggered terraces along a centrally placed road, having a turning head towards the west end of the site beyond which remaining dwellings are more loosely arranged. At the east boundary of the site provision is shown to continue the internal road into the adjoining land should this be considered appropriate for development in the future. A total of 58 off street parking spaces are indicated including three on the east side of the site access that could be dedicated for use by the residents of 17, 19 and 21 Darvel Down. The indicative layout shows a range of dwelling types and sizes as set out below, 40% of which would be delivered as affordable dwellings.

Type	No.	Size
1 bedroom maisonette	4	48sqm
2 bedroom houses	6	82sqm
3 bedroom houses	15	100sqm
Total	25	

- 4.4 The indicative layout incorporates a tree planted, 6m 'buffer zone' behind proposed rear gardens to the south that would separate and provide screening to the development on the site from the existing properties – West Ridge and East House that front onto the B2096.
- 4.5 The application is accompanied by a Planning, Design and Access Statement, Arboricultural Survey and Planning Integration Statement, Archaeological Desk-Based Assessment and Detail Magnetometer Survey, Landscape and Visual impact Appraisal, Transport Statement, Flood Risk Assessment and Surface Water Management Strategy and a Preliminary Ecological Appraisal. Detailed tracking plans of the indicative internal road have been submitted at the request of the highway authority.

5.0 CONSULTATIONS

5.1 Battle Town Council

- 5.1.1 The Council supports a refusal of this application as: an inappropriate site due to access; loss of trees under TPOs; inadequate services e.g. drainage, utilities etc; and lack of infrastructure availability.

5.2 ESCC - Highway

- 5.2.1 Full comments of the highway authority are available to view on line and are summarised below. In conclusion, as with the previous application, no objection to the development is raised on highway grounds subject to the imposition of conditions.

5.2.2 Access

Access would be via a new priority junction from the south side of Darvel Down with the access having a width of 5.5m with a 2m wide footway on the

eastern side connecting with existing pedestrian facilities on the south side of Darvel Down and further to the east dropped kerbs will be provided to link to the northern footway. Visibility splays are available either side of the site access in accordance with Manual for Streets guidelines.

On-street parking occurs frequently on Darvel Down and particularly on the stretch of road opposite the site access. This could obstruct larger vehicles (refuse/emergency) from being able to enter and leave the site and as a result parking restrictions are proposed on the north side of Darvel Down immediately opposite the new access. The tracking drawings provided indicate that the removal of on-street parking on this stretch of Darvel Down would enable a large refuse vehicle to enter and leave the site in a safe and convenient manner.

It is acknowledged that the new parking restrictions would result in the loss of some on-street parking spaces (3 to 4 spaces likely); however, whilst on-street parking pressures in this area are higher than would be expected it is noted that there is some spare capacity for on-street parking on Darvel Down. It is also observed that a majority of dwellings on this road are served by private driveways which could be used rather than parking on-street.

In order to address concerns which have been raised regarding the loss of on-street parking spaces as a result of the required double yellow lines, the revised scheme proposes the possible provision of three parking space to the east of the access which could be utilised by residents of Darvel Down for informal car parking. These additional spaces would offset the loss of any on-street parking. I am satisfied that the on-street parking demands in the area could still be met. The provision of new parking restrictions will require a Traffic Regulation Order (TRO). Overall I have no major concerns regarding the proposed access; however, this is subject to the access and off-site works being constructed in accordance with ESCC specification under the appropriate license or legal agreement.

5.2.3 Internal Layout

The tracking drawings demonstrate that a refuse vehicle is able to manoeuvre and turn within the site within the indicative layout shown; however, as this is an outline application only the details of the internal layout and parking provision will be confirmed at Reserved Matters stage.

5.2.4 Parking

Based on the Parking Demand Tool the parking requirement for the mix of houses provided is between 51 and 55 spaces. The 55 parking spaces (plus 3 additional parking spaces for existing residents on Darvel Down) indicated on the submitted plan is therefore acceptable. The distribution of parking throughout the site is also considered to be satisfactory; however, as this is an outline application only further comments will be made when the housing mix and internal layout is finalised.

Secure cycle parking is require at a standard of 1 space per one and two bedroom dwelling and 2 spaces for three bedrooms and more.

5.2.5 Trip Generation and Highway Impact

The Transport Assessment is a resubmission of the document prepared for the previous application for 35 dwellings. The trip rates are therefore based on a development of 35 dwellings rather than the 25 now proposed and

therefore considered to be robust. The worse case scenario indicates that the proposal will generate approximately one additional vehicle every 3 minutes during peak hours. Taking into account paragraph 32 in the NPPF which states “developments should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe” a recommendation for refusal based on the impact of the development on the highway network could not be justified.

5.2.6 Accessibility

The closest bus stops to the site are located on Netherfield Road approximately 350m from the site access. Bus services are very limited and do not provide a useable alternative to private car for most residents of the village. The facilities and services available in the area are limited although they do include a primary school, post office/convenience store and two pubs/restaurants. These facilities are within walking distance of the site and a good pedestrian route is available.

Taking the above observations into account, the site is not considered to be ideally located from an accessibility perspective; however, with a post office, a primary school and pub/restaurants in relatively close proximity, the proposal could not be refused on accessibility grounds.

5.2.7 Construction Traffic Management Plan

A condition is requested that a Construction Management Plan (CMP) is submitted for approval before the commencement of works to include a construction traffic routing agreement, hours of working, wheel washing, and secured compounds for materials storage, machinery and contractor parking.

5.3 ESCC – Archaeology

5.3.1 No objection in principle subject to imposition of conditions.

The proposed development is of archaeological interest due to its location adjacent to the medieval and post-medieval hamlet of Netherfield, a linear settlement formed along an historic routeway. The site has been subject to both desk based assessment and a geophysical survey. The survey has identified a number of potential archaeological features including a possible ring ditch / prehistoric burial mound site. If this identification is correct, then this may be a site of national significance and should be preserved; clarification would be needed through trial trench excavation.

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government’s planning policies for England):

In furtherance of this recommendation, we shall be available to advise the applicant on how they can best fulfill any archaeological condition that is applied to their planning permission and to provide a brief setting out the scope of the programme of works.

Full comments available to view online.

5.4 ESCC – Local Lead Flood Authority

- 5.4.1 No objection, though comment is made that permeable paving in private driveways should not be relied on as part of the surface water drainage strategy. *Nevertheless as this is an outline application we consider the principles of the Flood Risk Assessment are acceptable.* Conditions are proposed. Full comments available to view online.

5.5 ESCC – Landscape

- 5.5.1 Full comments are available to view online but in summary it is considered that a sensitively designed scheme which retains and protects the existing trees as far as practicable would have a limited landscape and visual impact. The proposed development would not have an unacceptable impact on the character and views of the wider AONB landscape. It is therefore recommended that the proposed development can be supported subject to the submission of a satisfactory detailed landscape scheme and consideration of the detailed design in relation to impact on existing trees.

5.6 ESCC – Ecology

- 5.6.1 Comments received in relation to application RR/2017/941/P remain relevant and can be viewed in full online: *“...The site is not subject to any nature conservation designation and given the location of the proposed development, there are unlikely to be any significant impacts on any sites designated for their nature conservation interest or on any areas of ancient woodland. The site currently comprises semi-improved neutral grassland which is currently used for hay with treelines and hedgerows around the boundaries. The boundary habitats are of the greatest ecological significance and should be retained and protected.*

Bats

The site, particularly the boundary habitats, offers suitable bat foraging and commuting habitat. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species. Artificial light can negatively impact on bats through e.g. causing disturbance at the roost, affecting feeding behaviour, avoidance of lit areas and increasing the chances of bats being preyed upon. It is therefore recommended all lighting design should take account of national guidance, and if the Council is minded to approve, a lighting design strategy for light-sensitive biodiversity should be required by condition.

Badgers

No badger setts were found on site but mammal tracks were seen on the edges of the field. Best practice construction practice should be employed to avoid any badgers or other animals being harmed.

Breeding birds

The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any removal of vegetation that could provide nesting habitat

should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation. Alternative nesting habitat should be provided. Boxes should target species of conservation concern e.g. house martin which has been recorded in the area, swift and house sparrow.

Reptiles

Although the site itself is currently unsuitable for reptiles, there are records of reptiles from the surrounding area. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. As a precautionary measure, prior to development, the site should be regularly mown to prevent colonisation of the site by reptiles moving in from the surrounding area. If current management of the site is not maintained prior to development, further surveys will be required.

Other species

It is considered unlikely that the site supports any other protected species. If protected species are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

Mitigation Measures/Opportunities for enhancement

In addition to the mitigation measures discussed above, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and National Planning Policy Framework. Opportunities include the enhancement of boundary habitats through hedgerow enhancement and sensitive planting/seeding, green (biodiverse) roofs and a sustainable urban drainage scheme. The proposed site layout shows all plots extending to the edges of the site and offers little opportunity for retention, enhancement and creation of semi-natural habitats for the enhancement of biodiversity and flood attenuation. It is recommended that the layout is revised to allow wider edge habitats. It is recommended that an Ecological Design Strategy (EDS) should be required by condition, in line with BS 42020:2013. The EDS should take account of the species and habitats discussed above, and should include provision for long term monitoring and management."

5.7 Southern Water

5.7.1 "Initial investigations indicate that Southern Water can provide foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer."

It appears there are no public surface water drains in the area to serve the development so alternative means of draining surface water will be required that should not involve disposal to a public foul sewer. Any foul sewage pumping station should be located at least 15m from habitable accommodation. Full comments available to view online.

5.8 Environment Agency

- 5.8.1 No objection subject to all foul sewage going to the mains. If this is not the case please re consult.

5.9 High Weald Unit

- 5.9.1 Full comments are available to view online. In the event that the Council considers the development of the site to be acceptable in principle, it is recommended that the detailed requirements include design that reflects the historic settlement pattern of the High Weald; use of local materials and incorporation of working chimneys and wood fuel storage; the use of the High Weald Colour Study to inform the selection of external materials; drainage proposals that restore the natural functioning of river catchments; protection of heritage feature and ecological habitats and species; the use of native and locally sourced plants for any additional landscaping; and controls over external lighting to protect the intrinsically dark night skies of the High Weald AONB.

5.10 Sussex Police

- 5.10.1 In general terms the police support the illustrative layout but make a number of detailed comments to inform the working up of details at reserved matters stage. Full comments are available to view online.

5.11 Community & Economy – Housing and Asset Development Officer:

- 5.11.1 Fully support subject to planning permission. The proposal is LHN2 policy compliant proposing 40% (10) affordable units. No commuted sum is required. The indicative plans show a 'mono' affordable rented tenure that is supported in this location although up to three shared ownership units could be agreed at reserved matters stage. The unit size mix proposed is shown in the table below and is supported.
- 5.11.2 All affordable units are to be built in accordance with the Nationally Described Space Standards (2015) and built in accordance with the Building Regulations 2010 part M4 2 (superseding the former Lifetime Homes Standard). The one bedroom maisonettes are slightly undersized in this regard and must be of 50sqm minimum (currently shown as being 48sqm).
- 5.11.3 The market housing is considered to be a sustainable mix.

Bed size	Affordable Rent	Shared Ownership	Total Provision
One bed flat/apartment	4	0	4
Two bed houses	4	1	4
Three bed houses	2	0	2
Four bed houses	0	0	0
Total	10	0	10

5.12 Planning Notice

5.12.1 A petition of objection to the proposal signed by 102 individuals has been received. The lead petitioner will have an opportunity to speak at the Planning Committee meeting.

5.12.2 The reasons for objection stated within the petition are: no amended proposals to overcome previous objections; site an important open space separating Darvel Down from the B2096; density still too high at 25 dwellings per hectare and does not reflect style of Darvel Down; access is the same; proposed yellow lines would not be enforced; loss of on street parking; large oak still listed for removal; loss of trees harmful to character of village (AONB); proposed layout is not marked 'illustrative' and still shows houses over former gypsum mines; layout shows building over potentially significant archaeological remains; a bat survey should be carried out before a decision is made; the site is outside of the development boundary and in the AONB; insufficient infrastructure (water supply, electricity and broadband); detrimental to local environment and wildlife; increased danger to current residents through additional volume of traffic on already congested roads; trees protected by Tree Preservation Order; width of access roads insufficient (4.9m not 5.5m); lack of public transport, within AONB; remote locality, lack of connectivity with Battle and surrounding towns.

5.12.3 Twenty two 'generic' letters of objection with identical content have been received. The letter raises the following concerns about the development:

- The new application doesn't address the reasons for refusal of the previous proposal.
- 25 dwellings per hectare is still too dense and over-development of this small site.
- The access has not changed and is therefore still an issue.
- The area is already very congested, particularly at school times, which causes danger for school children crossing the road.
- Darvel Down is littered with parked cars including on the pavements, additional vehicles associated with the development will cause further problems for pedestrians especially the elderly, people with buggies, bikes etc.; and more pollution, noise and 'upset to the current residents'.
- The trees are covered by a TPO so should not be removed, pruned or disturbed at all. The oak to be removed is over 40 years old and should remain; the loss of important protected trees would be harmful to the character of this part of the AONB.
- The reports supporting the application have not been updated.
- The site is an important open green space separating Darvel Down from the B2096. The development doesn't reflect the character of Darvel Down and would be 'very cramped'.
- The site is within the AONB so should be protected.
- There are many species of wildlife that live and roam on the proposed development site.
- The area cannot cope with 25 extra dwellings – It can't cope now - we suffer inconsistent water supply; poor electricity supply; poor internet connection; poor public transport; poor connectivity to Battle; no local doctor's surgery; the school is full.
- Visibility at the site entrance is poor and the roads are narrow and difficult to get through.
- There is no capacity for this development at this location.

5.12.4 Six individual letters of objection from four individuals or properties have been received. In addition to making the same points set out above, additional matters raised are summarised below, the comments are available to view online in full:

- The supporting documentation hasn't been updated to reflect the amended proposal.
- The application form submitted says that the means of foul sewage is unknown but it is known (Note: an amended form has been submitted that identifies disposal to the public foul sewage system).
- A smaller scheme requires less trees to be removed that isn't reflected in an updated tree report; the report doesn't identify any Grade A trees which it should.
- The road is not a cul-de-sac but the beginnings of a carriageway into adjoining sites that will include the loss of the playground (Note: the illustrative layout retains an option to access adjoining sites to the east but they are in separate ownership and control and there are no current proposals to develop them. The detail of the road could therefore be altered at reserved matters stage to omit that future potential. The relocation of the playground owned by RDC as part of a comprehensive development of this area was previously suggested by the Darvel Down Residents Association and is documented in the 2013 SHLAA. It is not a proposal of this Council at this time).
- The applicant doesn't understand local reliance on private cars with each household normally having two or three or even four. Around twenty households would be affected by the double yellow lines.
- The community wishes all the trees to be retained for visual amenity. The Council is required to take account of the local community's wishes in this regard as evidenced in the Planning Practice Guidance (no further explanation given).
- Regarding the applicant's references to the PPG: the development will not make it easier for new jobs to be created; will lead to a net loss of biodiversity; the proposed houses are 'infinitely larger in dimensions' than the vast majority of existing houses within the estate and there is no poor design to replace.
- The proposed development does not meet the requirements of the NPPF read as a whole.
- The Chancellor's Autumn Statement reiterated the need to retain the Green Belt.
- The development is contrary to Core Strategy polices OSS1, OSS2, OSS3, OSS4, RA1, EN2, EN3. Policy LHN1 is not relevant to Netherfield.
- The development would harm the amenity of existing residents.
- A foul sewage pumping station if required would be an eyesore.
- The site along Tower Walk is liable to flooding; the volume of surface water from the development will be 'colossal'; children will be at risk when out playing near the existing ditches on the west side of the site.
- There are other sites in the area that would have less impact on flora or fauna. It is historic farmland representing some of the last remnants of land attached to the historic properties along the B2096.
- The proposal doesn't meet the housing target for the village.
- The village doesn't need further development.
- The three compensatory parking spaces couldn't be secured and are hidden from the view of the residents so cannot be used and if the road is private so non- residents couldn't use.

- An full archaeological investigation should be undertaken before any decision is made.
- There are discrepancies between the ecology and arboricultural reports concerning bats. A full emergent bat survey should be carried out between May and August before any decision is made (Note: the arboriculturalist identified that a number of trees on site have bat roost potential though recognising they have no expertise in this matter. The ecologist who is an expert determines that they don't but that the tree lines will be used by bats as commuting routes and foraging and this view has not been disputed by the County Ecologist).
- The tree report identifies T12 and T13 for removal but these are in third party ownership and agreement should have been sought. (Note: according to the land title documents these trees are within the legal ownership of the owner and applicants).
- The archaeology report erroneously states that Darwell Beach a GII listed building is located 560m north of the site but according to the English heritage website is 160m west of the site. An assessment should be made of the impact of the development on its setting. Note: An investigation study of the Council's original paper records shows that the building was originally incorrectly plotted and subsequently corrected. The archaeologist for whatever reason obviously had access to the original incorrect record. Notwithstanding that the site is separated from the listed building by 160m containing a mature hedgerow, large field and the extensive farm building complex of White House Poultry Farm. The development would be unrelated to have no impact on the listed building's setting.
- How can the Local Lead Flood Authority and Southern Water conclude there is no flood risk; there is no indication of where a connection to the foul sewer will be made and a full noise assessment of the proposed foul sewage pumping station should be carried out.
- The gypsum mine issue isn't address in any of the reports the indicative layout shows eight of the proposed units sitting over or adjacent to the mines.
- The site is only capable of accommodating around 12 dwellings.
- The ecology report is inaccurate as the site is never cropped for hay and cut only once per annum with the boundary edges never being trimmed.
- The development would harm the privacy of residents on B2096.
- No permissions for residential development in the battle parish should be permitted until the Neighbourhood plan is complete.
- The application hasn't been advertised correctly and should be considered invalid.
- I have an interest in part of the land and haven't been served notice by the applicant. The site location plan is inaccurate and not wholly in control of the applicant. (Note: The Land Register title and plans have been checked again and it is confirmed that, although the neighbour has 'claimed' a small section of the eastern part of the land that is now demarked by a close boarded fence, he has no legal ownership of it. The indicative site layout identifies the fence and no proposals are made for that part of the site beyond it. The latter also explains why the length of the southern boundary on the site location plan and layout is different by approximately 1m).
- The dimensions of the lorry used in the swept path diagrams submitted at for information at the request of the highway authority at 11.22m long

and 2.53m wide do not meet Council standards and should be redone using the 12.m x 3m dimensions required by the Council's Good Practice Guide despite the Highway Authority being satisfied (Note: it is normal practice for the Highway Authority to accept the largest lorry size used by the particular authority for swept path analysis. The dimensions used by the applicant reflect this).

- Previous objections remain relevant: site a historic farmstead; lack of infrastructure – electricity and water, mobile phone and tv; limited bus service; difficult access to Darvel Down in winter; unsympathetic layout; TPO trees affected by houses on Tower Walk built in too close proximity; sewerage; SHLAA 2010 identified development of the site as 'counter to the principles of sustainable development'

5.12.5 One letter of support for the proposal has been received that makes the following points in summary:

- The lower density is more in keeping with the density of Middle Close and the self- build and shouldn't be compared to the density of the original dwellings.
- The objections on traffic congestion grounds have some validity but breaking it down there would be two phases: construction and end use. Potential problems during construction can be mitigated by controlling construction traffic movements during school drop off and pick up times. Post construction, traffic patterns would settle down to normal levels.
- The potential loss of one protected oak tree would be offset by the planting of new trees as part of the development.
- The opportunity to develop the site with NE5a and NE11 that envisaged the possibility of relocating the playground and utilising that space for access is a lost opportunity.
- The site is not undermined by former mine workings (Note: this is incorrect).
- Netherfield is blessed with fields and woods that provide varied habitats for mammals of all sizes. Obviously there would be some loss of habitat but overtime the gardens and open spaces would provide new habitats. In fact it would be possible to encourage birds by incorporating nesting places in external walls.
- Services including water, electricity and broadband are not issues directly related to the proposed development.
- Public transport services are affected by supply and demand and may improve if there is are additional residents.
- The Netherfield Parish Survey 2004 resolutely favoured new homes in Netherfield with the hope that local people would benefit. There was substantial redevelopment at Darvel Down in the early 2000. Tenants and some owner occupiers benefitted at that time. It is curious that the opportunity to provide more housing stock has not attracted more altruistic support.

