

Report to	-	Planning Committee
Date	-	15 March 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:-

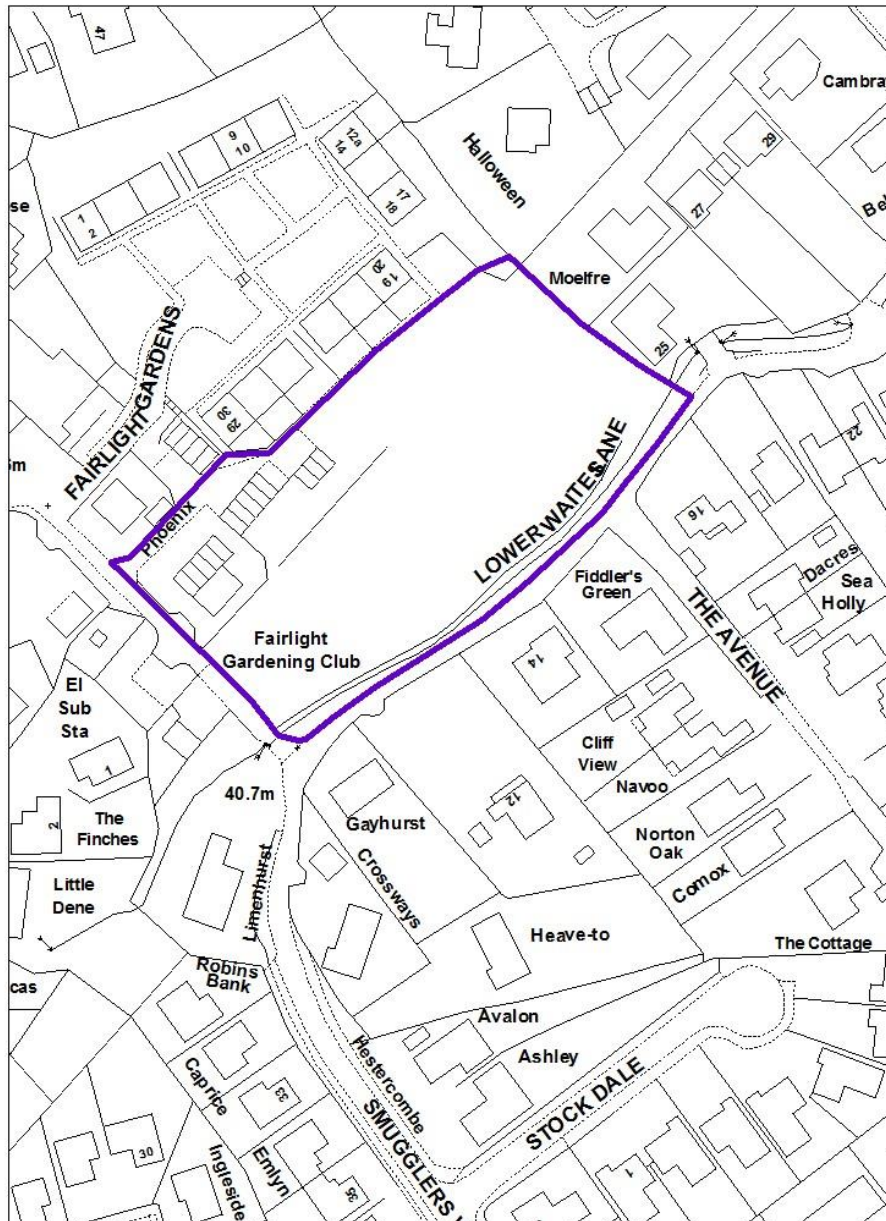
6.1 APPLICATIONS ATTRACTING A PETITION (PUBLIC SPEAKING)

RR/2017/457/P	4	FAIRLIGHT	Former Market Garden, Lower Waites Lane.
RR/2017/2308/P	29	BATTLE	Darvel Down – Land at, Netherfield.
RR/2018/174/P	65	CROWHURST	Sabon Gari – Land adj, Crowhurst Road.

6.2 ALL OTHER APPLICATIONS

REFERENCE	PAGE	PARISH	SITE ADDRESS
RR/2017/2441/P	78	BEXHILL	Preston Hall Farm, Watermill Lane.
RR/2017/2181/P	100	BEXHILL	Buckholt Lane – Land at.
RR/2018/79/P	125	BEXHILL	110 Pebsham Lane.

SITE PLAN	Fairlight
RR/2017/457/P	Former Market Garden, Lower Waites Lane



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Not To Scale

RR/2017/457/P

FAIRLIGHT Former Market Garden, Lower Waites Lane**Construction of 16 houses together with associated parking, access and wildlife area.**

Applicant: Gemselect Limited
Agent: None
Case Officer: Ms J. Edwards (Email: jo.edwards@rother.gov.uk)
Parish: FAIRLIGHT
Ward Members: Councillors R.K. Bird and C.J. Saint

Reason for Committee consideration: Member referral: Councillors R.K. Bird and C.J. Saint

Statutory 13 week date: 30 May 2017

Extension of time agreed to: 30 March 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

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

DS3 Development Boundaries

VL3 Land adjacent to Fairlight Gardens, Fairlight Cove – allocates the site for at least 15 dwellings with 40% affordable.

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

PC1 Presumption in favour of sustainable development

OSS1 Overall spatial development strategy

OSS3 Location of Development

OSS4 General Development Considerations

RA1 Villages (at least 44 new homes in Fairlight between 2011 and 2028 including existing allocations, commitments and new sites)

SRM2 Water Supply and waste water management

CO6 Community Safety

LHN1 Achieving mixed and balanced communities

LHN2 Affordable housing

EN1 Landscape stewardship

EN2 Stewardship of the historic built environment

EN3 Design quality

EN5 Biodiversity and green space

EN6 Flood risk management

EN7 Flood risk and development

- TR3 Access and new development
TR4 Car parking

- 1.3 A Neighbourhood Plan was to have been produced by Fairlight Parish Council however that now looks unlikely to proceed and no weight can be given to it.
- 1.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. In particular paragraphs:
- Paragraphs 7 – 14 – presumption in favour of sustainable development
 - Paragraph 17 – core planning principles for sustainable development
 - Paragraph 47 – delivering a wide choice of high quality homes via ‘deliverable and developable’ sites
 - Paragraph 49 – five-year supply of deliverable housing sites
 - Chapter 7 – Requiring good design
 - Paragraphs 99 – 108 Climate change, flood risk and coastal change.
 - Paragraphs 203 – 206 Planning conditions and obligations
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2.0 SITE

- 2.1 The application site comprises vacant land previously used as a market garden (horticulture) located fairly centrally within the village of Fairlight and within the 2006 development boundary of Fairlight Cove. The site is bounded by Lower Waites Lane to the south west and south east; existing single detached dwelling houses; Moelfre and no. 25 Lower Waites Lane to the north east; and by flats at Fairlight Gardens to the north-west.
- 2.2 The applicant’s ownership extends to approximately 0.6 hectares that in the north-west comprises existing garages and a forecourt area that are in use. That part of the applicant’s land is contained within the red line boundary but excluded from the development proposal. The part of the site to be developed comprises approximately 0.54 hectares and until very recently (August 2017) was heavily overgrown primarily with bramble scrub comprising predominantly hawthorn, ivy and blackberry.
- 2.3 On the margins of the site there are several mature trees including two oaks on the south west and north east boundaries respectively that are protected by Tree Preservation Order (TPO). There is a dense band of young mixed species and several other trees on the south east boundary fronting onto Lower Waites Lane that currently serve to screen the site from residential properties on the south side of this private road. Along the length of this boundary there is also an existing stream. The site slopes downwards from the north-west corner towards the south east by approximately 10m.
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3.0 HISTORY

- 3.1 RR/2014/1868/P Construction of 11 x houses and nine x flats together with associate parking and access road and ecological areas -
WITHDRAWN
-

4.0 PROPOSAL

- 4.1 The proposal is for a residential development of 16 dwellings comprising a mix of two and three bedroom houses made up as follows:

Dwelling Type	Bedrooms / persons	No.
Terraced cottage	2 bed / 4 person	6
Semi-detached house	3 bed / 5 persons	2
Semi-detached house	3 bed / 6 persons	4
Detached house	3 bed / 5 persons	1
Detached house	3 bed / 6 persons	3
Total		16

