

Report to	-	Planning Committee
Date	-	8 February 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)

RR/2017/2175/P	4	BEXHILL	Barnhorn Road – Land north of and west of The Boardwalk
RR/2017/1914/P	25	BEXHILL	Pebsham Rural Business Park, Pebsham Lane.
RR/2017/2109/P	36	ETCHINGHAM	King Johns Nursery, Sheepstreet Lane

6.2 ALL OTHER APPLICATIONS

REFERENCE	PAGE	PARISH	SITE ADDRESS
RR/2017/864/P	52	BEXHILL	Cesar House, Eastwood Road.
RR/2017/2474/P	72	WHATLINGTON	Woodmans Glen, Woodmans Green Road.
RR/2017/2689/P	80	WESTFIELD	Horsemans Cottage, New Cut.
RR/2017/2593/P & RR/2017/2594/L	86	TICEHURST	Downash House, Rosemary Lane.



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: 14 February 2018

This application is included in the Committee site inspection list.

BACKGROUND

This application was previously to be considered at the Planning Committee meeting on 18 January 2018 but following a late objection from Wealden District Council was withdrawn from the agenda after its publication. The report has now been updated both to take account of the representation received from Wealden, the receipt of amended drawings on 11 January and further representations received in the intervening period.

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 (Core Strategy) are relevant to the proposal:
- PC1 Presumption in favour of sustainable development
 - OSS3 Location of 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.
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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 25.5 hectares 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 (Use Class C2), 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.
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3.0 HISTORY

- 3.1 RR/2012/1978/P *"Mixed use development comprising 275 dwellings, up to 3500 sq. m of employment floor space comprising up to 2750 sq. m of B1(a) office and up to 750 sq. m 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.
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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. Amended drawings were received on 11 January and amendments are incorporated within the description of the proposal below.
- 4.2 The proposed building is 'U – shaped' and predominantly of three storeys with a maximum height to parapet of 12.4 m 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, partially obscure glazed amenity patio areas with soft landscaping 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 in the vicinity of the main entrance, a parking and service area is proposed accommodating 26 parking spaces, an ambulance bay and cycle parking. The refuse store in this area is now located away from the boundary with properties on The Broadwalk on the northern boundary opposite the main entrance and fully contained within a masonry store with self-closing gates. New 2m high close boarded boundary fencing, tree planting and enhanced screening landscaping is proposed in this area to soften and enhance its appearance and help filter views from adjoining properties.
- 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, a kitchen extract statement and archaeological

excavation report have also been submitted. Amendments to the scheme received on 11 January have been advised to neighbouring occupiers and further comments are taken into account herein. Any further 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 1 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. Twenty-nine 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 (ESCC)

- 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 online. In summary the Environmental Health Officer (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 shan't 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 ten 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 including four since the original report was published, 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 the 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.
- Design and height of building noting that changes from a two storey with pitched roof to a three storey flat roofed design were advocated by officers at pre-application stage.
- Lack of GP and other medical services in the area.

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

5.9.4 Wealden District Council (WDC). In a letter received dated 11 January WDC objected to the development on the grounds that at this stage it is unproven that in combination with other development that impacts on the Ashdown Forest (Special Area of Conservation) will not arise from the proposed development with specific reference to the Conservation of Habitats and Species Regulations 2010. It specifically advises that the effect of traffic

arising from the development crossing the Ashdown Forest should be considered and consequently a screening opinion is required as to the need for an Appropriate Assessment under the Regulations. The full letter is available to read online.

- 5.9.5 The agent has responded to the objections raised by Wealden DC and this is available to view on line.

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 within the same use class (C2) 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 and any additional impact on air quality and pollution locally and on Ashdown Forest Special Area of Conservation. 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 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 of the outline planning permission for the residential development to the immediate north of the application site - including 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. This includes 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, the Council 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. The fact that the character of the land and existing outlook for neighbouring occupiers will change is not however a reason to object to or refuse the proposal. Notwithstanding that, 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 main three storey elevation 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 five foot 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 within the amended drawings

submitted on 11 January to erect a 2m close boarded fence along the boundary together with additional screening planting on the boundary. Additional planting at first floor patio level would further serve to further soften the view of the building from the house throughout the year if appropriate evergreen species are used. The details of a landscaping scheme could be secured by condition.

- 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 but for a large part at around 63-65m. Here also, existing tree and 'scrub' planting on the site boundary 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 seen or 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 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. A comment has been made that the cills of the windows in the care home would be set low at no more than 600mm above floor level encouraging future occupants to sit and look out. Nonetheless, at this distance the potential for elderly residents to gain unacceptable views into the gardens of The Broadwalk is negligible.
- 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 2.1m height to protect residents from falling. In addition the amended drawings confirm that the screens facing towards the eastern boundary on both the north and south wings will be obscure glazed to prevent any overlooking of the neighbours' garden from there.
- 6.3.6 The amended drawings also omit the east facing door onto the patio at first floor and single end of corridor window at second floor of the northern wing by extending a narrow central section of the three storey element forward onto the patio. These east facing openings are to be retained in the southern wing but at a distance of approximately 47m and heavily screened by existing trees present no harm in terms of overlooking of neighbours. 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 seven parking spaces would be sited. An ambulance bay would be sited close to the main entrance some 13m back from the eastern boundary. The bin store is relocated in amended drawings to the northern boundary of the site and away from the boundary with The Broadwalk properties. 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 would be expected to 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 2m height is to be erected along the boundary and that the bin area has been relocated and will be of solid construction minimising sound transference. Conditions can be attached limiting the hours of waste disposal, 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 Highway Impact, Parking and Air Pollution

Highway impact

- 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 within the initial years around 62% of staff trips being made by private car.

Parking

- 6.4.2 The amended proposal makes provision for 26 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.

Air pollution

- 6.4.4 In terms of impact on local air pollution conditions and those affecting the Ashdown Forest, the Agent in their letter dated 18 January refers to the Appropriate Assessment that was made under the Habitat Regulations concerning air quality impact on the Pevensey Levels Special Area of Conservation (SAC) in consultation with Natural England in connection with the Environmental Statement submitted in support of the outline application for the wider site in 2012. That Appropriate Assessment was updated in 2015

in connection with the full application for an additional 67 dwellings. Both assessments concluded that there would be no unacceptable impact on local air quality conditions arising from the development. Although larger than the outline scheme, the current proposal follows on from it, and the comparison made within the submitted Transport Assessment between the traffic generated by the permitted scheme and the current one, identifies that additional traffic movements would be 'imperceptible on the local road network'. That conclusion has been accepted by the highway authorities. Furthermore while there may be some increase in traffic relative to the approved nursing home, this is all expected to be local traffic associated with the provision of domiciliary support services; hence, there would be no impact on the Ashdown Forest or Lewes Downs Special Area of Conservation (SAC). A further Appropriate Assessment is not required and there is no reason to withhold planning permission for the development on this ground.

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 Subsequent to the application being made, the applicant 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 though not on the site in 2011. The works that took place on a single day involved the removal of all suitable habitat from the part of the site proposed 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 the identified work was undertaken between 27 and 29 November. The County Archaeologist has endorsed the draft report since the report to January Committee was drafted and therefore the wording of proposed conditions should planning permission be granted is amended.

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 and air pollution as it might affect the Ashdown

Forest SAC, 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 dated August 2017; 16-01/101C, 16-01/200G, 16-16-01/210B, 01/211C, 16-01/212B, 16-01/201D. 16-01/202D, 16-01214A received 11 January 2018; 16-01/203D received 29 January 2018; Tree Protection Plan dated 12 October 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 routing 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. 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.

- 9 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 National Planning Policy Framework and Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

10. 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.

11. 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.

12. 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.

13. 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 local planning authority 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.

14. 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

- c) 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.

15. 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.

16. 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.

17. 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 Policies OSS4(iii) and EN5(i) of the Rother Local Plan Core Strategy.

18. 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 10 metres 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.

19. The development hereby permitted shall not be brought into use until the provision for analysis, publication and dissemination of results and archive deposition of the archaeological site investigation and post investigation assessment carried out 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.

20. 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.

21. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The area 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.

22. 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.

23. 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 Rother Local Plan Core Strategy.

24. 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.

25. 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.

26. The service door and laundry windows on the ground floor east elevation of the north wing shown on drawing no. 16-01/201D 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 Local Plan Core Strategy.

Notes

1. Access to the public footpath Bexhill 12a 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.

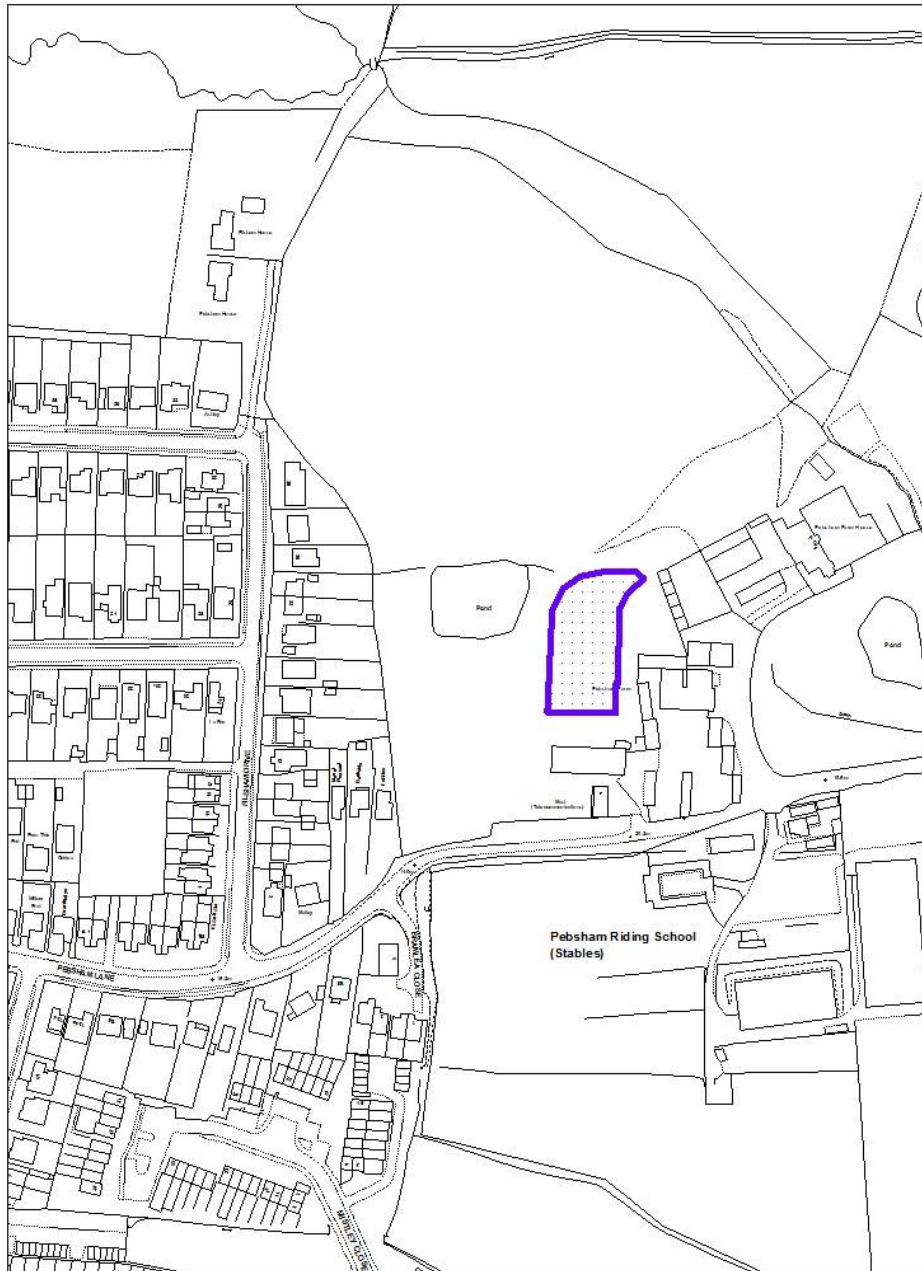
[View application/correspondence](#)

SITE PLAN

Bexhill

RR/2017/1914/P

Pebsham Rural Business Park, Pebsham Lane



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Not To Scale

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

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

Statutory 8 week date: 12 December 2017
Extension of time agreed to: 15 February 2018

BACKGROUND

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 (ESCC)

- 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.

5.3.4 Wealden District Council (WDC) - In a letter received dated 11 January, WDC objected to the development on the grounds that at this stage, it is unproven that in combination with other development that impacts on the Ashdown Forest (Special Area of Conservation) will not arise from the proposed development with specific reference to the Conservation of Habitats and Species Regulations 2010. It specifically advises that the effect of traffic arising from the development crossing the Ashdown Forest should be considered and consequently a screening opinion is required as to the need for an Appropriate Assessment under the Regulations. The full letter is available to read online.

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 were granted permission for their extension because it was considered that the strategic employment benefits of enabling Torr Scientific 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.

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 The 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.

6.6 Air Pollution

6.6.1 Wealden District Council (WDC) has objected to the application on the grounds of the impact of the development on air pollution in the Ashdown Forest Special Area of Conservation (SAC), with reference to the Conservation of Habitats and Species Regulations 2010.

6.6.2 WDC has specifically advised that the effect of traffic arising from the development crossing the Ashdown Forest should be considered.

6.6.3 This matter has been assessed. A review of commuting flows to and from Pebsham shows no movements that would impact on the Ashdown Forest or Lewes Downs SAC.

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.
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.