6.0 APPRAISAL

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 6.2 The site lies outside of the village Development Boundary for Netherfield as defined by the Rother District Local Plan 2006 and shown on the Proposals Map (Inset 24). The current boundary is drawn tightly around the rear gardens of the houses on Darvel Down and the eastern hedge boundary of the primary school. However, the need for additional housing in the district and in the village specifically is recognised by the Core Strategy and therefore it is accepted that development boundaries will need to be reviewed.
- 6.3 As Netherfield comprises part of the Battle Town Council area the amendment of the development boundary will be considered by the Battle Neighbourhood Plan in due course. However that plan is at a very early stage of production and no weight can be given to it. In the meantime, it is appropriate, taking development plan policies as the starting point, and also having regard to the presumption in favour of sustainable development in the NPPF and the Core Strategy, to consider the specific impacts of proposals such as this one, that are brought forward for sites adjacent to existing settlements.
- 6.4 The principal issues with this application are considered to be the impact of the proposed development on the village's setting within and on the landscape and natural beauty of this part of the AONB; proposed density, impact on protected trees and local traffic conditions as referred to in the reasons for refusal of RR/2017/941/P. Other issues for consideration include impact on adjoining properties; biodiversity; foul and surface water drainage; land stability; archaeology; layout and design (albeit the plans submitted are indicative only); and affordable housing and other section 106 planning obligation requirements.
- 6.5 Policy Position
- 6.5.1 The Government requires that all local planning authorities identify annually a supply of specific deliverable sites sufficient to provide a five year supply of housing against their housing requirements with an additional appropriate buffer to ensure choice and competition in the market for land. Policy OSS1 of the Core Strategy that sets out the overall spatial development strategy includes a requirement to plan for at least 5,700 additional dwellings (net) in the district over the Plan period. Figure 8 sets out approximate development levels for different parts of the district, including a total of 1670 dwellings within villages. Policy RA1 (v) sets a target of 55 new dwellings (net) in Netherfield over the Core Strategy period 2011-2028. Taking into account seven completions locally between April 2011 and end March 2013 - but with no existing commitments or outstanding local plan allocations in the village - the remaining requirement is for 48 dwellings. Notwithstanding concerns about the accessibility and sustainability of the village expressed in the public comments, Netherfield is considered a relatively accessible location in the context of the district outside of the towns, having an albeit very limited bus service and locally accessible services, including a primary school, local shop / post office /café, two public houses, a village hall and recreation ground, children's playground and other areas of public open space.
- 6.5.2 Core Strategy Policy OSS2 states that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not. The policy goes on to state that existing development boundaries will be reviewed

having regard to a number of criteria including, (i) the existing pattern, form and function of settlements; (ii) the character and settings of individual villages; (iv) the amount of land needed to fulfil development needs; (v) availability of local infrastructure and services and (vii) environmental considerations including the need to conserve designated areas of national and local landscape, archaeological, geological, ecological or historic importance.

6.5.3 The suitability of the application site for future development was previously assessed as part of the SHLAA 2010 and SHLAA Review 2013. The SHLAA is an initial assessment to support the Core Strategy and an 'evidence base' document. It does not allocate land for housing nor pre-empt or prejudice any Council or Neighbourhood Plan decisions about particular sites. It is an aid to plan making and not a statement of Council policy but in the context of this application is of relevance. Within the SHLAA 2010 the site was identified as a 'green' site, suitable and available for development and in the 2013 review as an 'amber' site (NE1), considered suitable and developable together with adjoining smaller sites (NE11 and NE5a) to the east for approximately 48 dwellings. The SHLAA noted that the highway authority would only accept vehicle access from the north off Darvel Down and that there were two possible access points. The one proposed in this application, the western one was considered less favourably due to there being no public footway to the front of the houses built on the former water tower site or the children's play area. The preferred access that the SHLAA notes was identified by the Town Council would be via the existing children's play area (NE11) that would itself be relocated possibly to the open space opposite the post office. The development of the sites jointly would enable improved cycle and pedestrian linkages with the shop and with bus stops on the B2096, and an enlarged / improved open space incorporating the larger TPO trees on an adjoining site (NE5). The potential for the application site to be developed as part of a larger development was considered in pre-application discussions between the Council and the applicant but the smaller sites are not within the applicants' control or currently available for development. However, the application proposal could leave the potential for an extension into NE5a and NE11 open for future development if that were considered appropriate through the Neighbourhood Plan process or in connection with a subsequent planning application if one were made. That option is illustrated on the submitted indicative drawings.

6.5.4 Notwithstanding the SHLAA's consideration, the wider housing need of Netherfield and the district as a whole and the issues raised in the subsequent paragraphs leads to the need to reconsider the site in relation to current policy considerations and national guidance.

Five-year housing land supply

6.5.5 Paragraph 49 of the NPPF requires that housing applications should be considered in the context of the presumption in favour of sustainable development; it goes on to say that existing local plan policies for the supply of housing should not be considered up-to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Notwithstanding that, weight can continue to be given to those policies depending on their degree of consistency with the NPPF: the weight to be given to be determined by the decision taker.

6.5.6 In respect of the five-year supply issue at October 2017, the latest date for which figures are available, the Council could only demonstrate a 3.2 year supply of available housing sites including a 20% buffer. This means that the 2006 Development Boundaries and other policies that relate to the supply of housing must be viewed at present as being ‘out-of-date’ for the purposes of paragraph 49 of the NPPF and that, as a consequence, planning applications fall to be considered in the context of paragraph 14 of the NPPF. However that does not mean that housing schemes which are unacceptable for other sound planning grounds must now be allowed; but it does add weight to the benefits that the contribution to boosting housing supply would bring when determining planning applications ‘on balance’ and that weight in the specific context of Netherfield would be ‘significant’ in light of the fact that no recent planning permissions have been granted in the village.

6.5.7 Paragraph 14 states:

“For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably*
 - *outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted”*

6.5.8 Footnote 9 is relevant here as it explains that this part of the paragraph relates to AONBs amongst other designations. It is taken to mean that the “tilted balance” in the penultimate indentation does not apply where it would be contrary to the Framework’s restrictive policies. This interpretation has been made by Inspectors to several appeals in the district in the last two years. The key paragraph of the NPPF in this respect is 115 which states:

“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”

6.6 Village character including density, setting and impact on the landscape and natural beauty of the AONB

6.6.1 Section 85 of the Countryside and Rights of Way Act 2000 provides that, in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The essential landscape character of the High Weald AONB that makes it special is described within the Statement of Significance within the AONB Management Plan 2014-2019. The plan also sets objectives for the management of the AONB that include: S2 – to protect the historic pattern of development and FH2 to maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands.

- 6.6.2 Policy OSS2 of the Core Strategy states that development boundaries around settlements will be reviewed including taking account of (i) the existing pattern, form and function of settlements, including of closely 'linked' settlements and important 'gaps' of countryside between them, and (ii) the character and setting of individual towns and villages.
- 6.6.3 Policy OSS3 of the Core Strategy states that development proposals will be assessed in the context of (i) the spatial strategy for the particular settlement; and (vi) the character and qualities of the landscape.
- 6.6.4 OSS4 (iii) of the Core Strategy requires that all development respects and does not detract from the character and appearance of the locality.
- 6.6.5 RA1 (i) seeks to protect the locally distinctive character of villages.
- 6.6.6 Policy RA2 sets out the overarching strategy for the countryside outside the main confines of villages, including: (viii) generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.
- 6.6.7 Policy EN1 provides for the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features including (i) the distinctive identified landscape character, ecological features and settlement pattern of the AONB and (v) open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes.
- 6.6.8 In addition to paragraph 115 of the NPPF, paragraph 109 requires that the planning system should contribute to and enhance valued landscapes that would include the AONB.
- 6.6.9 The impact of a development proposal on these policy objectives needs to be balanced against the identified need within the Core Strategy to significantly increase the supply and delivery of additional housing across the district, including within the AONB and notably within Netherfield itself. Great weight is to be given to conserving the landscape and scenic beauty of the AONB within that balancing exercise.
- 6.6.10 The application site comprises a single field bounded on three sides by mature tree planting and on two sides by housing. The land that was previously owned by the Mountfield Mine was sold with other land in the 1950s to develop the Darvel Down estate. The land is well related to the existing settlement pattern of the village being sited between Darvel Down to the north and houses on the B2096. The western edge of the site is defined by a strong belt of trees that is to be retained and therefore, the proposed development would not extend the built form beyond the established and defined boundary of the village. Due to the western tree belt, other tree screens and the surrounding built form, there are no long views into the site from the surrounding AONB countryside. Subject to the adequate long term protection and enhancement where necessary of the screening planting and to all other considerations, in terms of the relevant policy considerations set out above, the site is considered to be an appropriate location for development that would not harm the existing character of the village, its setting within the AONB, or the landscape and scenic beauty of the wider AONB.

6.6.11 In reaching this conclusion, officers have taken into account objections ‘in principle’ to the development of the site based firstly on its perception as an important open green space separating development on Darvel Down from that on the B2096 and secondly, that the site forms part of the historic farmstead of Whitehouse Farmhouse. Whilst the site does, as a matter of fact, currently provide some degree of separation between the two areas of development, it is not identified or designated as open space to be protected. Furthermore, there is no public access to it and the only public view point of the site is from immediately outside the existing access onto Darvel Down. Therefore it has limited value in that respect that is outweighed by the benefit of it being concealed from the wider AONB landscape. With regard to its relationship to the historic farmstead of Whitehouse Farm, it is noted that the latter that is now a single dwelling house in a residential curtilage has a far closer relationship with its neighbours, Swallow Barn and the relatively new housing development comprising East House and West Ridge. Whilst historically the farmstead may have been set within in a far larger network of open fields and woodlands its connection with its hinterland has been entirely lost both physically and functionally. The development of the application site would not harm its setting further.

6.6.12 In terms of density, the proposal has been amended since the previous application was refused in August 2017 to give a density of development on the site of 25 dwellings per hectare (dph). This has been assessed by officers as being comparable to the prevailing densities in the area when the extensive areas of common open space in the village that serve to reduce the overall built density and that would also benefit the proposed development are excluded. For example, the development of Middle Close to the north of the site has a density of approximately 28 dph and the cul-de-sac, east of the playground of 35.3dph. The central ‘island’ of development including Middle Close immediately to the north of the application site has a density of 21dph whilst the parcel to the north west of the site has a lower density of about 18dph. Therefore the density now proposed would sit comfortably towards the mid-range of densities prevailing in the area and, whilst not reflecting the exceptionally low density of the original estate, is considered to be acceptable given other policy objectives to achieve the efficient use of land and to protect and enhance the landscape and natural beauty of the AONB. The exact distribution of land within the site between communal and private space would only be determined at reserved matters stage if outline permission is granted.

6.7 Traffic, accessibility and highway safety

6.7.1 Notwithstanding that the highway authority raised no objection to the previous application on highway safety or access grounds, RR/2017/941/P was refused for the reason that the proposed vehicular access arrangements were unsatisfactory and would lead to the loss of several on street parking spaces (3 to 4) on Darvel Down and thus exacerbating the difficult parking conditions that are sometimes experienced on this section of the road. In response the current proposal indicates that three parking spaces for use by the properties affected by yellow lines on Darvel Down could be provided on the east side of the access road within the application site. Those spaces are indicated on the illustrative site layout as visitor spaces but if Committee is minded to grant outline permission, it is recommended that their use as

dedicated parking for the affected houses should be secured through a s106 planning obligation.

- 6.7.2 The County highway authority has again raised no objection to the proposal and furthermore states in its response that, *“taking into account paragraph 32 in the NPPF which states “development should only be prevented or refused on transport grounds where the cumulative impacts of the development are severe” a recommendation for refusal based on the impact of the development on the highway network could not be justified”*. The illustrative proposal shows provision in addition to the three compensatory spaces of 55 off street spaces to serve the 25 dwellings proposed that is at the upper end of the range required by the ESCC parking demand calculator for this part of the district.
- 6.7.3 In terms of traffic generated by a development of this scale, in peak hours this is expected by the highway authority to amount to no more than one additional vehicle every three minutes at worse.
- 6.7.4 In terms of accessibility, whilst noting that access to and from the village is exceptionally limited by public transport, it is recognised that the site is located in easy walking distance of local services with good pedestrian routes available.
- 6.7.5 It is recommended that together, the reduction in overall numbers of dwellings proposed and the provision of dedicated compensatory parking for existing residents overcomes the Committee’s previous objection to the development on this ground.

6.8 Impact on protected trees

- 6.8.1 The third and final reason for refusing the previous proposal was the impact of the widened access on the future viability of a protected oak tree (T1) or its complete removal that would, it was considered, be harmful to the visual amenity of the area sufficient, in the planning balance to be made, to warrant refusal. The applicant, at the time that the previous application was considered, made alternative proposals to investigate the possibility of retaining the tree within the development once construction started but that was not considered adequate by the Committee. The current proposal reinstates the proposal to remove this tree to enable the widening of the vehicular access to the site and the provision of a pedestrian footway.
- 6.8.2 As was previously reported in connection with RR/2017/941/P, the impact of the proposed development on the existing trees was discussed with the Council’s tree officer on site at the pre-application stage and no objection to the loss of T1 or others proposed was raised. In connection with the current application, the officer has given the following advice, that, *“...the large tree (T1) at the access is a reasonable tree which has amenity value and contributes to the character of the area. However, the position of the new access would cause damage to the roots of the tree which is likely to have an impact on its condition. It would not be recommended to have such a tree in this location next to a road in these circumstances where there is a high risk it could cause damage. Moving the access away from T1 would bring it closer to another oak tree (T35) which is considered a better specimen (has more character) on the other side of the access. It is to be expected that it would*

be considered that the benefits of building the houses would outweigh the loss of this one oak tree and it would not be a reason to refuse permission.”

- 6.8.3 The tree officer’s advice goes on to say “...it is also considered that other trees proposed to be felled on the site are not prominent in the landscape or poorer specimens such as T11, T12 T13 T14. Trees such as T20, T21, T22, G24, G4 and G36 are self-sown trees which are growing up within the site due to the lack of management or grazing of the field. Due to the number of trees in the area the loss of these trees would not have a significant impact on the landscape of the area. Notwithstanding the loss of the trees, replacement planting should take place to mitigate for the loss.”
- 6.8.4 The arboricultural report supporting the application is the one submitted with the larger scheme and therefore represents the ‘worse case’ based on an objective assessment of the condition of the trees on site and the volume of development then proposed. The reduction in the number of proposed dwellings now would be expected to have some impact on the number of trees that would require felling however, other than for T1, that is affected by the access to be approved at this stage and recommended by the Tree Officer to be removed for safety reasons, the impact of the development on other trees would only be finally determined at reserved matters stage, if outline permission is forthcoming.
- 6.8.5 The reduction in development density not only provides an opportunity to potentially retain more of the existing trees on the site but also presents further opportunities for additional and compensatory planting within the site. In overall terms therefore, the officers’ recommendation remains that the loss of the oak tree T1 is not a reason in the planning balance to refuse planning permission.

6.9 Impact on adjacent properties

- 6.9.1 It was determined in connection with the previous application that the indicative site layout for a greater quantum of development retained sufficient separation with existing properties adjoining the site to maintain the privacy and amenity of those neighbours. The further reduction in the number of dwellings now proposed provides an opportunity to improve those relationships still further although the detailed relationships would only be determined at reserved matters stage should outline permission be granted.

6.10 Biodiversity

- 6.10.1 The application is accompanied by a preliminary ecological appraisal prepared in September 2016 to support the previous application RR/2017/941/P. The site is dominated by semi improved natural grassland with some good mature trees located on the edges of the site with species including mature oaks on the northern boundary and a hedgerow dominated by oak, hornbeam, holly beech, bramble, bindweed, willow herb, bracken, common nettle and hedge woundwort on the north west portion of the site. A dry ditch line is present along this edge that had in September 2016 been recently cleared. The hedgerow is located on an earth embankment, suggesting that this portion of the hedgerow was of some age. Elsewhere on the site there is a small area of scrub to the north-west and pockets of sparse ruderal vegetation on the southern portion of the site.

- 6.10.2 In terms of protected species, the appraisal concludes, contrary to the acknowledged 'non-expert' assessment of the arboriculturalist's report, that the mature trees on the boundaries do not provide roosting opportunities for bats but do support foraging and that in that respect also, the site provides some connectivity to offsite habitats largely along the northern and very north western edge. There are no badger setts on the site and no latrines or snuffle holes were identified however, several mammal paths were recorded on the edges of the field though no evidence was found to establish the species causing these. The edges of the site provide nesting opportunities for birds. The site is not considered to not provide suitable habitat for reptiles as the grass is regularly cut. This latter point is now disputed by some local objectors who suggest that the grass is cut no more than once a year. Notwithstanding that, aerial photography held by the Council and also on Google Earth indicates that the grass on site over the last five years or so has been kept relatively short. This matter is returned to below.
- 6.10.3 The County Ecologist raised concerns about the methodology of the initial ecological assessment but in overall terms was satisfied that subject to appropriate conditions being attached to any grant of planning permission, including an ecological design strategy that enhances the site's value for biodiversity that the development would be unlikely to have a significant impact on biodiversity or cause harm to protected species. In that regard the County Ecologist noted that the indicative layout shows plots extending to the edges of the site that offer little opportunity for retention, enhancement and creation of semi natural habitats. It is recommended that the layout is revised to allow wider edge habitats outside of individual plots. This remains largely the case on the amended indicative site layout.
- 6.10.4 Objections to the re-submission of the preliminary ecological appraisal in support of the current application have been received. However it is recognised that the appraisal only ever provided a 'snapshot' of the condition of the site at the time it was undertaken and in that regard there is no reason to assume that anything more would be found at this time if a similar exercise were to be carried out now, or that the position would thereafter remain static until development of the site (if approved) commenced. Notwithstanding that, all protected species are protected under the Wildlife and Countryside Act 1981 and also in the case of bats, by the Conservation of Habitats and Species Regulations 2010. Work would be expected to take a precautionary approach and, in the event that any such species are encountered during development, all work would be required to stop immediately and advice be sought from a suitably qualified and experienced ecologist to comply with the relevant legislation.
- 6.11 Foul and Surface Water Drainage
- 6.11.1 Southern Water has confirmed that its initial assessment is that the foul sewage requirements of the development can be accommodated by the public foul drainage network. There is still a possibility that a pumping station to direct sewage to the public sewer may be required but this would be expected to be an underground facility and a location is indicatively shown for that in the north-west corner of the site. A minimum 15m separation between that any habitable accommodation is required and this is comfortably achieved within the indicative site layout submitted.

- 6.11.2 The County Council as Local Lead Flood Authority is satisfied that surface water falling on the developed site can be adequately dealt with without increasing off site flood risk.
- 6.12 Land stability
- 6.12.1 Part of the western side of the site is affected by abandoned gypsum mines with floor to roof heights of 3 – 4 m at a depth of circa 200m. In connection with the previous application RR/2017/941/P and another recent application for development elsewhere in the village, it has been established beyond reasonable doubt that there is no in-principle objection to development occurring about those mines; any potential land movement falling within the normal tolerances of house foundations. Paragraph 120 of the National Planning Policy Framework states that, where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Whilst the indicative drawings submitted indicate that some very limited development might be being considered over the affected area contrary to what was previously said by the applicant, there is no reason for the Council to maintain an objection to that. It is also the case that the site plan submitted is for indicative purposes only and is not for approval now.
- 6.13 Archaeology
- 6.13.1 The Council takes its archaeological advice from the County Archaeologist with the expertise in this respect. The applicant has undertaken a desk top assessment and a detailed magnetometer survey of the application site both of which have been assessed by the County Archaeologist. The magnetometry survey has identified a ring of deposits in the northwest corner of the site that might indicate a ring ditch / prehistoric burial mound site that would be of national significance. On the other hand, the deposits may equally be the result of the natural geology. The features are not represented on either modern or historic cartography. A detailed trench investigation would be required to ascertain the significance of the deposits and the County Archaeologist has proposed conditions to secure that and also for those remains if present to be retained in situ or recorded before development.
- 6.14 Layout and Design
- 6.14.1 The application is submitted in outline with all matters other than access reserved. The site layout and building elevations are therefore submitted for illustrative purposes only and are not for approval. It should be noted that the amended indicative layout was not discussed with officers prior to submission and remains unacceptable in terms of layout and house design.
- 6.14.2 Notwithstanding the above, the reduction in density now proposed allows more scope to address those concerns and also to accommodate enhanced site boundary measures for biodiversity and landscape value and to accommodate any archaeological remains if those are present and of significant importance requiring preservation in situ. These related matters would be fully addressed at reserved matters stage in the event that outline permission is granted.