- 4.2 Revised design and layout drawings were received on 9 August and these were re-consulted on together with amended surface and foul water drainage schemes received on 14 July for a further 14 day period in August 2017. Further amendments were made in November 2018 including the incorporation of a further public footpath in the south west corner of the site and an increase in the size of the 'wildlife area'.
- 4.3 The proposed houses would all be two storey and would be completed externally in Sussex red multi brick with clay roof tiles and hanging tiles at first floor, UPVC white casement windows and light oak UPVC front and garage doors. The dwellings are shown arranged around a short cul-de-sac taking access from the south west corner of the site. The road would slope slightly downwards from a high point near the existing, fenced off access to the site and terminate in a courtyard providing a turning area for larger service vehicles. Off street parking within the site would be made for 36 vehicles in communal parking courts, private driveways and garages. Surface materials to the road and open parking areas would comprise permeable block paving and granite setts and bound gravel providing a 'shared surface' for pedestrians and vehicles. A new pedestrian footway linking Fairlight Gardens with the southern length would be provided on the south west edge of the site.
- 4.4 The orientation and geometry of the site entrance is designed so as to encourage future residents to access the site to and from Smugglers Way to the south and to discourage the use of Lower Waites Lane in either direction for vehicular movements associated with the site.
- 4.5 The scheme includes a central wildlife area on the north-west boundary with linear features on both the south east and north east edges. Existing trees are generally to be retained and supplemented.
- 4.6 The development would include underground surface water holding tanks within the courtyard area and would also involve the realignment of the stream on the south east boundary.
- 4.7 Supporting documents to the application include a Design and Access Statement (amended August 2017), Statement of Significance and

Archaeological Written Scheme of Investigation (June 2014), Drainage Strategy and Sustainable Drainage Management and Maintenance Plan (amended July 2017), Traffic Report, Ecological Report (October 2016) with supplementary information and correspondence, Arboricultural Report (dated June 2014) and Viability Appraisal.

5.0 CONSULTATIONS

5.1 Parish Council

5.1.1 The Parish Council's comments on the original submission are available to view in full on-line. In summary they address the following:

- would have preferred to see site used as public open space but recognise housing allocation;
- consider that the density is too high and character of development not in keeping with village;
- onsite parking provision considered inadequate – transport report considered to under estimate amount;
- vehicular access to site is restricted;
- the proposal for sewage disposal is considered unacceptable: the system should be upgraded before any further planning consents are given; and
- if permission is granted there should be conditions imposed relating to lighting, external materials, boundary treatments, pollution control to stream, destabilisation of bank through any tree removal and long term maintenance; wildlife protection and relocation; construction traffic management and considerate contractor scheme.

5.1.2 In response to the re-consultation on amended details in August, the Parish Council commented that it would wish to see an independent assessment of the potential consequences of the stream realignment undertaken to ensure that it would not lead to the bank collapsing further downstream.

5.2 Highway Authority

5.2.1 The Highway Authority has some concerns about access to the site from private roads but its formal comments are necessarily limited to the impact of the development on the public highway that commences approximately 50m to the south of the site on Smugglers Way. Comments are made under the headings: Trip generation and highway impact; internal layout, parking, accessibility and construction traffic management plan and are available to view on line. In summary it is considered that the development would generate approximately nine two way vehicle journeys in AM and PM peak hours that would not adversely impact on the public road network; the 36 parking spaces are provided against an assessed need of 32. Although six of these are provided in garages and the Highway Authority would prefer these to be open as they meet minimum internal space standards there is no objection. Cycle parking needs to be provided also in accordance with East Sussex County Council (ESCC) standards. The site is located centrally within the village and although local facilities are limited there is a relatively frequent weekday and Saturday service to Rye and Hastings. Notwithstanding that destinations are limited and any development is likely to remain largely dependent on private vehicles particularly for work trips. However, with some

local facilities available within walking distance and public transport, the highway authority is keen to ensure that this development does not have an adverse effect on the existing highway infrastructure and therefore request that a Construction Traffic Management Plan is submitted to and agreed with ESCC prior to the commencement of works to be secured by a relevant planning condition. This should take into account the character of the roads serving the site and include a construction traffic routing agreement, hours of working, wheel washing, and secured compounds for materials storage, machinery and contractor parking. Conditions are suggested if planning permission is granted.

5.3 Southern Water

- 5.3.1 Southern Water has advised a number of times concerning the development of this site, on occasions seemingly giving seemingly conflicting advice. However in its most recent communication dated 31 May 2017 it confirmed, *“in light of further modelling work, and a review of the likely risks of foul sewerage flooding and predicted possible flooding locations, Southern Water are now happy to confirm there is sufficient capacity to serve the above development.”* Other comments contained in its letter dated 13 April including suggested conditions remain unchanged. All of the correspondence received is available to view on-line.

5.4 ESCC Lead Local Flood Authority (LLFA)

- 5.4.1 In its initial response dated 22 March the LLFA requested further information. Having received that on 14 July 2017 it has now commented that *“there is no objection in principle subject to the imposition of conditions, whilst the application documentation has not met all of 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 which are outlined in this response”*. Appropriate conditions are proposed should permission be granted.

5.5 Environment Agency (EA)

- 5.5.1 The development is assessed as being of low environmental risk and therefore the EA has no comment to make noting that, *“the development is near to a watercourse that is not a main river designated by the EA. The applicant should therefore contact the Internal Drainage Board. The applicant may be required to apply for other consents directly from the EA.*

5.6 County Archaeologist

- 5.6.1 The County Archaeologist would have preferred that an archaeological evaluation of the site in accordance with a written scheme of investigation prepared in 2014 for the applicant had been undertaken in advance of the application but accepts that ecological constraints on the site make that impossible. In the event that planning permission is granted, it is requested that conditions are attached requiring a full archaeological evaluation to be undertaken before any development commences. It is noted that this could result in significant archaeological costs or the scheme design having to be amended if any significant remains requiring preservation in situ are found. Conditions are proposed.

5.7 County Ecologist

- 5.7.1 The County Ecologist has commented on the scheme design and the detailed wildlife mitigation measures proposed. If planning permission is granted suitable conditions are suggested.

5.9 Sussex Police

- 5.9.1 Generally supportive of layout being a cul-de-sac with no through route, the layout will encourage ownership and a sense of community; natural surveillance will deter trespass.

5.10 Planning Notice

- 5.10.1 A petition signed by 17 people has been received from local residents and a spokesperson for them has been invited to address the Committee. The matters of objection cited are, "*drainage both foul and surface water*".
- 5.10.2 54 letters of objections to the application, including from Campaign for Rural England Sussex Branch as originally submitted were received with some respondents submitting several separate letters or emails. A further 17 letters of objection were received in response to the re-consultation on amended drawings and drainage proposals in August.
- 5.10.3 Five general comments about the boundary line and potential impact on the TPO tree on the north east boundary of the site and slow progress of the application were received.
- 5.10.4 One letter of support was received that considered that the site serves no useful purpose and the current proposal is a reasonable compromise. Previous criticisms of the development have been listened to and largely addressed.
- 5.10.5 All of the comments received are available to view in full on-line but the matters in objection raised are summarised as:

Density, design and layout

- scheme represents overdevelopment of the site and is uncharacteristic of the surrounding area;
- proposed houses are overcrowded and poor quality;
- Government advice concerning densities on which minimum 15 dwellings required by policy has been abolished, density should be based on local circumstances taking account of facilities i.e. wildlife; drainage; parking etc. also required to be met on the site;
- site is smaller (excluding garages) than considered when Local Plan 2006 made therefore number of dwellings too great;
- the (uniform and tightly packed) design is more suitable to an urban area than this village;
- to the south and east, to which the development mainly relates, development is characterised by low density detached dwellings, mainly low - rise;
- the development would introduce a scale of noise and activity into this very quiet part of the village that would completely alter its character;
- scheme looks like 'Toy Town';

- some of the houses do not have front gardens;
- if the site has to be developed it should be for four to five bungalows; and
- the boundary line in the amended drawings is moved but not enough to allow a house to be built there.

Traffic, highways and access

- development will place an intolerable strain on Lower Waites Lane;
- all routes to the site offer sites of potential blockage to larger vehicles that might include fire engines and ambulances;
- no permission should be granted until a minimum of one full width carriageway in each direction is provided;
- the road junctions of the preferred vehicular route Shepherd's Way, Bramble Way and Smugglers Way are too tight to allow more traffic and too narrow to cope with the proposed development not permitting two cars to pass;
- ramblers walk in the middle of the road on Smuggler's Way;
- the amount of parking on the site is inadequate;
- cars from the development would be encouraged to park on surrounding roads increasing congestion;
- construction traffic would harm the road surfaces and verges;
- future residents will use the shortest and quickest drive route not the one proposed;
- the widening at Limenhurst has not been completed – the traffic report is wrong;
- communal parking courts do not enable residents to be able to charge their electric vehicles in the near future;
- parking on the road in the site would cause hazard to pedestrians;
- the proposal for a communal bike store is a joke; and
- storage is required for disabled buggies and other electric vehicle charging points;

Drainage and land stability

- will create an intolerable burden on land stability in the area;
- scheme does not make provision for the long term maintenance of flood storage mechanism;
- there is insufficient foul water disposal infrastructure capacity for the development;
- the flow of surface water along the stream may overwhelm the culverts at Broadway;
- parts of the stream are blocked this development will make the situation worse;
- poor maintenance of the stream will add to the possibility of these becoming blocked;
- the drains already overflow along Lower Waites Lane;
- will access to the application site side of the boundary fence for the maintenance of our drains be retained;
- soakaways are unacceptable and there is inadequate capacity in the local network;
- there are existing drains on the site;
- proposals do not take into account other development already permitted that will discharge into the system;

- the proposal to straighten the stream will only speed up flows and bring the stream closer to the road leading to more erosion of both the road and the banks;
- the attenuation tanks will need to be maintained otherwise they will silt up;
- the development will add to the residents misery with raw sewage problems;
- the whole drainage system should be replaced before anymore development is allowed;
- the reliability of Southern Water's comments and the proposals made in the updated Monson drainage report accompanying amended proposals in July 2017 have been questioned; and
- the development should contribute towards off site drainage improvements as required by policy VL3.