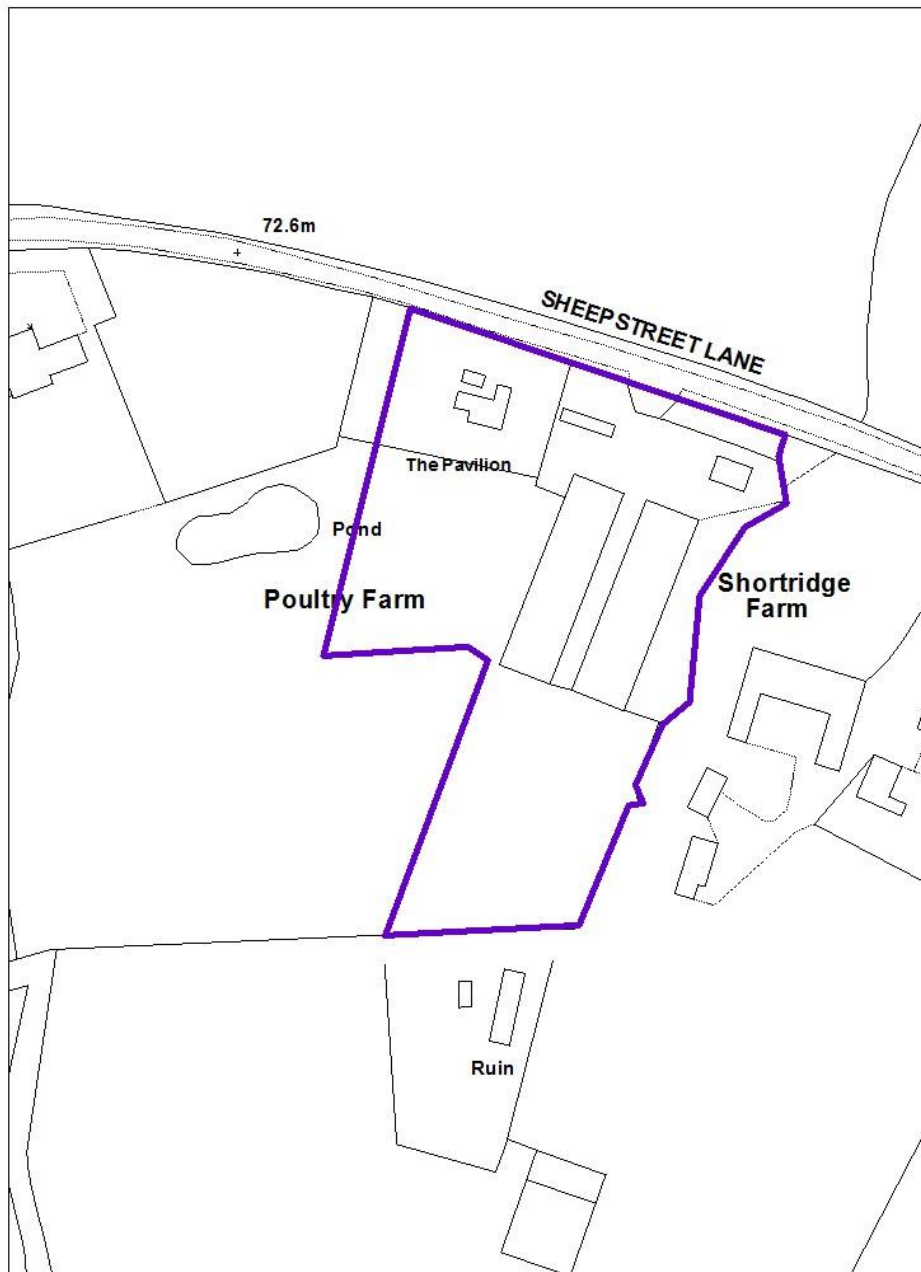
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SITE PLAN

Etchingham

RR/2017/2109/P

King Johns Nursery, Sheepstreet Lane



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Not To Scale

RR/2017/2109/P

ETCHINGHAM King John's Nursery, Sheepstreet Lane**Change of use from nursery barn to occasional use for wedding ceremonies & receptions.****Applicant:** Mr H Cunningham**Agent:** -**Case Officer:** Mr M Worsley

(Email: matthew.worsley@rother.gov.uk)

Parish: ETCHINGHAM**Ward Members:** Councillors Mrs M L Barnes and R V Elliston**Reason for Committee consideration:** Service Manager – Strategy & Planning referral: Member referral: Councillor Mrs M L Barnes**Statutory 8 week date:** 15 November 2017**Extension of time agreed to:** 15 February 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

1.1 The following policies contained within the adopted Rother Local Plan Core Strategy (CS) are relevant to the proposal:

- PC1 Presumption in favour of sustainable development
- OSS3 Location of development
- OSS4 General development considerations
- RA2 General strategy for the countryside
- RA3 Development in the countryside
- CO6 Community safety
- EC4 Business activities within the district
- EN1 Landscape stewardship
- TR3 Access and new development
- TR4 Car parking.

1.2 The various provisions contained within the National Planning Policy Framework (the Framework) relating to sustainable economic growth, supporting a prosperous rural economy, protecting the living conditions of neighbouring properties, protecting highway safety and conserving and enhancing the natural environment are also applicable.

2.0 SITE

2.1 The site is located to the south side of Sheepstreet Lane. It lies within the countryside and is within the High Weald Area of Outstanding Natural Beauty (AONB). Occupying the site are two rows of former poultry houses which

have been converted and are currently used as a plant nursery, with other ancillary uses including a tea room. There is an existing vehicular access with parking for the plant nursery provided in front of the former poultry houses.

3.0 HISTORY

- | | | |
|-----|----------------|---|
| 3.1 | RR/2008/2461/P | Change of use from agricultural building to plant nursery including nursery shop selling sundry items; including statuary locally made handcrafts, environmental products and other garden related products – Approved Conditional. |
| 3.2 | RR/2008/2894/P | Change of use from agricultural building into an interpretation centre of local heritage – Refused. |
| 3.3 | RR/2011/516/P | To turn part of storage area in the plant nursery growing shed into a tea room. No external changes to be made – Approved Conditional. |
-

4.0 PROPOSAL

- 4.1 Permission is sought to change the use of part of the nursery barn on the west side of the site for wedding receptions and ceremonies.
- 4.2 On the application form it is stated that the number of events would be limited to eight per year with a maximum of 150 guests at each event. The hours of use would also be limited with all guests to have vacated the premises by 12pm. No amplified music or drums would be allowed and all music would cease at 11pm. The applicant has also indicated that he would be happy for a condition to be applied to any permission to prevent fireworks being let off at any weddings and receptions.
- 4.3 During the course of the application the local planning authority requested more information about the proposed use. Within an e-mail dated 3 November 2017 the applicant advised that there would be eight evening events per year. In addition, it was stated that other events would take place during working hours. Before submitting the application the applicant wrote to local residents (letter dated 26 July 2017) outlining his intentions on the proposed change of use. Within the letter it stated that if they were granted planning permission they would be able to offer small daytime wedding ceremonies, baby naming ceremonies and receptions. It was also stated that any evening events would be limited to eight per year. The submitted noise impact assessment also states that the building would be available for hosting events throughout the year, which would include weddings, daytime ceremonies and naming days. However, evening events would be limited to eight per year.
- 4.4 The existing access would be utilised by guests and a parking area is proposed on a network of grids on land to the west of the former poultry houses.

- 4.5 The application is accompanied by a Design and Access Statement, a Transport Statement, a Travel Plan and a Noise Impact Assessment (including an addendum).
-

5.0 CONSULTATIONS

5.1 Parish Council

5.1.1 20 October 2017 - General comment:

'There are genuine concerns regarding noise, generation of further traffic on this narrow winding lane in the AONB and the likelihood of parking overflowing onto the lane if facilities are insufficient or cannot be used following heavy rain. If RDC are minded to grant this application then the very strictest conditions must be applied in order to balance the needs of a local business against that of the residents to whom quiet enjoyment is a very precious commodity. When considering such conditions due thought also be given as to how these conditions could actually be enforced.'

5.1.2 25 October 2017 - General comment:

'Etchingham Parish Council having already expressed concern as to the possible nuisance for neighbours likely to result if this application is granted wish to emphasize that the lack of detail in the application is a genuine worry and has made it very difficult to come to a definite decision hence a comment has had to suffice.'

5.2 Highway Authority

5.2.1 *'...The proposal is for a change of use from Nursery Barn to occasional use for wedding ceremonies & receptions. Up to 8 events would be held per year with the maximum number of guests attending being capped at 150.'*

Site Access

The existing vehicular access has an established use serving the plant nursery as well as various plant and craft fairs that have been held over the years.

I have no major concerns regarding the access layout and I am satisfied that two-way traffic can be accommodated.

The original planning consent for a change of use from agricultural building to plant nursery (RR/2008/2461) included a condition to improve the visibility splays either side of the access. Having visited the site it is noted that the vegetation either side of the access and within highway verge has overgrown and now obstructs the visibility.

Whilst the road serving the site is de-restricted, due to its character I am satisfied that vehicle speeds are likely to be lower than the 60mph speed limit. With this in mind I am satisfied that the visibility splays measuring 2.4m x 100m are adequate in this instance.

With this in mind I would not wish to see any intensification in use of the site until the visibility splays either side of the access are maximized in accordance with this requirement.

Parking Provision

20 car parking spaces are available on the hard standing within the site whilst over 100 cars can be accommodated on the all-weather surfaced event field.

I am satisfied that this is sufficient to satisfy the parking demands likely to be generated by the proposed use. I therefore have no major concerns that parking will overspill onto Sheepstreet Lane.

Highway Impact

The applicant wishes to hold up to 8 events per calendar year accompanied by a travel plan. The maximum number of guests attending weddings will be capped at 150. The transport report indicates that this is likely to generate in the region of 70 cars (140 two-way trips). Guests often car share or use taxis and mini buses to travel to events such as this and I therefore have no reason to disagree with this assumption.

The road serving the site (Sheepstreet Lane) is relatively narrow in places; however, the carriageway width remains sufficient to accommodate two-way traffic.

Ordinarily, if these events related to land with a temporary structure (i.e. marquee) then up to 28 events may be held in accordance with the permitted rights for temporary buildings and uses (schedule 2, part 4 of GPDO). The principle of a limited number of events per year within the existing barn does not benefit from this right because it is within a permanent building. However, from a highways perspective, the restriction to the number of days (on the basis that one event lasts one day) would on the face of it have similar impact from a highways perspective whether in a permanent or temporary structure. Using this rationale, 8 events per year could not raise highway objection if limited in numbers of attendees (as specified) and shared modes of travel are encouraged through a suitable and achievable travel plan for each event.

With this in mind I have no major concerns regarding the impact of the development traffic on the road serving the site or the surrounding highway network.

Travel Plan

A suitable travel plan should indicate that event organisers look at encouraging car sharing, provide provision for pick up and drop off at closest rail station at full occupancy where possible (taxi's, minibus hire). Sheepstreet Lane itself does not lend itself well to encourage walking or cycling to events due to the remote location of the site and the lack of footways so public transport as a mode to travel to and from this site would require transfers by private means.

The submitted travel plan is relatively basic; however, I am satisfied that it covers the main points required.

Conclusion

It is acknowledged that the proposed use of the nursery barn to hold wedding ceremonies and receptions will result in an increase in traffic visiting the site. However, I have no major concerns regarding the impact on the site access or the road serving the site, especially when taking into account the relatively low number of events to be held per year. I am also satisfied that the level of parking provided within the site is sufficient to accommodate the demands generated by the proposed use.

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

In the event that planning permission is granted conditions are recommended relating to improving visibility splays at the access and parking provision.

5.3 Environmental Health

5.3.1 15 November 2017:

Advise that the application was accompanied by insufficient information with which to recommend approval or refusal. Requested a noise impact assessment was carried out.

5.3.2 18 December 2017:

'...a noise management plan has been submitted for approval. Ref: RFE-180-17-02, dated December 2017.

The report proposes a number of reasonable and pragmatic approaches to managing noise during events expected to last up to 00:00hrs. However, given the quiet current background noise level identified in the report as 28dB LA90, 4hrs during the last 4 hours of the typical event (19:00 – 23:00hrs), further information is required.

It should also be taken into consideration that during the monitoring survey between 23: 00 – 00:00hrs noise levels dropped to 20dB LA90 on a number of occasions. This is incredibly quiet and considered to be night time hours when we would most likely get noise complaints.

Noise

In order to make a determination, information regarding the expected sound levels and the effect on the sensitive receptors after mitigation needs to be provided. Consideration should also be given to assessing noise from people using the outside areas. It is possible that the chatting, cheering and laughing of a potential 150 guests along with a band would be significantly greater than the measured background noise level at the nearest receptors.

If suitable mitigation isn't possible between 23: 00 – 00:00hrs, then operating hours should finish at 23:00hrs or earlier, rather than 00:00hrs.

Sensitive Receptors

It is acknowledged that King John's Lodge is currently occupied by the applicant's mother. However, due to the potential of the property being sold in the future it should be considered a sensitive receptor and appropriate mitigation put in place as required.

Shorridge House which is 60-70 meters east of the site should be considered a sensitive receptor and appropriate mitigation put in place as required.

Recommendation

There is currently insufficient information with which to recommend approval or refusal.'

5.3.3 24 January 2018:

'...an addendum to the noise management plan (Ref: RFE-180-17-02) has been submitted for approval. Ref: RFE-180-17-03, dated January 2018.

The above application is for the change of use of a Plant Nursery Barn to what is in effect a function room with associated outside space. The barn is of solid, but flimsy construction, representing limited sound insulation properties. The pictures provided show the significant numbers of holes in the double doors to the barn. The application is asking for events to be held in this barn, 365 days a year. However, it is suggested that only 8 evening events a year will be undertaken.

From the information submitted, it seems that restrictions have only been suggested for the evening events including a finish time of 23:00 with the site

to be vacated by 00:00. Having considered the application and supporting information it is concluded that due to the very quiet nature of the area during both day and night times, the proposed development could have a significant impact on nearby residents. Unfortunately, the applicant hasn't satisfactorily demonstrated that nearby sensitive receptors will not be unreasonably impacted by the proposed change of use. Some mitigation has been suggested in the form of keeping the double doors to the East side closed (but these have significant numbers of holes in them) and a heavy reliance on a noise management plan, which are often difficult to enforce. Therefore, Environmental Health recommends refusal of this application.

In more detail, the addendum has focused, as expected on the evening events, but the daytime events could also have a significant impact on nearby residents. This hasn't been considered at all.

The addendum has provided some predictions of noise during use of the venue for a wedding. The noise data used for the assessment was obtained from events involving approximately 90 to 100 people with background music. It was argued that these noise levels will be the same as the proposal. However, the proposal is for up to 150 people with live, unamplified music, excluding drums and percussion. But, unamplified, acoustic bands, even without drums, can still be significantly loud. This means that in a worst case scenario, noise levels will potentially be much greater, than those used in the assessment. A live band, even unamplified is not the same as background music which is much quieter and below conversational levels. Additionally, 50 to 60 more people will further increase conversation noise, especially in light of the Lombard effect and the need for people to talk over each other and the live music. It is reasonable to expect the band to be considerably louder so that it can be heard and enjoyed by all in attendance. The impact on nearby residents due to live music hasn't been properly assessed.

Additionally, no consideration has been given to the loud impulsive sounds from potentially 150 people clapping, cheering or shouting together which one could reasonably expect during speeches or during a performance of live music, during a wedding. When investigating complaints about wedding venues, in addition to music noise, one of the most notable noise disturbances witnessed is that of guests screaming and shouting. This can be heard 100s of meters away in quiet rural areas such as this. There is therefore additional concern about the use of the outside space, even with a noise management plan which is strongly emphasised in the first report. Noise from shouting, screaming, children playing etc. hasn't been fully considered.

Unfortunately, relying on a noise management and signage to control excessive noise during a wedding that is in full swing is also likely to be unreliable. No one wants to ruin a party that is a celebration of a couple getting married. Guests who have enjoyed a good celebration are unlikely to take much notice of signs asking them to be quiet. The noise management plan raises a number of questions but it was noticeable that one action to control noise was for the band to be quieter. This is difficult with acoustic bands because there is no volume button which can be adjusted.

With respect to the sound insulation properties of the building 15dB attenuation has been allowed for, which due to the 'thin' structure of the building is reasonable. However, the assessment hasn't given consideration to the double doors being open on the west side of the building during events. This may change the predictions for both sensitive receptors SE and West of the venue.

BS4142: 2014 has been used to assess vehicle movements on site and according to the consultants indicates a low impact depending on context.