6.15 Affordable housing provision and other planning obligations

6.15.1 In the event that outline planning permission is granted this would need to be subject to the satisfactory completion of a s106 planning obligation. The CIL Regulations 2010 provide three tests for Section 106 Planning Obligations. Obligations should be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development.

Any matter included with a Section 106 Agreement (S106) must meet all of these tests.

6.15.2 In this case the following requirements would be necessary under a s106 agreement being considered to be related to the development, proportionate and necessary:

- Provision of 40% affordable housing including draft nominations agreement, up to 65:35 % tenure split affordable rent to intermediate housing, Nationally Described Space Standards and M4 (2) of the Building Regulations 2010.
- Agreement for any future development of the adjoining site (NE5a) to connect into the internal road in the event that planning permission is granted for that site.
- A new vehicular access into the site from Darvel Down.
- New pedestrian footway to east side of access, dropped kerbs and tactile paving on new access and Darvel Down.
- Traffic Regulation Order to install double yellow lines opposite the vehicular access.
- Dedication of three parking spaces on the site for use by the residents of 17, 19 and 21 Darvel Down.

6.15.3 In addition to the S106 agreement the off-site highway works will also require a S278 Highway Agreement with the County Highway Authority.

7.0 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

7.1 The proposal is development where CIL will be chargeable. CIL is, however, calculated at the Reserved Matters (rather than the outline) stage, as where CIL is chargeable the amount can only be calculated when precise floor areas of properties are known.

8.0 **SUMMARY**

8.1 The site lies outside of the current development boundary and within the High Weald AONB. However it is recognised within the Rother Local Plan Core Strategy, that in order for the district to meet its housing requirement over the plan period, that development boundaries will need to be reviewed and that certain villages, including Netherfield will need to accommodate some of that housing growth. The net identified minimum requirement for the village is 48 dwellings.

- 8.2 The NPPF and policy PC1 of the Core Strategy require that planning decisions are made in accordance with a presumption in favour of sustainable development. Paragraph 7 identifies three dimensions to sustainable development: economic, social and environmental. Paragraph 8 confirms that these should not be pursued in isolation but sought jointly and simultaneously. Paragraph 49 of the NPPF says that where a local planning authority cannot a five year supply of deliverable housing sites, including appropriate buffer, that its policies for housing supply must be considered out of date. Decisions in that case should be made in accordance with paragraph 14 which requires that proposals for sustainable development are permitted unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole* unless, or in accordance with footnote 9, other policies of the Framework such as paragraph 115 concerning AONBs suggests that development should be restricted. Within the AONB the principal consideration in the planning balance to be made is that *great weight should be given to conserving the landscape and natural beauty of the AONB, which has the highest status of protection in relation to landscape and scenic beauty*.
- 8.3 The application site is located within the confines of the existing and established built extent of the village and would not extend this any further into the surrounding AONB countryside. Furthermore, the strong mature tree line on the west boundary of the site prevents any long distance views into the site from the AONB. For those reasons it is concluded that the proposed development would not cause harm to the landscape of the AONB or the setting or character of the village within it. Subject to details that would be negotiated and agreed as reserved matters the development of the site can be achieved whilst, notwithstanding the loss of some existing trees including one the subject of a TPO, protecting and enhancing the tree lines that bound the site and its biodiversity value. For these reasons the proposal is considered to meet the environmental dimension.
- 8.4 The proposal by providing 25 dwellings would make a significant contribution towards the additional 48 dwellings that the Rother Local Plan Core Strategy requires are delivered in the village over the plan period and therefore meets the economic dimension. In light of the Council not currently being able to demonstrate a five year supply of deliverable housing sites, this consideration weighs heavily in favour of the proposal within the planning balance to be made.
- 8.5 Although the village's sustainability for new development has been questioned, it was assessed to be a relatively accessible and sustainable location within the production of the Core Strategy suitable to accommodate additional dwellings of this quantum. In that regard, the village has a small range of local facilities and services including a primary school, local shop / post office, two public houses and a children's playground. The application site is located within the most accessible part of the village and those services are all within easy walking distance via good footway connections. Satisfactory vehicular access to the site can be achieved and the proposal is able to meet its assessed off-street parking requirement. For these reasons it is also considered to meet the social dimension.
- 8.6 To conclude therefore, the amended proposal for the development of 25 dwellings on the site and the provision of compensatory off street parking for

the properties on Darvel Down affected by the proposed double yellow lines is considered to satisfactorily address reasons 1 and 2 for refusing application RR/2017/941/P. Whilst the loss of the TPO tree (T1) is not resolved, and thus still weighs against the proposal, in the planning balance to be made, this loss can be mitigated through new compensatory and additional tree planting on the site and is clearly outweighed by the benefits of developing the site for housing. For that reason, it is recommended that outline planning permission should be granted subject to conditions and a s106 planning obligation.

RECOMMENDATION: GRANT (OUTLINE PLANNING) DELEGATED FOR THE COMPLETION OF A SECTION 106 AGREEMENT RELATING TO:

- **Provision of 40% affordable housing units**
 - **A new vehicular access into the site**
 - **Agreement for any future development of the adjoining site (NE5a) to be able to connect into the internal road**
 - **New pedestrian footway to east side of access, dropped kerbs and tactile paving on new access and Darvel Down**
 - **Traffic Regulation Order to install double yellow lines opposite the vehicular access**
 - **Dedication of three parking spaces on the site for use by the residents of 17, 19 and 21 Darvel Down**
-

CONDITIONS:

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 on the development.
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 referred to in condition 1 above 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 this permission.
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 this 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. The development hereby permitted shall be carried out in accordance with the following approved plans and particulars:
Drawing no. 17/0305/SK02 Rev A, Site Access Design dated June 2017
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

6. The landscaping details to be submitted pursuant to condition 1 shall include the following:
 - a) Details of all hard landscaping.
 - b) Details of all trees to be retained.
 - c) Design, layout and appearance of structural and amenity green space, including verges.
 - d) Planting plans, including landscape and ecological mitigation (buffer planting and green buffers).
 - e) Written specifications (including cultivation and other operations associated with plant and grass establishment).
 - f) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - g) Details for implementation.

The development shall thereafter be carried out in accordance with the details as approved in writing by the local planning authority and in accordance with an agreed implementation programme.

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 Local Plan Core Strategy.

7. No development shall commence until details for the protection of existing trees and hedgerows on the site to be retained 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 locations for protective fencing, ground protection and no dig surface construction methods in accordance with Appendix E-G of the Arboricultural Survey and Planning Integration Statement by Quaife Woodlands Rev A dated 2 March 2017. 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: These details are required prior to commencement of works to ensure the protection of retained trees and hedgerows during construction and the creation of a high quality public realm and landscape setting in accordance with Policy EN3 of the Rother Local Plan Core Strategy.

8. No works or development shall take place until a full specification of all proposed tree planting has been approved in writing by the Local Planning Authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be protected and the proposed time of planting in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.

A schedule of maintenance of the trees until successfully established is to be agreed in writing with the Local Planning Authority and implemented. The schedule shall include provision for replacement planting should establishment fail, such measures having regard to BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations.

Reason: Full details of tree planting and their subsequent protection is required prior to commencement of the development as the trees on the site which are to be planted are required to compensate for the loss of existing trees and enhance the appearance of the development, in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

9. No development shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water and none of the dwellings shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

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

10. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Lead Flood Authority: The scheme details shall:

- 1 a) carry forward the principles of surface water management outlined in Herrington Consulting's Flood Risk Assessment (March 2017);
- b) provide evidence of (a) in the form of hydraulic calculations to be submitted with the detailed drainage drawings taking into account the connectivity of the different surface water drainage features;
- c) not include permeable paving constructed in individual private driveways;
- 2 a) include a maintenance and management plan for the entire drainage system that clearly identifies who will be responsible for managing all aspects of the surface water drainage system including piped drains, and confirmation that the appropriate authority is satisfied with the submitted details;
- b) include evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

Thereafter none of the dwellings shall be occupied until the surface water drainage works to serve the development have been provided in accordance with the approved details and evidence of such provided to and approved in writing by the local planning authority.

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

11. No development shall be commenced until such time as a Traffic Regulation Order securing the provision of parking restrictions on the north side of Darvel Down has been approved in writing by the County Council and written confirmation of this approval is made available to the local planning authority.

Reason: A pre application condition is required because the works subject to the Traffic Regulation Order are required to be carried out prior to any other development commencing to ensure that traffic conditions on Darvel Down

maintain the safety of all road users including during the construction period in accordance with Policies TR3 and CO6 of the Rother Local Plan Core Strategy.

12. No development shall commence, including any ground works, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,
- 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.
 - 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.

Reason: A pre application condition is required because the works need to be managed in all stages of construction to maintain safe traffic conditions on Darvel Down, to maintain the safety of all road users and to maintain the amenities of the locality in accordance with Policies OSS4, TR3 and CO6 of the Rother Local Plan Core Strategy.

13. No development shall commence 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 by the applicant and approved by the local planning authority.
- Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

14. No development shall commence until details of the foundations, piling configurations, drainage and services, to include a detailed design and method statement, has been submitted to and approved in writing by the local planning authority, such details to show, where necessary, the preservation of surviving archaeological remains which are to remain in situ.
- Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground to remain in situ is safeguarded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

15. No development shall commence until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity 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.
- j) Details for disposal of 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 protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policies EN5(ii), (v) and (viii) of the Rother Local Plan Core Strategy.

16. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

- a) Creation of escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day.
- b) Open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: To properly ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5(ii), (v) and (viii) of the Rother Local Plan Core Strategy.

17. No other development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing no. 17/0305/SK02 Rev A dated June 2017 and construction details, form HT401, attached to this permission.

Reason: In the interests of road safety in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

18. No development above ground level shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, height, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out 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.

19. Prior to any occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for bats 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, e.g., for foraging.
 - 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 site 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 local planning authority.
- Reason: To ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policies EN5(ii), (v) and (viii) of the Local Plan Core Strategy.
20. Prior to the occupation of the development, 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 AONB in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy.
21. The development hereby permitted shall not be brought into use 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 13 and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first 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.
22. 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.
- Reason: So as not to unreasonably harm the amenities of adjoining properties in accordance with Policies OSS4 (ii) and CO6 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
23. If within a period of five years from the date of the planting of any tree that

tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the local planning authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To enhance the appearance of the development and the landscape of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.

24. No part of the development shall be occupied until all car parking spaces have been constructed and provided in accordance with plans and details to be submitted to and approved in writing by the local planning authority pursuant to condition 1 and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the provision of adequate on-site parking that do not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policies CO6, TR4 and TR3 of the Rother Local Plan Core Strategy.

25. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the local planning authority pursuant to condition 1. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

26. No part of the development shall be occupied until a vehicle turning space has been constructed within the site in accordance with details submitted to and approved in writing by the local planning authority pursuant to condition 1 and this space shall thereafter be retained at all times for this use and shall not be obstructed.

Reason: To ensure the provision of adequate turning facilities that do not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policies CO6 and TR3 of the Rother Local Plan Core Strategy.

27. No part of the development shall be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the local planning authority.

Reason: To ensure safe access by pedestrians within the development in accordance with Policies CO6 and TR3 of the Rother Local plan Core Strategy.

NOTES:

1. This permission is the subject of an obligation under section 106 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt, the applicant is advised that the design, layout, and elevational information submitted with the application, are not acceptable and are not approved, namely:

- Drawing No. DD/522/SP 10 Rev J – proposed site layout at scale 1:250 which indicates access and circulation arrangements, including parking, disposition of development and broad landscaping,
- Drawing No. DD/522/BP 01 Rev D – proposed block plan,
- Planning, Design & Access Statement which includes the indicative layout and written explanation,
- Drawing No. DD/522/SS 10 Rev A – indicative street scenes for illustrative purposes

For the avoidance of doubt, the site layout, internal circulation arrangements, disposition of development, public realm treatment including car-parking, and internal streetscape and elevational massing and forms of buildings, fail to deliver the high quality design required by the National Planning Policy Framework and by the Rother Local Plan Core Strategy.

3. The applicant is reminded of the need to enter into section 38 and section 278 agreements with the Highway Authority.
4. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.
5. The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed Traffic Regulation Order. The applicant would be responsible for meeting all costs associated with this process which is a minimum of £5000. The applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.
6. In relation to condition 13, the written scheme of investigation, ensuing works and production of reports should accord with the relevant portions of the 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, telephone 01273 481608 or email County.Archaeology@eastsussex.gov.uk
7. The applicant is reminded that under the Wildlife and Countryside Act 1981 (section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.
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. The presence of protected species cannot be discounted on this site given its character and location and a precautionary approach must be taken to all site clearance and construction works. Should any protected species be encountered during these works all work on site should cease and advice sought on how to proceed from a suitably qualified

and experienced ecologist. Separate licences and consents may be required to undertake work on the site where protected species are found.

9. This development will be subject to the Community Infrastructure Levy (CIL) and all interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) 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.

[View application/correspondence](#)

SITE PLAN

Bexhill

RR/2017/2175/P

Barnhorn Road - Land north of & west of Boardwalk



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Not To Scale

RR/2017/2175/P**BEXHILL Barnhorn Road - Land North of and west of The Broadwalk****Erection of 72 bedroom care home with car parking, landscaping and all ancillary works.**

Applicant: Bexhill Care Home Ltd.
Agent: JB Planning Associates
Case Officer: Ms J Edwards (Email: jo.edwards@rother.gov.uk)
Parish: BEXHILL
Ward Members: Councillors S H Earl and T W Graham

Reason for Committee consideration: Service Manager – Strategy & Planning referral: Public interest

Statutory 13 week date: 29 January 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

- 1.1 No saved policies of the adopted Rother District Local Plan 2006 are relevant to the proposal
- 1.2 The following policies of the Rother Local Plan Core Strategy 2014 (CS) are relevant to the proposal:
- PC1 Presumption in favour of sustainable development
 - OSS4 General development considerations
 - CO5 Supporting older people
 - EN2 Stewardship of the historic built environment
 - EN3 Design quality
 - EN7 Flood risk and development
 - TR3 Access and new development
 - TR4 Car parking
 - SRM2 Water Supply and wastewater management
- 1.3 The National Planning Policy Framework (NPPF) and Planning Policy Guidance are also material considerations.
-

2.0 SITE

- 2.1 The application site is a rectangular parcel of land of just under 0.5ha located immediately to the east of the new access road to the Barnhorn Green (Rosewood Park) and to the west of houses on The Broadwalk. The 'Greyhorses' flats lie to the south and south east of the site separated by public footpath Bexhill 12a. To the north the site adjoins the Rosewood Park development site where in this area the construction of a three storey

apartment building is now commencing. The north, west and south boundaries of the application site are currently bound by construction hoardings whilst the eastern boundary comprises the existing rear boundary fences of the houses on The Broadwalk. In the south east corner of the site there is a mature group of trees protected by Tree Preservation Order (TPO) and other trees are present along this boundary within the rear gardens of the Broadwalk properties. The site is generally level and has recently been cleared in preparation of the development of this and the wider site.

- 2.2 The site is part of a wider area of land of 25.5ha situated to the north of Barnhorn Road (A259) lying west of Spring Lane, Willow Drive and Oakleigh Road extending westwards nearly as far as Sandhurst Lane for which outline planning permission for a mixed use including residential, employment, nursing home, GP surgery and primary school was granted outline planning permission in November 2014. Also within the outline permission area to the west of the access road further parcels of land remain identified for employment purposes and for a GP practice surgery though proposals for those have yet to be brought forward.

3.0 HISTORY

- 3.1 RR/2012/1978/P *“mixed use development comprising 275 dwellings, up to 3500 sqm of employment floor space comprising up to 2750 sqm of B1(a) office and up to 750 sqm of B1(c) light industrial, a nursing home (use class C2) of up to 60 beds, a doctors surgery (use class D1) for up to 10 G.Ps, and a one form entry primary school, together with associated landscaping, drainage and highway infrastructure works”*. Granted November 2014
- 3.2 RR/2015/3125/P *Reserved matters for 275 dwellings with associated landscaping and infrastructure pursuant to outline planning permission RR/2012/1978/P – Granted December 2016 for land north and north east of application site.*
- 3.3 RR/2015/3115/P full planning permission for *“residential development comprising 67 dwellings, together with associated landscaping, drainage and highways infrastructure”* - Granted March 2017 for land within the outline permission area north east of application site.

4.0 PROPOSAL

- 4.1 The application seeks full planning permission for the development of a 72 bedroom care home (Use Class C2) with associated landscaping and parking. (It should be noted that in the outline permission the facility is referred to as a nursing home – also within Use Class C2 - and it is also referred to as such in some of the documents supporting the current application but for the avoidance of doubt the proposal is for residential care with no nursing care to be provided on site.) The bedrooms would each have en-suite bathroom facilities and the development also includes kitchen, laundry, cinema room, café, hairdressers and admin offices on the ground

floor of the north wing and communal quiet rooms, casual sitting, lounges and dining room on each level.

- 4.2 The proposed building is 'U – shaped' and predominantly of three storeys with a maximum height to parapet of 12.45m to the front west side of the building onto the new road. To the rear of the site towards the boundary with The Broadwalk properties the roof height of the three storey elements of both wings decrease to circa 11m above ground level (10.75m above finished floor level) and closest to the boundary single store elements of circa 3m above ground level are introduced above which fully enclosed amenity patio areas for future residents are proposed.
- 4.3 In scale and architecturally the building form takes reference from the apartment blocks recently granted permission under RR/2015/3125/P being of approximately 12m in height and broken down elevationally into a series of vertical elements finished externally in brick with artstone sills and contrasting render panels. Doors and windows would be grey powder coated aluminium or "high quality" UPVC.
- 4.4 To the north of the building next to the main entrance, a parking and service area is proposed accommodating 29 parking spaces, an ambulance bay, cycle parking and refuse stores. New tree planting is proposed in this area to soften and enhance its appearance and help filter views from adjoining sites.
- 4.5 To the south of the building an informal residents garden with paths and lawns near to the protected trees would be laid out whilst between the two wings a formal sheltered courtyard garden area would be created with water feature, paths with accessible raised planted beds, patio tables and chairs and sheltered areas.
- 4.6 The application was submitted with a planning statement, design and access statement, landscape design statement, an ecology review report, project specification for an archaeological excavation, drainage design strategy statement, arboricultural report, transport statement and outline travel plan for staff. Subsequently a letter detailing the clearance of vegetation on the land in November 2017, and kitchen extract statement have also been submitted. Following discussions a written schedule of proposed amendments to the application drawings and documents were submitted in writing on 4 January. These will be followed by amended drawings that will be notified to adjoining neighbours prior to Committee. Where these amendments are known they are included within the appraisal of the scheme. Any further clarification or representations received will be reported in an update to Committee.

5.0 CONSULTATIONS

5.1 Highways England

- 5.1.1 Offers no objection to the proposal. *"on the basis that the trips generated will be at a level that will not materially affect the safety and / or operation of the SRN"* (strategic road network).

5.2 Highway Authority (East Sussex County Council)

5.2.1 The local Highway Authority has made comments on site access, parking provision and internal layout, highways impact, and the travel plan that are summarised below. In conclusion it has no objection to the proposal subject to conditions. Full comments are available view online.

5.2.2 *Parking and Internal Layout*

The application states that the proposal is a care home where as the submitted information refers to it as being a nursing home and the car parking requirement differs for each use. ESCC guidance recommends that for a nursing home one car parking space per 2-3 beds plus one space per resident proprietor is required; for a residential care home one space per 4 beds plus one space per proprietor or resident staff is required. Based on the 72 bed facility with no resident staff the parking requirement is therefore 24 to 36 spaces for a nursing home or 18 spaces for a care home. 29 parking spaces plus an ambulance bay are proposed and therefore the parking requirement for each specific use has been satisfied.