Ecology

- no provision made for long term maintenance of wildlife protection area;
- no care has been taken of the wildlife, the small areas shown on the drawing is totally inadequate;
- some of the trees are subject to TPO, could others be protected in the same way;
- the site is valuable to wildlife;
- there is wildlife on the site that is not acknowledged by the ecology report; and
- some of the houses are too close to the trees and the canopy of the protected tree on the north east boundary extends further than shown on the drawings;

Miscellaneous

- Japanese Knotweed is known to have been present on the site. Although some treatment was carried out in 2012 and subsequent years the plant has re-established itself and may have spread to other parts of the site;
- the knotweed needs to be dealt with by a professional company and a certificate issued that the weed will not regrow before any digging commences;
- windows from the new houses should not be allowed to overlook existing houses or their private amenity space; proposed buffer planting of 1.2m height is insufficient;
- no mention is made in the application of affordable housing;
- archaeology on the site is not addressed;
- the village does not have street lighting so this is not acceptable;
- apart from glasshouses and temporary outbuildings, the site has never been built on;
- there are electricity lines crossing under the site affecting the gardens of dwellings 1, 3, 5, 7, 9, 11, 13, 15 and 16;
- the communal bin store proposed near to the northern boundary will create unacceptable odours;
- loss of last remaining green space in village centre;
- the amendments made do not impact on the previously expressed concerns of many residents regarding the complete unsuitability of this site for development in a village environment; and
- there is no more capacity for development in the village.

6.0 APPRAISAL

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

6.2 The site lies within the village development boundary for Fairlight Cove as defined by the Rother District Local Plan 2006 (RDLP) where proposals for development are supported in principle subject to all other material considerations. It is also specifically allocated for housing development by saved Policy VL3 of the RDLP for at least 15 dwellings.

6.3 The principal issues with this application are considered to be: the extent to which the proposal complies with Policy VL3; its design and character within the context of the village; impact on adjoining properties and the amenity of future residents; surface and foul water drainage; traffic, access and parking; impact on wildlife and trees and affordable housing and other section 106 planning requirements.

6.4 Policy Position

6.4.1 The Government requires that all local planning authorities identify annually a supply of specific deliverable sites sufficient to provide a five year supply of housing against their housing requirements with an additional appropriate buffer to ensure choice and competition in the market for land. Policy OSS1 of the Core Strategy (CS) that sets out the overall spatial development strategy includes a requirement to plan for at least 5,700 additional dwellings (net) in the district over the Plan period. Figure 8 sets out approximate development levels for different parts of the district, including a total of 1,670 dwellings within villages. Policy RA1 (v) sets a target of at least 44 new dwellings (net) in Fairlight over the CS period 2011-2028. Taking into account seven net completions locally since April 2011 the remaining requirement is for 37 dwellings.

6.4.2 Saved Policy VL3 of the RDLP 2006 allocates the site for housing development. It states:

“Land adjacent to Fairlight Gardens, Fairlight Cove, as shown on the Proposals Map, is allocated for housing purposes. Proposals will be permitted where:-

- (i) at least 15 dwellings are provided, of which 40% are affordable;*
- (ii) developer contributions are made for widening the junction of Lower Waites Lane with Smugglers Way and for the upgrading of Smugglers Way, and towards off-site drainage improvements to accommodate the development;*
- (iii) no development will be occupied until the 275m rock armour revetment at the toe of the cliffs adjacent to Rockmead Road has been constructed, together with the associated re-profiling and draining of the existing landslip slope and the installation of a line of pumped wells at the cliff top; and*

(iv) developer contributions are made to the construction of the village hall.”

- 6.4.3 The suitability of the application site for future development was reassessed in the Council’s 2013 Strategic Housing Land Availability Assessment (SHLAA) review. At the time the site was assessed as being the only ‘green’ site in the village being suitable and developable, subject to more detailed investigations.

Five-year housing land supply

- 6.4.4 Paragraph 49 of the National Planning Policy Framework requires that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 47 requires local authorities to maintain a five year supply of deliverable housing sites including a buffer.

- 6.4.5 In respect of the five-year supply issue at October 2017, the latest date for which figures are available, the Council could only demonstrate a 3.2 year supply of available housing sites including a 20% buffer. As a consequence, planning applications fall to be considered in the context of paragraph 14 of the National Planning Policy Framework. However that does not mean that housing schemes which are unacceptable for other sound planning grounds must now be allowed; but it does add weight to the benefits that the contribution to boosting housing supply would bring when determining planning applications ‘on balance’ and that weight to be given here in the specific context of Fairlight would be ‘significant’ in light of the fact that the site is an extant allocation and that no other sites within the village are suitable for development on the scale required have been identified.

- 6.4.6 Paragraph 14 states:

“For decision-taking this means:

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

6.5 Design and character within the context of the village

- 6.5.1 The proposal is for a development of 16 two and three bedroom two storey houses arranged around a small cul-de-sac. The layout of the scheme has been developed by the applicant in discussion with the Council’s planning and design officers and is considered to provide a good arrangement of dwellings on the site that would create a sense of place within the new development, while meeting the policy requirement for a minimum of 15 dwellings.

- 6.5.2 Public concerns have been raised both regarding the density of the scheme and its two storey character, in an area where a large proportion of dwellings are bungalows or chalet bungalows, however it is noted that whilst bungalows might predominate, there is other two storey development in the

area including at Fairlight Gardens immediately to the north west of the application site.

- 6.5.3 While the supporting text to Policy VL3 recognises that the site relates more to the dwellings on the south side of Lower Waites Lane than to Fairlight Gardens that is due more to the common green hedgerows that line both sides of Lower Waites Lane than to the relationship between existing and proposed dwellings. Maintaining the green semi-rural character of Lower Waites Lane here will be the most important factor in ensuring that the development is satisfactorily assimilated within the village requiring careful attention to preserving and enhancing the existing soft edge of the site and the use of appropriate boundary treatments and lighting.

6.6 Impact on adjoining properties

- 6.6.1 The orientation of the proposed dwellings onto a central cul-de-sac means that their rear gardens would back onto adjoining roads / pathways to the north-west and south east boundaries with the front elevations of the nearest existing dwellings set back behind. This arrangement provides a separation distance between front and rear elevations on the north-west side of the site of 19-20m although due to the falling nature of the ground there is no direct relationship between the existing and proposed dwellings.
- 6.6.2 On the south east side separation distances are between 20 and 44m with intervening soft boundary hedges limiting the opportunity for any direct inter-visibility. Providing that these boundaries are maintained, and where necessary enhanced, the existing amenity of these neighbouring properties will not be harmed.
- 6.6.3 To the north east, the relationship between existing and proposed dwellings is different and closer with the rear/side elevations and gardens of the proposed dwellings backing onto the rear garden of Moelfre beyond a line of existing mature trees and a small external area at 25 Lower Waites Lane that has its principal private garden area to the front of the house. On this part of the site the distance of separation between facing elevations is between 15 and 24m. However in respect of the relationship between proposed plot no. 16 and Moelfre, the careful positioning of windows and with the principal first floor views being directed to the north-west a satisfactory relationship between existing and proposed dwellings and their private amenity areas would be maintained. With respect to the relationship with 25 Lower Waites Lane and proposed plot 12 only the obscure glazed bathroom window would look over the rooflight windows that are installed on the south west single storey roof slope of the existing dwelling with views from a rear bedroom being directed down Lower Waites Lane. The proposed dwelling on plot 14 straddles the boundary of Moelfre and no. 25, with rear bedroom views directed between the existing houses or onto the blank gable end of the two storey element of no. 25. With existing boundary tree and hedgerow planting – also proposed to be enhanced to maintain its value as a wildlife corridor – the proposed arrangement adequately maintains the amenity of existing properties.

6.7 Amenity of future residents

- 6.7.1 All of the dwellings substantially exceed the minimum internal space standards set out in the Nationally Described Space Standards. In terms of

external private space – although, given the relatively narrow and sloping character of the site, the garden spaces are irregularly arranged and generally terraced – in overall terms they provide a satisfactory level of amenity with opportunities to provide for a good degree of privacy within a naturally landscaped framework.