Environmental Health cannot agree with this finding for two main reasons: 1) car parks catering for up to 120 cars, where people will be leaving the site between 11pm to Midnight, is not in context with the current sound landscape (which is an incredibly quiet area with no similar activities) and 2) No impulsivity correction for the slamming of dozens of car doors, revving of engines and car stereos going on has been allowed for and this would result in an increased impact between the hours of 11pm and Midnight. The consultants haven't considered the L_{Amax} levels in this respect. A correction of 3-6dB should therefore have been added given the quite nature of the area. This would take the rating level for the car park to +9 or more above typical background sound levels for Shortridge House and +4 or more for Kings Lodge, thereby representing a potentially significant adverse and adverse effect respectively during these times. The point that absolute levels should be more of a consideration is understood but it cannot be relied upon that nearby residents will be inside their properties after 11pm, especially as weddings will generally occur during the warmer summer months. Additionally, the impact for day time events hasn't been assessed. It is reasonable to expect a busy event to attract 50-75 or more vehicles. On days when multiple events are taking place you can also expect a certain amount of cross over in addition to the trade expected by current activities on the site. This represents a significant intensification of use of the area. In essence, if the site is successful and is intensively used, local residents will hear noise from the events on a regular basis. Therefore, Environmental Health are recommending refusal for this planning application.'

5.4 Planning Notice

- 5.4.1 A petition by 19 signatories objecting to the scheme has been received and a representative will have the opportunity to speak at the Planning Committee meeting.
- 5.4.2 A total of 27 objections have been received raising the following issues (summarised):

Highway and pedestrian safety

- Previous events at the site have resulted in vehicles parking along the lane.
- Detrimental traffic impact.
- Lane is already extremely dangerous to walk along due to the excessive speed of vehicles.
- Public transport is not accessible.
- Wedding guests would not be able to walk along the lane if staying at nearby B&Bs – it is dark and unlit.
- Increased traffic would endanger pedestrians and highway safety.

Character and appearance

- Detrimental to AONB.
- Additional traffic detrimental to AONB.
- Enjoyment of peaceful, tranquil and safe environment of the AONB would be affected.
- Sound and light pollution would increase.
- Dark night sky would be affected.

Amenity

- Anti-social hours proposed.
- Applicant has ignored conditions on previous permissions.
- There have been issues with noise from the nursery over the past 10 years, with very loud music being played.
- Wedding held at King John's Lodge in 2008 with loud music played deep into the night and amplified music being made.
- Weddings have been held at the nursery which have continued into the night and disturbed local residents. Occupier of 'The Dutch House' has previously requested that music is turned down at the nursery when events are occurring but has been met with dismissive responses.
- Enjoyment of their property is being destroyed by excessive traffic from events as proposed.
- Local residents would be significantly affected by noise disruption.
- Peace and quiet of locality would be disturbed with music, activity, lighting and traffic.
- Sound across the valley travels dramatically.
- Previous events at the site have caused noise and traffic issues for locals.
- Any conditions limiting the number of weddings, time of use and noise would be unenforceable.
- Noise report ignores some noise sensitive receptors.
- Noise report ignores daytime events.
- Noise report does not properly assess noise from music.
- Noise report does not properly assess noise from guests.
- Noise report assessment addendum does not properly assess live music noise.
- Other oversights contained within the noise report addendum include outside activity not being properly assessed and they have made assumptions about the noise attenuation properties of the barn.
- Noise report addendum has not addressed concerns raised by local residents.

General

- The application details are very vague.
- Applicant has generated support for the application for posting messages on social media.
- Some supporters live a long way from the site and would not be affected by the proposal.
- Similar application has previously been refused along the lane.
- Only comments from residents living along the lane should be taken into consideration.
- Best venue for weddings would be Etchingham Village Hall due to its location.
- Use would impact on protected species.
- No details provided for waste water disposal.
- Septic tank inadequate to deal with waste.
- Proposed weddings could adversely impact on local holiday lets by causing disturbance.
- Proposal is confusing – unclear how many events there would be.
- Health and safety issues, including whether a fire engine could access the site.

- King John's Nursery website has advertised the site for functions and special events for the last few years.
- Applicant should be made to apply for permission for the full range of activities that he hosts – all those events that are not ancillary to the nursery business.

5.4.3 A total of 75 sets of supportive comments have been received (summarised):

- The use would create more jobs.
- Businesses in the countryside should be supported.
- Applicants would be considerate to the area and the local residents.
- Events are already successfully run from the nursery and respect neighbouring properties.
- Proposal is in accordance with planning policies which support economic growth.
- Any concerns could be mitigated against.
- Weddings would bring other trade to the area.
- Plant nurseries should be allowed to diversify.
- This is a rural but accessible location.
- Applicants live on site with their young family so wouldn't want disturbance.
- Suitable access and parking could be provided.
- Ideal location to hold weddings and receptions.
- Occasional disruption should be accepted in return for the economic benefits.

5.4.4 One set of general comments received (summarised)

- In favour of supporting local businesses.
- Lunchtime/daytime functions would be acceptable.
- However, evening events would create unacceptable levels of noise and volumes of traffic.
- Increased risk to highway safety.

6.0 APPRAISAL

6.1 The main issues to consider include the impact of the proposal on:

- The local economy.
- The character and the appearance of the locality and the landscape and scenic beauty of the AONB.
- Highway and pedestrian safety and parking provision.
- The living conditions of occupants of nearby properties.

6.2 Local economy

6.2.1 Policy RA3 (ii) of the CS supports suitable employment and tourism opportunities in the countryside, including by the conversion, for employment use, of farm buildings generally in keeping with the rural character, and by the sensitive, normally small-scale growth of existing business sites and premises.

6.2.2 Policy EC3 (ii) of the CS permits the intensification, conversion, redevelopment and/or extension of existing employment sites having regard to other policies of the Plan.

6.2.3 The proposed change of use of the barn to allow for occasional wedding ceremonies and receptions would diversify and help support an existing established rural business and should add to employment opportunities in the local area. The applicant has indicated that the income generated from the weddings would enable existing employees to be offered more stable employment. Additional visitors would also be attracted to the local area which would be of benefit to the economy. These positive economic factors weigh in favour of the scheme.

6.3 Character and appearance

6.3.1 Policy OSS4 (iii) of the CS requires all development to respect and not detract from the character and appearance of the locality.

6.3.2 Policy RA3 states that proposals for development in the countryside will be determined on the basis of (ii) supporting suitable employment and tourism opportunities in the countryside, including by the conversion, for employment use, of farm buildings generally in keeping with the rural character, and by the sensitive, normally small-scale growth of existing business sites and premises; and (v) ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management.

6.3.3 Policy EN1 of the CS provides that management of the high quality historic, built and natural landscape character is to be achieved by ensuring 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 (vii) tranquil and remote areas, including the dark night sky.

6.3.4 Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.

6.3.5 Paragraph 123 of the Framework states that planning decisions should identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

6.3.6 The site is located along a country lane, a significant distance from any town or village. Despite there being some other residential properties scattered along the lane the surroundings are very rural in character and are considered to be peaceful and tranquil, especially at night.

6.3.7 The proposed change of use would require no external alterations to the former poultry house and therefore the visual impact of this aspect of the proposal would be neutral.

6.3.8 In respect of the additional parked vehicles, these would be accommodated on land to the west of the building. Low impact surfacing consisting of a grid system has already been laid which allows grass to grow though and therefore when vehicles are not parked on the land it is not easily noticeable.

However, parking around 70 vehicles on the land during events would have some impact on the immediate surroundings. Currently the land is a small undeveloped field although it must be acknowledged that it is very well contained within the wider landscape. The applicant's dwelling is to the north, the former poultry buildings are to the east and there is a screen of mature trees to the south and west. For these reasons it is considered that the parked vehicles would have minimal visual impact on the wider landscape and scenic beauty of the AONB.

- 6.3.9 Another issue to consider is the impact of noise and activity on the rural character of this part of the AONB, which is currently quiet during the day and even more so at night. The surroundings are considered to be tranquil and relatively remote. The proposed use would increase noise and activity during both the day and night. Although there is the existing plant nursery site and other residential properties along Sheepstreet Lane, the surroundings have remained relatively undisturbed by noise to date and should continue to be protected for their recreational and amenity value. The proposed use would introduce unacceptable levels of noise to the very peaceful surroundings and would adversely impact on the tranquil and relatively remote nature of this part of the AONB.

6.4 Highway and pedestrian safety and parking

- 6.4.1 Policy CO6 of the CS facilitates a safe physical environment by (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.
- 6.4.2 Policy TR4(i) of the CS requires development to meet the residual needs of the development for off-street parking having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.
- 6.4.3 Representations objecting to the proposal have raised concerns over the proposed use increasing traffic along the lane and there not being sufficient parking at the site meaning that vehicles would park on and obstruct the lane.
- 6.4.4 The Highway Authority has commented that eight events per year with up to 150 guests at each would generate in the region of 70 cars (140 vehicle movements). They have no major concerns regarding the impact of traffic on the road serving the site or the surrounding road network. In addition, with improvements to visibility they are satisfied that the existing access would be suitable to serve the development and that the mesh grid parking area could accommodate up to 100 vehicles, thereby avoiding the need for vehicles to park on the lane.
- 6.4.5 It is appreciated that the Highway Authority has not commented on the intention of the applicant to hold daytime ceremonies in addition to the evening events. However, in the event that planning permission was granted conditions could be imposed to limit the number of events to 8 no. in total per year. On the basis of a limited number of ceremonies and receptions taking place per year, which could be conditioned, it is considered that the proposed use would not have a significant impact on the surrounding highway network and that adequate parking provision could be accommodated on site.

6.5 Living conditions

6.5.1 Policy OSS4 of the CS requires all development to (ii) not unreasonably harm the amenities of adjoining properties.

6.5.2 Paragraph 17 of the Framework provides that a good standard of amenity for all existing and future occupants of land and buildings should be secured.

6.5.3 Paragraph 123 of the Framework states:

Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

6.5.4 There are a number of neighbouring residential properties close to the building to be used for weddings and receptions including, The Pavilion (on the application site and currently occupied by the applicants), Shortridge Farm (70m), Shortridge House (80m), King John's Lodge (100m), The Dutch House (135m), Tamarind (160m), Barden (260m) and Shoyswell Manor (280m). There are other properties further away that could still be affected by the proposed use.

6.5.5 During the course of the application the local planning authority requested that a noise impact assessment was undertaken as wedding and associated receptions can be a common source of noise complaints. That impact assessment was subsequently submitted. However, the Environmental Health officer advised that the assessment contained insufficient information to make a recommendation. Specifically, it was requested that information regarding the expected sound levels and the effect on the sensitive receptors after mitigation was provided. It was requested that consideration should also be given to assessing noise from people using the outside areas as chatting, cheering and laughing of a potential 150 guests along with a band would be significantly greater than the measured background noise level at the nearest receptors.

6.5.6 An addendum to the noise impact assessment was subsequently received. However, the Environmental Health officer has advised that it has not been satisfactorily demonstrated that nearby sensitive receptors (neighbouring properties) would not be unreasonably impacted by the proposed change of use. Comment is also made that the impact of the intended daytime ceremonies has not been assessed, which could also impact on neighbouring properties.

6.5.7 The proposed wedding ceremonies and receptions would create noise and activity that would adversely impact on nearby residential properties. As the Environmental Health officer has advised, unamplified, acoustic bands, even

without drums, can still be significantly loud and is not the same as background music which is much quieter and below conversation levels. Conversation noise from up to 150 guests must also be considered, especially in light of the Lombard effect and the need for people to talk over each other and the live music. With this in mind, it is reasonable to expect the band to be considerably louder than that stated within the submitted noise impact assessment so that it can be heard and enjoyed by all in attendance.

- 6.5.8 Additionally, loud impulsive sounds from up to 150 people clapping, cheering or shouting together - which can reasonably be expected during speeches or during a performance of live music during a wedding - would have a significant impact. The noise would be heard from hundreds of metres away in quiet rural areas such as this. There is therefore additional concern about the use of the outside space, even with a noise management plan. The submitted noise impact assessment has not fully considered noises from sources such as shouting, screaming and children playing.
- 6.5.9 Managing noise and activity from the weddings and receptions via the imposition of conditions, in conjunction with a noise management plan, would not be enforceable. Guests who have enjoyed a good celebration are unlikely to take notice of signs requesting them to be quiet when they vacate the premises. The noise management plan raises a number of questions but it is notable that one action to control noise was for the band to be quieter. This would be difficult with an acoustic band because there is no volume control which can be adjusted.
- 6.5.10 With respect to the sound insulation properties of the building, 15dB attenuation has been allowed for in the noise impact assessment, which the Environmental Health officer has advised is reasonable given the 'thin' structure of the building. However, no consideration has been given to the double doors being open on the west side of the building during events. This may alter the noise impact for nearby residential properties.
- 6.5.11 A further concern relates to the noise and activity generated by vehicles, with guests leaving the site between 11pm and 12pm. This would not be in context with the current sound landscape, which is an incredibly quiet area with no similar activities. The slamming of dozens of car doors, revving of engines and car stereos would result in an increased impact between the hours of 11pm and midnight, which has not been considered within the submitted noise impact assessment. This noise and activity could potentially have a significant adverse effect on neighbouring residential properties during these times.
- 6.5.12 It is reasonable to expect a busy event to attract 50-75 or more vehicles. On days when multiple events are taking place a certain amount of cross over in addition to the trade expected by current activities on the site could reasonably be expected. This would represent a significant intensification of use of the area. In essence, if the site is successful and is intensively used, local residents will hear noise from the events on a regular basis.
- 6.5.13 For the reasons explained it is considered that the proposed use would generate unacceptable levels of noise and activity that would unreasonably harm the amenities of neighbouring properties.

6.6 Comments received in response to the planning notice

- 6.6.1 A large number of representations have been received regarding this application. Many of the objections have been from local residents raising concerns over matters such as traffic generation and potential noise and disturbance. In addition, a large number of supportive comments have been received welcoming the proposed diversification of the existing business.
- 6.6.2 Some objectors have raised concerns over the way in which some of the supportive comments have been generated. Evidence has been submitted to the local planning authority indicating that the use of social media to encourage supportive comments. This appears to have resulted in a number of supportive sets of comments from not only local residents but also from others living further afield. Some objectors feel that those not living close to the site would not be affected by the proposal and are concerned that undue weight may be given to the number of supportive comments.
-

7.0 **CONCLUSION AND PLANNING BALANCE**

- 7.1 The proposed change of use to allow wedding ceremonies and receptions would help support and diversify an existing rural business which would bring economic benefits to the locality. In addition, provided the number of events was limited, there would be no highway safety or parking concerns. However, the use would give rise to unacceptable levels of noise and disturbance to local residents and which would also adversely impact on the very rural and tranquil character of this part of the AONB.
- 7.2 The adverse environmental impacts identified significantly and demonstrably outweigh any economic benefits that the scheme may bring. For this reason the proposed change of use would not represent sustainable development and would be contrary to policies within the Rother Local Plan Core Strategy and the various provisions contained within the Framework. On this basis the application cannot be supported.
-

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The use of the building for weddings and receptions, together with the associated outdoor activities, including vehicle movements, would generate unacceptable levels of noise and disturbance that would unreasonably harm the amenities of neighbouring properties contrary to Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraphs 17 and 123 of the National Planning Policy Framework.
2. The proposed use would introduce unacceptable levels of noise to the peaceful surroundings and as such would adversely impact on the tranquil and relatively remote nature of this part of the High Weald Area of Outstanding Natural Beauty, which is valued for its recreational and amenity value, contrary to Policies OSS4 (iii) and EN1 (i) (vii) of the Rother Local Plan Core Strategy and paragraphs 115 and 123 of the National Planning Policy Framework.