Parking bays need to be of an adequate width and cycle parking for staff is required at a one short-term cycle space per 20 beds, plus one long-term cycle space per ten staff on duty at any one time

I understand that RDC Waste Collection team have agreed that the smaller refuse vehicle used for the tracking drawings is acceptable and I therefore have no major concerns regarding the internal layout.

5.2.3 *Highway Impact*

The increase in traffic generated by the proposed 72-bed nursing home compared to the approved 60-bed nursing home will be relatively low. With this in mind I am satisfied that there will be no material impact on the local highway network.

5.2.4 *Travel Plan*

I am satisfied that the travel plan framework covers the points required. The full travel plan will be agreed prior to occupation.

5.3 Southern Water

5.3.1 Comments awaited.

5.4 Flood Risk Management Team (ESSC)

5.4.1 *This response has been made on the basis that the surface water runoff from the proposed care home was designed for by the strategic surface water drainage network for the site which was submitted to discharge Condition 9 of planning permission RR/2012/1978/P. Our understanding of the strategic drainage network indicates that it allowed for 80% of the site area to be impermeable. Although the drainage report supporting this application states that only 50% of the site is impermeable, the landscape plan indicates that the actual impermeable area is larger than that quoted in the drainage report. Nevertheless, it does look like the resulting impermeable area is in the region allowed for in the strategic network, possibly less. We are disappointed to see only a petrol interceptor being used to improve the quality of the runoff from the car park due to the potential to be by-passed during heavy rainfall or if they are not maintained properly. The County Council would have preferred treatment through sustainable drainage systems such as rain gardens, bio-*

retention and permeable pavements. No information has been provided on the maintenance responsibilities for the proposed drainage system. Our understanding is that ICOSA Water is adopting only the strategic network, but not that on the application site. The drainage report included CIRIA guidance on maintenance plans in its appendix, but no maintenance plan. We would request that the applicant provide details on the maintenance responsibilities and how they will be secured over the lifetime of the development with an application to discharge conditions. If the Local Planning Authority is minded to grant planning permission, the LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely... Full comments available to view online.

5.5 County Archaeologist

- 5.5.1 The application is accompanied by a letter from the County Archaeologist to the applicant's archaeological consultant and copied to the Council that confirms that the 'project specification for an archaeological excavation' (WSI) submitted with the application is sufficient to satisfy the first part of condition 15 attached to RR/2012/1978/P.

5.6 Public Rights of Way Officer (ESSC)

- 5.6.1 No objection to proposal contingent on access to Public Footpath Bexhill 12a being maintained at all times.

5.7 Sussex Police

- 5.7.1 Would encourage the applicant to refer to the website www.securedbydesign.com . In a development of this type resident security is paramount and the public visitor areas of the building need to be capable of compartmentalising from the residents areas. Full comments available to view online.

5.8 Environmental Health

- 5.8.1 Full comments are available on line. In summary, the EHO is concerned that an adequate noise environment for future residents is protected (arising from the kitchen, laundry, plant room and cinema room); would want conditions requiring details of kitchen extraction and a suitable BS4142:2014 noise assessment to be carried out; considers that the details provided for odour extraction are acceptable but a condition is required ensuring that this scheme (high level dispersion 1m above the eaves of the building, discharge velocity and carbon filters or neutralising system) is implemented. Notes that the location of the site and in particular, the garden area is close to where there was once an agricultural building with accumulations of asbestos cement. There have been some previous contaminated land assessments for this site. Information showing that there should not be any significant source-pathway-receptor linkages for residents and/or staff, in particular with use of this garden area should be required by condition.

5.9 Planning Notice

- 5.9.1 A petition signed by 10 people has been received from the residents of The Broadwalk and a spokesperson for that group has been invited to address the Committee. The key areas of objection specified in the petition are:

- Loss of privacy due to windows overlooking gardens.
- Loss of light and overshadowing of gardens due to extreme height of the proposed building.
- Creation of an oppressive and overbearing environment due to the size of the proposed building.
- Increase in air pollution due to vehicles, waste and cooking.
- Increase in light pollution as building will be lit throughout the day and night.
- Design of building.

5.9.2 Letters of objection from 47 individual addresses and a joint representation on behalf of the residents of The Broadwalk have been received. The main areas of concern relate to:

- Need for the development.
- Impact of the proposed development on traffic conditions on Barnhorn Road (A259) and air quality on road.
- Amount of on-site parking is considered to be too low.
- Impact on the amenity of neighbouring residents of The Broadwalk in particular in respect of privacy and overlooking, overshadowing and loss of daylight due to height of the building; noise, odour and other disturbance from external activity and lighting (internal and external) throughout the day and night.
- Lack of GP and other medical services in the area.

5.9.3 All of the comments received are available to view in full on line. Any further comments received will be reported to Committee.

6.0 APPRAISAL

6.1 *Principle of development*

6.1.1 Policy CO5 (ii) – of the Rother Local Plan Core Strategy seeks to increase the range of available housing options for older people with care and support services in accessible locations. The proposal is considered to be in accordance with that objective and the principle of a nursing home in this location has already been accepted. RR/2012/1978/P granted outline permission for a facility of up to 60 bedrooms although there was no particular rationale behind that upper limit. Furthermore, although an indicative layout plan was submitted in support of the outline application that showed the home sited elsewhere, the specific location of the facility was not fixed by the consent. The parcel of land illustrated for that purpose at the time is now to be developed for residential dwellings and there is considered to be merit in locating the care home close to other more commercial activities, in particular the proposed GP surgery for which a parcel of land remains earmarked directly opposite on the new access road and close to public transport.

6.1.2 A number of public responses to the application have referred to there not being a requirement for more care homes in this part of Bexhill however commercial need or competition between providers is not a legitimate planning consideration.

- 6.1.3 The main issues for consideration now are: the scale and design of the development in terms of character and appearance of the area; scale and layout in terms of impact on the amenity of neighbours; additional impact on the highway network of the larger proposal and parking provision. The outline planning permission included conditions relating to archaeology, ecology, and trees. These matters have been addressed with the current application and are discussed further in the appraisal.

6.2 Scale and design, character and appearance

- 6.2.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy requires that development respects and does not detract from the character and appearance of the area. Policy EN3 requires that development is of high quality design and demonstrates robust design principles. In negotiating and approving the reserved matters details to the outline planning permission for the residential development to the immediate north of the application site - and that includes the whole access road - a key objective has been to create a strong sense of place and arrival to this new part of the town with a formal tree planted urban entrance boulevard and square framed by buildings of modestly greater height and presence. To this end the approved apartment buildings to the immediate north are of a modern three storey flat roof design of approximately 12m in height that accords with the parameter plans and Environment Statement submitted with the outline planning application. The proposed care home building reflects the design and scale of the already approved apartment buildings and is considered to be an appropriate response to the developing character of this space. The character of the new development and public realm in this area is very different to the existing houses on Barnhorn Road and The Broadwalk and indeed the remaining parts of the new Rosewood Park scheme and in that respect, it is not considered necessary or desirable for the building design to copy or try to mimic the more domestic scale or style of house types found in the wider locality. Notwithstanding that, the elevational treatment of the building is broken up vertically to add visual interest and articulation to the building and reduce its perceived mass as a large institutional type use. The height of the building and its flat roofed form also reflects the four storey apartment buildings - Greyhorses - to the south on Barnhorn Road.

6.3 Scale and layout with regard to impact on neighbouring properties

- 6.3.1 In accepting the principle of development of the wider site by way of the outline planning permission it was accepted that its fundamental character would change from greenfield agricultural land to one of built development extending the town westwards. An inevitable consequence is that the outlook of those properties backing onto the open land will be quite radically altered. The properties affected most in this respect by the current proposal are those properties lying on the west side of The Broadwalk whose gardens back onto the application site. A number of concerns have been raised by those residents including the scale and proximity of the building that it is felt would be overbearing and overshadow their homes and gardens; potential for overlooking of private areas; noise and odour arising from the use of the car park area, kitchen and laundry areas and light pollution caused by lights remaining on 24 hours per day. Each of these aspects is considered in more detail below.

Scale and proximity of building

- 6.3.2 The two wings of the building reduce in height and massing towards the eastern boundary of the site. The northern wing that extends closest to the neighbouring properties on The Broadwalk, backing onto the garden of no. 7 reduces to a single storey in height within 14m of the site boundary and there is a 7m separation between the rear elevation of the building and the edge of the application site. Beyond that, the garden of no. 7 measures approximately 29m to the nearest part of the house. Therefore, in total there is a distance of about 43m between the house and the nearest three storey element of the proposed building that at this point is a maximum 11m in height. This is considered sufficient separation to ensure that the building here is not oppressive or overshadowing to neighbours notwithstanding that it will be seen. During summer months mature trees on or adjacent to site boundary would also have a significant screening and softening effect here but in winter when the leaves have fallen the development site is far more visible in views over the existing 5ft fence from inside of the house at ground and first floor as well as from the garden that is a frequently used amenity area for the family. The applicant has confirmed its intention to erect a 1.8m close boarded fence along the boundary that will provide a greater degree of screening at garden level and has agreed to supplement existing tree screening with new landscape planting in front of the rear elevation and also at first floor patio level that would serve to further soften the view of the building from the house throughout the year if appropriate evergreen species are used.
- 6.3.3 Elsewhere along the rear boundary the relationship between the proposed building and houses at 1, 3 and 5 The Broadwalk is quite different with those parts of the building over single storey being set at an oblique angle to the gardens and also at a far greater distance from the houses, of at least 47m. Here also, existing tree and 'scrub' planting on the site and in individual gardens provides a high degree of screening, including through the winter months, that will minimise the impact of the development in terms of it being overbearing, while the distances between buildings and intervening tree cover will prevent any unacceptable overshadowing or loss of day light. New semi mature tree planting on the east and north and north site boundaries, provided to supplement existing mature trees in the car park area, will also ensure that an acceptable relationship between the house at no. 9 The Broadwalk and the northern elevation of the building is maintained in terms of avoiding it being overbearing.

Loss of privacy from overlooking windows

- 6.3.4 There are no bedroom windows in the end elevations of the north and south wings of the building. Bedroom windows in the main east elevation of the building are located some 63m from the closest windows to the rear of nos. 3 and 5 The Broadwalk and this is substantially more (by three times) than what would normally be found a reasonable distance between directly facing windows.
- 6.3.5 Both the north and south wings would have terraces for residents to use at first floor. Both would have set back glass screens of approximately 1.8m height to protect residents from falling. In addition, the applicant has confirmed that the screen facing towards no. 7 on the north wing will be obscure glazed to prevent any overlooking of the neighbours' garden from there. Due to the dense tree and scrub planting in the south east part of the

site and greater distances involved there would be no unacceptable impact on neighbour privacy from the smaller terrace on the southern wing.

- 6.3.6 There is a single end of corridor window at second floor of the southern wing that again, due to distance and screening, presents no harm in terms of overlooking of neighbours. In the north wing a single end of corridor window serves staff areas. At this distance (approximately 43m) no harm to privacy from that would be caused. Other views from within the care home bedrooms and common areas are directed north and south and would not affect the privacy of neighbours.

Noise, odour and light pollution from proximity of service areas, car park, kitchen and laundry

- 6.3.7 The kitchen and laundry are proposed to be located on the ground floor of the north wing mainly in the single storey element of the building close to the east boundary and accessed from the car park where along the boundary also eight parking spaces and the bin stores would be sited. An ambulance bay would be sited close to the main entrance some 13m back from the eastern boundary. Concerns have been raised by neighbours about noise and odours arising from kitchen and laundry extraction and also about the potential for noise, light pollution and general disturbance from the use of the car park and service areas that they consider will be in 24 hour use.

- 6.3.8 The comments of the Council's EHO were sought in response to concerns about noise and odour from plant and further detail sought from the applicant which in summary confirmed that the ventilation system has not been designed yet but that it would be operational from 6am through to late evening but not operating at full output at all times. For example during early morning food preparation the system would operate at 30% design duty. Furthermore, the applicant states that the contractual documentation for the kitchen ventilation system, along with all building services plant will be produced to ensure that the design, selection and positioning of that plant meets the following criteria:

- Maximum noise level at the residential façade (of the care home) of 38dB and an internal noise level with opening windows of 30dB at night and 35dB during day-time hours.
- Extracted air to be discharged not less than 1m above eaves level of the building, at a velocity of no less than 6m/sec (under full system duty to meet DEFRA dispersion rating).
- Fine filtration by way of either carbon filters rated with a 0.1 second residence time or by counteractant / neutralising system to meet the same standard if found necessary.

- 6.3.9 The EHO has raised concerns about noise impact from the plant and other sources such as the cinema room for future residents that will require excellent internal insulation to prevent sound transference to some bedrooms but that is a matter to be addressed through the Building Regulations rather than planning. The efficacy of the ventilation system cannot be commented on until the design and specification is known but when it is, a suitable noise assessment should be undertaken. It would be expected that in providing a system that is acceptable to future residents of the development that a satisfactory noise environment from plant would also be maintained for existing residents who are far more distant. In terms of odour, the EHO is satisfied that the mitigation details are acceptable subject

to condition and therefore no harm should arise for existing neighbouring properties either.

- 6.3.10 In terms of external activity, particularly outside of core daytime hours, it should be recognised that this is a residential care home with no nursing care offered on site and therefore, whilst there is night time staff cover, most activity will occur during the day time thereby minimising the potential for unacceptable disturbance to neighbours. The applicant has confirmed that a close boarded fence of 1.8 – 2m height is to be erected along the boundary and that the bin area will be separately fenced. Conditions can be attached limiting the hours of waste collection and deliveries, and opening of the service route door. In terms of lighting, the applicant has accepted that an external scheme to minimise any impact on neighbouring properties is required and in that regard also, the trees on the boundary of the site offer a potential commuting route for bats and the ecological statement supporting the application recommends that lighting here maintains the dark night time environment required. Concern has also been expressed about internal lighting although this is a matter covered by Part L of the Building Regulations and not by planning. Notwithstanding that, the potential for unacceptable light spill from the building close to the eastern boundary is very low due to the very limited number of window openings. It is probable that light in corridors and staff areas particularly would be controlled by occupancy sensors.

6.4 Highways and Parking

- 6.4.1 The two highway authorities have raised no objection to the impact of the increased number of bedrooms over the 60 previously granted outline planning permission on the local and strategic road network. The transport statement submitted with the application predicts that this would amount to one additional arrival and departure from the site in the am peak hour (8am to 9am) and the same in the pm peak (5pm – 6pm). Staff on the site that might amount to 70 full time equivalent posts will generally work in shifts, based on typical similar operations between the hours of 7am-2pm, 2pm-9pm and 9pm until 7am, with additional cleaning staff working mornings only and kitchen staff covering breakfast/lunch or afternoon/dinner shifts. A maximum of 20 staff are expected to be on site at any one time in the mornings and early afternoon during shift change with in the initial years around 62% of staff trips being made by private car.
- 6.4.2 The proposal makes provision for 29 on-site parking spaces that is sufficient in terms of the ESCC parking demand calculator for the care home use. Secure covered parking for bikes is also to be made in accordance with ESCC standards and a draft travel plan has been prepared that seeks to move the modal share of staff travelling by private car to more sustainable modes over time.
- 6.4.3 It is noted that there is some confusion in paragraph 3.3 of the submitted draft travel plan statement as to the character of the facility proposed but it has been clarified that this is *not* a home providing opportunities for independent or semi-independent living and none of the future residents would be expected to have their own vehicle. A revised draft travel plan correcting this error was submitted on 8 January.

6.5 Ecology and Trees

6.5.1 The proposal includes an outline landscaping plan that seeks to maintain and enhance the ecological value of site features including all of the existing trees that are to be maintained and supplemented. As referred to in paragraph 6.3.10, the trees on the boundary provide a commuting route for bats and habitat suitable for reptiles will also be provided in the informal garden and eastern edge of the site.

6.5.2 The applicant has subsequently submitted a letter from its ecological consultant dated 21 November that summarises a programme of vegetation clearance that was undertaken on the site on 20 November 2017 under the supervision of the ecologist as a precautionary measure against the colonisation of the site by slow worm, previously recorded in the vicinity in 2011. The works that took place on a single day involved the removal of all suitable habitat from the part of the site to be developed leaving habitat remaining in the area of the site affected by the TPO.

6.6 Archaeology

6.6.1 A method for a scheme of archaeological investigation has previously been agreed by the County Archaeologist and subsequent to that it is understood that the identified work was undertaken between 27th and 29th November. At the time of writing this report, the County Archaeologist has not seen the resulting report or commented on it and therefore archaeological conditions remain necessary and are proposed; although dependent on the County's response these might become unnecessary. Any update will be provided at the Committee meeting.

7.0 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

7.1 The proposed development is not of a type that is liable for CIL.

8.0 **SUMMARY**

8.1 The principle of a nursing home within Use Class C2 was established within the grant of outline planning permission RR/2012/1978/P. The impact on highway and traffic conditions arising from the increased size and alternative type of facility over the 60 bedroom scheme then permitted (albeit remaining as a C2 use) has been assessed and found to be negligible and acceptable. The design and scale of the building is in keeping with the character and appearance of this new part of the town being created and would not unacceptably harm the residential amenity of residents on The Broadwalk, local ecology or archaeology subject to conditions.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing nos. 16-01/100, 16-01/101A, 16-01/200E, 16-01/212A, 16-01/211A, 16-01/210A, 16-01/203C, 16-01/202C, 16-01/201C, 16-01/COL212A, 16-01/COL211A, 16-01/COL210A dated August 2017,
Tree Protection Plan dated 12 October 2017,
Landscape Plan 001 Rev A dated September 2017,
Drainage GA 17 116-S500 dated September 2017.
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. No development shall commence until a surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. The scheme shall:
 - a) Take into account the strategic network i.e. impermeable areas designed for and invert levels at the spur left for the application site to connect. Supporting hydraulic calculations and drawings should demonstrate that the areas and levels have taken into account the provisions made within the strategic network.
 - b) Include a maintenance and management plan that clearly states who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
 - c) Provide evidence that these responsibility arrangements will remain in place throughout the lifetime of the development;

Prior to occupation of the development, evidence (including photographs) is to be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs and the scheme is to be permanently retained thereafter in accordance with the approved details.

Reason: These details are integral to the whole development and are therefore required prior to commencement of works to prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 100 and 103 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.
4. No development shall be commenced until a foul water drainage strategy detailing the proposed means of foul water disposal and an implementation timetable has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. The development shall thereafter only be carried out in accordance with the approved scheme and timetable.
Reason: A pre-commencement condition is required as the very nature of foul water drainage schemes require works to be put in place prior to any other above ground development being undertaken. To ensure the

satisfactory drainage of the site in the interests of flood risk avoidance and to prevent water pollution in accordance with Policies SRM2 and EN7 of the Rother Local Plan Core Strategy.

5. No works shall commence on site until a Construction Management Plan, to provide details of numbers and routeing of construction vehicles and provision to control and manage construction traffic and measures to clean the wheels of construction vehicles, has been submitted to and approved in writing by the local planning authority. The construction of the development shall be carried out in accordance with the approved Construction Management Plan unless otherwise agreed in writing by the local planning authority.
Reason: To ensure that construction of the development, does not result in avoidable congestion on the A259 Trunk Road; to prevent extraneous material being deposited on the highway; to ensure that the A259 continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable existing and future properties in the locality in accordance with policy OSS4 of the Rother Local Plan Core Strategy.
6. Before the development hereby permitted is commenced a Waste Management Plan to include details of the measures to minimise and manage waste generated by the development shall be submitted for the consideration and approval of the local planning authority. The development shall only be carried out in accordance with the approved details of the Plan.
Reason: A pre-commencement condition is required because the plan is required at all stages of construction in the interests of seeking a sustainable development which minimises waste, in accordance with the Supplementary planning Guidance on "Construction and Demolition Waste" 2006 by East Sussex County Council and having regard to amenity issues in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.
7. No other development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing no. 16-01/200E dated August 2017 and construction details, form HT401 / HT407, attached to this permission.
Reason: In the interests of road safety in accordance with Policy TR3 of the Rother Local Plan Core Strategy.
8. No part of the development hereby permitted shall commence until the developer has secured the implementation of a programme of archaeological work, in accordance with the '*Project Specification for an Archaeological Excavation*' by Thames Valley Archaeological Services dated 20 September 2017 Ref: 17s53exc.
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 policy EN2(vi) of the Rother Local Plan Core Strategy.
9. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A preliminary risk assessment which has identified:
 - All previous uses.
 - Potential contaminants associated with those uses.
 - A conceptual model of the site indicating sources, pathways and receptors.
 - Potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) The results of the site investigation and detailed risk assessment referred to in ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved. The applicant is advised that this condition is sequential and may be discharged at any stage i) to iv).