6.8 Surface and foul water drainage

6.8.1 With regard to surface water drainage, following amendments to the proposed SUDS scheme agreed with ESSC as the LLFA in July 2017 and involving the re-alignment and re-profiling of part of the water course to enable greater hydraulic performance, the LLFA has advised that the development is able to satisfactorily deal with surface water run-off arising. The scheme agreed in principle would, by way of a 75mm outfall orifice to the stream, restrict flows from the completed development to the same as from the existing greenfield site or less in extreme rainfall events – with the excess volumes generated at such extreme times being stored beneath the ground in tanks to be released gradually into the watercourse.

6.8.2 Responding to the raising of further local concerns about the possible consequences of the agreed scheme on the stability of the watercourse further along Lower Waites Lane, the LLFA has responded as follows,

“In terms of the realignment of the watercourse, we do recognise that this needs to be carried out sensitively to ensure flood and erosion risk is not increased downstream. We have agreed to the principle of this realignment but have yet to agree the detail. We would expect the applicant to provide further details as part of the planning conditions imposed on the development. As you are aware, ESSC is also responsible for regulating works on this watercourse and the applicant will have to apply to us (separate to the planning permission) for consent to undertake the realignment. As part of the further details, we will ensure that the proposed realignment mimics the existing watercourse as closely as possible. The volume and velocity of flows and their effect on conditions downstream will be the main considerations when we determine an application for consent. The applicant will also be expected to provide a Maintenance Plan setting out how they propose to maintain the surface water drainage network and existing watercourse over the lifetime of the development. We will assess this and then they will be bound by this as a condition to the planning permission, should it be given by Rother District Council.”

6.8.3 Regarding foul drainage, Southern Water’s most recent correspondence of 31 May 2017 considers, in light of further information provided by the applicant, that it is able to provide foul sewage disposal to service the development. In this regard it is the case that the local foul sewage infrastructure has had a tendency to fail during storm water events when surface run-off inundates the sewers that – although officially intended to be for foul drainage only – are acknowledged to serve a combined role taking both foul and surface water. The ability to store surface water in underground tanks on the site during these events for subsequent, regulated, discharge should have a net beneficial effect on the local sewerage network.

6.8.4 The Council is dependent on the professional advice of the LLFA and Southern Water regarding the ability of local existing and proposed drainage

infrastructure to meet the requirements of new development. It is recommended therefore their technical advice is accepted.

6.9 Traffic, access and parking

- 6.9.1 Vehicular access to the site would be from the existing, but blocked-off, entrance to the south west corner, close to the junction of the north-west arm of Lower Waites Lane and Smuggler's Way. Policy VL3 recognises that access to the site is restricted and that the south east arm of Lower Waites Lane is not an appropriate route for associated vehicular traffic and therefore requires access to be taken from the south via Smugglers Way. The geometry of the proposed junction layout favours that route and once the current informal arrangements outside of Limenhurst are formalised it is considered that this will provide the most desirable route for future residents accessing the site by car.
- 6.9.2 Pedestrian access would also be taken from this point with new pedestrian footways provided on the south west boundary of the site to Fairlight Gardens and to the south east arm of Lower Waites Lane. The latter means that pedestrian movement in the vicinity of the vehicular junction can be separated which will benefit public safety in this constrained area.
- 6.9.3 Tracking drawings confirm that cars, emergency vehicles and the medium sized 15t refuse vehicles used on Lower Waites Lane, that would need to access the site are able to enter, turn and leave the site in a forward gear via the Smugglers Road junction arrangement.
- 6.9.4 On the site, off street parking provision exceeds the ESCC standards, notwithstanding that some spaces are provided within garages. The Highway Authority has raised concerns that the parking arrangement is sub optimal and might result in parking on the internal road restricting access for other vehicles, particularly emergency or refuse vehicles. In response, the applicant proposes that soft and hard landscape features should be engaged to prevent such opportunities that would be agreed by condition. It is also noted that the actual distances between dwellings and parking spaces is not great.
- 6.9.5 With regards to accessibility, the site is located centrally within the village and is therefore well located to the villages' albeit limited, facilities and services. There is a local bus stop in close proximity to the north-west on Waites Lane from which a fairly regular bus service operates throughout the week between Hastings and Rye. While acknowledging that – as with much of the rural area of the district – residents in Fairlight are predominantly car-reliant, the site is considered to be accessible in policy terms.

6.10 Impact on wildlife and trees

- 6.10.1 The application was supported by an ecological report dated October 2016 that has been supplemented by further information in response to comments made by the County Ecologist. Arising from this officers are satisfied that adequate mitigation on or off site for European and UK protected species likely to be present on the site can be made and the County Ecologist has recommended a number of appropriate conditions to be attached in the event that planning permission is granted.

6.10.2 With regard to trees, an arboricultural report prepared in support of the earlier application has been resubmitted with the current proposal and remains relevant. Ten mature trees have been surveyed including two, one on each of the south west and north east boundaries that are subject to TPO. Of these four, comprising three on the south east boundary and one in the south west corner of the site are required to be removed. One of these, a willow, has already collapsed, the others are considered of low value with poor form limited life potential. All other trees including the two subject to TPO are intended to be retained. There is also opportunity for further hedge and tree planting to enhance the site's landscape amenity and ecological value on three of the site's boundaries.

6.11 Affordable housing and other section 106 planning requirements

6.11.1 The application was accompanied by a confidential viability appraisal that has been independently assessed for the Council by the District Valuation Service (DVS). This process has been the subject of some very protracted discussion but in summary it has been concluded by the DVS that the development is able to bear an element of on-site affordable housing. Whilst the applicant company continues to doubt the values that the DVS considers can be achieved it is willing to enter into a legal agreement under section 106 with the Council to provide 4 x 2 bedroom and 2 x 3 bedroom dwellings on a 'shared ownership for sale' basis based on the values the DVS identifies can be achieved. The Affordable Housing Development Officer has confirmed that this is an acceptable offer and that the proposed mono tenure and unit size mix specified is acceptable given the location and small number of dwellings involved.

6.11.2 The section 106 legal agreement to be negotiated will also contain clauses related to the provision of a reptile relocation site and for off-site improvements to the private stretch of road at the junction of Lower Waites Lane and Smuggler's Way. The applicant will need to enter into an agreement under section 278 of the Highways Act with the Highway Authority in connection with tying in those improvements with the public highway. Long term maintenance of the SuDS scheme will be agreed and approved by way of condition in consultation with the LLFA.

6.11.3 VL3 of the 2006 RDLP refers to the cliff stabilisation works at Rockmead Road, which have now been carried out. The policy also envisaged that an off-site foul drainage treatment package would be required but the up-to-date advice provided by Southern Water in connection with both recent applications on the site confirms that that is not the case. It has been suggested that the applicant should be required to make contributions to the on-going maintenance of the cliff and off site foul sewerage improvements in any event however the cost of those has not been quantified. Neither of these requirements would meet the test for obligations set out in the Community Infrastructure Levy (CIL) Regulations 2010 that they must be:

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

6.11.4 In the context of the above matters, however, 15% of the CIL receipts from the development will pass to the Parish Council if permission is granted.

6.12 Other matters

- 6.12.1 In other parts of the district objections to new development have been raised by Wealden District Council in regard to potential cumulative impacts on the air quality at Ashdown Forest and Lewes Downs Special Areas of Conservation (SACs). Nearby, the Hastings Cliffs SAC lies to the west of Fairlight Cove. Having regard to the conclusions of the Habitats Regulation Assessments undertaken for the adopted Core Strategy, supplemented by available evidence of commuting data for this locality, there is no discernable prospect of additional traffic from the proposed development impacting on the these Special Areas of Conservation in particular. Hence, any likely significant effects upon European sites, even in combination with other relevant plans and projects, can be screened out.
-

7.0 **SUMMARY**

- 7.1 The site is located centrally within Fairlight village and within the established Development Boundary where development remains acceptable in principle subject to all other material considerations. The site is also an extant allocation for housing development as set out in saved Policy VL3 of the Rother District Local Plan 2006.
- 7.2 There is a requirement over the Rother Local Plan Core Strategy period 2011 – 2028 for at least 37 dwellings (net) to be provided in the village and there are currently no other sites either allocated or identified to meet this need. In the circumstances significant weight must be given to the contribution that the development of the site would make both to the village housing and district requirement.
- 7.3 The applicant has worked with officers to develop a scheme that addresses previous concerns regarding site layout and vehicular circulation, building design and affordable housing and it is confirmed that key matters including traffic and access, surface and foul water drainage and impact on protected species can be adequately addressed and mitigated subject to appropriate conditions and the completion of a section 106 legal agreement.
-

8.0 **COMMUNITY INFRASTRUCTURE LEVY**

- 8.1 The development is liable for CIL in respect of the market dwellings proposed. The six shared ownership dwellings are a type of development where an exemption can be considered.
-