NOTE:

1. This decision notice relates to the following set of plans:
Drawing no. PA00 dated April 2017.
Drawing no. PA01 dated April 2017.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the 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 reasons 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/2017/864/P

BEXHILL Cesar House Eastwood Road Bexhill

Outline: Proposed residential development for up to 13 dwellings.

Applicant: Mr P Rusted
Agent: Mark Jackson Planning
Case Officer: Mr M Worsley
(Email: matthew.worsley@rother.gov.uk)
Parish: BEXHILL
Ward Members: Councillors B Kentfield and M J Kenward

Reason for Committee consideration: Member referral: Councillor B Kentfield

Extension of time agreed to: 31 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:

- DS3 (proposals within development boundaries).

1.2 The following policies of the Rother Local Plan Core Strategy (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).
- BX3 (development strategy).
- SRM2 (water supply and wastewater management).
- CO6 (community safety).
- EC2 (business land and premises).
- EC3 (existing employment sites).
- EN3 (design quality).
- TR3 (access and new development).
- TR4 (car parking).

1.3 The following policies of the emerging Development and Site Allocations (DaSA) Local Plan are relevant:

- DC01 (retention of sites of social or economic value).
- DEC3 (existing employment sites and premises).

Whilst only limited weight can be attached to these policies at present, they clearly support the aims of policies set out in the Local Plan 2006 and the Core Strategy.

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

2.0 SITE

- 2.1 The application site is located within the town and development boundary of Bexhill behind residential properties fronting Eastwood Road, Little Common Road and Chandler Road. The site is of an irregular shape and measures around 0.27 hectares in area. There is an existing vehicular access between nos. 14 and 16 Eastwood Road.
- 2.2 The site is currently disused but was last in employment creating use as a print works (Oliver's Printers). Two storey and single storey buildings fill the full width of the north half of the site, whilst the southern part consists of hardstanding which was previously used for parking vehicles.
-

3.0 HISTORY (relevant)

- | | | |
|-----|----------------|--|
| 3.1 | RR/2016/280/P | Outline: Proposed residential development for up to 20 dwellings of either flatted form or a combination of dwelling houses and flats – Withdrawn. |
| 3.2 | RR/2010/2523/P | Replace extant permission RR/2007/2669/P – redevelopment of site with 4 bungalows and associated administration to provide accommodation and support for people with learning difficulties – Approved Conditional. |
| 3.3 | RR/2007/2669/P | Redevelopment of site with 4 bungalows and associated administration to provide accommodation and support for people with learning difficulties – Approved Conditional. |
| 3.4 | RR/2006/2609/P | Redevelopment of site to provide specialist residential accommodation for people in need of care – Withdrawn. |
-

4.0 PROPOSAL

- 4.1 Outline planning permission with all matters reserved is sought for the erection of up to 13 residential properties on the site. The previous employment-creating use of the site would thus be lost and the associated buildings demolished.
- 4.2 Although all matters are reserved, there is an existing vehicular access to the site which would serve the proposed development. The suitability of the access therefore needs to be considered at this stage.
- 4.3 The application originally proposed up to 14 residential properties. Indicative layout plans were submitted showing how this quantity of development could be provided. However, the local planning authority raised concerns over the impact of the development on the character and appearance of the locality and the impact on neighbouring properties in Eastwood Road.

- 4.4 Amended indicative plans have subsequently been submitted reducing the number of units from 14 to 13. The indicative layout plan shows 5 no. 2½ storey dwellings on the north part of the site and a part single and part two storey building on the southern part which would provide 8 no. flats. The orientation of this building has been altered, compared to the originally proposed scheme, to angle away from the shared boundary with Eastwood Road properties. A total of 20 parking spaces are shown on the plans.
- 4.5 Accompanying the application is a Planning Statement, a Design and Access Statement, a Highway Report, a Commercial Property Agent's Report, an Historic Environment Record (HER) report, a SSFRA & Sustainable Drainage Systems Assessment and an Envirocheck Report.
-

5.0 CONSULTATIONS

5.1 Highway Authority (HA)

- 5.1.1 The HA comments are reported in detail due to the access arrangements to the site.

- 5.1.2 6 May 2017:
No objection subject to the imposition of conditions. Specific comments:

"...Site Access - The site is served via an existing vehicular access off Eastwood Road. The access has a width of approximately 4.0m and this width is maintained for approximately 38.0m into the site. Due to its narrow width and lack of passing places the access would generally be considered unsuitable in serving a development of this type; however, in this instance the previous use of the site and the level of traffic it generated must be taken into account when assessing the proposal. This is consistent with the highway assessment of previous applications to develop the site where it was agreed that the previous use as a print factory would generate a similar level of traffic to a residential development of 21 dwellings.

With this in mind, I acknowledge that the access layout is far from ideal and also the concerns raised by local residents; however, for the reasons given above it would be difficult to justify an objection to the current proposal for 14 dwellings, especially when considering that the previous use would most likely have resulted in larger vehicles using the sub-standard access.

It is noted that the existing access would benefit from being upgraded with new dropped kerbs etc. I would wish for this to be carried out as part of the proposal with all works carried out in accordance with ESCC specification. All works should also be carried out by an approved contractor and under the appropriate license.

It is also recommended that Access Protection Marking be provided across the site access. This single white line would deter parking from occurring close to the access and make turning in and out of the site more convenient.

Parking - The East Sussex Residential Parking Demand Calculator has been designed to calculate the number of parking spaces required at new residential development on a site specific basis. The calculator predicts levels

of car ownership using information relating to the site location (ward), unit type, size and the number of allocated spaces.

The parking demand calculator should be utilised once the housing mix has been finalised. For guidance it should be noted that parking spaces would need to meet the required minimum dimensions to be counted towards the overall provision. The minimum sizes are as follows:

Parking Spaces: 2.5m x 5m

Car Ports: 2.8m x 5m

Garages: 3m x 6m or 3m x 7m if cycle storage is included.

Regardless of size garages remain less likely to be used for parking and therefore a majority of the provision should be in the form of open spaces or car ports. Adequate visitor parking spaces should be distributed throughout the site to prevent excessive on-street blocking access for refuse vehicles.

Cycle Parking - Safe, secure and covered cycle parking facilities need to be provided at new developments. The level of cycle parking will need to meet the requirements of the East Sussex County Council standards which are 1 space per unit for one & two bedroom dwellings and 2 spaces per dwelling with three bedrooms or more. If communal storage is provided for flats then 0.5 spaces would be required per unit.

Turning – adequate on-site turning facilities are required for larger vehicles likely to visit the site (refuse, services, emergency). Once the internal layout has been finalised tracking drawings should be provided to indicate that vehicles of this type can be accommodated. Whilst it is acknowledged that the previous use of the site would have attracted larger vehicles I would also wish to see tracking drawings to show that the site access can accommodate the largest type of refuse vehicles likely to visit the site as well as emergency vehicles.

Conclusion

Despite my concerns regarding the site access it is considered that a recommendation for refusal could not be justified. I therefore do not wish to object to the proposal; however, I recommend that any grant of consent be subject to the conditions...”

5.1.3 Comments on amended plans (13 December 2017) summarised:

- Some concerns over tandem parking but as the parking remains slightly in excess of their requirements and therefore a refusal on this basis would be difficult to justify.
- Tracking diagram needs to show a 12m long refuse vehicle. Parked vehicles should not obstruct the refuse vehicle.

5.2 County Archaeologist (ESCC)

5.2.1 The site is not within an Archaeological Notification Area. No significant below ground archaeological remains are likely to be affected.

5.3 ESCC Local Lead Flood Authority

5.3.1 27 April 2017:

The applicant has failed to meet the requirements to assess its acceptability in flood risk terms. Request that the applicant:

- Carries out hydraulic overland flow modeling for the post development scenario to better understand the surface water flood risk to the proposed development.
- Provides calculations for the existing runoff rate for a range of rainfall events.
- Consults Southern Water to confirm whether there is an existing outfall and, if so, whether they can continue to discharge surface water using the outfall.

5.3.2 14 July 2017:

Whilst the application documentation has not met all the County Council's requirements, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions.

5.4 Environment Agency

- 5.4.1 Assessed the application as having a low environmental risk and therefore have no comments to make. Advise on the potential for non-planning consents and provide information on the procedures required in relation to the removal of waste from the site.

5.5 Sussex Police

- 5.5.1 In general terms support the proposal to develop the redundant brownfield site. Have no detailed comments to make at this stage.

5.6 Southern Water

- 5.6.1 Means of disposal of foul drainage have not been provided. Southern Water would require a formal application for connection to the public foul and surface water sewer. A condition and advisory note are requested in the event that permission is granted.

5.7 Environmental Health

- 5.7.1 No objection in principle but requests further information in respect of the past use of the site as a print works/warehouse, which could potentially have given rise to contamination of the ground and ground water.

Requests that a phase I site investigation report is carried out and if necessary a phase II intrusive investigation report together with a remediation scheme, including for any undiscovered contamination discovered during the course of the development and a validation report.

Additional information requested for foul waste drainage.

5.8 Fire and Rescue Service

- 5.8.1 No comments received

5.9 Clinical Commissioning Group

- 5.9.1 No comments received

5.10 Planning Notice

5.10.1 *Originally submitted proposal*

Thirty-two objections received (summarised):

Access, highway safety and parking

- Access is less than 4m wide, 3m in places.
- Access is too narrow to accommodate the proposed development and cannot be widened.
- Damage has previously occurred to both boundaries of the properties either side of the access drive.
- Insufficient space within the site to accommodate appropriate levels of parking and turning provision.
- Inadequate space for fire engines and refuse vehicles.
- Already issues with on road parking along Eastwood Road – no more capacity.
- Access does not provide larger vehicles with sufficient sweep to enter without problems.
- Development would result in more congestion on Eastwood Road and Little Common Road.
- Access could not accommodate construction vehicles.
- Construction workers would park on Eastwood Road.
- No pedestrian walkway indicated on plans.
- Not enough space along access driveway for vehicles and pedestrians.
- Two spaces per dwelling would need to be provided.
- Not enough on-site parking spaces proposed.
- Larger vehicles (lorries) using the site previously have had to park in the access driveway or on Eastwood Road to unload and have not been able to enter the site.
- Increased traffic and use of the driveway will be a danger to pedestrians, including school children.
- Big increase in traffic on Eastwood Road since the link road was opened – used as a rat run.
- Poor visibility onto Eastwood Road with parked cars blocking views.
- Internet shopping deliveries need to be taken into account.
- When site was operational as a print factory there were around 4 or 5 maximum lorry deliveries per week with a few employee vehicles arriving in the morning and leaving at night.
- Proposal would generate far more traffic.

Living conditions

- Bin and recycling stores would be positioned close to the rear boundary of no. 16 Eastwood Road which when waste is deposited would be very disruptive. There is also a question of hygiene and vermin.
- Vehicular and pedestrian activity would be very disruptive to neighbouring properties due to the inadequacies of the access and closeness of the properties.
- Noise pollution during demolition and construction.
- Adverse impact on privacy and light.
- Neighbouring gardens would be overshadowed.
- Lighting of the site and driveway would adversely impact on neighbouring properties.

- Buildings would be too close to neighbouring properties.

Other comments

- Existing buildings contain asbestos – demolition will need to be carefully considered.
- Boundary treatments proposed to be replaced in ownership of neighbouring properties.
- Request that members of the Planning Committee visit the site.
- Existing infrastructure overloaded.
- Previous uses of the site could have led to land and groundwater contamination.
- Report suggests the possibility of additional flood risk.
- Far fewer dwellings, as previously proposed, may be more suitable.
- Additional strain on doctor's.
- Concerns over the length of time the application has been under consideration.

5.10.3 One set of general comments received querying the parking provision and also stating that the road is already at capacity with parked cars.

Amended proposal (advertised by site notice dated 19 December 2017)

Fourteen objections received (summarised):

Highway safety

- Road network would not be able to cope with the additional traffic.
- Narrow access is unsuitable for the proposed development.
- Cannot have a two way system at the access.
- Hazard would be created for traffic and pedestrians.
- Surrounding roads would not be able to accommodate any additional parking required.
- Delivery drivers to Gardener's Books used to unload on Eastwood Road – access is not suitable for larger vehicles.
- Boundary wall of nos. 16 and 18 Eastwood Road were knocked down many times when site was occupied by Gardener's Books.
- Times have changed since the last commercial use of the site – more traffic locally.
- Hours of use of commercial use were restricted. Residential would not be restricted and there would be a constant flow of traffic.
- No mention of pedestrian access or lighting.

Amenity

- Privacy of neighbouring properties would be adversely affected.
- Two storey buildings would overlook neighbouring properties.

Other

- Amended plans have not resolved previous objections.
- Previous objections still stand.
- Infrastructure inadequate.
- Has hydraulic modelling for flood risk taken place?
- Doctor's and schools cannot cope with additional dwellings.
- Reduction of 1 dwelling is not acceptable.

- Site needs redeveloping but with less dwellings or with garages for local people.
- Additional traffic would cause air pollution and vibrations for large parts of the day.

6.0 APPRAISAL

6.1 Issues

6.1.1 The material issues in this case are:

- Housing land supply position.
- The supply of employment land.
- Character and appearance of the locality.
- Living conditions of neighbouring properties.
- Highway safety and parking.
- Flood risk and drainage.
- Contaminated land.
- Archaeology.

6.2 Housing land supply

6.2.1 The Council cannot currently demonstrate that there is a five year supply of deliverable housing sites within Rother. Paragraph 49 of the Framework provides that relevant 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. The Council's policies that relate to the supply of housing are therefore out-of-date. In such circumstances, paragraph 14 of the Framework applies and advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.

6.2.2 The site is located within the development boundary of Bexhill and therefore an objection is not raised to the principle of a housing development in this location, subject to other policy considerations.

6.3 Supply of employment land

6.3.1 Policy EC3 of the CS states:

“Effective use of employment land and premises will be secured by undertaking a full review of existing and potential sites for employment use and allocating sites in the Development and Site Allocations Plan and/or Neighbourhood Plans. Until those plans are in place the following policy will apply:

- (i) *Land and premises currently (or last) in employment, including tourism, use will be retained in such use unless it is demonstrated that there is no reasonable prospect of its continued use for employment purposes or it would cause serious harm to local amenities.”*

6.3.2 The loss of the employment site was accepted to an extent in granting permission for sheltered housing for people with learning difficulties under

reference RR/2007/2669/P (renewed under RR/2010/2523/P), although there was some low key employment generation envisaged with that scheme.

- 6.3.3 The site has been vacant since a printing business moved out in November 2004, save the short term temporary use of the site by Highways.
- 6.3.4 The Commercial Property Agent Report accompanying the application explains that Tingley Commercial was instructed to find a tenant or purchaser in September 2011. It states that focused marketing was carried out over an extensive period of time but had limited interest. They believe that the poor location, poor condition of the site and buildings and poor loading and unloading facilities has put potential business occupants off. The hours of permitted use are also restricted by a condition attached to a planning permission. They also explain that although the local commercial market is improving slightly, it is still fairly depressed, especially for properties of this nature.
- 6.3.5 Given that the loss of the employment site to a mainly residential use was previously accepted and the length of time the site has been marketed, with very little interest, it is considered in these specific circumstances that there is no reasonable prospect of the site's continued use for employment purposes.