Reason: The historic use of this site may have led to contamination being present. A pre-commencement condition is required in order to avoid risks to health and/or the environment and is in accordance with Paragraphs 120-121 of the National Planning Policy Framework and Policy OSS3(viii) of the Rother Local Plan Core Strategy.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved. Care should be taken during site works to ensure that all fuels, lubrication oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground.

Reason: The historic use of this site may have led to contamination being present. The condition is required in order to avoid risks to health and/or the environment and is in accordance with Paragraphs 120-121 of the NPPF and Policy GD1 (xiii) of the Rother District Local Plan (2006).

11. Before the use hereby permitted commences, details of a scheme (including the design and colour of any extractor duct/flue) for the mechanical extraction and ventilation of the kitchen and laundry areas shall be submitted to and approved in writing by the local planning authority. The scheme shall be accompanied by a noise assessment to BS4142:2014 standard identifying prevailing background noise levels and any mitigation required. The scheme shall thereafter be implemented as approved before any part of the development is occupied and continued (with all equipment being operated, maintained and replaced as need be), unless further written approval from the local planning authority for an alternative scheme is gained.

Reason: To protect the residential amenities of the locality in accordance with Policy OSS4 of the Rother Local Plan Core Strategy.

12. Before the use hereby permitted commences, details of a scheme for odour mitigation shall be submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing the scheme shall include
- High level dispersion not less than 1m above the eaves of the building.
 - A discharge velocity no less than 6m/sec (under full system duty) to DEFRA dispersion rating.
 - Fine filtration by way of either carbon filters with a 0.1 second residence time or by counteractant/neutralising system to meet the same standard, if found necessary following environmental assessment.

The scheme shall thereafter be implemented as approved before any part of the development is occupied and continued (with all equipment being operated, maintained and replaced as need be), unless further written approval from the local planning authority for an alternative scheme is gained.

Reason: To protect the residential amenities of the locality in accordance with Policy OSS4 of the Rother Local Plan Core Strategy.

13. No construction work shall be carried out outside the following times:
Monday to Friday – 0730 to 1800 hours, Saturdays – 0730 to 1300 hours and no construction work shall take place at any time on Sundays or Public Holidays.

Reason: To protect the residential amenities of the locality in accordance with Policy OSS4 (ii) Rother Local Plan Core Strategy and having regard to National Planning Policy Framework paragraph 123.

14. Notwithstanding the information shown on the approved drawings, and prior to the commencement of any above ground works, the following details are to be submitted to and approved in writing by the LPA and the development thereafter shall be carried out only in accordance with the approved details before the occupation of the development:
- Samples of all materials to be used in the construction of all external surfaces of all built structures.
 - Drawn details at scale 1:50 of fenestration design including proportions of window openings and glazing modules.
 - Drawn details at scale 1:10 of porch/canopy/balcony and terrace structures.

Reason: To ensure a high quality of design and in the interests of maintaining and enhancing the character of the development and the locality in accordance with Policies EN3 and OSS4 of the Rother Local Plan Core Strategy.

15. 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.

Means of enclosure, including a 1:200 plan clearly showing proposed locations, and 1:20 scale typical elevational drawings of all proposed boundary treatments and other means of enclosure (fences, railings and walls), indicating the design, height, materials of such.

- Hard surfacing materials

- b) Any minor artefacts and structures, including electricity sub-stations, cycle parking, refuse and recycling storage areas, pergolas, signage and lighting, including proposed locations.

Reason: To ensure the creation of a high quality public realm, landscape setting and architectural quality in accordance with Policies EN3 and EN4 of the Rother Local Plan Core Strategy.

16. No above ground works shall commence in any phase until the following soft landscaping details in general accordance with the Landscape Plan, drawing no. 001 Rev A dated September 2017 for that phase have been submitted and approved by the local planning authority.

- a) Planting plans, including ecological mitigation planting.
- b) Written specifications (including cultivation and other operations associated with plant and grass establishment).
- c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: To ensure the creation of a high quality public realm and landscape setting in accordance with Policies EN3 and EN4 of the Rother Local Plan Core Strategy.

17. All soft landscape works shall be carried out 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 a 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 ensure a high quality public realm taking account of the characteristics of the area in accordance with Policy EN3 of the Rother Local Plan Core Strategy.

18. The development is to be carried out only in accordance with the Arboricultural Report and Tree Protection Plan prepared by Andrew Day dated 12 October 2017.

Reason: To safeguard the characteristics of the locality, ecological value and so as not prejudice the appearance of the locality in accordance with policies OSS4(iii) and EN5(i) of the Rother Local Plan Core Strategy.

19. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of the occupation of that part of the development for its permitted use.

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
- b) If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

- c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
- d) No fire shall be lit within 10m from the outside of the crown spread of any tree which is to be retained.
- e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
- f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

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

- 20. The development hereby permitted shall not be brought into use 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 11 and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first 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.

- 21. The development shall not be occupied until the parking and turning areas have been provided in accordance with the approved planning layout drawing no. 16-01/200E dated August 2017 and the areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.

Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic including refuse and emergency vehicles and conditions of general safety within the development in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

- 22. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with policy TR3 of the Rother Local Plan Core Strategy.

- 23. No part of the development shall be occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the local

planning authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable forms of transport in accordance with policy TR3 of the Rother Local Plan Core Strategy.

24. Prior to any occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats 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, e.g. for foraging.
- 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 site 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 local planning authority.

Reason: To ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5(ii), (v) and (viii) of the Rother Local Plan Core Strategy

25. No deliveries shall be taken at or despatched from the site outside the hours of 07:00 and 20:00

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

26. No disposal of waste into the bin stores is to be made except between the hours of 07:00 and 20:00.

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

27. The service door and laundry windows on the ground floor east elevation of the north wing shown on drawing no. 16-01/201C shall be kept closed at all times except for the explicit purpose of entry to or exit from the premises or unless otherwise agreed in writing by the local planning authority

Reason: To avoid unnecessary noise from open doors and windows, in order to protect the amenity of the locality, especially for people living nearby in accordance with Policy OSS4 (ii) of the Rother District Local Plan.

NOTES:

1. Access to the public footpath should be maintained throughout construction. Where disruption is unavoidable it would be expected that this is confined to temporary closures of the minimum necessary duration by prior agreement with the County Council.

2. In connection with condition no. 18 the extent of tree canopy reduction required to trees T11, T12, T13 is to be agreed on site in advance with the Council's Tree Officer.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) 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.

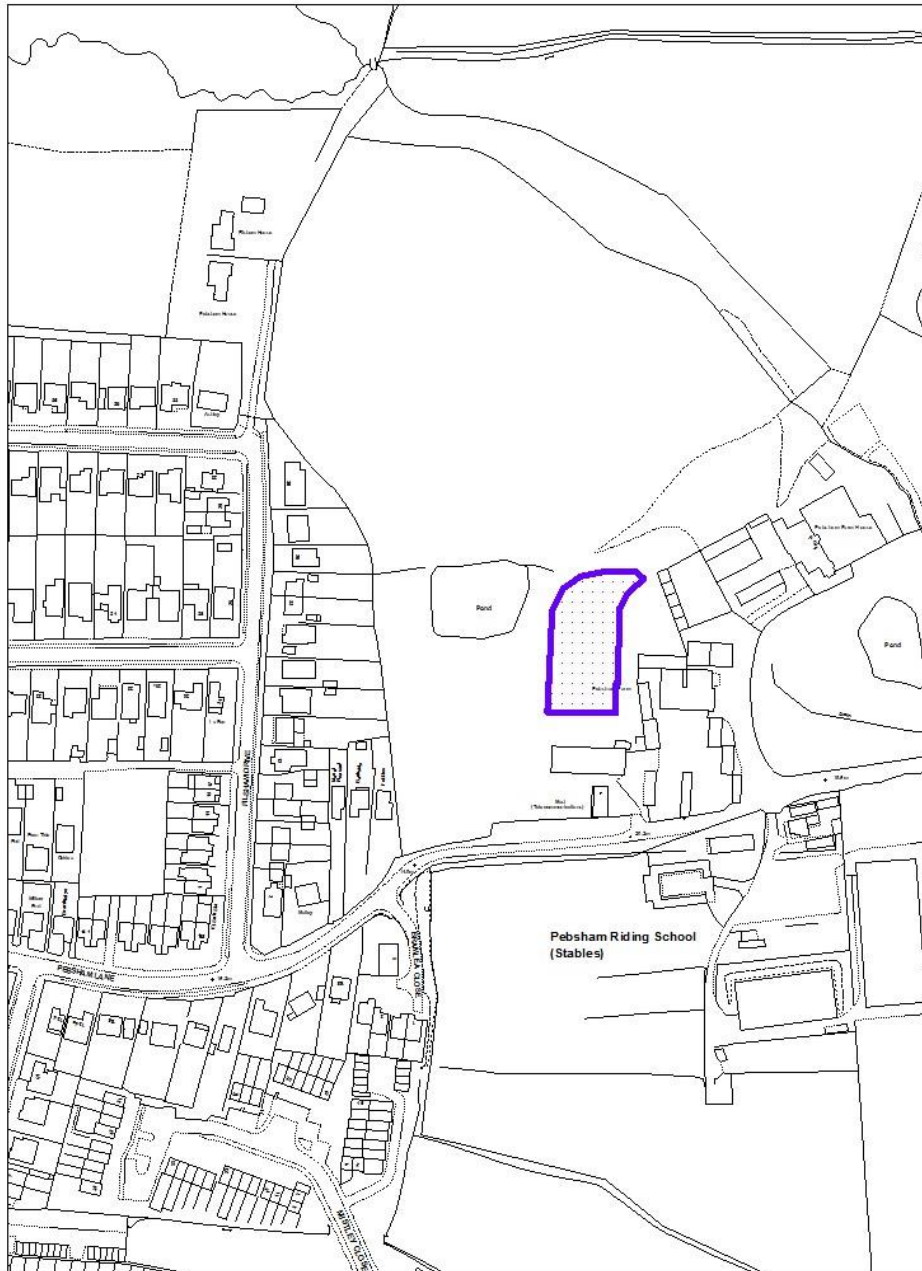
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SITE PLAN

Bexhill

RR/2017/1914/P

Pebsham Rural Business Park, Pebsham Lane



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Not To Scale

RR/2017/1914/P

BEXHILL **Pebsham Rural Business Park,**
Pebsham Lane

Proposed commercial building.

Applicant: Mr M Worssam
Agent: Baker Architectural Ltd
Case Officer: Mr M Worsley
 (Email: matthew.worsley@rother.gov.uk)
Parish: BEXHILL
Ward Member(s): Councillors C A Clark and S D Elford

Reason for Committee consideration: Service Manager – Strategy & Planning referral: previous planning history.

Statutory 8 week date: 12 December 2017
Extension of time agreed to: 25 January 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

- 1.1 The following 'saved' policies of the adopted Rother District Local Plan 2006 (LP) are relevant to the proposal:
- DS5 (strategic gaps).
 - BX4 (Countryside Park).
- 1.2 The following policies of the Rother Local Plan Core Strategy 2014 (CS) are relevant to the proposal:
- PC1 (presumption in favour of sustainable development).
 - OSS1 (overall spatial development strategy).
 - OSS3 (location of development).
 - OSS4 (general development considerations).
 - BX1 (overall strategy for Bexhill).
 - HF1 (the Hastings fringes).
 - RA2 (general strategy for the countryside).
 - RA3 (development in the countryside).
 - CO6 (community safety).
 - EC1 (fostering economic activity and growth).
 - EC3 (existing employment sites).
 - EN1 (landscape stewardship).
 - EN3 (design quality).
 - TR3 (access and new development).
 - TR4 (car parking).
- 1.3 The National Planning Policy Framework (the Framework) and Planning Policy Guidance are also material considerations. The Framework contains

relevant provisions relating to the protection of the countryside and the importance of building a strong, competitive economy, the rural economy and sustainable development. Paragraph 28 supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new ones.

2.0 SITE

- 2.1 The site lies near the eastern end of Pebsham Lane, on the fringes of the large residential estate of Pebsham. The site is part of a larger area owned by the applicant known as Pebsham Farm. The former farm buildings have been in commercial use for some years. The application site is a small part of this area.
- 2.2 The two existing buildings to the front of this site are used as a laboratory, production and office space occupied by Torr Scientific Ltd. To its front is a dedicated car park area served by an access separate from the other former farm buildings.
- 2.3 The application site is located to the rear of the Torr buildings and is currently undeveloped land that once formed part of a larger agricultural field. The land is now separated from the field by a hedge. The site is accessed from the main site.
- 2.4 The site is elevated above Pebsham Lane. To the west are residential properties, mainly bungalows, in both Pebsham Lane and Filsham Drive. Pebsham Farmhouse to the northeast is a grade II listed building, a designated heritage asset. The farmhouse and its immediate outbuildings are now in a separate ownership from the former farmyard buildings.
-

3.0 HISTORY (relevant)

- | | | |
|-----|----------------|--|
| 3.1 | RR/2001/1/P | Change of use of agricultural buildings to B1 use (retrospective application) and alterations to existing access GRANTED TEMPORARILY – 13 September 2001. |
| 3.2 | RR/2003/1731/P | Removal of condition 2 imposed on RR/2001/P to allow continued use on a permanent basis of former agricultural buildings for Class B1 use – REFUSED 11 September 2003 – APPEAL ALLOWED 8 December 2004. |
| 3.3 | RR/2006/2013/P | Change of use of grain store for Class B1 purposes, parking and associated works including addition of rooflights and alteration to an existing access – GRANTED 23 August 2006 (permission personal to occupier). |
| 3.4 | RR/2007/53/P | Revised proposals to RR/2006/2013/P – Granted 14 March 2007 (amending the personal permission). |

- 3.5 RR/2009/1658/P Variation of personal permission to Torr Scientific Ltd - GRANTED 10 August 2009.
- 3.6 RR/2012/380/P Air conditioning units – Granted 10 April 2012.
- 3.7 RR/2013/1183/P Approval of reserved matters imposed on RR/2012/2348/P – GRANTED 4 June 2013.
-

4.0 PROPOSAL

- 4.1 Permission is sought for a warehouse building to be occupied by GMB Mechanical Services who manufacture and install ducting for air conditioning units and already occupy a unit at the farm.
- 4.2 The proposed building would be positioned immediately to the north of the existing buildings occupied by Torr Scientific Ltd. It would measure 29m in length, 20.2m in width and 6.8m at ridge height. A double pitched roof is proposed. To the elevations a combination of timber and grey coloured metal cladding are proposed. Internally the building would provide two linked warehouse spaces, two offices and a reception area.
- 4.3 Additional information has been received during the course of the application in relation to the proposed use of the building. The company who would occupy the building, GMB Mechanical Services, require more space and currently have to store material within the open air yard area. Two additional people would be employed as a result of the proposed expansion. At present the business has weekly deliveries of steel. However, if the proposed building is permitted deliveries would be reduced to one per month as there would be more space to store materials.
- 4.4 The main existing access would be utilised. A total of 15 parking spaces are proposed with one of these designated as a disabled space.
-

5.0 CONSULTATIONS

5.1 Highway Authority

- 5.1.1 *“...The business park is served via an established vehicular access off Pebsham Lane. The stretch of Pebsham Lane serving the site is an unadopted road which is rural in nature; however, the road becomes public highway a short distance to the west as it continues through a residential area.*

Highway Impact

Due to the residential nature of Pebsham Lane I would be concerned by any significant increase in industrial vehicles using it. However, I have made use of the TRICS Database for comparison with similar sites and it is estimated that 524sqm of B1c light industrial use will only generate in the region of 4 trips in the AM Peak and 3 in the PM peak. With this in mind I do not consider that the proposed scale of development proposed would lead to a significant increase in traffic to and from the site. Furthermore the applicant (GMB Mechanical Services) has indicated that the proposal will actually reduce delivery traffic movements as they will be able to increase storage within the site. To ensure

that traffic levels do not increase further it would therefore be preferred for see any planning consent made personal to the applicant.

Parking

ESCC Guidelines for Non-Residential Developments indicates that for a B1c use 1 parking space per 35 – 40sqm gfa is required. The parking requirement for 524sqm is therefore between 13 and 15 parking spaces. An amended plan has been submitted to indicate that an appropriate level of parking will be provided within the site.

1 long-term cycle storage space per staff plus 1 short term space per 500sqm is also required.

Conclusion

The route to the site through a residential area is less than ideal; however, I am satisfied that the expected increase in vehicular traffic can be accommodated on the local network without being detrimental from either a highway safety or capacity perspective.

With this in mind I do not wish to object to the proposal...”

Conditions relating to car and cycle provision and an area to turn vehicles are recommended.

5.2 County Archaeologist

- 5.2.1 Comments that the information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to the archaeology is mitigated by the application of planning conditions.

5.3 Planning Notice

- 5.3.1 A petition by 38 signatories objecting to the scheme has been received and a representative will have the opportunity to speak at the Planning Committee meeting.
- 5.3.2 A total of 46 objections have been received raising the following issues (summarised):

Highway safety:

- Lane is very narrow and not suitable for additional traffic.
- Already too many commercial vehicles using the lane.
- Many people already ignore the speed limit.
- Elderly residents are not able to react quickly to HGVs.
- Increased risk to local residents, pedestrians, dog walkers and horse riders.
- Lane is not suitable to accommodate large vehicles travelling in both directions.
- Buses only currently drive in one direction down the lane and therefore do not pass each other.
- Damage has already occurred to the lane.
- Buses and large commercial vehicles can get stuck along the lane with parked vehicles, etc.
- Large vehicles witnessed driving into parked vehicles and up on the grass verges.

- Accident waiting to happen.
- No pavement near site.
- Hazardous exit from Filsham Drive onto Pebsham Lane.
- Cumulative impact of traffic ignored.
- Could alternative access roads be provided?
- Bridleways have not been provided in the countryside park and therefore any further development of the site should be rejected.

Character and appearance

- Overdevelopment of the site.
- This is a rural site not an industrial one.
- Existing commercial footprint already impacts on the environment.
- Out of keeping with more rural appearance of the site.
- Grey colour would be an eyesore.
- Development at Glyne Gap has recently been refused as it was next to the countryside park – same reason applies here.

Residential amenity:

- Adverse impact on Filsham Drive properties.
- Residents already affected by noise, disturbance and dust from Barrett Homes development.
- Development would create more noise and disturbance to local residents.
- Adverse impact on air pollution.
- Already an issue with noise pollution from certain existing industrial processes.
- View of sea would be blocked.
- Rural outlook would be compromised.
- Noise and time of use restrictions should be imposed if the application is supported.

Other:

- Limited information provided on the proposed use.
- Previous application for Torr Scientific Ltd was granted for exceptional reasons due to the employment benefits.
- Precedent would be set for further development on the site.
- Certain houses are already affected by noise and vibration from vehicles.
- Need more schools, doctors and hospitals.
- Increased air pollution.
- Potential damage to properties.
- Fly tipping occurs at entrance to the site.
- EIA should be carried out.
- No or limited additional employment proposed.
- Government Inspector previously assured residents that no further development would be permitted here.
- More suitable sites elsewhere in the town available.
- Insufficient advertisement of the application.

5.3.3 One set of general comments has been received which is summarised as follows:

- Cars and vans already drive too fast.
- Narrow road.

- Accident waiting to happen.
- Need speed bumps.