RECOMMENDATION: GRANT (FULL PLANNING) DELEGATED (COMPLETION OF A SECTION 106 AGREEMENT RELATING TO:

- **Provision of six shared ownership affordable housing units.**
 - **The completion of off-site road improvements at the junction of Lower Waites Lane and Smugglers Way.**
 - **Reptile relocation site.**
-

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 documents:
Drawing nos. 662/303 P2 dated 26 April 2017;
Drawing nos. 021 P2, 022 P2, 023 P2, 024 P2, 025 P2, 026 P2, 027 P2 and 030 P dated 6 July 2017;
Drawing nos. 007 P3, 008 P3, 028 P3 and 031 P2 dated 8 August 2017;
Drawing nos. 304 P4, 002 P5, 003 P5, 004 P5 006 P4 dated 27 November 2017;
Drainage Strategy and Sustainable Drainage Management and Maintenance Plan (Issue B) Monson dated 11 July 2017.
8330P/301 Rev B Surface Water Drainage Layout and 8330P/302 Rev B Foul Water Drainage Layout dated 11 July 2017
7556 100 P2 Proposed Carriageway and Access Alignment dated 1 November 2007
Written Scheme of Archaeological Investigation, Chris Butler Archaeological Services Project No. CBAS0525 dated June 2014.
Arboricultural Report, Sylvan Arb Ref: SA/91/14 dated 27 June 2014

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 the vehicular access serving the development and the improvements to Lower Waites Lane and Smugglers Way have been constructed in accordance with the approved plan drawing no. 7556 100 P2 dated 1/11/2007.
Reason: A pre-commencement condition is required because the works are required to be carried out prior to any other development commencing to ensure that conditions of access and safety on Lower Waites Lane and Smugglers Way are maintained for all road users including during the construction period in accordance with Policies TR3 and CO6 of the Rother Local Plan Core Strategy.
4. No development shall take place including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not restricted to the following matters:
 - a) anticipated number, frequency, and types of vehicles used during construction;
 - b) the method of access and egress and routing of vehicles during construction;
 - c) the parking of vehicles by site operatives and visitors;
 - d) the loading and unloading of plant, materials and waste;
 - e) the storage of plant and materials used in the construction of the development;

- f) the erection and maintenance of security hoarding;
- g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction on the public highway (including the provision of temporary traffic Regulation Orders);
- h) details of public engagement both prior to and during construction works; and
- i) a named construction site manager with full contact details.

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

5. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity has been submitted to and approved in writing by the Local Planning Authority.

The EDS shall include the following:

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

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

Reason: A pre-commencement condition is required to enable the Local Planning Authority to properly ensure the protection of protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5 (ii), (v) and (viii) of the Local Plan Core Strategy.

6. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the rescue and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) purpose and objectives of the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant); and
- g) disposal of waste arising from works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: A pre-commencement condition is required to enable the local planning authority to properly ensure the protection of protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5(ii), (v) and (viii) of the Local Plan Core Strategy.

7. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with the approved Written Scheme of Investigation (WSI) prepared by Chris Butler Archaeological Services dated June 2014 Project No. CBAS0525.

Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

8. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA: The scheme will require:

- a) Carry forward into the detailed design the principles outlined in the Monsoon Drainage Strategy and Sustainable Drainage Management and Maintenance Plan (Issue B) dated 11 July 2017. The scheme should limit surface water runoff from the completed development to 2.7l/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 should take into account the connectivity of difference surface water drainage features.
- b) The proposed watercourse diversion should be designed such that the amended channel has an equal or greater capacity for conveying water than currently exists. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings.
- c) A Maintenance and Management Plan for the entire drainage system. The Plan shall clearly state 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. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority as part of the Maintenance and Management Plan.

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

Reason: 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.

9. Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority.

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.

10. No development shall commence until details for the protection of existing trees and hedgerows on the site to be retained have been submitted to and approved in writing by the Local Planning Authority. The details shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with a scheme for protection, which shall include locations for protective fencing, ground protection and no dig surface construction methods in accordance with the Arboricultural Report prepared by Sylvan Arb, Ref: SA/91/14 dated 2 June 2014. The approved scheme shall be put in place prior to the commencement of any development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: These details are required prior to commencement of works to ensure the protection of retained trees and hedgerows during construction and the creation of a high quality public realm and landscape setting in accordance with Policy EN3 of the Rother Local Plan Core Strategy.

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

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

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

12. No development above foundation level shall commence until a scheme of soft and hard landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

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

The development shall thereafter be carried out in accordance with the details as approved in writing by the Local Planning Authority and in accordance with an agreed implementation programme.

Reason: To ensure the creation of a high quality public realm and landscape setting that enhances the character and appearance of the development and its locality in accordance with Policies OSS4 and EN3 of the Rother Local Plan Core Strategy.

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

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

14. No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To preserve the visual amenities of the area in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

15. No development above ground level shall take place before any external lighting scheme proposed is submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011 (or later versions) and be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage. The lighting scheme shall thereafter be implemented and maintained only as approved.

Reason: To prevent light pollution in the interests of the amenities of adjoining residents and to protect the dark sky environment that is characteristic of Fairlight village in accordance with Policy OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy.

16. No part of the development shall be occupied until full details of refuse and recycling storage facilities have first been submitted to and approved in writing and those facilities have been provided in accordance with the approved details. The areas shall thereafter be retained for that use and shall not be used for any other purpose.

Reason: To ensure that the satisfactory appearance of the development and the area is maintained in accordance with Policies TR3 and OSS4 (iii) of the Rother Local Plan Core Strategy.

17. No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with the approved plan (drawing no. 622/003 P5 dated 27/11/2017). The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the provision of adequate on-site parking that does not prejudice the free flow of traffic or conditions of general safety along the

highway in accordance with Policies CO6, TR4 and TR3 of the Rother Local Plan Core Strategy.

18. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with the approved drawing no. 622/003 P5 dated 27/11/2017. The space shall thereafter be retained at all times for this use only and shall not be obstructed.
Reason: To ensure the provision of adequate turning facilities that do not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policies CO6 and TR3 of the Rother Local Plan Core Strategy.
19. No part of the development shall be occupied until the road, footways and parking areas serving the development have been constructed, drained and lit in accordance with plans and details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the provision of adequate pedestrian and vehicular access and on-site parking so as not to prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policies CO6, TR4 and TR3 of the Rother Local Plan Core Strategy.
20. 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 and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policy TR3 of the Rother Local Plan Core Strategy.
21. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved WSI and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing by the Local Planning Authority.
Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.
22. Prior to the occupation of the development, a landscape management plan, including management responsibilities and maintenance schedules for the communal hard and soft landscape areas including any street furniture and minor artefacts therein, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.
Reason: To ensure a high quality public realm taking account of the characteristics of the locality and enhancing the landscape character and quality of the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

23. Unless alternative times are specifically agreed in writing by the Local Planning Authority, construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 08:00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.
Reason: So as not to unreasonably harm the amenities of adjoining properties in accordance with Policies OSS4 (ii) and CO6 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
24. If within a period of five years from the date of occupation any tree planted or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason: To enhance the appearance of the development and the character and appearance of the locality in accordance with Policies OSS4 and EN3 of the Rother Local Plan Core Strategy.
25. 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 the building for its permitted use.
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
 - b) If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
 - d) No fire shall be lit within 10m from the outside of the crown spread of any tree which is to be retained.
 - e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
 - f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
- No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority.
Reason: To ensure that trees 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.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), the garages hereby approved shall retained for such use and shall not be altered internally or externally for use as habitable accommodation.
Reason: To ensure a satisfactory level of off-road parking facilities so as not to prejudice the free flow of traffic and conditions of general safety along the highway and to accord with Policy TR4 of the Rother Local Plan Core Strategy.
27. Notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), no fences, gates or walls, buildings or structures of any kind, shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.
Reason: To safeguard the open and green character and appearance of the development and area in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

NOTES:

1. This permission is the subject of an obligation under section 106 of the Town and Country Planning Act 1990.
2. The applicant is reminded of the need to enter into section 278 agreement with the Highway Authority to tie the road improvement works into the public highway.
3. The Highway Authority would wish to see the roads within the site laid out and constructed to standards at, or at least close to, adoption standards.
4. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
5. Part of the site is affected by a public foul sewer. It might be possible to divert this so long as it would not result in an unacceptable loss of hydraulic capacity and the work is carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions. Please see Southern Water's correspondence of 13 April 2017 for the relevant criteria to be applied to any diversion of apparatus.
6. Due to changes in legislation that came into force on 1 October 2011 it is possible that a sewer now deemed to be public could be crossing the application site. Should any such sewer be found during construction works an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works take place on site.
7. The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31

July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.