6.4 Character and appearance

- 6.4.1 Policy OSS4 (iii) of the CS requires all development to respect and not detract from the character and appearance of the locality.
- 6.4.2 Policy BX1 states that the overall strategy to deliver the objectives for Bexhill is to (i) conserve and enhance the town's distinctive and independent character and residential function, supported by local services and jobs as much as possible.
- 6.4.3 Policy EN3 of the CS requires new development to be of high design quality by (i) contributing positively to the character of the site and surroundings, including taking opportunities to improve areas of poor visual character or with poor townscape qualities; and (ii) demonstrating robust design solutions tested against identified key design principles, tailored to a thorough and empathetic understanding of the particular site and context.
- 6.4.4 The surrounding roads consist mainly of early to mid C20 housing. The majority of Eastwood Road has two storey semi-detached dwellings, with a small number of detached properties, whilst Chandler Road and the part of Little Common Road backing onto the site are mostly two storey terraced dwellings. There is a three storey block of flats along Chandler Road, which is understood to have been constructed under a 1980's permission.
- 6.4.5 Although the block plan accompanying the application is for illustrative purposes only and matters relating to appearance, layout and scale are reserved for consideration at a later date, it must be determined at outline stage whether the site is capable of accommodating the quantity of development proposed without prejudicing the character and appearance of the area.
- 6.4.6 Providing five dwellings across the northern half of the site would improve the character and appearance of the locality compared to the buildings that they

would replace. Parking would be provided to the sides of the dwellings and there appears adequate space to provide landscaped front and rear gardens. The five houses could be provided without prejudicing the character and appearance of the locality.

- 6.4.7 In respect of the block of flats, there were concerns over the original large bulky building proposed and whether it would be compatible with the character and appearance of the locality. However, the amended plan indicates that a block of eight flats could be provided on the southern part of the site without appearing cramped and it is therefore now considered that it has been satisfactorily demonstrated that 13 residential units could be provided on the site without adversely impacting on the character and appearance of the locality.

6.5 Living conditions

- 6.5.1 Policy OSS4 of the CS requires all development to:

- (i) Meet the needs of future occupiers, including providing appropriate amenities and the provision of appropriate means of access for disabled users.
- (ii) Not unreasonably harm the amenities of adjoining properties.

- 6.5.2 Paragraph 17 of the Framework provides that a good standard of amenity for all existing and future occupants of land and buildings should be secured.

- 6.5.3 The existing two storey and single storey buildings covering the north half of the site adjoin the north and part of the east and west boundaries of the site. The Little Common Road, Eastwood Road and Chandler Road properties backing onto the existing buildings have a relatively poor outlook from their back gardens and the two storey building is quite overbearing.

- 6.5.4 The indicative plans showing 2½ storey dwellings would be acceptable in comparison to the buildings they would replace in terms of the living conditions of adjoining properties and would improve the outlook from the neighbouring gardens. The separation between properties would also be adequate for no direct levels of overlooking to occur.

- 6.5.5 Turning to the block of flats, the indicative layout plan shows that the southeast corner of the single storey part would be positioned as close as 3m from the rear boundary of Eastwood Road properties. However, the building would then be angled away from the shared boundary.

- 6.5.6 The two storey part would be set away from the boundary with Eastwood Road properties by at least 10m and would only be positioned around 3m further south than the existing building on the site.

- 6.5.7 Whilst the block of flats is likely to be relatively bulky, given the separation and orientation that could be achieved, it is considered that a block of part single and part two storey flats could be provided on the southern part of the site without creating unacceptable levels of direct overlooking or being overbearing or visually intrusive when viewed from the adjoining neighbouring private rear gardens.

- 6.5.8 In terms of vehicle movements, the proposed development is likely to generate a similar level of traffic to the previous commercial use of the site,

although the times of vehicle movements would be different, with more activity expected during the evenings compared to the commercial use. Nevertheless, the development would be provided within a residential area where there is already a certain level of activity during the evenings and in comparison to the authorised use of the site, traffic generation from the proposed residential development is unlikely to have any increased adverse impact on the living conditions of occupants of neighbouring properties. For this reason it is considered that it has not been satisfactorily demonstrated that 13 no. residential units could be provided on the site without adversely impacting on the living conditions of neighbouring properties.

- 6.5.9 Turning to general activity, the site is surrounded by other residential properties and therefore the proposed residential development is likely to be compatible with its surroundings.
- 6.5.10 Some local residents have raised concerns over the proposed boundary treatments and have questioned ownership. Specific details would need to be submitted with any reserved matters application. If boundary treatments in separate ownership were to be altered, notice would need to be served on the owners and their agreement to carry out the work would be required. Nevertheless, there is no reason in principle why some new boundary treatments could not be provided without adversely impacting on the living conditions of neighbouring properties.
- 6.5.11 A bin store appears to be positioned close to the rear boundary of no. 16 Eastwood Road. Its use could potentially cause disturbance to local residents. However, the final siting and details of its use could be clarified at reserved matters stage and conditions could be imposed to protect the living conditions of neighbouring properties.
- 6.5.12 For the reasons explained, overall it is considered that there is potential for the number of units proposed to be satisfactorily provided on the site without adversely impacting on the living conditions of neighbouring properties.

6.6 Highway safety and parking.

- 6.6.1 Policy CO6 of the CS facilitates a safe physical environment by (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.
- 6.6.2 Policy TR4(i) of the CS requires development to meet the residual needs of the development for off-street parking having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.
- 6.6.3 Concerns have been raised by local residents over the suitability of the existing access to serve the proposed residential development and whether an appropriate level of parking would be provided. This is a material issue in this case.
- 6.6.4 While the Highway Authority (HA) has raised no objection to the proposal - subject to the imposition of conditions relating to the reconstruction of the access, construction of internal roads and provision and retention of parking and turning spaces – it has commented that due to the 38m length of the access, its narrow width and lack of passing places that it would generally be

considered unsuitable in serving a development of this type. However, they balance this with the previous use of the site when assessing the proposal.

- 6.6.5 In the above respect the HA has advised that the previous use as a print factory would generate a similar level of traffic to a residential development of 21 dwellings. Whilst acknowledging that the access layout is far from ideal, the HA considers that it would be difficult to sustain an objection for 13 dwellings, especially when considering the previous use would most likely have resulted in larger vehicles using the sub-standard access.
- 6.6.6 The actual width of the access track has been disputed by local residents. The HA has said that it is approximately 4m in width whilst residents have said it is much less. The case officer has measured the access on site and observed that, measured inside kerb to inside kerb, the width of the access appears to measure between approximately 3.1m to 3.25m. Notwithstanding the dispute in the width, the access is clearly limited and is not capable of accommodating two passing vehicles; a fact acknowledged by the HA.
- 6.6.7 It is important that the proposed residential development is compared against the authorised commercial use of the site and not as the current derelict site where no traffic is generated. Both a commercial use and a residential use would generate traffic along the narrow access driveway, which is likely to result in vehicles having to wait at either end. They would also have to negotiate pedestrians on the pavement and parked vehicles blocking visibility.
- 6.6.8 The limitations of the access are acknowledged. However, given that a commercial use has operated from the site previously and could in the future, based on the professional advice of the HA, it would be difficult to raise an objection to a development of up to 13 residential properties.
- 6.6.9 The HA has provided general advice on the parking and turning facilities required for the proposed development. No objection has been raised in principle.
- 6.6.10 The East Sussex Residential Parking Demand Calculator is used to calculate the number of spaces required at new residential development on a site specific basis. However, details such as the number of bedrooms, number of habitable rooms and the level of allocated parking need to be known for input data to the calculator. As the application is in outline these factors are not known at this stage. Nevertheless, the indicative block plan shows that 20 spaces could be provided to serve the 13 units proposed. This level of parking is likely to be adequate to satisfy the parking demand calculator. It is important to note that specifying non-allocated parking reduces the overall demand for spaces, which means that there could be some flexibility in both the number of spaces and allocation provided. From the information provided, there is no reason why an appropriate level of on-site parking could not be provided for 13 units.
- 6.6.11 In terms of turning, space would need to be provided for larger vehicles such as refuse and emergency vehicles. Tracking drawings have been provided to demonstrate how larger 12m long vehicles would access and turn within the site. Whilst the swept path shown on drawing no. REDW-3280-101 appears very tight, there appears scope to tweak the layout of the development to

exclude the grass verge to the southeast of the plot 1 dwelling and thus create more room for larger vehicles to maneuver.

- 6.6.12 Fire engines and other lorries are permitted to measure up to 2.55m in width, excluding mirrors, which means that the access is wide enough to accommodate such vehicles. The details requested by the Highway Authority could be secured via condition in the event that planning permission was granted and would help protect highway and pedestrian safety.

6.7 Flood risk and drainage

- 6.7.1 Policy SRM2 of the CS seeks to secure effective management of water resources.

- 6.7.2 The site is not located within a high risk flood zone. However, surface water flood risk is an important consideration.

- 6.7.3 The Lead Local Flood Authority has raised some concerns over the surface water flood risk of the proposed development but has advised that this could be dealt with at the reserved matters stage. They would expect to see hydraulic modeling undertaken to understand the residual risk associated with the breach in the flood defence wall.

- 6.7.4 In order for surface water runoff from the development to be managed safely they have requested conditions are attached to any permission to secure:

- Retention and any necessary strengthening of the flood defence wall.
- Hydraulic modeling to assess the risk to properties.
- A maintenance and monitoring plan for the flood defence wall.
- The surface water drainage strategy outlined in the SSFRA & SUDS Assessment to be carried forward to detailed design.
- A maintenance and management plan for the entire drainage system.
- Evidence to be submitted to show that the drainage system has been constructed as approved.

- 6.7.5 In the event that outline permission was granted, matters relating to flood risk and drainage could be managed via conditions.

6.8 Contaminated land

- 6.8.1 The Council's Environmental Health Service has requested further information in respect of potential ground and ground water contamination. The existing buildings are also understood to contain asbestos. For these reasons, in the event that outline planning permission was granted, conditions would need to be imposed to deal with any contamination, including the safe disposal of asbestos.

6.9 Archaeology

- 6.9.1 The site does not fall within an archaeological notification area and the County Archaeologist is satisfied that the development is unlikely to affect any significant below ground archaeological remains.

7.0 SUMMARY

- 7.1 The provision of 13 extra dwellings would represent a moderate contribution to the Council's housing land supply which would bring benefits to the social and economic roles of sustainable development, as set out in paragraph 7 of the Framework. This factor weighs in favour of the scheme.
- 7.2 The loss of the employment creating use is considered acceptable in the specific circumstances and matters such as highway safety, parking, flood risk and drainage and contaminated land could be managed via conditions.
- 7.3 In addition, the concerns raised over the originally proposed 14 units have been addressed by reducing the number of units to 13 and making alterations to the orientation and design of the block of flats on the southern part of the site, albeit that the plans are indicative only. It is considered that 13 units could be satisfactorily provided on the site without adversely impacting on the character and appearance of the locality or the living conditions of neighbouring properties.
- 7.4 The limitations of the narrow access (which it is not possible to improve) are acknowledged, but the site has a lawful use for commercial premises that could potentially generate equal or more traffic movements.
- 7.5 The proposed development would comply with Development Plan policies together with the various provisions contained within the Framework and thus, for the reasons explained, the application can be supported.
-

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 CIL will be payable on the development at the reserved matters stage.
-

RECOMMENDATION: GRANT (OUTLINE PLANNING)

CONDITIONS:

1. Before any part of the approved development is commenced approval of the details of the access, appearance, landscaping, layout and scale of the site, (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the local planning authority. Development shall be carried out only as approved.
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).
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 Part 3, Article 6 of the The Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. Application for approval of 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. Pursuant to condition 1, the development hereby permitted shall be substantially in accordance with the submitted indicative layout plan, drawing no. 6472-1104 revision I dated 28.11.17. The development shall be for a maximum of up to 13 residential units consisting of a mixture of dwellings and flats, with any block of flats being a maximum of two storeys in height.
Reason: In order to protect the character and appearance of the locality, the living conditions of neighbouring properties and highway safety in accordance with policies OSS4 (ii) (iii), CO6 (ii), EN3 (i) (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
6. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the local planning authority for approval and all works shall be completed in accordance with the approved details. The following information shall be submitted:
 - a) The contaminated land assessment shall include a Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 - b) If deemed necessary a Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
 - c) A remediation scheme detailing how any remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any on-going monitoring shall also be determined.
 - d) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
 - e) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the

required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: Previous uses of the site may have left the land contaminated and in order to avoid risks to health or the environment investigation and mitigation may be required in accordance with Paragraphs 120-121 of the National Planning Policy Framework and Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

7. No development shall commence until an assessment, including hydraulic modelling, to determine the residual risk to properties in the event of a breach in the proposed flood defence (the part retained wall of the former warehouse building) wall during a 1 in 100 year, including climate change, rainfall event, has been submitted to and approved in writing by the local planning authority.
Reason: In order to minimise flood risk in accordance with Policy EN7 (ii) of the Rother Local Plan Core Strategy.
8. No development shall commence until a maintenance and management plan for the flood defence wall (the part retained wall of the former warehouse building) has been submitted to and approved in writing by the local planning authority. The plan shall clearly state who will be responsible for the maintaining the flood defence wall and how these arrangements will remain in place throughout the lifetime of the development.
Reason: In order to minimise flood risk in accordance with Policy EN7 (ii) of the Rother Local Plan Core Strategy.
9. Pursuant to condition 1, the surface water drainage strategy outlined in Richard Jackson Consultant Engineering's SSFRA and Sustainable Urban Drainage System Assessment (dated March 2017) shall be carried forward into the layout of the reserved matters application. Surface water runoff from the development shall be limited to 4.4l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this, in the form of hydraulic calculations, shall be submitted with the detailed drainage drawings. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features.
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 maintenance and management plan for the entire drainage system has been submitted to and approved in writing by the local planning authority. This plan shall state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and evidence that these arrangements will remain in place throughout the lifetime of the development.
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 commence until details of the proposed means of foul and surface water sewerage disposal have 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.

12. Prior to the occupation of the development hereby permitted, the existing warehouse wall/flood defence wall shall be retained and extended in accordance with the Richard Jackson Consultant Engineering's Drawing no. 6472-1104-B. Evidence, in the form of structural calculations, to show that the wall is capable of withstanding 600mm of hydrostatic head and dynamic loading of the flood water shall be submitted to and approved in writing by the local planning authority. In the event that strengthening of the wall is required, details of the strengthening shall be submitted to and approved in writing by the local planning authority. Development shall be completed in accordance with the approved details before the first occupation of the development hereby permitted.
Reason: In order to minimise flood risk in accordance with Policy EN7 (ii) of the Rother Local Plan Core Strategy.
13. Pursuant to condition 1, all hard and 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 the programme agreed with the local planning authority and if within a period of five years from the date of the planting any tree or plant is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the local planning authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
Reason: To enhance the appearance of the development and protect the character of the area in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.
14. Prior to the first occupation of the development hereby permitted, evidence (including photographs) shall be submitted to and approved in writing by the local planning authority to show that the drainage system has been constructed as per the final agreed detailed drainage designs.
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.
15. Pursuant to condition 1, no part of the development shall be occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the local planning authority.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
16. Pursuant to condition 1, no part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with plans and details submitted to and approved in writing by the local

planning authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking 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 or conditions of general safety along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.