6.0 APPRAISAL

6.1 The Principle of Developing in the Strategic Gap and Countryside Park

- 6.1.1 The site is in the designated strategic gap where saved policy DS5 of the LP carefully controls development, advising that it will only be permitted in exceptional circumstances. It requires that any development must be unobtrusive and not detract from the openness of the area. Policy HF1 (iii) of the CS requires the strategic gap between Hastings/St Leonards and Bexhill to be maintained.
- 6.1.2 The site is also in the area allocated as a Countryside Park. Again, development is generally resisted. Saved policy BX4 advises that proposals will only be acceptable where they are consistent with the establishment of the area as a key recreational resource; provide for the conservation of the Site of Special Scientific Interest (SSSI) and Sites of Nature Conservation Interest (SNCI); and protection of areas at risk of flooding; or where a proposal is in compliance with other relevant development plan policies.
- 6.1.3 In terms of the recent history of the site, Torr Scientific Ltd were granted permission for their extension because it was considered that the strategic employment benefits of enabling Torr Scientific Ltd to expand on their existing site outweighed the impacts on the strategic gap and on the Countryside Park (the extension was considered to read as part of the existing former farm complex). The permission is personal to Torr Scientific Ltd.
- 6.1.4 The proposed building would be occupied by GMB Mechanical Services who require more storage space. They have been present on site for the past 2½ years. The ducting that they produce is bulky and sometimes needs to be kept outside due to a current lack of storage space. In terms of employees, there are currently six, with one or two additional staff required if the new building is granted permission.
- 6.1.5 The CS sets out policies for encouraging and retaining employment opportunities. Paragraph 4.2 includes securing employment improvement as a strategic development issue and paragraph 7.7 gives particular attention to promoting economic regeneration and growth in the Hastings/Bexhill area. Policy OSS3 (x) encourages the need for employment opportunities to be considered and BX1 (iii) promotes the economic growth of new and established local firms. Policy EC1 notes that economic activity and growth is vital to the District's future prosperity.
- 6.1.6 Given that the proposal relates to an existing established employer and its potential to continue to provide employment and opportunities for local people, weight should be given to an extension of the business on the site. However any proposal would also need to ensure that the aims and objectives of both the strategic gap and countryside park are maintained and ensure that the residential amenity of surrounding residents and highway safety are not substantially harmed.

- 6.1.7 Committee will need to consider the strategic employment benefits of supporting the extension of this business and whether this is an exceptional circumstance that warrants development, in this location, in the strategic gap and countryside park. Committee will need to consider the effect of the proposal on the character and appearance of the locality; the impact of the development on the existing residential amenity of nearby residents, and the traffic levels generated by the proposal. These aspects have all been raised as issues of concern by local residents and are considered below.

6.2 Character and appearance of the locality

- 6.2.1 Although close to the suburb of Pebsham, and accessed through it, the site is part of the rural fringe and as such designated within the Countryside Park. The former farm buildings are now in commercial use but there remains agricultural land to the north, east and west. To the west, the field still provides a buffer between the commercial buildings and the residential properties. The complex continues to read as a substantial collection of farm buildings (including the listed farmhouse). Torr Scientific's buildings are the largest and most recent, but still retain something of an agricultural aesthetic and, being located in the south-west part of the site, have minimal visual impact on the complex as a whole.
- 6.2.2 The building is proposed close to the existing buildings. However, it would be of a significant size and would be utilitarian in appearance. The proposed site for the new building is currently amenity space/landscaping for the complex. Although it is delineated by a recently completed small bund (less than 0.5m) with hedge and young trees, as a space, it is still seen as part of the open setting beyond the buildings.
- 6.2.3 The introduction of a large scale building in this location would have a significant impact on the built form of the complex. The proposed building would have a substantial footprint, would be 6.7m in height and would have a large overall mass. Given its scale in this position it would be an intrusion into the Strategic Gap and Countryside Park, and would detract from the openness of this area and from the character and appearance of the locality which is specifically safeguarded by the Strategic Gap and Countryside Park policies.

6.3 The effect on residential amenity

- 6.3.1 Concerns have been expressed that the proposal would also harm residential amenity by affecting outlook and views and create unacceptable levels of noise, disturbance and air pollution.
- 6.3.2 Given the quiet nature of the area, on the edge of the settlement, any development has the potential to affect existing amenity. In this case however, it is considered that the effects can be mitigated. The building and car park would be over 70m from the boundary of the nearest residential property. Consequently overlooking is not likely to be an issue of concern. Similarly, any external lighting can be designed to prevent or mitigate its impact. The noise generated by this occupier is likely to be minimal given that the building would be used to store materials. The manufacturing of the ducting would continue in the existing buildings. In respect of the car park, vehicles already park to the rear of the existing buildings and traffic generation is not expected to significantly increase as a result of the

development. The specific use and activities could be satisfactorily managed by conditions.

- 6.3.3 In summary therefore, it is considered that neither the building nor rear car parking would substantially harm residential amenity.

6.4 Highway safety

- 6.4.1 Local residents have expressed significant concerns over the impact of the development on highway and pedestrian safety.

- 6.4.2 However, the Highway Authority has not objected to the application and has concluded in commenting that the expected increase in vehicular traffic can be accommodated on the local network without being detrimental from either a highway safety or capacity perspective.

- 6.4.3 The Highway Authority advises that the scale of the development proposed would not lead to a significant increase in traffic to and from the site. Furthermore the intended occupier has indicated that the proposal will actually reduce delivery traffic movements as they will be able to increase storage within the site. In the event that permission were to be granted a personal permission may be justifiable to ensure that traffic levels did not increase further.

- 6.4.4 For the reasons explained highway and pedestrian safety is not expected to be adversely affected as a result of the proposed development.

6.5 Archaeology

- 6.5.1 The proposed development is within an Archaeological Notification Area defining a medieval and post-medieval farm complex, which retains a number of historic buildings. The applicant's heritage statement provides no information about current ground conditions or recent impact within the development area, so it is assumed that buried heritage asset remains do survive and that they will be disturbed by the proposed development.

- 6.5.2 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals would be required to be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. This could be secured via condition.

7.0 CONCLUSION - PLANNING BALANCE

- 7.1 The site lies outside the established boundary of the town and is specifically affected by two policies which restrict development. In its favour the proposed development relates to an existing established employer and if permitted would allow the business to continue to provide employment and opportunities for local people – albeit only two new jobs. However, whilst the principle of some limited extension to the business might not be discounted altogether, the scale of the proposed building, including its footprint, height and overall mass, would be a significant and discordant addition to the group

of commercial buildings based essentially on the former farmyard. The building would extend the present group of buildings and would be read as an intrusion into the Strategic Gap and Countryside Park. As such it would detract from the openness of this area and harm the character and appearance of the locality. This environmental harm outweighs the economic benefits that the scheme would bring and therefore the application cannot be supported.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

8.1 The proposal is not for a type of development that is CIL liable.

RECOMMENDATION: REFUSE (FULL PLANNING)

REASON FOR REFUSAL:

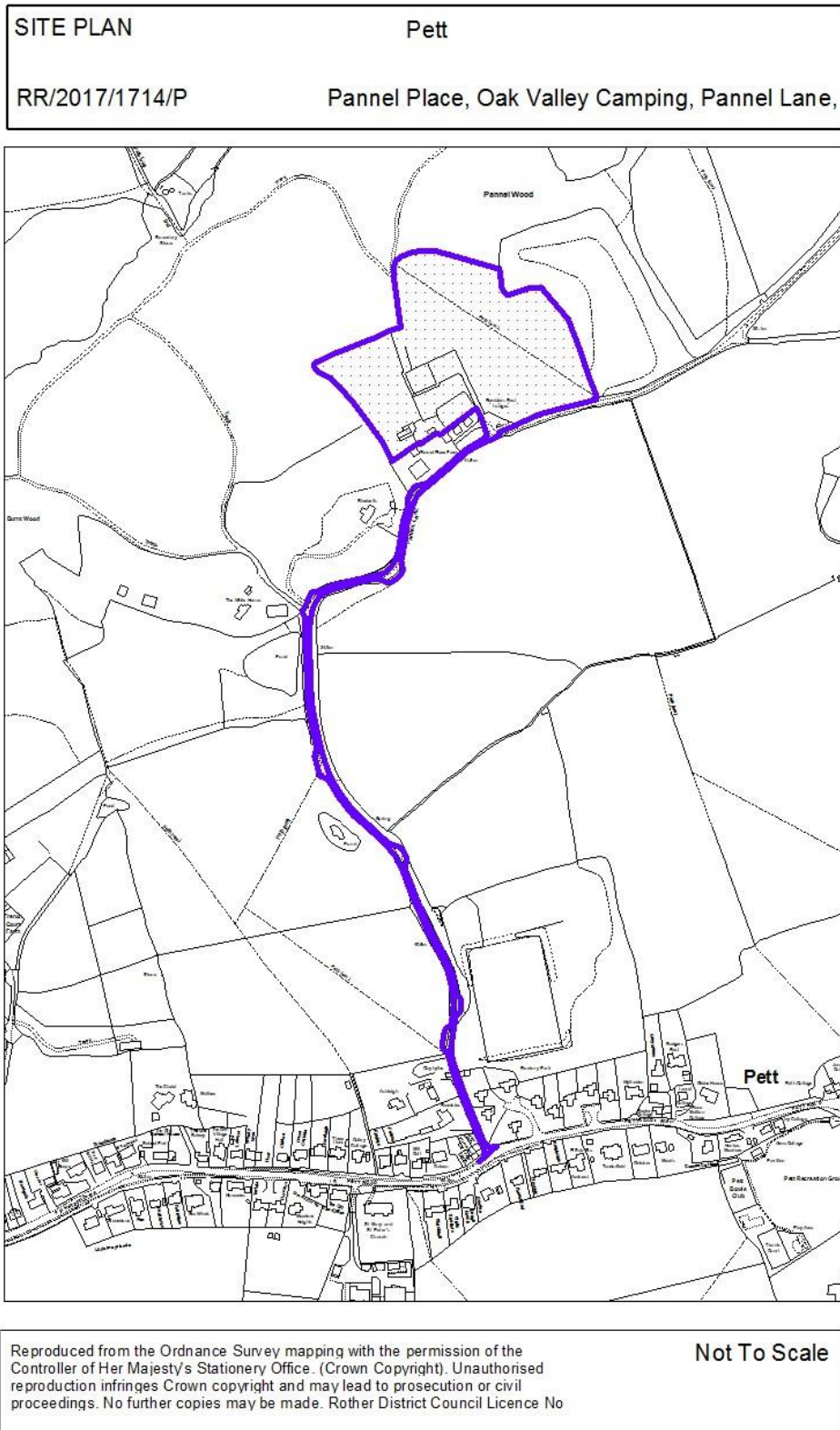
1. The proposed building, by reason of its substantial footprint, height and overall bulk, would have a significant adverse impact on the built form of the existing complex. The building would undesirably extend the present group of buildings and would read as an intrusion into the Strategic Gap and Countryside Park. As such the development would detract from the openness of this area and harm the character and appearance of the locality contrary to policies OSS1 (iii) (e), OSS3 (vi), OSS4 (iii), HF1 (iii), RA2 (iii) (viii), RA3 (ii) (v) and EN1 (i) (v) of the Rother Local Plan Core Strategy; saved policies DS5 and BX4 (i) (iv) of the Rother District Council Local Plan (2006) and paragraphs 17 and 111 of the National Planning Policy Framework.

NOTE:

1. This decision notice relates to the following set of plans:
Drawing no. BA1750.05 revision A dated 13/11/2017; and
Drawing no. BA1750.06 revision B dated August 2017.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, thereby allowing the applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

[View application/correspondence](#)



RR/2017/1714/P

PETT Pannel Place, Oak Valley Camping, Pannel Lane, Pett

Development of a campsite for a maximum of thirty tents including two glamping tents with timber bases, from 1 March to 31 October each year. Conversion of two loose boxes to wash block. Installation of a cess pit. Use of stable block as ancillary storage. Replacement of sand school with a children's play area. Parking for guests. Temporary stationing for a twelve month period of two mobile shower blocks and six chemical toilets. Provision of seven passing bays in Pannel Lane. (Part retrospective)

Applicant:

Mr J Mason

Agent:

The Rural Planning Practice

Case Officer:

Mrs S Shepherd

(Email: sarah.shepherd@rother.gov.uk)

Parish:

PETT

Ward Member(s):

Councillors R K Bird and C J Saint

Reason for Committee consideration: Member referral: Councillor C J Saint

Statutory 8 week date: 19 September 2017

Extension of time agreed to: 22 January 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

1.2 The following 'saved' policies of the adopted Rother District Local Plan 2006 are relevant to the proposal:

- EM10 – Chalet, caravan and camping accommodation

1.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:

- OSS4 – General development considerations
- RA2 – General strategy for the countryside
- RA3 – Development in the countryside
- CO6 – Community Safety
- EC6 – Tourism activities and facilities
- EN1 – Landscape stewardship
- EN5 – Biodiversity and green space
- TR3 – Access and new development

- 1.3 The National Planning Policy Framework (NPPF) and Planning Policy Guidance are also material considerations. Section 4, Promoting Sustainable Transport, section 3, Supporting a prosperous rural economy and paragraph 115 protecting the landscape of the Area of Outstanding Natural Beauty (AONB) are of particular relevance.
-

2.0 SITE

- 2.1 Pannel Place Farm is located within the countryside of the High Weald AONB outside any defined development boundary. Although a former farm, no agricultural activity appears to have taken place for some years. The site excludes the main dwelling, a garage, an annexe and two existing holiday lets, but otherwise comprises all the remaining land, which encompasses a modern barn, an old stable building, former sand school area and a couple of fields. The application boundary also includes the access road via Pannel Lane with '7' passing bays indicated.
- 2.2 The main site is sloping with levels falling away from the lane to the ancient woodland that surrounds the site on all three other sides. Public footpath, Pett 7, traverses the main large field from the south east corner across to the north west corner. There is a good hedge to the road frontage.
- 2.3 Pannel Lane is not overly wide, having areas of single width lane. It is very windy with no specific existing passing bays or footway. There are areas of embankments, with good hedges and areas of trees to its length.
- 2.4 There is a residential neighbour to the south east of the site, Bluebells. This property is separated from the site by the ancient woodland.
-

3.0 HISTORY

- | | | |
|-----|----------------|---|
| 3.1 | RR/2017/159/P | Development of a campsite for a maximum of 20 tents plus one glamping tent with platform, from 1 March - 31 October each year. Conversion of stable building to wash block and replacement of sand school with a children's play area. (Retrospective).
This application was refused permission solely on highway grounds. |
| 3.2 | RR/2012/1561/P | Alterations to siting of log cabin. Granted. |
| 3.3 | RR/2012/985/P | Proposed detached garage. Granted. |
| 3.4 | RR/2011/2401/P | Erection of 2 log cabins for use as holiday lets. Granted. |
| 3.5 | RR/2011/965/O | Certificate of lawfulness for conversion of garage into habitable accommodation. Certificate Approved. |
| 3.6 | RR/1999/2510/P | Change of use of agricultural building to provide stabling for horses (retrospective). Granted. |
| 3.7 | RR/98/1830/P | Replacement of existing bungalow with a chalet bungalow. Granted. |

- 3.8 RR/80/0654 Detached double garage. Granted.
- 3.9 A/72/125 Agricultural building. Approved.
-

4.0 PROPOSAL

- 4.1 This application seeks permission for a seasonal camping use at the site, with associated conversion of loose boxes to a wash block, use of an older stable building for storage and installation of a cess pit. Up to 30 pitches are sought, two of which are for 'glamping' tents that would be provided at the site on a timber platform. Additional mobile shower and toilet facilities are also included. The application also provides details for the upgrading of the highway to provide 7 passing bays at intervals along Pannel Lane.
- 4.2 Amendments have been made with particular regard to the details for the passing bays, including a safety audit, and the provision of the cess pit in replacement for the use and upgrading of an existing biodigester. The biodigester serves the existing house, annexe and holiday lets and is now unrelated to this application.
- 4.3 This application is accompanied by: a Preliminary Ecological Appraisal; Transport Reports and a Safety Audit; Design and Access Statement; and an Environmental/Landscape Impact Report.
-

5.0 CONSULTATIONS

5.1 Pett Parish Council:

- 5.1.1 In respect of the amended proposals the Parish continues to object to the proposals on the following grounds:
- Increase in tents to 30 will exacerbate access and drainage problems.
 - The road safety audit looks principally at the passing places and not the access/junction with Pett Road which is regarded as dangerous.
 - The lane carries a significant amount of traffic which travels at speeds of 40 or 50 mph.
 - Reference a fatal accident of campers walking back to a site late at night in Ringmer and this could happen here.
 - Pedestrians, cyclists and horse riders have not been considered.
 - This is a connecting route for walkers between local footpaths.
 - Ownership of the passing bays is disputed and who will maintain them.
 - Environmental impacts of the passing bays have not been considered.
 - Tankers will be required to empty the cesspit adding further to the highway safety concerns.

5.2 Highway Authority:

- 5.2.1 The authority has no objection subject to the imposition of conditions. The siting of passing bays has been assessed by the Highways team, including those responsible for ownership and maintenance of highway land. The following comments have been received:

“The scheme was agreed in principle with ESCC Highways on-site with 7 passing bays provided on Pannel Lane between the site access and the junction with Pett Road (Drawing No. A4-3717/09). Although inter-visibility is not available between all passing bays they are considered to be as practically located as possible and would significantly improve the through route for traffic from both a convenience and highway safety perspective.

Some concerns were raised that the restrictive nature of the road and the narrow highway verges, steep banks and vegetation either side of the carriageway would prevent usable passing bays being provided in all of the locations shown. However, detail drawings have now been provided to demonstrate that the provision of the passing bays is feasible (Drawing No.s A4-3717/01 to 08).

A safety audit of the proposed works has also been undertaken and no problems have been identified in the scheme. The off-site works are therefore considered to be acceptable; however, the detailed design would also need to be subject to a second Road Safety Audit as part of the S278 Legal Agreement required to carry out the works.

To conclude, the proposed development for a 30 pitch campsite will result in an increase in traffic on Pannel Lane. Pannel Lane is particularly narrow throughout much of its length with few passing places available and as a result this intensification in use was initially considered to be unacceptable and the proposal was recommended for refusal.

These concerns have now been taken into account and a scheme to introduce formalised passing areas has been put forward to improve Pannel Lane between the site access and the junction with Pett Road to the south.

Due to land constraints it was not possible to provide good inter-visibility between all passing bays; however, the works proposed would significantly improve the through route for visitors to the campsite and other road users. The passing bays would also provide some refuge from approaching vehicles for pedestrians and horse riders which is not currently available to them.

The works have been subject to a Road Safety Audit and no issues were raised. With this in mind the off-site works are considered to be acceptable. I therefore acknowledge that the alignment and carriageway width along much of Pannel Lane remains less than ideal; however, I am satisfied that the proposed improvements are sufficient to mitigate the impact of the development and the additional traffic it would generate.

With regards to the Pannel Lane/Pett Road junction to the south of the site, I acknowledge that the visibility to the west of the junction is obstructed by the alignment of the road; however, Pett Road is subject to a 30mph speed limit and with this in mind I am satisfied that an appropriate sight line is available. I am also satisfied that the initial section of Pannel Lane has sufficient width to accommodate two-way traffic. As a result it is unlikely that the development traffic would result in vehicles turning into the junction baulking onto Pett Road whilst waiting for the carriageway to clear.

With the above in mind my objection to the proposal is withdrawn; however, I would recommend that any grant of consent is subject to the completion of the agreed off-site works to provide 7 passing bays on Pannell Lane under a

s278 Legal Agreement; and the following conditions to secure parking and turning within the site.”

- 5.2.2 Further comments have been received with regard to surfacing and extent of the highway, stating:

“I am satisfied with the submitted plans and I do not envisage them changing significantly at the S278 stage. With regards to vegetation removal, this is only likely to require cutting back to the highway boundary. Curbing wouldn’t be required as there isn’t any currently along the carriageway edge and we appreciate the need for the lay-bys to be aesthetically sympathetic with the character of the road. There would be no need for additional signage.”

And *“I think the main cause of confusion, as it often is, is that highway boundaries don’t always relate to land ownership boundaries. Highway extent takes precedence over land ownership as it is based on a right to pass and repass rather than actual ownership.”* The extent of the highway has been agreed on the ground and land used as highway is contained within the proposed passing bays.

5.3 ESCC - Rights of Way (ROW) Officer:

- 5.3.1 The RoW officer confirms that public footpath, Pett 7, appears from the plans not to be obstructed. Therefore, no objection on grounds that footpath 7 is affected. However, refer to original (previous) highway objection drawing attention to the fact that Pannel Lane provides a crucial link between numerous public rights of way. Any traffic increases by the proposal would be likely to impact on walkers and riders using the connecting path network. No further comments have been made following amendments.