8. The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. The presence of protected species cannot be discounted on this site given its character and location and a precautionary approach must be taken to all site clearance and construction works. Should any protected species be encountered during these works all work on site should cease and advice sought on how to proceed from a suitably qualified and experienced ecologist. Separate licences and consents may be required to undertake work on the site where protected species are found.
9. This development will be subject to the CIL and all interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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](#)

RR/2017/2308/P

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

Applicant: Asprey Homes (Southern) Limited and Optivo
Agent: Mrs S. Field, WS Planning and Architecture
Case Officer: Ms J. Edwards Email: jo.edwards@rother.gov.uk
Parish: BATTLE
Ward Members: Councillors Mrs E.M. Kirby-Green and J. Barnes

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

Statutory 13 week date: 29 January 2018
Extension of time agreed to: 22 March 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 (WDC) was withdrawn from the agenda after its publication. The report has now been updated both to take account of the representation received from WDC and further representations received in the intervening period.

1.0 POLICIES

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

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

PC1	Presumption in favour of sustainable development
OSS1	Overall spatial development strategy (additional dwellings required)
OSS2	Use of development boundaries
OSS3	Location of development
OSS4	General development considerations
RA1	Villages
RA2	General strategy for the countryside
RA3	Development in the countryside

SRM2	Water supply and wastewater management
CO1	Community facilities and services
CO3	Improving sports and recreation provision
LHN1	Achieving mixed and balanced communities
LHN2	Affordable housing
EN1	Landscape stewardship
EN3	Design quality
EN5	Biodiversity and green space
EN7	Flood risk and development
TR2	Integrated transport
TR3	Access and new development
TR4	Car parking
CO6	Community Safety

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

- Paragraphs 7-14, 17 – core planning principles for sustainable development.
- Paragraphs 17, 32, 35, and 58 – transport and parking.
- Paragraph 47 – delivering a wide choice of high quality homes via ‘deliverable and developable’ sites.
- Paragraph 49 – five-year supply of deliverable housing sites.
- Paragraph 55 – housing located to enhance or maintain vitality of a rural community.
- Paragraphs 56- 66 – requiring good design.
- Paragraph 109 – planning should contribute to and enhance the natural and local environment, minimise impacts on biodiversity and provide net gains where possible;
- Paragraph 115 – great weight to be given to protecting and enhancing the landscape and scenic beauty of the Area of Outstanding Natural Beauty (AONB).
- Paragraph 118 – conservation and enhancement of biodiversity.

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

2.0 SITE

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

2.2 A row of mature trees line the northern boundary of the site protected by Tree Preservation Order (TPO), the remainder of the land largely comprises rough grassland. The land is on a slight slope at the top of an east – west ridge and

lies between 142m and 147m AOD with levels falling from south to north-west.

- 2.3 The site lies outside of the limit of the British Gypsum planning consent but is partly underlain by abandoned mine workings.
 - 2.4 The site lies outside of the 2006 development boundary of the village and, along with the whole of Netherfield, within the High Weald AONB.
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3.0 HISTORY

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

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

- 4.1 This is a revised application for residential development following refusal of a more intensive scheme last year (see 3.1 above).
- 4.2 The application is made in outline for 25 dwellings with all matters other than access reserved for future approval. Vehicular access is proposed onto Darvel Down in the same position as the existing farm gate between 4a/4b and 5 Old Tower Walk. The proposed access might require the removal of one mature English Oak tree on the east side of the gate (Ref T1) that is one of the protected trees on the northern boundary. In this respect the application is the same as that proposed under RR/2017/941/P.
- 4.3 The application is accompanied by an indicative layout and indicative street scenes for 25 dwellings that show two storey dwellings arranged in short, staggered terraces along a centrally placed road, having a turning head towards the west end of the site beyond which remaining dwellings are more loosely arranged. At the east boundary of the site provision is shown to continue the internal road into the adjoining land should this be considered appropriate for development in the future. A total of 58 off street parking spaces are indicated including three on the east side of the site access that could be dedicated for use by the residents of 17, 19 and 21 Darvel Down. The indicative layout shows a range of dwelling types and sizes as set out below, 40% of which would be delivered as affordable dwellings.

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

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

5.1 Battle Town Council

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

5.2 East Sussex County Council (ESCC) – Highway

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

Access

Access would be via a new priority junction from the south side of Darvel Down with the access having a width of 5.5m with a 2m wide footway on the eastern side connecting with existing pedestrian facilities on the south side of Darvel Down and further to the east dropped kerbs will be provided to link to the northern footway. Visibility splays are available either side of the site access in accordance with Manual for Streets guidelines.

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

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

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

Internal Layout

The tracking drawings demonstrate that a refuse vehicle is able to manoeuvre and turn within the site within the indicative layout shown;

however, as this is an outline application only the details of the internal layout and parking provision will be confirmed at Reserved Matters stage.

Parking

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

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

Trip Generation and Highway Impact

The Transport Assessment is a resubmission of the document prepared for the previous application for 35 dwellings. The trip rates are therefore based in a development of 35 dwellings rather than the 25 now proposed and therefore considered to be robust. The worst case scenario indicates that the proposal will generate approximately one additional vehicle every three minutes during peak hours. Taking into account paragraph 32 in the National Planning Policy Framework which states “developments should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe” a recommendation for refusal based on the impact of the development on the highway network could not be justified.

Accessibility

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

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

Construction Traffic Management Plan (CTMP)

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

5.3 ESCC – Archaeology

5.3.1 No objection in principle subject to imposition of conditions.

The proposed development is of archaeological interest due to its location adjacent to the medieval and post-medieval hamlet of Netherfield, a linear settlement formed along an historic routeway. The site has been subject to both desk based assessment and a geophysical survey. The survey has

identified a number of potential archaeological features including a possible ring ditch/prehistoric burial mound site. If this identification is correct, then this may be a site of national significance and should be preserved; clarification would be needed through trial trench excavation.

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

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

Full comments available to view on-line.

5.4 ESCC – Local Lead Flood Authority

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

5.5 ESCC – Landscape

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

5.6 ESCC – Ecology

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

Bats

The site, particularly the boundary habitats, offers suitable bat foraging and commuting habitat. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species. Artificial light can negatively impact on bats through e.g. causing disturbance

at the roost, affecting feeding behaviour, avoidance of lit areas and increasing the chances of bats being preyed upon. It is therefore recommended all lighting design should take account of national guidance, and if the Council is minded to approve, a lighting design strategy for light-sensitive biodiversity should be required by condition.

Badgers

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

Breeding birds

The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any removal of vegetation that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation. Alternative nesting habitat should be provided. Boxes should target species of conservation concern e.g. house martin which has been recorded in the area, swift and house sparrow.

Reptiles

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

Other species

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

Mitigation Measures/Opportunities for enhancement

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

habitats discussed above, and should include provision for long term monitoring and management.”

5.7 ESCC – Minerals and Waste

- 5.7.1 *“The application falls within the buffer zone of the Mineral Safeguarding Area (MSA) identified to cover the British Gypsum planning permission. The proposal is a category of development on which we would wish to be consulted on in an MSA. However in this case there is no objection to the proposal on mineral sterilisation grounds. I would however advise you to contact British Gypsum directly regarding stability of the land / presence of old mine works”.* Full comments available to view on-line.

5.8 Southern Water

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

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

5.9 Environment Agency

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

5.10 High Weald Unit

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

5.11 Sussex Police

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

5.12 Community & Economy – Housing and Asset Development Officer:

- 5.12.1 Fully support subject to planning permission. The proposal is LHN2 policy compliant proposing 40% (10) affordable units. No commuted sum is required. The indicative plans show a ‘mono’ affordable rented tenure that is

supported in this location although up to three shared ownership units could be agreed at reserved matters stage. The unit size mix proposed is shown in the table below and is supported.

5.12.2 All affordable units are to be built in accordance with the Nationally Described Space Standards (2015) and built in accordance with the Building Regulations 2010 part M4 2 (superseding the former Lifetime Homes Standard). The one bedroom maisonettes are slightly undersized in this regard and must be of 50sqm minimum (currently shown as being 48sqm).