17. Pursuant to condition 1, 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. 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 current sustainable transport policies in accordance with Policy TR3 of the Rother Local Plan Core Strategy.
18. Pursuant to condition 1, no part of the development shall be occupied until the vehicle turning space for 12m long refuse vehicles, has been constructed within the site in accordance with details submitted to and approved in writing by the local planning authority. This space shall thereafter be retained at all times for this use and shall not be obstructed.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
19. Pursuant to condition 1, no part of the development shall be occupied until the road, 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 secure satisfactory standards of access for the proposed development and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.

Notes:

1. The lead Local Flood Authority recommends that the applicant submits a capacity check application to Southern Water to confirm that they can accommodate the proposed flows within their sewer network.
2. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 3030119) or www.southernwater.co.uk.
3. The applicant may be required to apply to the Environment Agency for other consents. The applicant should contact the Environment Agency on 03708 506 506 or consult their website to establish whether a consent may be required: kslplanning@environment-agency.gov.uk
4. The Highway Authority wish to see 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.

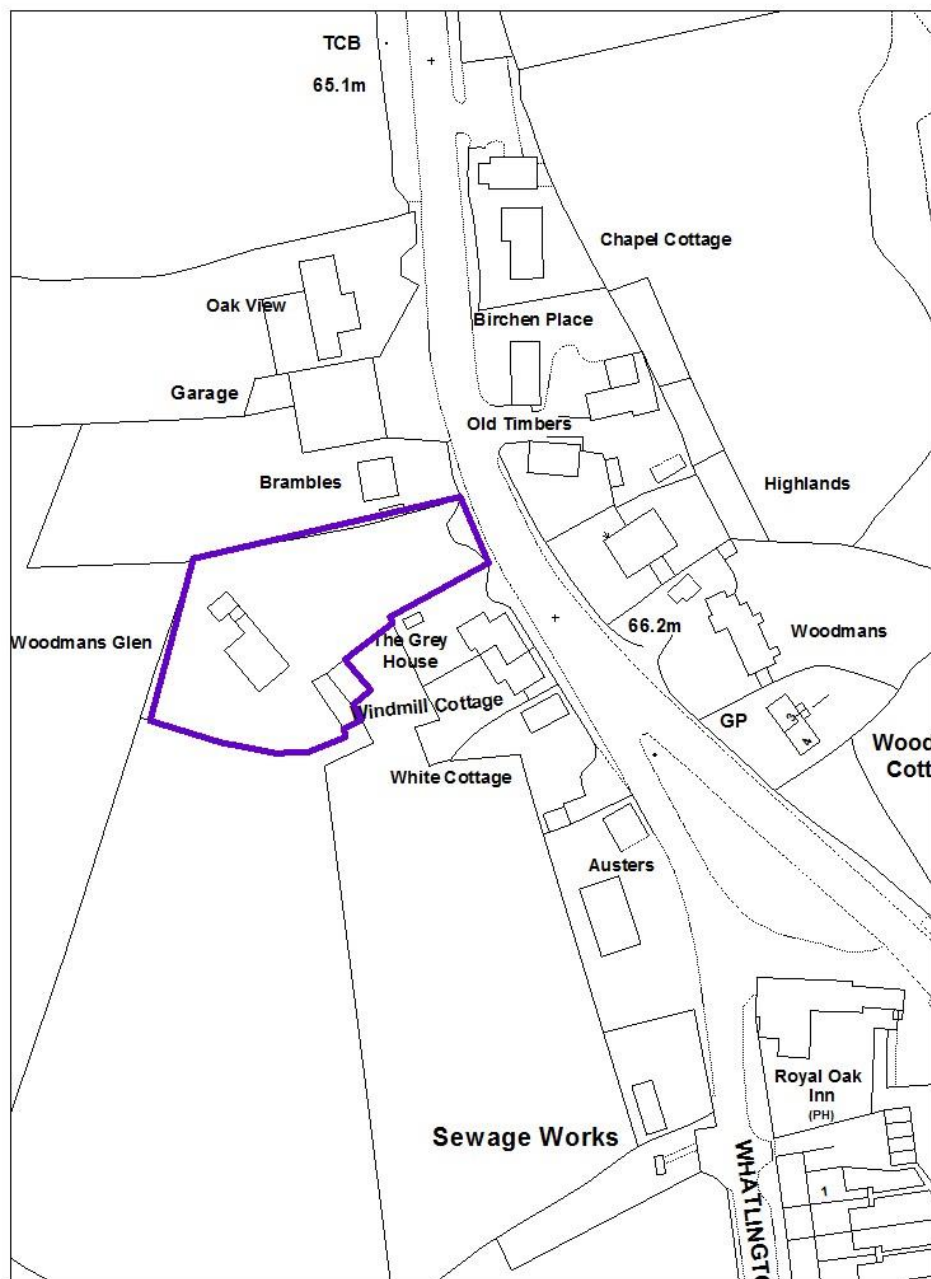
5. This development will be subject to the Community Infrastructure Levy (CIL) at the reserved matters stage and all interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the 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 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.

[View application/correspondence](#)

SITE PLAN	Whatlington
RR/2017/2474/P	Woodmans Glen, Woodmans Green Road,



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Not To Scale

RR/2017/2474/PWHATLINGTON Woodmans Glen, Woodmans
Green RoadReplacement dwelling.

Applicant: Mr & Mrs P Mitchell
Agent: Pump House Designs
Case Officer: Mr M Worsley
(Email: matthew.worsley@rother.gov.uk)

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

Reason for Committee consideration: Member referral: Councillor Mrs E M Kirby-Green

Statutory 8 week date: 29 December 2017
Extension of time agreed to: 16 February 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:
- OSS4 General development considerations.
 - RA3 Development within the countryside.
 - CO6 Community safety.
 - EN1 Landscape stewardship.
 - EN3 Design quality.
 - TR4 Car parking.
- 1.2 The various provisions contained within the National Planning Policy Framework (the Framework) relating to design and protecting the countryside and Area of Outstanding Natural Beauty (AONB) are also necessary considerations.
-

2.0 SITE

- 2.1 The site is located to the west side of the A21 within the village of Whatlington and is within the High Weald AONB. The site is occupied by a detached residential property set back from the road by around 50m.
-

3.0 HISTORY

- 3.1 RR/81/0353 – Stable block – Approved Conditional.
-

4.0 PROPOSAL

- 4.1 Permission is sought to demolish the existing dwelling and erect a new dwelling in its place, to be served by the existing vehicular access. The orientation of the new dwelling would be altered so that the rear elevation is angled more towards the south. The submitted plans indicate that an existing stable block and sheds would be removed.
- 4.2 The new dwelling would be of a modern contemporary flat roof design consisting of two storeys. Some minor excavation works would be required due to the land sloping away to the south. The new dwelling would be around 21m in width, up to 17.5m in depth and 7m in height. The elevations would be rendered (coloured light grey) with some small areas of dark grey stone cladding.
- 4.3 Internally the ground floor would contain three bedrooms, a utility room, a swimming pool, a gym, a wet room and a plant room. The first floor would have an open plan living room and kitchen and a master bedroom with walk-in wardrobe and en-suite.
- 4.4 In terms of window and door openings, a large proportion of glazing is proposed on the south elevation, with sliding doors proposed to serve all of the bedrooms, the living room and swimming pool. Fewer and smaller openings are proposed on the front and side elevations, including some high level windows. Two first floor level balconies are proposed on the south elevation.
- 4.5 During the course of the application officers raised concerns over the size of the proposed dwelling, the size and amount of glazing in the south elevation and the elevation treatment if this was to be white or cream coloured render. Amendments were subsequently submitted reducing the width of the dwelling by 1m, annotating the plans to indicate that an anti-reflective coating would be added to the windows and glazed doors and that the render would be painted light grey.

5.0 CONSULTATIONS

5.1 Parish Council

- 5.1.1 Object.
*“OSS4 -Does not respect and detracts from the character and appearance of the locality.
RA3 - (111) (C) and EN1- The replacement dwelling would not be of similar landscape and adversely impact on the landscape character of the local countryside.
NPPF (115) -Great weight should be given to conserving landscape and scenic beauty in the ANOB.
Concern has been raised regarding light pollution from the proposed large glass areas and that the structure will be prominent from the west and the south.
The planning statement agrees the design is contemporary i.e. Modern in design and not traditional, therefore, planning permission should not be granted for a dwelling not in keeping with a rural setting.”*

5.2 Planning Notice

5.2.1 One objection received (summarised):

- The proposed building being much larger than the original is an over development of the site infringing on the planning policy OSS4.
- As an ANOB the proposed plan is not in keeping with the character of the countryside.
- The orientation of the new build along with the addition of an upper floor balcony and the elevated position means it looks directly over most of our (and neighbouring) gardens, into our bedroom and lounge thus reducing our privacy considerably. This could not be improved with the planting of a hedge due to the height of the site. This loss of privacy and intrusiveness will impact significantly on our family life and use of the garden but more importantly the play of our disabled son who is used to the garden affording him some degree of privacy to play in a way that he cannot in public.

5.2.2 One supportive set of comments received:

'...We support this planning application as we believe that the proposed building will have little further impact on neighbours or the ANOB due to the lowered positioning of the proposed new construction. We also believe that the modern and sophisticated design will invite further investment into the area...'

6.0 **APPRAISAL**

6.1 The main issues to consider include the impact of the proposed development on:

- The character and appearance of the locality, including the landscape and scenic beauty of the AONB.
- The living conditions of occupants of neighbouring properties.
- Highway safety and parking.

6.2 Character and appearance

6.2.1 Policy OSS4 (iii) of the CS requires all development to respect and not detract from the character and appearance of the locality. Policy RA3 (iii) (c) of the CS supports the principle of the one-to-one replacement of an existing dwelling within the countryside provided it has a similar landscape impact. Policy EN1 (i) of the CS requires the protection and wherever possible enhancement of the distinctive identified landscape character, ecological features and settlement pattern of the AONB. Policy EN3 of the CS requires development to be of a high quality design.

6.2.2 Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.

6.2.3 The existing property is of C20 construction. It has a chalet bungalow appearance to the frontage and has two storeys to the rear, due to the land sloping away. In terms of its size, the property is 19.5m in width, 7.5m in depth and 8.3m at ridge height.

- 6.2.4 The existing dwelling and site are part of a small group of properties located on a ridge top with far reaching views over open countryside to the west. The site occupies an elevated and very prominent position when viewed from the west but is relatively inconspicuous from the road. The land to the west of the site consists of a patchwork of irregular shaped fields and pockets of woodland, typical of the AONB landscape.
- 6.2.5 The proposed dwelling would overlap the footprint of the existing dwelling and therefore the policy requirement of a replacement being permitted on a one-to-one basis would be met.
- 6.2.6 The other policy requirement is that any replacement must have a similar landscape impact. In this respect, the width of the proposed dwelling would only be 1.5m greater than the existing and the overall height would be lower. The main difference would be the increase in depth, with the proposed dwelling being 17.5m in depth compared to the existing 7.5m – a 10m increase. Another significant difference is the increase in the size and amount of glazing on the rear elevation.
- 6.2.7 In respect of the existing dwelling, the property has no great design merit and therefore no objection is raised to the principle of a replacement dwelling. The proposed dwelling would be of a contemporary good quality design, utilising simple materials and large glazed openings. In comparison to the property it would replace, it would appear to be of a more coherent design and should preserve its immediate surroundings.
- 6.2.8 Whilst the increase in size would be significant, this would mainly relate to the increase in depth. The overall width of the dwelling would be similar to the existing property and the height would be less meaning that when the new property is viewed from the front and rear, in terms of its mass, would have a similar landscape impact.
- 6.2.9 Some concerns were expressed by the local planning authority relating to the number of windows and their size on the south elevation and the potential for light pollution from the large windows to impact on the surrounding landscape. Amended plans submitted during the course of the application have not reduced the number or size of the doors and windows but have specified that an anti-reflective coating would be applied to the glazing. Although the property is prominent in the landscape when viewed from the west, the nearest public footpath is around 400m from the site and any light emitted from the windows should not pollute the dark night sky. In addition, the property would be positioned close to a small group of other residential properties and would be seen in this context from the open countryside to the west rather than as an isolated property. It is therefore concluded that, on balance, the number and size of the windows and doors proposed are unlikely to adversely affect the landscape and scenic beauty of the AONB, including the dark night sky.
- 6.2.10 Although the replacement dwelling would have a larger footprint, would be overall bulkier and would incorporate significantly more and larger areas of glazing than the existing property, the appearance of the property would be acceptable compared to the one it would replace.

6.2.11 Judging the scheme against relevant planning policies it can be concluded that the proposal would have a similar landscape impact to the one it would replace and would preserve the landscape and scenic beauty of the AONB.

6.3 Living conditions

6.3.1 Policy OSS4 (ii) requires all development to not unreasonably harm the amenities of adjoining properties.

6.3.2 The neighbouring properties that could be affected by the proposed development are those to the east (The Grey House, Windmill Cottage and White Cottage) and north (Brambles).

6.3.3 The proposed dwelling would be separated from the properties to the east by more than 30m and the one to the north by more than 35m. In terms of the separation from the neighbouring gardens, the new dwelling would be 20m from The Grey House and more than 10m from Brambles. This level of separation is considered to be sufficient for the development not to appear overbearing or cause any unacceptable loss of light and no unacceptable levels of direct overlooking should occur.

6.3.4 In relation to the proposed balconies at the rear of the new dwelling, a separation of at least 30m would exist between the living room balcony and gardens of the neighbouring properties to the east. It should also be noted that the balcony would face south, south east. Whilst some views towards neighbouring gardens and properties would be possible from the eastern end of the balcony, the separation from neighbouring gardens and properties is considered sufficient for no unacceptably intrusive levels of direct overlooking to occur. No overlooking would occur from the proposed bedroom balcony.

6.4 Highway safety and parking

6.4.1 Policy CO6 (ii) requires all development to avoid prejudice to road and pedestrian safety.

6.4.2 Policy TR4(i) requires development to meet the residual needs of the development for off-street parking having taking into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.

6.4.3 The site is already served by a vehicular access which is proposed to be retained to serve the new dwelling. The development is unlikely to result in an increase in the number of vehicle movements to and from the site. Ample space would remain in front of the new dwelling to park and turn a number of vehicles. For these reasons the proposal would not prejudice highway safety.

7.0 **CONCLUSION**

7.1 The proposed dwelling would be of an acceptable scale and design and would have a similar landscape impact to the dwelling it would replace. It would not detract from the character and appearance of the locality, including the landscape and scenic beauty of the AONB, would not harm the living

conditions of the occupants of the neighbouring properties and would not prejudice highway or pedestrian safety.

- 7.2 For the reasons explained, the proposal is considered to comply with Core Strategy policies and the various provisions contained within the Framework. The application can therefore be supported.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposal is for a type of development that is CIL liable.