5.4 High Weald AONB Unit (HWU):

- 5.4.1 The HWU initially objected to the proposal in respect of the passing bays in Pannel Lane, which is designated as a ‘historic routeway’. The creation of passing bays was considered contrary to objectives R1, R2 and UE5 of the High Weald AONB Management Plan. However, the submission of additional information has clarified that only minor works are required to provide the passing bays and materials for the bays has further been amended after further discussions. The HWU advise that:

“The Environmental / Landscape Impact Report submitted appears to show that the passing bays can be provided without removing hedgerows or trees, requiring only removal of some grass verges and some clearance of low-level undergrowth commensurate with standard Highways maintenance. I have also been reassured by East Sussex County Council Highways that they will not require kerbing or signage for these passing bays, which would be completely out of character for this rural lane.

However, I note that it is proposed to use grasscrete to replace lost grass verges and I am not aware that this material has been used successfully elsewhere for this purpose. Grasscrete that is heavily used by vehicles tends to remain as bare concrete as the grass does not get a chance to grow through. A more natural crushed stone surfacing may be more appropriate.

I am also aware that residents have raised concerns that the plans underplay the impact of the proposed works, and that there is some inconsistency between the proposals in the Environmental / Landscape Impact Report and those on drawing number A4-3717/09. It will be essential that strong conditions are imposed and monitored to ensure that the impact does not exceed that set out in the Environmental / Landscape Impact Assessment."

- 5.4.2 The HWU also refer to their report on "Eco-camping in the High Weald AONB" and their objectives "to enhance the ecological functioning of field and heath as part of the complex mosaic of High Weald habitats". In the event that the Council considers the development to be acceptable, conditions are recommended to monitor the works and seek protection and enhancement of the habitat and species on the site. Native planting is recommended and controls over lighting should be imposed to protect the intrinsically dark night skies of the High Weald.

5.5 Environment Agency:

- 5.5.1 The Agency has no objection with regard to the amended drainage proposals subject to a condition requiring an agreed scheme for the emptying and removal of contents from the cess pit, to ensure there is no effect on the existing treatment plant and no other risk of pollution to the environment. The Agency also advises that any facilities to store oils, fuels or chemicals require to be sited on an impervious base and surrounded by impervious bund walls.

5.6 Head of Environmental Health:

- 5.6.1 Comments on drainage and licensing. The final proposal as outlined in drawing plan 4824-02-D suggests an acceptable position for the proposed cesspit and the EA comments regarding provision of a scheme for the emptying of the tank are supported. It is noted that the site does not have a campsite license and should the application be successful, a campsite licence will be required

5.7 County Archaeologist:

- 5.7.1 Following the very recent registration of a parish boundary stone and section of hedgerow to the records held by East Sussex County Council, the County Archaeologist was consulted and commented as follows:
"The site does not fall within a currently defined Archaeological Notification Area and is not a major development, so we would not expect Section 128 of the National Planning Policy Framework to apply in this instance.

Based on the information supplied, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance."

5.8 Planning Notice:

- 5.8.1 Seventy-one objections in total received several of which follow the submission of amendments and reiterating the original objections, 29 from the adjacent property. Other objectors include the Ramblers, the Woodland Trust and the CPRE. In summary the issues raised include:
- Damage to ancient woodland

- Mitigation should be applied to help prevent indirect impacts to ancient woodland
- Permission not given for driveways to be used as passing places
- Unsafe access road
- Incorrect to assume campers will walk
- Bus service minimal and have to walk to get to it
- Passing places will erode the historic routeway
- Access and junction to Pett Road unsafe
- Inappropriate development in the AONB
- Too large and unwelcome visual intrusion
- No footways in Pannel Lane so unsafe for pedestrians
- Original highway objection should stand
- Harmful to residential amenity from noise and general disturbance
- New issues should be raised as reasons for refusal if evidence is available to substantiate it
- Isolated rural location and is not sustainable
- Increase in traffic will render lane unsafe for walkers and riders
- Already been operating in breach of planning and with no camping licence
- Transport report insufficient and not based on actual records and safety audit incomplete
- Loss of trees and hedgerows
- Damage to wildlife
- Drainage problems

6.0 APPRAISAL

6.1 As with the previous application, the main issues to be considered relate to highway safety, impacts on the High Weald Area of Outstanding Natural Beauty (AONB) and impact on neighbours. Drainage issues have also been a consideration as previous use of the site had highlighted a particular problem.

6.2 Background including past activities on the site

6.2.1 In terms of recent activities at the site, the applicant had apparently operated the campsite during the summer of 2016 but the Council was not made aware of this until the autumn of 2016 after the site ceased operating for the winter. The applicant was advised that the use required planning permission.

6.2.2 An application was submitted early in 2017 for a campsite with 20 pitches plus 1 glamping tent. Permission was refused on a single highway ground.

6.2.3 Operation of the campsite recommenced in spring 2017, with the applicant claiming that the operations complied with the '28 day rule' as 'permitted development'. Enforcement action was initially considered but the Council was made aware that the applicant was in discussion with the Highway Authority and that a new application was to be submitted.

6.2.4 Following submission of this application, discussions have continued both with the Highway Authority and those involved with drainage at the site, namely the Environment Agency and the Council's own Environmental Health officers.

6.3 Impact on highway safety

6.3.1 The previous highway ground for refusal stated:

“The approach road UC6418 is unsuitable to serve the proposed development by reason of its narrow width, poor alignment and lack of footways. As such the proposal would represent a significant increase in highway hazards for both vehicular and pedestrian users of the road, contrary to the requirements of Policy CO6(ii) and TR3 of the Rother Local Plan Core Strategy and paragraph 32 of the NPPF.”

6.3.2 The application proposals have been the subject of considerable discussion with the Highway Authority (HA) including a site meeting, to check the actual siting and details for the proposed passing places. The passing places in the main, (excluding at the time no. 7), comprise some of the existing informal passing places but the proposals will formalise those by cutting back any overhanging vegetation and providing a tarmac surface. The cutting back of vegetation would ordinarily be a function of the Highway Authority and could occur at any time. The provision of a tarmac surface would subsequently be maintained by the HA. The HA have confirmed that no kerb or signage is required and as such the character and appearance of the lane, noted to be a historic routeway, would be little changed.

6.3.3 The HA, following receipt of revised details and a safety audit, now have no objection subject to provision of the passing bays prior to use of the camp site and the provision of onsite parking and turning facilities. Traffic use along the lane is not considered to be excessive and the provision of formal passing places with the other informal passing places and areas of grass verge would be considered suitable for use by passing traffic, pedestrians and riders. As such a highway reason for refusal would not now be upheld.

6.3.4 Objections contend that the passing bays are not all on highway land. The proposals have been checked against the highway land maps and on site and are considered to be located within the highway.

6.4 Impact on the High Weald AONB

6.4.1 The site is in a fairly remote rural location within the High Weald AONB where the NPPF advises that ‘great weight’ is afforded to protection of its landscape character and scenic beauty. Policies of the Core Strategy (CS) at OSS4, RA2 RA3 and EN1 all seek to maintain the local character and similarly protect the AONB, while permitting some development where it does not present harm. Policy EC6 of the CS and saved policy EM10 of the Local Plan (2006), seek to encourage tourism, subject to controls restricting occupancy and having regard to other policies, such as those that protect the character of the area and neighbours. Policy EN5 (viii) of the CS seeks to protect habitats including ancient woodland.

6.4.2 In this instance, it is proposed to scatter 32 tent pitches across two fields where they would generally be concealed from view, with exception of the public footpath that traverses the site. The land has not been actively farmed for some years and no changes to the land are required to facilitate the use. An existing stable building has been altered to provide wash facilities with an existing former sand school, adjacent the two holiday lets, utilised as a flat level play space. A further stable building is proposed for storage. The site

sits below the road level and surrounded by ancient woodland. The use is to be seasonal - March to October in any calendar year - and hence the site would be clear during the winter months when much leaf cover would be absent. As such the proposals are considered to have minor impacts in terms of the landscape character and appearance of the site within the AONB.

- 6.4.3 Particular comments have been made by the HWU and others with regards to protection of the ancient woodland, which lies outside the application site and within separate private ownership. Access to the woodland can be obtained via the public footpath and as such is outside the Council's control. However, the concerns regarding possible impacts are noted and should permission be granted it is suggested that a planted buffer zone be provided around the boundaries to the north, east and west with the ancient woodland, thereby siting any tents away from the boundaries. Natural England guidance advises that it would be normal to have a buffer of at least 15m, more for built development. The use of native species, monitoring, advice for visitors (extending that already provided) and restrictions on lighting, as referred by the HWU, are all issues that could be subject to conditions if permission is granted.
- 6.4.4 With regards to visual impacts resulting from the creation of the passing places in Pannel Lane, the works required are considered to be minor and would not therefore have any significant visual impacts on the lane as an historic routeway.
- 6.4.5 In conclusion the proposal as restricted to seasonal camping by tents only is not considered to harm the landscape character or scenic beauty of the AONB.

6.5 Impact on neighbours

- 6.5.1 There is one residential neighbour at 'Bluebells' to the south east of the application site. The dwelling is surrounded by woodland and is not visible from the site or readily visible from the lane. The dwelling sits at just over 50 metres from the boundary with the corner of the application field but would be further away from any tent pitch, (around 80m), with the implementation of any buffer zone increasing this distance. While there would be no loss of privacy for the neighbours, it is accepted that noise does sometimes travel in a quieter rural area and the comments regarding noise particularly in the evenings and related to an informal football pitch is noted.
- 6.5.2 The neighbour has also made comments via an agent who has referred to the campsite at Wattle Hill Oast, Staplecross, with particular reference to the proposals that were dismissed at appeal in 2013. However, that proposal included a car park adjacent the shared boundary and also included a swimming pool with other facilities close to the neighbour. The appeal Inspector in dismissing those proposals had commented that the use could have the potential to increase noise levels from vehicles and the camp site itself in excess of those normally associated with a single dwelling and/or any camping uses of the site permitted under the GPDO. The combination of traffic noise and general campsite noise led to the Inspector citing this as a reason for refusal. Members may however, recall that temporary permission for a campsite at Wattle Hill Oast has since been granted, utilising the same access/parking area but repositioning a smaller number of tents in relation to the main neighbour. It was granted a 5 year temporary permission to allow

assessment of the campsite and its activities having regard to the amenities of local residents.

- 6.5.3 In this instance the car park is located centrally in the site, well away from the neighbouring boundary and thus is not considered to represent significant noise impacts for the neighbour. Campers are dispersed around the site and not clustered close to the boundary as in the Wattle Hill Oast appeal case. This proposal is set in a well screened site and is not considered to be directly comparable but nonetheless potential noise disturbance to the neighbours could arise. Having regard to the comments made, if approved it would be recommended that no playing pitch facilities (i.e. football pitch) are provided and that the owner draw up and implement restrictions on users to preclude excessive noise such as music to respect the quiet rural location. Such campsite 'rules' are not uncommon on smaller scale camp sites in the countryside. It is also suggested, as at Wattle Hill Oast, that a temporary permission is granted to allow the opportunity to assess operation of the campsite with all other conditions in place.

6.6 Drainage

- 6.6.1 When camping was introduced in 2017, the wash block was connected to the existing package treatment plant (biodigester) and both the EA and Environmental Health became involved because of an unacceptable discharge. This connection was removed and portable showers and WCs were utilised. The proposal now is to install a cess pit centrally in the site for the disposal of foul drainage associated with the campsite. This will have a capacity of 40,000 litres and would be emptied and maintained during use of the campsite. It is anticipated that emptying would be required every 3-4 weeks, depending on occupancy levels of the campsite. The EA have requested that a condition be imposed to agree the details for emptying.

7.0 SUMMARY

- 7.1 The highway reason for refusal previously cited is no longer considered applicable, subject to the provision of formal passing places and the imposition of conditions.
- 7.2 No other reasons for refusal were previously cited. If other reasons were now to be introduced, they would have to be substantiated.
- 7.3 It is noted that the number of tent pitches has proposed to increase to a maximum of 32 (including TWO glamping pitches) but these are scattered around the two fields and as set out above subject to the creation of a buffer zone to the ancient woodland, the proposal is still not considered to represent harm to the landscape character or appearance of the AONB. This is also subject to other conditions in relation to the use of native species, monitoring, advice for visitors (extending that already provided) and restrictions on lighting, as referred by the HWU.
- 7.4 It is acknowledged that there may be some noise impact to the neighbour but again subject to conditions this is not considered to be so harmful as to justify refusal of the proposals. A temporary permission to allow assessment of the operations under the conditions is however recommended.

7.5 Previous drainage issues are now considered to have been resolved.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

8.1 The proposals do not attract liability under CIL.

RECOMMENDATION: GRANT (FULL PLANNING) (TEMPORARY)

CONDITIONS:

1. This permission is for a temporary period only expiring on 31 October 2020. At the end of this period the use hereby permitted shall be discontinued and the land restored to its former condition in accordance with a scheme of work previously submitted to and approved in writing by the local planning authority.
Reason: The campsite use has the potential to be detrimental to the amenities of the adjacent residential property at 'Bluebells' and adjacent ancient woodland and this permission is granted temporarily to enable the local planning authority to monitor and assess the effects of the proposal, having regard to the criteria set out in Policies OSS4 (ii) & (iii), RA2 (viii), RA3 (v), EN1 (i) and EN5 (viii) of the Rother Local Plan Core Strategy.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Amended drawing no. 4824.02 rev.D, dated 02 Jan 2018
4824.01 rev.A, dated 02 Jan 2018
Drawing no. 4824.03, dated July 2017
Drawings no. A4-3717/01-09 inclusive
Drawings no. 572-01, 02 and 03 rev.P1, dated Oct 2015
Environmental/ Landscape Impact Report, dated 1 November 2017
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. No use of the site for the approved camping purposes shall take place until a scheme has been implemented for the creation of a 15m wide buffer zone around the west, north and east boundaries of the site with the ancient woodland, which has first been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - a) Indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection during use of the site.
 - b) Details of any additional boundary(ies) within the campsite.
 - c) Planting plans.
 - 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 (plants/trees to be suitable native species reflecting the local biodiversity).
 - f) Implementation programme.Reason: To ensure provide protection for the surrounding ancient woodland and to enhance the landscape and character of the High Weald Area of

Outstanding Natural Beauty in accordance with Policies OSS4 (iii), EN1 (i) and EN5 (viii) & (ix) of the Rother Local Plan Core Strategy and paragraphs 115 and 118 of the National Planning Policy Framework.

4. Notwithstanding the annotation on drawing no. A4-3717/08, the proposed passing places shall be surfaced with tarmac and the passing places shall be created in accordance with the approved plans and in agreement with the Highway Authority, prior to commencement of the use of the campsite hereby approved.
Reason: To provide for the free flow of traffic on Pannel Lane in the interests of road safety for both vehicular and pedestrian traffic, having regard to Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy.
5. The use as a campsite hereby approved shall not commence until the car parking and turning areas has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles, during operation of the campsite.
Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policy TR4 of the Rother Local Plan Core Strategy.
6. The use as a campsite hereby approved shall not commence until the cess pit has been installed and a full scheme detailing the process and timetable for emptying the cess pit and removing contents from the site has been submitted to and approved in writing by the local planning authority, in association with the Environment Agency. The scheme shall be implemented as approved.
Reason: To ensure the cess pit will not affect the existing on site package treatment plant and does not present a risk of pollution to the environment, having regard to Policies EN7 and EN5 of the Rother Local Plan Core Strategy.
7. The use as a campsite hereby approved shall not commence until a scheme for interpretive and informative information for visitors to the site, in respect of the conservation and use of the site and surrounding countryside, including protection of ancient woodland, has been submitted to and approved in writing by the local planning authority, in association with the High Weald Unit. The scheme shall be implemented as approved and thereafter retained.
Reason: To ensure the protection and enhancement of the local ecology and biodiversity, having regard to Policies EN1 and EN5 of the Rother Local Plan Core Strategy and paragraphs 115 and 118 of the National Planning Policy Framework.
8. A maximum of 30 tents and 2 glamping tents shall be located at the site and as hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence or any other purpose at any time.
Reason: To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation and to protect the character and appearance of the High Weald AONB and the living conditions of local residents, having regard to Policies OSS4 (ii) & (iii), EC6 and RA3 of the Rother Local Plan Core Strategy.

9. At no time from 1 November to the last day of February the following year in any year shall any holiday accommodation hereby permitted be erected within the site. During this time all tents are to be removed from the land and the land returned to its former condition.
Reason: To protect the character and appearance of the High Weald Area of Outstanding Natural Beauty and the countryside and the living conditions of local residents from noise and disturbance during the closed months, having regard to Policies OSS4 (ii) & (iii), RA2 (viii), RA3 (v), EC6 and EN1 (i) of the Rother Local Plan Core Strategy, Policy EM10 (iii) of the Rother District Local Plan (2006) and Paragraphs 115 and 123 of the National Planning Policy Framework.
10. At no time from 1 March to 31 October in any year shall any amplified music or any amplified public address system be used within the site.
Reason: To protect the living conditions of local residents from noise and disturbance, having regard to Policies OSS4 (ii) of the Rother Local Plan Core Strategy and Policy EM10 (iii) of the Rother District Local Plan (2006) and Paragraph 123 of the National Planning Policy Framework.
11. No external lighting shall be provided on the site unless details of such lighting have first been submitted to and approved in writing by the local planning authority. Any approved lighting shall be carried out in accordance with the approved details only and retained as such thereafter.
Reason: To protect the character and appearance of the High Weald Area of Outstanding Natural Beauty and the countryside and the living conditions of local residents from light pollution, having regard to Policies OSS3 (vi), OSS4 (ii) & (iii), RA2 (viii), RA3 (v), EC6 and EN1 (i) & (vii) of the Rother Local Plan Core Strategy, Policy EM10 (iii) of the Rother District Local Plan (2006) and Paragraph 115 of the National Planning Policy Framework.

NOTES:

1. With regard to condition 4, the applicant is reminded that these works require a Section 278 Agreement of the Highways Act, 1980 - Works within the Highway. The applicant will be required to enter into a Section 278 legal agreement with East Sussex County Council, as Highway Authority, for the off-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
2. The applicants are advised that a Camping Site Licence will be required if the camp site is used for more than 42 consecutive days. Further details (including how to apply) can be found online at <http://www.rother.gov.uk/article/5972/Camp-Sites>.
3. With regard to condition 7, the applicant's attention is drawn to the advice and guidance of the High Weald Unit. Further details can be found online at www.highweald.org

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) 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.