5.12.3 The market housing is considered to be a sustainable mix.

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

5.13 Planning Notice

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

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

5.13.3 22 'generic' letters of objection with identical content have been received. The letter raises the following concerns about the development:

- the new application doesn't address the reasons for refusal of the previous proposal;
- 25 dwellings per hectare is still too dense and over-development of this small site;
- the access has not changed and is therefore still an issue;

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

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

- the supporting documentation hasn't been updated to reflect the amended proposal;
- the application form submitted says that the means of foul sewage is unknown but it is known (Note: an amended form has been submitted that identifies disposal to the public foul sewage system);
- a smaller scheme requires less trees to be removed that isn't reflected in an updated tree report; the report doesn't identify any Grade A trees which it should;
- the road is not a cul-de-sac but the beginnings of a carriageway into adjoining sites that will include the loss of the playground (Note: the illustrative layout retains an option to access adjoining sites to the east but they are in separate ownership and control and there are no current proposals to develop them. The detail of the road could therefore be altered at reserved matters stage to omit that future potential. The relocation of the playground owned by RDC as part of a comprehensive development of this area was previously suggested by the Darvel Down Residents Association and is documented in the 2013 SHLAA. It is not a proposal of this Council at this time);
- the applicant doesn't understand local reliance on private cars with each household normally having two or three or even four. Around twenty households would be affected by the double yellow lines;
- the community wishes all the trees to be retained for visual amenity. The Council is required to take account of the local community's wishes in this regard as evidenced in the Planning Practice Guidance (no further explanation given);

- regarding the applicant's references to the PPG: the development will not make it easier for new jobs to be created; will lead to a net loss of biodiversity; the proposed houses are 'infinitely larger in dimensions' than the vast majority of existing houses within the estate and there is no poor design to replace;
- the proposed development does not meet the requirements of the National Planning Policy Framework read as a whole;
- the Chancellor's Autumn Statement reiterated the need to retain the Green Bel;
- the development is contrary to Core Strategy Policies OSS1, OSS2, OSS3, OSS4, RA1, EN2, EN3. Policy LHN1 is not relevant to Netherfield;
- the development would harm the amenity of existing residents;
- a foul sewage pumping station if required would be an eyesore;
- the site along Tower Walk is liable to flooding; the volume of surface water from the development will be 'colossal'; children will be at risk when out playing near the existing ditches on the west side of the site;
- there are other sites in the area that would have less impact on flora or fauna. It is historic farmland representing some of the last remnants of land attached to the historic properties along the B2096;
- the proposal doesn't meet the housing target for the village;
- the village doesn't need further development;
- the three compensatory parking spaces couldn't be secured and are hidden from the view of the residents so cannot be used and if the road is private so non- residents could not use;
- an full archaeological investigation should be undertaken before any decision is made;
- there are discrepancies between the ecology and arboricultural reports concerning bats. A full emergent bat survey should be carried out between May and August before any decision is made (Note: the arboriculturalist identified that a number of trees on site have bat roost potential though recognising they have no expertise in this matter. The ecologist who is an expert determines that they don't but that the tree lines will be used by bats as commuting routes and foraging and this view has not been disputed by the County Ecologist);
- the tree report identifies T12 and T13 for removal but these are in third party ownership and agreement should have been sought. (Note: according to the land title documents these trees are within the legal ownership of the owner and applicants);
- the archaeology report erroneously states that Darwell Beach a GII listed building is located 560m north of the site but according to the English heritage website is 160m west of the site. An assessment should be made of the impact of the development on its setting. Note: An investigation study of the Council's original paper records shows that the building was originally incorrectly plotted and subsequently corrected. The archaeologist for whatever reason obviously had access to the original incorrect record. Notwithstanding that the site is separated from the listed building by 160m containing a mature hedgerow, large field and the extensive farm building complex of White House Poultry Farm. The development would be unrelated to have no impact on the listed building's setting.
- how can the Local Lead Flood Authority and Southern Water conclude there is no flood risk; there is no indication of where a connection to the

foul sewer will be made and a full noise assessment of the proposed foul sewage pumping station should be carried out;

- the gypsum mine issue isn't address in any of the reports the indicative layout shows 8 of the proposed units sitting over or adjacent to the mines;
- the site is only capable of accommodating around 12 dwellings;
- the ecology report is inaccurate as the site is never cropped for hay and cut only once per annum with the boundary edges never being trimmed;
- the development would harm the privacy of residents on B2096;
- no permissions for residential development in the battle parish should be permitted until the Neighbourhood plan is complete;
- the application hasn't been advertised correctly and should be considered invalid;
- I have an interest in part of the land and haven't been served notice by the applicant. The site location plan is inaccurate and not wholly in control of the applicant. (Note: The Land Register title and plans have been checked again and it is confirmed that although the neighbour has 'claimed' a small section of the eastern part of the land that is now demarked by a close boarded fence that he has no legal ownership of it. The indicative site layout identifies the fence and no proposals are made for that part of the site beyond it. The latter also explains why the length of the southern boundary on the site location plan and layout is different by approximately 1m);
- the dimensions of the lorry used in the swept path diagrams submitted at for information at the request of the highway authority at 11.22m long and 2.53m wide do not meet Council standards and should be redone using the 12.m x 3m dimensions required by the Council's Good Practice Guide despite the Highway Authority being satisfied (Note: it is normal practice for the Highway Authority to accept the largest lorry size used by the particular authority for swept path analysis. The dimensions used by the applicant reflect this); and
- previous objections remain relevant: site a historic farmstead; lack of infrastructure – electricity and water, mobile phone and television; limited bus service; difficult access to Darvel Down in winter; unsympathetic layout; TPO trees affected by houses on Tower Walk built in too close proximity; sewerage; SHLAA 2010 identified development of the site as 'counter to the principles of sustainable development'.

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

- the lower density is more in keeping with the density of Middle Close and the self-build and should not be compared to the density of the original dwellings;
- the objections on traffic congestion grounds have some validity but breaking it down there would be two phases: construction and end use. Potential problems during construction can be mitigated by controlling construction traffic movements during school drop off and pick up times. Post construction, traffic patterns would settle down to normal levels;
- the potential loss of one protected oak tree would be offset by the planting of new trees as part of the development;

- the opportunity to develop the site with NE5a and NE11 that envisaged the possibility of relocating the playground and utilising that space for access is a lost opportunity;
- the site is not undermined by former mine workings (Note: this is incorrect);
- Netherfield is blessed with fields and woods that provide varied habitats for mammals of all sizes. Obviously there would be some loss of habitat but overtime the gardens and open spaces would provide new habitats. In fact it would be possible to encourage birds by incorporating nesting places in external walls;
- services including water, electricity and broadband are not issues directly related to the proposed development;
- public transport services are affected by supply and demand and may improve if there is are additional residents; and
- the Netherfield Parish Survey 2004 resolutely favoured new homes in Netherfield with the hope that local people would benefit. There was substantial redevelopment at Darvel Down in the early 2000. Tenants and some owner occupiers benefitted at that time. It is curious that the opportunity to provide more housing stock has not attracted more altruistic support.

5.14 Wealden District Council (WDC)

- 5.14.1 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 and Lewes Downs SACs (Special Areas 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 a likely significant effect from traffic arising from the development could not be ruled out for Lewes Downs SAC and Ashdown Forest SAC/SPA. Therefore, there is a need for an Appropriate Assessment under the Regulations. The full letter is available to read online.

6.0 APPRAISAL

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The site lies outside of the village Development Boundary for Netherfield as defined by the Rother District Local Plan 2006 and shown on the Proposals Map (Inset 24). The current boundary is drawn tightly around the rear gardens of the houses on Darvel Down and the eastern hedge boundary of the primary school. However, the need for additional housing in the district and in the village specifically is recognised by the Core Strategy and therefore it is accepted that development boundaries will need to be reviewed.
- 6.3 As Netherfield comprises part of the Battle Town Council area the amendment of the development boundary will be considered by the Battle Neighbourhood Plan in due course. However that plan is at a very early stage

of production and no weight can be given to it. In the meantime, it is appropriate, taking development plan policies as the starting point, and also having regard to the presumption in favour of sustainable development in the National Planning Policy Framework and the Core Strategy, to consider the specific impacts of proposals such as this one, that are brought forward for sites adjacent to existing settlements.

- 6.4 The principal issues with this application is considered to be the impact of the proposed development on the village's setting within and on the landscape and natural beauty of this part of the AONB; proposed density, impact on protected trees and local traffic conditions as referred to in the reasons for refusal of RR/2017/941/P. Other issues for consideration include impact on adjoining properties; biodiversity; foul and surface water drainage; land stability; archaeology; layout and design (albeit the plans submitted are indicative only); and affordable housing and other section 106 planning obligation requirements.