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 no. 5621/LBP/A dated November 2017.
Drawing no. 5621/1/A dated 05.01.18.
Drawing no. 5621/2 dated 05.01.18.
Drawing no. 5621/3/A dated 05.01.18.
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 above ground level shall take place until a colour sample of the light grey paint to be used to paint the rendered elevations of the dwelling hereby permitted has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the development reflects the character and/or appearance of the existing building and to preserve the visual amenities of the area in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy.
4. At the time of construction and prior to the first occupation or use of the dwelling hereby permitted, the windows and glazed doors within the south elevation, as indicated on the approved plan, drawing no. 5621/1/A dated 05.01.18, shall be treated with an anti-reflective coating and shall thereafter be retained in that condition.
Reason: In order to reduce the amount of sunlight reflection from the windows and doors on the south elevation and thus preserve the visual amenities of the area and the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii), RA3 (iii) (c), EN1 (i) and EN3 (ii) of the Rother Local Plan Core Strategy.

5. Within six months of the first occupation of the dwelling hereby permitted the hard and soft landscaping works detailed on the approved plan, drawing no. 5621/3/a dated 05.01.18, shall be completed unless otherwise agreed in writing with the local planning authority.
Reason: To preserve the visual amenities of the area and the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii), RA3 (iii) (c), EN1 (i) and EN3 (ii) of the Rother Local Plan Core Strategy.

Note:

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

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 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.

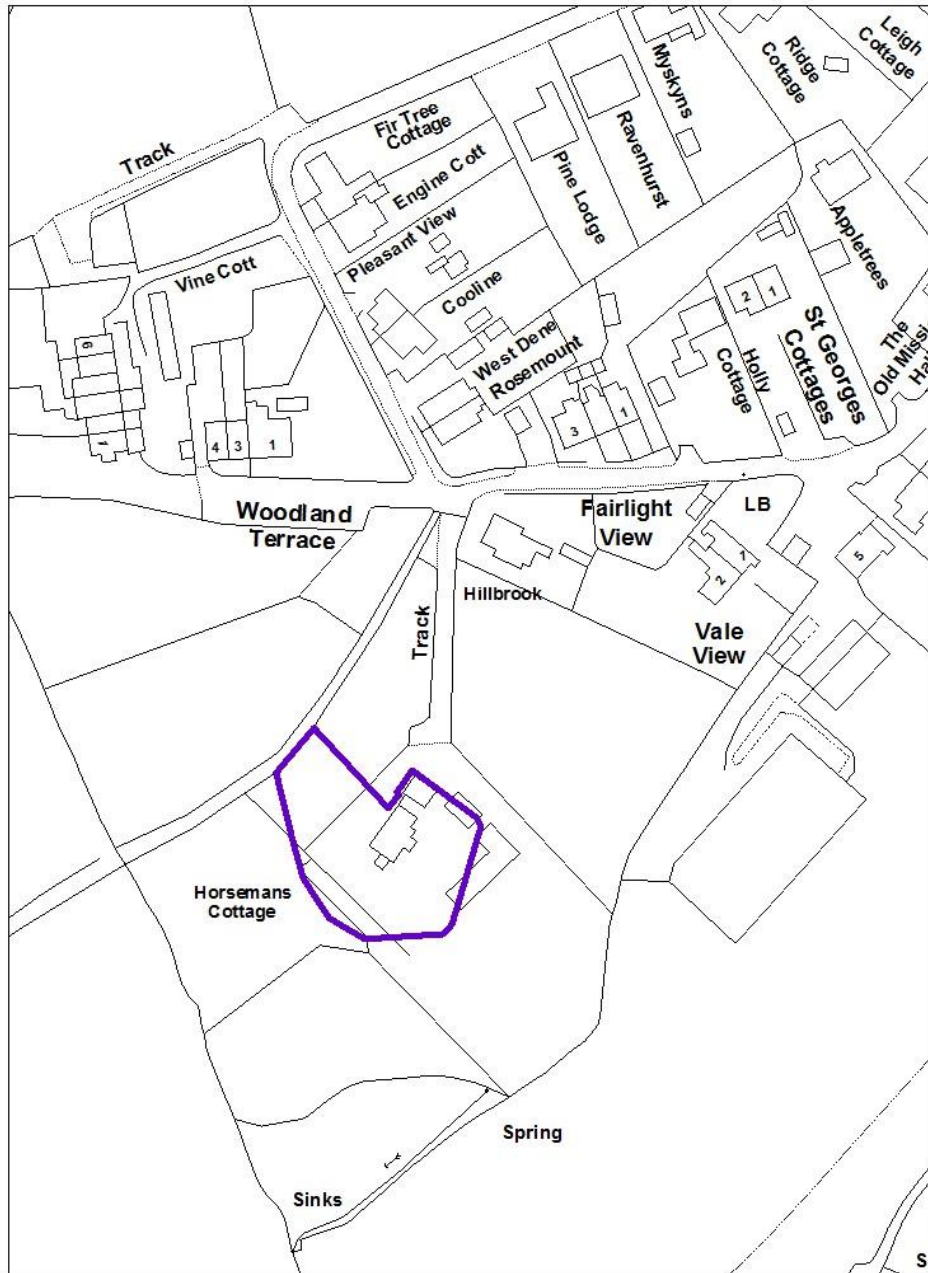
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SITE PLAN

Westfield

RR/2017/2689/P

Horsemans Cottage, New Cut



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Not To Scale

RR/20172689/P

WESTFIELD Horsemans Cottage, New Cut

Proposed building to provide ancillary self-contained annexe accommodation

Applicant: Mr and Mrs C Beadle
Agent: Pump House Designs
Case Officer: Mrs Ita Sadighi
(Email: ita.sadighi@rother.gov.uk)

Parish: WESTFIELD
Ward Members: Councillor J M Johnson and C R Maynard

Reason for Committee consideration: Member referral: Councillor C R Maynard

Statutory 8 week date: 29 January 2018

1.0 POLICIES

- 1.1 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS2: Use of Development Boundaries.
 - OSS4 General development considerations.
 - RA3 Development within the countryside.
 - EN1 Landscape stewardship.
 - EN3 Design quality.
- 1.2 The National Planning Policy Framework (NPPF) and Planning Policy Guidance are also material considerations.
-

2.0 SITE

- 2.1 Horsemans Cottage is a detached property situated off a track at the southern end of New Cut. The property has extensive gardens and land. It also has various out buildings set close to the main house.
- 2.2 The property is within the High Weald Area of Outstanding Natural Beauty (AONB) countryside. The land falls away to the rear and side of the property and an adjoining footpath runs through the land adjoining the property.
-

3.0 HISTORY

- 3.1 None relevant
-

4.0 PROPOSAL

4.1 This application is for a building to provide ancillary annexe accommodation for the applicants' daughter.

4.2 The proposal would be a wooden chalet style building, measuring approximately 7.9m x 4.9m externally. It would be a single storey unit with an open veranda on the front sited to the south of the principal dwelling. The proposed accommodation would comprise:

- Two bedrooms
- Living area with kitchenette
- Shower room
- Veranda

4.3 The planning statement submitted with the application states:

"My wife and I propose to purchase a standard, single storey, 2-bedroom wooden building to act as a 'Granny Annexe' for our daughter. We are both 76 years old and have osteoarthritis conditions which mean that we will need her assistance to help with our animals (one horse and a number of sheep). Our DEFRA reference is CPH 41/015/0180.

The Annexe will receive its electricity and water supply from our cottage (which is not large enough to house 3 adults) and will be erected within the curtilage of our property. Parts of our curtilage are enclosed by conifer hedges that we planted after moving here. Although the new building will require the removal of some of these hedges to the south of the cottage, the remaining hedges will ensure that the annexe will not be seen by any of the neighbouring houses. However, it will be visible, to some extent, to walkers coming up the footpath from below our property. The stock-proof fencing outside the hedge line will not be affected.

We propose to leave the building in the natural colour supplied by the manufacturers but with a green shingle roof."

5.0 CONSULTATIONS

5.1 Parish Council

5.1.1 Westfield Parish Council has no objection to this application.

5.2 Planning Notice

5.2.1 A letter of support from neighbouring property.

"This sounds like a very well planned application taking consideration for neighbours and the local environment."

6.0 APPRAISAL

6.1 The proposal would be sited in an open area of land adjoining the farmland and public footpath. The site lies within the High Weald AONB. Although described in the application as an annexe the form of the building and the

facilities provided within it constitute, in effect, a self-contained residential unit. Considered thus the main issues are:

- the acceptability of a new dwelling in this countryside location, including consideration of its scale, design and siting in relation to the existing property and the character and appearance of the locality, including the landscape and scenic beauty of the AONB.
- living conditions of occupants of neighbouring properties.

6.2 The acceptability of a new dwelling in this countryside location

- 6.2.1 Policy DS3 of the Local Plan (2006) states that the majority of all new development will take place within the development boundaries of existing towns and villages.
- 6.2.2 Policy OSS2 states Development Boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not. However as the Council cannot currently deliver a five year supply of available housing the Development Boundaries cannot be considered up to date and are afforded less weight in decision making.
- 6.2.3 Local Plan policy OSS4 (iii) requires all development to respect and not detract from the character and appearance of the locality; in this case the High Weald AONB.
- 6.2.4 Policy RA3 relates to development in the countryside. Criterion (iii) allows the creation of new dwellings in extremely limited circumstances, essentially: a dwelling for a rural, agricultural or forestry worker, the conversion of a traditional historic farm building, the one-to-one replacement of an existing dwelling, or a 'rural exception site'. Criterion (iv) of Policy RA3 states that extensions to existing buildings and their residential curtilages, and other ancillary development such as outbuildings, fences, enclosures, lighting and signage, should maintain and not compromise the character of the countryside and landscape.
- 6.2.5 Policy EN1 (i) requires development to protect and enhance the AONB which is supported by paragraph 115 of the NPPF. Policy EN3 requires all development to be of a high design quality.
- 6.2.6 Paragraph 55 of the NPPF states *"Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances."*
- 6.2.7 Whilst exceptionally, a simple outbuilding for an annex or as ancillary accommodation to a main house may be supported, this will depend on the type of accommodation proposed and the relationship between the main dwelling and outbuilding.
- 6.2.8 This proposal is for a wooden clad structure with a shingle roof appearing separate from the main house and set to the side of the residential curtilage. Although the proposed annexe would use the mains water and electricity supply to the main house, physically it would appear as a separate dwelling in a countryside position. The land surrounding the property undulates and

the proposal would be visible from the adjacent footpath with runs through the applicant's land.

- 6.2.9 The proposal must be considered as tantamount to a new dwelling. However, even if considered as an annexe it would be a large building of a similar size to the existing two bedroom property. Typically annexes, detached or otherwise, are smaller subservient units of one bedroom.
- 6.2.10 The emerging Development Plan (DaSA) policy in respect of annexe accommodation is of some relevance but at this stage cannot be afforded any significant weight. However the intended approach is that, first, an extension to the main dwelling is normally the most appropriate way of providing an annexe, as this better integrates it with shared facilities and providing ready access. This also has the advantages for longer-term use, reducing pressure for future inappropriate development. If, however, extending the existing house is not possible, then, seeing whether an existing outbuilding within the residential curtilage could be converted. This approach has been discussed with the agent and applicant. The applicant has stated that extending the existing house would be costly and difficult to achieve due to its limited foundations. However it is noted that there are a number of outbuildings and garage buildings surrounding the house which could be considered for conversion to annexe accommodation. Nonetheless, I am advised that the applicant would only consider this, if this application is not supported.

6.3 Impact on neighbouring properties

The property is set well away from adjoining neighbouring properties therefore this proposal would not have any adverse impact.

7.0 SUMMARY

- 7.1 While acknowledging some local support, the separate building would not be seen as being ancillary or subservient to the main dwelling but rather as an unrelated and inappropriate element of new residential development within the countryside, against current policies. It would be sited close to open countryside and adjoining a public footpath. Sited in this position its presence would erode and be detrimental to the rural character and appearance of its surroundings.
- 7.2 The proposal would be excessive in terms of its scale in relation to the existing dwelling. It would be sited adjoining open farmland and a public footpath. Although the proposal would be within the residential curtilage, it would form new development in an open area of the countryside that would be harmful and detrimental to this setting and High Weald AONB.
- 7.3 For these reasons the application is not supported.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposal would be liable for CIL.

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. Although the development is described as annexe accommodation for the main dwelling, given the size and extent of the accommodation proposed, it is considered to be tantamount to the creation of a separate dwelling in the countryside. Within the countryside, in order to protect its intrinsic qualities, the creation of new dwellings is not supported unless it meets one of the planning policy exceptions. The proposal fulfils none of the special exceptional criteria for new residential development within a countryside location. The proposal would be new development that would not conserve the landscape and scenic beauty of the High Weald AONB and as such be contrary to the objectives of Policy DS3 of the Rother District Local Plan (2006), Policies OSS4 (iii), RA3 (iii) and EN1 (i) the Rother Local Plan Core Strategy and advice in paragraphs 55 and 115 of the NPPF.

Note:

1. This decision notice relates to the following sets of plans:
Drawing no. 562/LBP dated November 2017
Drawing no. 5662/1/A dated November 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.