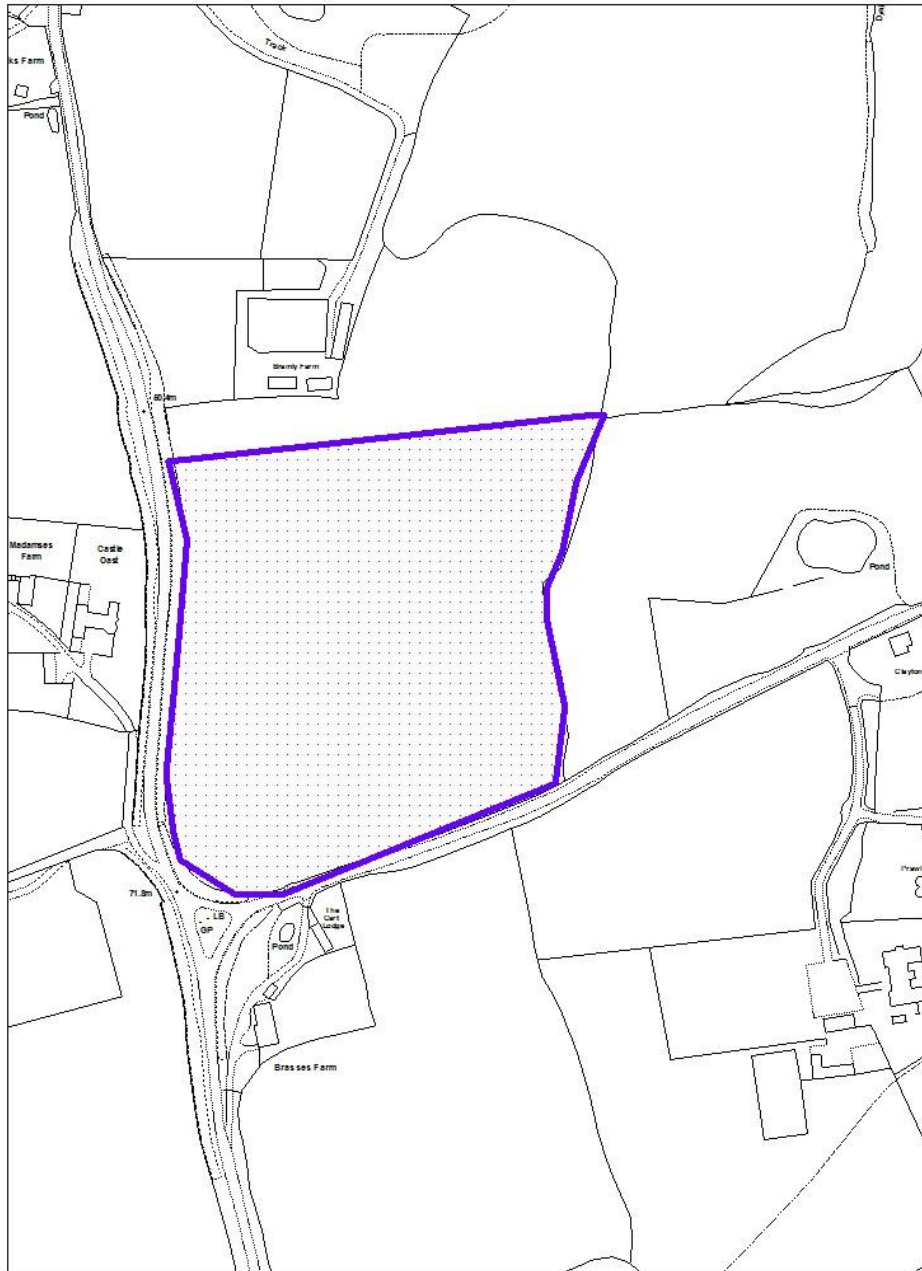
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SITE PLAN	Ewhurst
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Ewhurst

RR/2017/2210P

Damson Field, Shoreham Lane



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Not To Scale

RR/2017/2210/P

**EWHURST 'Damson Field', Shoreham Lane,
Ewhurst Green****Multi-purpose agricultural farm building in connection
with use of land as a small holding. Erection of
fences, portable shelters and polythene tunnels.**

Applicant: Mr T & Mrs L Clark
Agent: D R & J M Bailey – Mr D Bailey
Case Officer: Mr K Deeprose
(Email: kevin.deeprose@rother.gov.uk)
Parish: EWHURST
Ward Member: Councillor A E Ganly

Reason for Committee consideration: Member referral: Councillor A E Ganly**Statutory 8 week date: 1 December 2017****Extension of time agreed to: 22 January 2018**

This application is included in the Committee Site Inspection list.

1.0 POLICIES

1.1 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:

- Policy OSS3 - Location of Development;
- Policy OSS4 - General Development Considerations;
- Policy RA2 - General Strategy for the Countryside;
- Policy RA3 - Development in the Countryside;
- Policy EN1 - Landscape Stewardship.

1.2 The National Planning Policy Framework (NPPF) and Planning Policy Guidance are also material considerations with particular reference to paragraph 115 and the protection of the High Weald Area of Outstanding Natural Beauty (AONB).

2.0 SITE

2.1 This application relates to a field which lies to the north of Shoreham Lane, a short distance east of the junction with Bodiam Road. It is located within the High Weald AONB and an Archaeological Notification Area (ANA). A public footpath runs, north-south, through the site towards the western edge of the field.

2.2 The application site, comprising approximately 4ha of open land, slopes down away from the lane, northwards. Bodiam Castle, to the north, is visible

from the site. There are several scattered residential properties in the immediate area; some of those to the south and west are listed buildings.

3.0 HISTORY

- 3.1 RR/2015/3064/P Upgrade existing access onto Shoreham Lane to provide hardstanding in front of repositioned gates – Withdrawn.
- 3.2 RR/2016/519/P Upgrade existing access onto Shoreham Lane to provide hardstanding in front of repositioned gates – Approved.
-

4.0 PROPOSAL

- 4.1 This application seeks planning permission for the erection of a multi-purpose agricultural farm building to the south-eastern corner of the field, to be used in connection with the use of the land as a small holding. This is an available second-hand agricultural structure previously used on nearby land and to be brought onto the application site. It would stand approximately 7m in height and measuring approximately 12.5m x 14m in area.
- 4.2 Also proposed is the erection of two polythene tunnels to be used for the growing of vegetables, together with fencing to provide separate livestock enclosures and a timber field shelter on skids for livestock protection at night.
-

5.0 CONSULTATIONS

5.1 Town Council:

- 5.1.1 Object. Overdevelopment – size of barn and position.

5.2 Rural Estates Surveyor:

- 5.2.1 *“Local Plan Core Strategy Policy RA3 (i) relates to development: “Supporting new agricultural buildings and other non-domestic buildings demonstrably needed to support farming, woodland and other land-based industries that are of appropriate size, siting and design and materials and directly related to the enterprise”.”*

“The application site is a field of some 4 ha, with no buildings, which appears to have been used for low key grazing to date. The applicants have indicated a general intention to introduce rare breed sheep, pigs, and poultry, and grow vegetables in the polytunnels, however to date no further details as to scale and numbers, or the nature of any outlets for the livestock/produce, have been submitted. It is not clear whether it is the intention to operate the holding as a commercial agricultural enterprise, and you will no doubt wish to consider to what extent this may affect the relevance of Policy RA3 (i).”

“The proposed building is relatively modest in footprint, but relatively tall. It was apparently chosen as an available second-hand structure, rather than being purpose designed. It is said to be needed for storing feed, hay, and straw, any farm machinery, and for sheltering animals in inclement weather, and it broadly appears suitably designed and sited for such purposes.

However, as no specific details have been submitted as to expected quantities of stored produce, animals numbers, or machinery types, it is not possible to advise that it is of an appropriate size for its intended use, having regard to the above Policy.”

“The submissions also refer to the erection of fencing, and a livestock field shelter on skids (approx. 7.3m long, 3.7m wide, and 2.4m high); I would imagine these elements, however, should not require planning permission, being respectively permitted development, and an ancillary chattel, assuming there is no change of use from agriculture.”

5.3 ESCC – Rights of Way Officer:

- 5.3.1 No objection. From the application details it appears that the footpath will not be affected by these proposals. Access to the public footpath should be maintained at all times. If the path is to be temporarily affected by any construction access, storage or any other activity then the applicant should contact the Rights of Way Team.

5.4 Planning Notice:

- 5.4.1 Twenty-three letters of objection have been received. Their concerns have been summarised below:
- Detrimental impact on the countryside landscape and the High Weald AONB;
 - Unclear intentions of applicants;
 - Proposed structures not demonstrably needed to support farming;
 - Negative impact on scenic views;
 - Inappropriate size, siting, design and materials of farm building;
 - Farm building too large to be justified for the small size of land;
 - Prominence of the farm building from the road, public footpath and wider landscape;
 - Cluttered development in unspoilt location;
 - Pressure on landscape caused by farm diversification and hobby farming;
 - Non-compliance with local and national planning policies;
 - Impact on nearby listed buildings;
 - Design and materials out of keeping;
 - Increased traffic and pollution;
 - Highway safety;
 - Gradual dilapidation of field already, including portable toilet and caravan on-site and debris;
 - Unnecessary overdevelopment;
 - Negative impact on local tourism;
 - Security issues.

6.0 APPRAISAL

- 6.1 The main issues for consideration are the justification for the particular elements of the proposal in relation to the intended use of the land, and the effect of the proposal on the High Weald AONB.

6.2 Justification of the extent of the proposal in relation to its use:

- 6.2.1 Policy RA2 of the Rother Local Plan Core Strategy states that the overarching strategy for the countryside includes (criterion (iii)) strictly limiting new development to that which supports local agricultural, economic or tourism needs and maintains or improves the rural character.
- 6.2.2 Policy RA3 of the Rother Local Plan Core Strategy states that proposals for development in the countryside will be determined on the basis of, (i) supporting new agricultural buildings and other non-domestic buildings *demonstrably needed to support farming*, woodland and other land-based industries that are of appropriate size, siting and design and materials and directly related to the enterprise. (Emphasis added)
- 6.2.3 Limited information has been provided with the application detailing the precise nature and extent of agricultural activities proposed on the site so as to justify the proposed building and additional structures. It is recognised that the applicants have indicated a general intention to introduce rare breed livestock and grow vegetables, however, as the Rural Estates Surveyor observes, there are no exact details as to scale and numbers, the nature of any outlets for the livestock/produce, or whether or not it is the intention to operate the holding as a commercial agricultural enterprise. The application is also lacking in detail relating to expected quantities of stored produce and types of machinery to be used and stored on the land.
- 6.2.4 It must be concluded that it has not been demonstrated that what is proposed in this application (and in this respect the issue is primarily the large building) is needed to support farming or agricultural needs on this small area of agricultural land. The lack of any justification for the proposals means that the application is contrary to policies RA2 (iii) and RA3 (i) of the Rother Local Plan Core Strategy.

6.3 Impact on the High Weald AONB:

- 6.3.1 Policy OSS3 (vi) of the Rother Local Plan Core Strategy requires that in assessing the suitability of a particular location for development, when both allocating land for development and determining planning applications, sites and/or proposals should accord with the relevant policies of the Core Strategy and be considered in the context of the character and qualities of the landscape.
- 6.3.2 Policy OSS4 (iii) of the Rother Local Plan Core Strategy requires development to respect and not detract from the character and appearance of the locality.
- 6.3.3 As stated in Policy RA2 of the Rother Local Plan Core Strategy, the overarching strategy for the countryside is to, (iii) strictly limit new development to that which supports local agricultural, economic or tourism needs and maintains or improves the rural character, and to (viii) generally conserve the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.
- 6.3.4 Policy RA3 of the Rother Local Plan Core Strategy states that proposals for development in the countryside will be determined on the basis of, (i)

supporting new agricultural buildings and other non-domestic buildings demonstrably needed to support farming, woodland and other land-based industries that are of appropriate size, siting and design and materials and directly related to the enterprise, and (v) ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management. (Emphasis added)

6.3.5 Policy EN1 of the Rother Local Plan Core Strategy relates to landscape stewardship and seeks to protect, and wherever possible enhance the district's nationally designated and locally distinctive landscapes and landscape features.

6.3.6 Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

6.3.7 Although to be positioned within the south-eastern corner of the site, the proposed farm building has not been purposely designed for this site and given its overall height in excess of 7 metres, it would be noticeably visible from the lane, the public footpath and in wider views outside of the site. The additional structures proposed including the field shelter and the polytunnels would also be apparent and prominent from these vantage points. It is considered that the proposed development would clutter this previously unspoilt field and would not maintain or improve the intrinsic value, locally distinctive rural character or landscape features of this countryside location. It is considered that the proposal, and particularly the building, would significantly harm the landscape character and scenic beauty of the High Weald AONB, contrary to policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (i) (v) and EN1 (i) of the Rother Local Plan Core Strategy and paragraph 115 of the NPPF.

6.4 Other issues:

Comments have been raised relating to the untidy state of the land at present, in particular the stationing of a caravan and a portable toilet. In response to these concerns, any unauthorised structures etc. will be investigated separately and the appropriate action taken.

7.0 SUMMARY

7.1 The proposed development is not justified in terms of any agricultural need and additionally by reason of its scale the new building in particular, would also harmfully impact on the landscape character and scenic beauty of the High Weald AONB, contrary to local and national policies including policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (i) (v) and EN1 (i) of the Rother Local Plan Core Strategy and paragraph 115 of the NPPF.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

8.1 Agricultural uses are not liable to the CIL charge.

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. It has not been demonstrated that the proposed development, and in particular the agricultural building, is needed to support farming or agricultural needs on this small area of agricultural land. In particular, the lack of justification relates to the precise nature and extent of agricultural activities proposed on the site, whether or not it is the intention to operate the holding as a commercial agricultural enterprise, the scale and numbers of livestock/produce, the nature of any outlets for the livestock/produce, the expected quantities of stored produce and the types of machinery to be used and stored on the land. As such the proposal would be in conflict with Policies RA2 (iii) and RA3 (i) of the Rother Local Plan Core Strategy.
2. The proposed development would introduce permanent structures onto an undeveloped field in the countryside. The proposed farm building in particular would, by virtue of its height in excess of 7 metres be noticeably visible and prominent from the highway, from the public footpath that runs through the site and in wider views outside of the site itself. The additional structures proposed, including the field shelter and the polytunnels, would also become visually and prominently apparent from these vantage points. As a whole, the proposed development would be of an inappropriate scale and design that would clutter this unspoilt area of land and would not maintain or improve the intrinsic value, locally distinctive rural character, or landscape features of this countryside location. It would result in significant harm to the landscape character and scenic beauty of the High Weald Area of Outstanding Natural Beauty, contrary to Policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (i) (v) and EN1 (i) of the Rother Local Plan Core Strategy and paragraph 115 of the National Planning Policy Framework.

NOTE:

1. This decision notice relates to the following set of plans:
Drawing no. 1713 [2] – 1, dated October 2017.
Drawing no. 1713 [2] – 2A, dated 13 November 2017.
Drawing no. 1713 [2] – FENCING, dated December 2017.
Drawing no. 1713 [2] – FIELD SHELTER, dated December 2017.
Drawing no. 1713 [2] – POLYTUNNEL, dated December 2017.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, thereby allowing the applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

[View application/correspondence](#)

SITE PLAN

Bexhill

RR/2017/2533/P

21 Ninfield Road



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Not To Scale

RR/2017/2533/P

BEXHILL 21 Ninfield Road

Change of use of first floor bakery and offices to two residential flats.

Applicant: S Earl
Agent: Michael D Hall Business Design
Case Officer: Mr S Carey (Email: scottecarey@rother.gov.uk)
Parish: BEXHILL

Ward Member(s): Councillors J J Carroll and M R Watson

Reason for Committee consideration: Service Manager – Strategy & Planning referral: The applicant is a Rother District Councillor.

Statutory 8 week date: 4 January 2018

Extension of time agreed to: 22 January 2018

1.0 POLICIES

1.1 The following ‘saved’ policies of the adopted Rother District Local Plan 2006 are relevant to the proposal:

- Policy DS3 (Proposals within Development Boundaries).
- Policy EM13 (Shopping Areas)

1.2 The following policies of the Rother Local Plan Core Strategy are relevant to the proposal:

- Policy PC1 (Presumption in Favour of Sustainable Development)
- Policy OSS4 (General Development Considerations)
- Policy BX1 (Overall Strategy for Bexhill)
- Policy CO6 (Community Safety)
- Policy LHN1 (Achieving Mixed and Balanced Communities)
- Policy EN3 (Design Quality)
- Policy TR4 (Car Parking).

1.3 The National Planning Policy (NPPF) and Planning Policy Guidance are also material considerations.

2.0 SITE

2.1 The site in question is in the middle of a two storey terrace of shops (most having flats above) on the southern side of Ninfield Road. Until recently the ground floor was used as a bakery, with the first floor used for bakery production and offices. This proposal relates to the first floor of the building only.

3.0 HISTORY

3.1 None relevant.

4.0 PROPOSAL

- 4.1 This application is for the conversion of the first floor to form two separate self-contained flats, including internal alterations. No external works are proposed.
- 4.2 The conversion would form two two-bed units, accessed via existing internal staircases at the rear.
-

5.0 CONSULTATIONS

5.1 Planning notice

5.1.1 No representations received.

6.0 APPRAISAL

6.1 The site is within a designated Shopping Area, as identified by the Rother District Local Plan (2006). Properties in the area generally consist of ground floor retail units with flats above.

6.2 The main issues to consider with this proposal are:

- Loss of an employment use
- The effects of the proposal on the character and appearance of the property and locality
- Living conditions for future occupiers
- Adjoining neighbouring amenities
- Parking.

6.3 Loss of employment use

6.3.1 The whole building is currently vacant, with the bakery business having closed down in 2017. While the building is within a defined Shopping Area, Policy EM13 of the Local Plan (2006) does relate to ground floor usage only, stating:

‘The loss of significant existing ground floor retail floorspace falling within Use Class A1 will be resisted’.

6.3.2 This proposal does not relate to the ground floor retail area and the proposal for changing the use of the first floor (formerly only used in association with the bakery and not as a separate employment unit) is therefore considered acceptable on policy grounds with regard to the principle of the conversion.

6.4 Character and appearance

- 6.4.1 Externally the proposal will not have any significant impact on the character or appearance of the property, as no changes are proposed. In addition, the majority of buildings along this stretch of road consist of residential flats above retail shops. Therefore the proposal would not be out of keeping with the character of the locality.

6.5 Future living conditions

- 6.5.1 The proposal would offer acceptable room sizes with natural light and outlook provided for both proposed flats.
- 6.5.2 Existing bin storage is to be retained, at the rear of the building. This storage capacity is considered sufficient for the flats proposed.

6.6 Neighbouring amenities

- 6.6.1 The proposal would add two new units of accommodation to the first floor of the building. This should not have any undue impact to the current amenities of any adjoining neighbouring properties.

6.7 Parking

- 6.7.1 Some properties here have designated off road parking to the rear, however most of the flats do not, instead relying on the public car park to the west. No extra parking is intended for this proposal. New residents with cars would be reliant on the public car park and on-street parking in nearby residential roads, similar to other occupiers of nearby flats in the stretch of road, although otherwise this is a sustainable location close to many facilities and on a bus route. The proposal is minor in scale, with a modest amount of residential accommodation being created which should not appreciably affect the current situation. This proposal is not considered to detrimentally impact upon parking provision within the area

7.0 SUMMARY

- 7.1 The proposal would provide two adequately sized flats for the first floor area of the property. No external alterations are proposed, therefore there will be no appreciable impact on the street scene. The use of the first floor for residential use is in line with the majority of buildings in the road. The proposal represents a sustainable use of the premises in a sustainable location and is therefore considered acceptable and, subject to conditions, is supported.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The development is a type of development where CIL would be chargeable, should permission be granted.

RECOMMENDATION: GRANT (FULL PLANNING)

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:
Planning Statement 4570 November 2017
4570.LBP October 2017
4570.SP October 2017
4570.2 September 2017
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

NOTES:

1. The Community Infrastructure Levy (CIL) applies to this permission.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) 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.

[View application/correspondence](#)

Report to	-	Planning Committee
Date	-	18 January 2018
Report of the	-	Executive Director of Business Operations
Subject	-	Appeals

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

Service Manager: Tim Hickling

APPEALS LODGED

RR/2017/1536/P NORTHIAM. Paxly, The Plat.
Proposed replacement side garage and roof extension.
Mr & Mrs S Hayward.

APPEALS ALLOWED

None.

APPEALS DISMISSED

RR/2017/564/P BEXHILL. 9 Sutherland Avenue, Trafalgar House.
Proposed single storey detached ancillary unit for one
resident (additional accommodation for existing Care Home).
Mr M Forzarni.

RR/2017/877/P RYE FOREIGN. Hilltop Drive – Land to the west of.
Outline: Residential development.
The East Mountain Trading Co.

RR/2017/1773/A SALEHURST/ROBERTSBRIDGE. Whitelands, Knelle Road
Advertisement for a detached 3 bedroom bungalow.
The Goldeneye Group.

RR/2017/930/ENF TICEHURST. The Old Vineyard – Land adj, Beechenwood
Farm, Pashley Road.
Appeal against enforcement notice issued for Material
Change of Use and Operational Development. Change of
use of land to residential purposes and the siting of a
residential caravan and storage of a horse trailer and other
materials.
Ms C Stanley.

FORTHCOMING HEARINGS/INQUIRIES

RR/2017/106/P

TICEHURST. Ketleys Farm, Rosemary Lane.

Conversion of existing dwelling house (as-existing) to holiday accommodation and conversion of barn to dwelling house. (Alteration to previously approved applications for extension to dwelling house and conversion of disused agricultural barn to holiday accommodation - RR/2016/1807/P and RR/2016/932/P).

Pins Reference: 3182866 Appeal reference: 2489

Informal Hearing on 17 January 2018

Council Chamber, Town Hall, Bexhill.

Dr Anthony Leonard

Executive Director of Business Operations