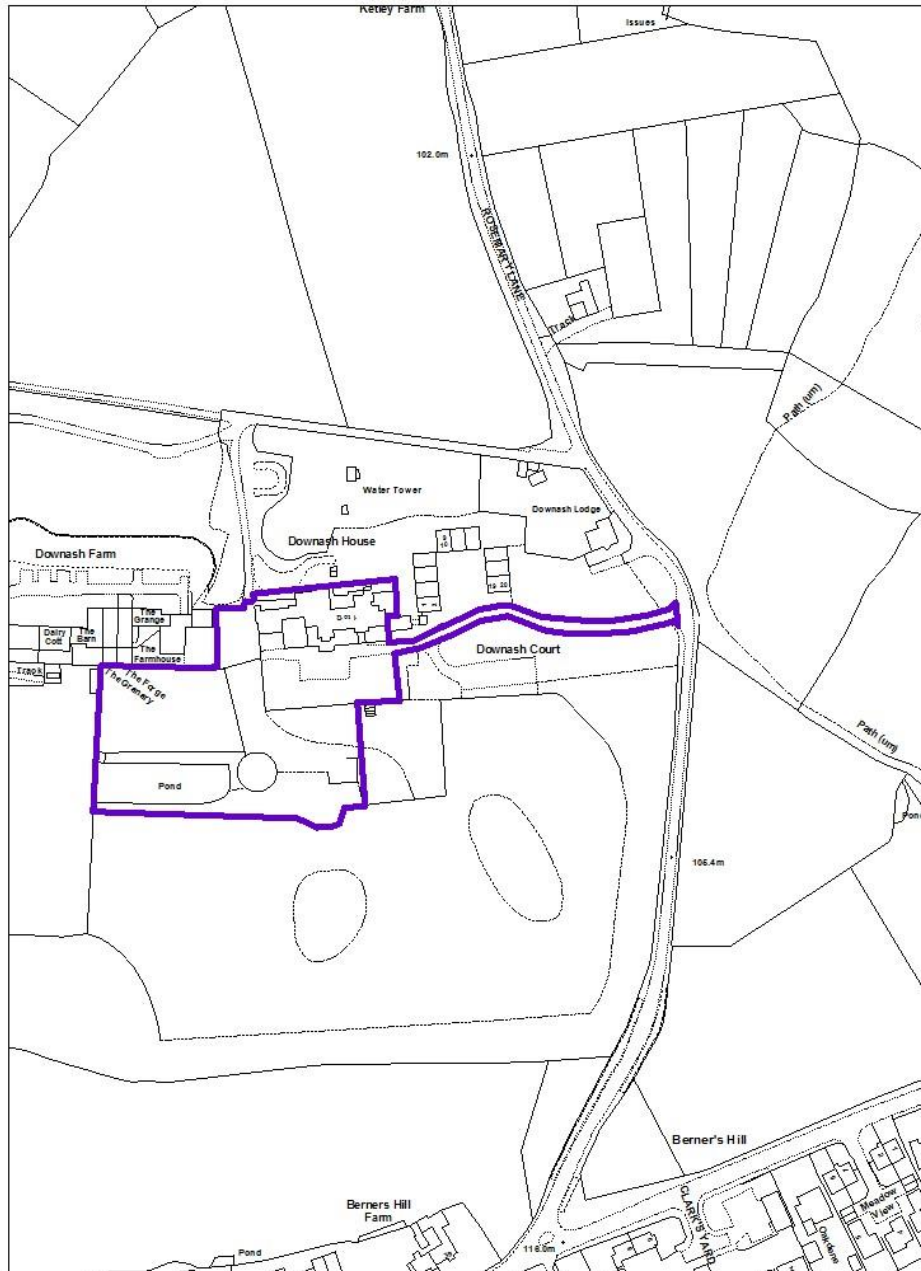
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SITE PLAN

Ticehurst

RR/2017/2593/P & RR/2017/2594/L

Downash House, Rosemary Lane



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RR/2017/2593/P	TICEHURST	Downash House, Rosemary Lane, Ticehurst
		Erection of a block of nine garages served by new drive, four parking bays to serve existing flats, landscaping, paved and timber deck seating areas, retaining walls in walled garden, estate fencing, entrance gates and external lighting
RR/2017/2594/L	TICEHURST	Downash House, Rosemary Lane, Ticehurst
		Erection of a block of nine garages served by new drive and four parking bays to serve existing flats, landscaping, paved and timber deck seating areas, retaining walls in walled garden, estate fencing, entrance gates and external lighting

Applicant: Nicol Developments Ltd
Agent: CLM Planning
Case Officer: Mrs S Shepherd
 (Email: sarah.shepherd@rother.gov.uk)

Parish: TICEHURST
Ward Member(s): Councillors Mrs M L Barnes and R V Elliston

Reason for Committee consideration: Service Manager – Strategy & Planning referral: Agent related to member of staff.

Statutory 8 week date: 16 January 2018
Extension of time agreed to: 20 March 2018

1.0 POLICIES

- 1.1** The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS4 – General development considerations
 - EN2 – Stewardship of the historic built environment
 - RA3 – Development in the countryside
 - EN1 – Landscape stewardship
- 1.2** The National Planning Policy (NPPF) and Planning Policy Guidance are also material considerations with particular reference to section 12 on ‘conserving and enhancing the historic environment’ and paragraph 115 which affords ‘great weight’ to the preservation of the landscape character and scenic beauty of an Area of Outstanding Natural Beauty (AONB).
- 1.3** Also of relevance are section 16 (with regards to the planning application) and section 66 (for the listed building application) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which confers a statutory duty

to local planning authorities when considering whether to grant listed building consent and planning permission, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.0 SITE

- 2.1 Downash is a Grade II listed building, the main and original elements of which date from 1880. The complex of buildings formerly comprised the main house with a model farm to the west, a walled garden, lake and lake-house, water tower and parkland-like garden. Historic research has shown that older rudimentary buildings and an oast once stood immediately to the west of the main house. These were subject to alterations in the 1960s when planning permission was granted for the current '1960s block' that at the time was associated with the use of the site as a school but soon after converted to two flats along with the rest of the building. The oast no longer exists.

Access is from the east along the driveway, passing a group of warden assisted housing that was erected in the late 1980s, Downash Court, and are in the ownership of a housing association. The model farm buildings to the west are also in separate ownership having been converted to residential dwellings in the early 2000's.

The buildings sit on a plateau with an area of woodland rising up behind to the north and the valley falling away to the south. The site is well screened within the landscape of the High Weald AONB, with limited glimpses from the public footpath to the north and west. The works associated with these planning and listed building applications relates to the grounds of the listed building lying principally to the south of the main block of flats.

3.0 HISTORY

- | | | |
|-----|----------------------------------|--|
| 3.1 | RR/2017/956/P
RR/2017/957/L | Internal and external alterations to existing self-contained accommodation and garden walls to the 1960's block only. Planning and Listed Building consent granted subject to conditions. |
| 3.2 | RR/2017/101/O | Repair to windows specifically brick mullions. Lawful Development Certificate approved. |
| 3.3 | RR/2006/1614/P
RR/2006/1615/L | Replacement of existing with 2 new boilers and 2 flues in central boiler room. Planning and Listed Building consent granted subject to conditions. |
| 3.4 | RR/2001/2847/P | Demolition of garages, change of use and alteration to disused workshop and garage to form a three bedroom house and construction of a detached garage with alteration to an existing access. Refused. |
| 3.5 | RR/2002/37/L | Demolition of garages, change of use and alteration to disused workshop and garage to form a three bedroom house and construction of a detached garage with |

alteration to an existing access. Consent granted subject to conditions.

- | | | |
|-----|------------|---|
| 3.6 | RR/83/2363 | Outline: Erect 20 warden assisted dwellings for the elderly with 13 car parking spaces. Approved conditional. |
| 3.7 | RR/84/0885 | Reserved matters: Erect 20 warden assisted dwellings for the elderly with 13 car parking spaces. Approved conditional |
| 3.8 | A/65/97 | Conversion of dwelling house into eleven self-contained flats. Approved. |
| 3.9 | A/64/746 | School to 10 flats. Approved. |
-

4.0 PROPOSAL

- 4.1 This application relates only to the grounds to the front south of the listed building, including the entrance drive, walled garden, lake and adjoining garden areas. New owners of the site are looking to refurbish the existing flats within the listed building but applications are being submitted in a piecemeal manner. Applications last year related to the refurbishment of the 1960s block attached to the western side of the main building. An application for the main building is expected later this year.
- 4.2 The proposals include:
- Alteration to re-route the drive from the front of the building away down the east side boundary to the south.
 - Construction of a block of nine garages at the lower ground level.
 - Continuation of the drive back up the western side of the front lawn to an existing hardstanding/parking area. Tarmac to be replaced by bonded pea shingle.
 - Creation of additional four parking spaces to the west side drive.
 - Recreation of a front lawn/garden with footpaths.
 - Re-terracing in the walled garden with seating areas.
 - New estate fencing and entrance gates.
 - Low level lighting.
- 4.3 Proposals for the replacement of the curtilage listed lake house have been deleted.
-

5.0 CONSULTATIONS

5.1 Ticehurst Parish Council:

- 5.1.1 Made a general comment: *"It was felt that the plans did not make it clear where the garages were to be located and accessed - an assumption was made that they were beneath the parking area shown on the drawings. It was felt that clearer plans should be submitted prior to approval."*

5.2 Planning Notice:

5.2.1 No comments received.

6.0 **APPRAISAL**

6.1 Main issues to be considered with regard to these applications are the impact on the listed building and its setting, impact on neighbours and impact on the landscape character and scenic beauty of the High Weald AONB.

6.2 Impact on the listed building and its setting

6.2.1 The desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, is not only a statutory duty but also a matter that underpins both national and local policy. This site has been the subject of considerable pre-application discussion with the owners and these applications stem directly from those discussions.

6.2.2 The site has been unoccupied for at least two years. The proposals were drawn up in association with the applicant's conservation consultant and with advice from the Council's Conservation and Design Officer. There are no objections in principle to the proposals. The re-routing of the driveway, to be bonded pea shingle instead of tarmac, to the lower level will remove the car from primary views and enable a significant improvement to the setting of the listed building with a return of the frontage at its higher level to a lawn/garden area. Views out from the front of the building would be over the top of the garage block, which is to be set into the hillside at a lower level. New planting is also proposed to the side boundaries and along the southern edge of the driveway which would further assist in blending the drive and garages in to the landscape.

6.2.3 While there is no objection in principle to the garage block, the applicant has been requested to reconsider the materials for its exposed elevations and to utilise a brick or stone to reflect existing dominant materials used in the listed building and garden walls. The current materials comprise a type of render.

6.2.4 Part of the existing low level stone wall that divides the upper and lower garden levels will be removed to accommodate the new drive but an additional length of new wall is proposed westwards above the garage block, that will enclose the formal lawn area and provide a safety barrier. It has been requested that this wall, as per pre-application discussions be finished in stone to match the existing.

6.2.5 Works to re-terrace and create seating areas with new planting in the walled garden are welcomed. Traditional metal estate fencing is proposed to the boundaries, replacing old timber post and rail, where it exists. New metal entrance gates are proposed to both ends of the driveway, which subject to detail, are not objectionable. Some low level lighting is proposed around the parking areas and at the access points/gates within the site. Illumination levels are very low and the lights are scattered thereby resulting in minimal illumination of the area, maintaining the dark night skies and minimizing impacts on ecology.

- 6.2.6 The proposals should reinforce the status and setting of the original listed building while not impinging on the natural landscape of the countryside location. As such, subject to conditions and particular agreement of materials, the proposals are not considered to represent harm to the listed building or its setting.

6.3 Impact on neighbours

- 6.3.1 There are residential neighbours to the main listed building, comprising the elderly housing to the east and the converted farm buildings to the west. The proposals should not result in any overt detriment to the residential amenities of either of these groups of properties, the works in general being situated some distance from the dwellings themselves.

6.4 Impacts on the AONB

- 6.4.1 The complex of buildings is located within the open countryside of the High Weald AONB some distance from any development boundary and where there is a presumption in general against new development. The NPPF at paragraph 115 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.”* This is reinforced at local level in Policy EN1 of the Core Strategy. Particular consideration has therefore been given to the proposals to ensure not only that they maintain and reinforce the setting of the listed building but also that they do not harm the landscape character and natural beauty of the AONB. The use of estate fencing, pea shingle, landscaping and stone all assist in reinforcing the characteristics of the countryside.
- 6.4.2 The use of external lighting could potentially be harmful but consideration has been given to the type of lighting, level of luminance and location of the lights/bollards to limit any impacts, while still affording some degree of safety for the occupiers of the site who need to negotiate the changing ground levels between the parking areas and the flats. As such the proposals are not considered to harm the landscape character or scenic beauty of the AONB.

6.5 Other matters

- 6.5.1 As previously stated, the existing use of the property has been as flats and the proposals seek to improve parking provisions by providing the garages, while also improving the setting of the listed building by moving the driveway and existing parking away from the frontage of the building. The proposals will not therefore regenerate any additional traffic movements over those that already exist.

7.0 SUMMARY

- 7.1 The application proposals are a welcome step to the refurbishment and re-use of the listed building and subject to agreement of the materials should maintain and enhance its setting.
- 7.2 The proposals are not considered to harm the landscape character or scenic beauty of the High Weald AONB.

- 7.3 The proposals should not impact upon the residential amenities of the neighbouring properties.
-

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposed garages are a form of residential development for which CIL is liable.
-

RR/2017/2593/P

RECOMMENDATION: GRANT (FULL PLANNING) DELEGATED (RESOLUTION OF THE PROPOSED MATERIALS AND SUBJECT TO CONDITIONS)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing no CS-ND-DH-16-421 rev.A, dated 16.11.17
Drawing no CS-ND-DH-16-422 rev.A, dated 16.11.17
Drawing no 2015/204 rev.A, dated 8.11.17
Drawing no 2015/206 rev.A, dated 8.11.17
Drawing no 2015/201 revB, dated 15/01/18
Drawing no CS-ND-DH-16-401 rev.E, dated 11.01.18
Drawing no CS-ND-DH-16-402 rev.C, dated 11.01.18
Drawing no CS-ND-DH-16-410 rev.J, dated 11.01.18
Drawing no CS-ND-DH-16-411 rev.B, dated 17.01.18
Photographs for gates and drive, received 18/1/18
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. The garages and parking hereby approved shall be retained for such use by the occupiers of Downash only and shall not be altered internally or externally for any other use.
Reason: To ensure a satisfactory level of off-road parking facilities within the site so as not to prejudice the free flow of traffic and conditions of general safety along the highway and so as not to harm the setting of the listed building or the landscape character and appearance of the countryside within the High Weald Area of Outstanding Natural Beauty, having regard to Policies TR4, OSS4, EN1 and EN2 of the Rother Local Plan Core Strategy.

NOTE:

1. The applicants' attention is drawn to the associated listed building consent RR/2017/2594/L and the attached conditions.

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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RR/2017/2594/L

RECOMMENDATION: GRANT (LISTED BUILDING CONSENT) DELEGATED (RESOLUTION OF THE PROPOSED MATERIALS AND SUBJECT TO CONDITIONS)

CONDITIONS:

1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.
Reason: In accordance with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing no. CS-ND-DH-16-421 rev.A, dated 16.11.17
Drawing no. CS-ND-DH-16-422 rev.A, dated 16.11.17
Drawing no. 2015/204 rev.A, dated 8.11.17
Drawing no. 2015/206 rev.A, dated 8.11.17
Drawing no. 2015/201 revB, dated 15/01/18
Drawing no. CS-ND-DH-16-401 rev.E, dated 11.01.18
Drawing no. CS-ND-DH-16-402 rev.C, dated 11.01.18
Drawing no. CS-ND-DH-16-410 rev.J, dated 11.01.18
Drawing no. CS-ND-DH-16-411 rev.B, dated 17.01.18
Photographs for gates and drive, received 18/1/18
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. The following works shall not commence on site until the details for those works have been submitted to and approved in writing by the local planning authority. Works shall be completed in accordance with the approved details and thereafter retained.
 - (i) samples of materials (bricks, stone, granite setts and wall copings) and manufacturers details for the estate railings and garage doors
 - (ii) details for the attachment of the gates, fencing and garage doors and colour finishes

Reason: To ensure that special regard is paid in the interests of protecting special architectural and historic character and detailing of the listed building in accordance with Policy EN2 of the Rother Local Plan Core Strategy and section 12 of the National Planning Policy Framework.

4. Before any above ground works are carried out as hereby approved, a sample panel of brickwork and stonework (as appropriate) measuring not less than 1m x 1m shall be constructed to show the [brick bond/stone coursing], type and style of pointing, width of mortar joints and details of mortar mix, for inspection and approval in writing by the local planning authority and which shall be retained on site until completion of the works. The remainder of the walling shall be constructed in accordance with the approved panel.

Reason: To safeguard the historic fabric and the special architectural and historic character of the Listed Building in accordance with Policy EN2 of the Rother Local Plan Core Strategy.

Note:

1. The applicants' attention is drawn to the associated planning permission RR/2017/2953/P and the attached conditions.

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