6.5 Policy Position

- 6.5.1 The Government requires that all local planning authorities identify annually a supply of specific deliverable sites sufficient to provide a five year supply of housing against their housing requirements with an additional appropriate buffer to ensure choice and competition in the market for land. Policy OSS1 of the Core Strategy (CS) that sets out the overall spatial development strategy includes a requirement to plan for at least 5,700 additional dwellings (net) in the district over the Plan period. Figure 8 sets out approximate development levels for different parts of the district, including a total of 1,670 dwellings within villages. Policy RA1 (v) sets a target of 55 new dwellings (net) in Netherfield over the CS period 2011-2028. Taking into account 7 completions locally between April 2011 and end March 2013 – but with no existing commitments or outstanding local plan allocations in the village – the remaining requirement is for 48 dwellings. Notwithstanding concerns about the accessibility and sustainability of the village expressed in the public comments, Netherfield is considered a relatively accessible location in the context of the district outside of the towns, having an albeit very limited bus service and locally accessible services, including a primary school, local shop / post office /café, two public houses, a village hall and recreation ground, children's playground and other areas of public open space.
- 6.5.2 Core Strategy Policy OSS2 states that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not. The Policy goes on to state that existing development boundaries will be reviewed having regard to a number of criteria including, (i) the existing pattern, form and function of settlements; (ii) the character and settings of individual villages; (iv) the amount of land needed to fulfil development needs; (v) availability of local infrastructure and services and (vii) environmental considerations including the need to conserve designated areas of national and local landscape, archaeological, geological, ecological or historic importance.
- 6.5.3 The suitability of the application site for future development was previously assessed as part of the SHLAA 2010 and SHLAA Review 2013. The SHLAA is an initial assessment to support the Core Strategy and an 'evidence base' document. It does not allocate land for housing nor pre-empt or prejudice any

Council or Neighbourhood Plan decisions about particular sites. It is an aid to plan making and not a statement of Council policy but in the context of this application is of relevance. Within the SHLAA 2010 the site was identified as a 'green site, suitable and available for development and in the 2013 review as an 'amber' site (NE1), considered suitable and developable together with adjoining smaller sites (NE11 and NE5a) to the east for approximately 48 dwellings. The SHLAA noted that the Highway Authority would only accept vehicle access from the north off Darvel Down and that there were two possible access points. The one proposed in this application, the western one was considered less favourably due to there being no public footway to the front of the houses built on the former water tower site or the children's play area. The preferred access that the SHLAA notes was identified by the Town Council would be via the existing children's play area (NE11) that would itself be relocated possibly to the open space opposite the post office. The development of the sites jointly would enable improved cycle and pedestrian linkages with the shop and with bus stops on the B2096, and an enlarged / improved open space incorporating the larger TPO trees on an adjoining site (NE5). The potential for the application site to be developed as part of a larger development was considered in pre-application discussions between the Council and the applicant but the smaller sites are not within the applicants' control or currently available for development. However, the application proposal could leave the potential for an extension into NE5a and NE11 open for future development if that were considered appropriate through the Neighbourhood Plan process or in connection with a subsequent planning application if one were made. That option is illustrated on the submitted indicative drawings.

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

Five-year housing land supply

- 6.5.5 Paragraph 49 of the National Planning Policy Framework requires that housing applications should be considered in the context of the presumption in favour of sustainable development; it goes on to say that existing local plan policies for the supply of housing should not be considered up-to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. Notwithstanding that, weight can continue to be given to those policies depending on their degree of consistency with the National Planning Policy Framework: the weight to be given to be determined by the decision taker.
- 6.5.6 In respect of the five-year supply issue at October 2017, the latest date for which figures are available, the Council could only demonstrate a 3.2 year supply of available housing sites including a 20% buffer. This means that the 2006 Development Boundaries and other policies that relate to the supply of housing must be viewed at present as being 'out-of-date' for the purposes of paragraph 49 of the National Planning Policy Framework and that, as a consequence, planning applications fall to be considered in the context of paragraph 14 of the National Planning Policy Framework. However that does not mean that housing schemes which are unacceptable for other sound planning grounds must now be allowed; but it does add weight to the benefits that the contribution to boosting housing supply would bring when

determining planning applications 'on balance' and that weight in the specific context of Netherfield would be 'significant' in light of the fact that no recent planning permissions have been granted in the village.

6.5.7 Paragraph 14 states:

"For decision-taking this means:

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

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

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

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

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

6.6.2 Policy OSS2 of the Core Strategy states that development boundaries around settlements will be reviewed including taking account of (i) the existing pattern, form and function of settlements, including of closely 'linked' settlements and important 'gaps' of countryside between them, and (ii) the character and setting of individual towns and villages.

6.6.3 Policy OSS3 of the Core Strategy states that development proposals will be assessed in the context of (i) the spatial strategy for the particular settlement; and (vi) the character and qualities of the landscape.

- 6.6.4 OSS4 (iii) of the Core Strategy requires that all development respects and does not detract from the character and appearance of the locality.
- 6.6.5 RA1 (i) seeks to protect the locally distinctive character of villages.
- 6.6.6 Policy RA2 sets out the overarching strategy for the countryside outside the main confines of villages, including: (viii) generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.
- 6.6.7 Policy EN1 provides for the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features including (i) the distinctive identified landscape character, ecological features and settlement pattern of the AONB and (v) open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes.
- 6.6.8 In addition to paragraph 115 of the National Planning Policy Framework, paragraph 109 requires that the planning system should contribute to and enhance valued landscapes that would include the AONB.
- 6.6.9 The impact of a development proposal on these policy objectives needs to be balanced against the identified need within the Core Strategy to significantly increase the supply and delivery of additional housing across the district, including within the AONB and notably within Netherfield itself. Great weight is to be given to conserving the landscape and scenic beauty of the AONB within that balancing exercise.
- 6.6.10 The application site comprises a single field bounded on three sides by mature tree planting and on two sides by housing. The land that was previously owned by the Mountfield Mine was sold with other land in the 1950s to develop the Darvel Down estate. The land is well related to the existing settlement pattern of the village being sited between Darvel Down to the north and houses on the B2096. The western edge of the site is defined by a strong belt of trees that is to be retained and therefore, the proposed development would not extend the built form beyond the established and defined boundary of the village. Due to the western tree belt, other tree screens and the surrounding built form, there are no long views into the site from the surrounding AONB countryside. Subject to the adequate long term protection and enhancement where necessary of the screening planting and to all other considerations, in terms of the relevant policy considerations set out above the site is considered to be an appropriate location for development that would not harm the existing character of the village, its setting within the AONB, or the landscape and scenic beauty of the wider AONB.
- 6.6.11 In reaching this conclusion, officers have taken into account objections 'in principle' to the development of the site based firstly on its perception as an important open green space separating development on Darvel Down from that on the B2096 and secondly, that the site forms part of the historic farmstead of Whitehouse Farmhouse. Whilst the site does, as a matter of fact, currently provide some degree of separation between the two areas of development it is not identified or designated as open space to be protected. Furthermore, there is no public access to it and the only public view point of the site is from immediately outside the existing access onto Darvel Down.

Therefore it has limited value in that respect that is outweighed by the benefit of it being concealed from the wider AONB landscape. With regard to its relationship to the historic farmstead of Whitehouse Farm it is noted that the latter that is now a single dwellinghouse in a residential curtilage has a far closer relationship with its neighbours, Swallow Barn and the relatively new housing development comprising East House and West Ridge. Whilst historically the farmstead may have been set within in a far larger network of open fields and woodlands its connection with its hinterland has been entirely lost both physically and functionally. The development of the application site would not harm its setting further.

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

6.7 Traffic, accessibility and highway safety

- 6.7.1 Notwithstanding that the highway authority raised no objection to the previous application on highway safety or access grounds, RR/2017/941/P was refused for the reason that the proposed vehicular access arrangements were unsatisfactory and would lead to the loss of several on street parking spaces (3 to 4) on Darvel Down and thus exacerbating the difficult parking conditions that are sometimes experienced on this section of the road. In response the current proposal indicates that three parking spaces for use by the properties affected by yellow lines on Darvel Down could be provided on the east side of the access road within the application site. Those spaces are indicated on the illustrative site layout as visitor spaces but if Committee is minded to grant outline permission it is recommended that their use as dedicated parking for the affected houses should be secured through a section 106 planning obligation.
- 6.7.2 ESCC Highway Authority has again raised no objection to the proposal and furthermore states in its response that, *"taking into account paragraph 32 in the National Planning Policy Framework which states "development should only be prevented or refused on transport grounds where the cumulative impacts of the development are severe" a recommendation for refusal based on the impact of the development on the highway network could not be justified"*. The illustrative proposal shows provision in addition to the three compensatory spaces of 55 off street spaces to serve the 25 dwellings

proposed that is at the upper end of the range required by the ESCC parking demand calculator for this part of the district.

- 6.7.3 In terms of traffic generated by a development of this scale, in peak hours this is expected by the highway authority to amount to no more than one additional vehicle every three minutes at worse.
- 6.7.4 In terms of accessibility, whilst noting that access to and from the village is exceptionally limited by public transport it is recognised that the site is located in easy walking distance of local services with good pedestrian routes available.
- 6.7.5 It is recommended that together, the reduction in overall numbers of dwellings proposed and the provision of dedicated compensatory parking for existing residents overcomes the Committee's previous objection to the development on this ground.

6.8 Impact on protected trees

- 6.8.1 The third and final reason for refusing the previous proposal was the impact of the widened access on the future viability of a protected oak tree (T1) or its complete removal that would if it was considered, be harmful to the visual amenity of the area sufficient in the planning balance to be made, to warrant refusal. The applicant, at the time that the previous application was considered made alternative proposals to investigate the possibility of retaining the tree within the development once construction started but that was not considered adequate by the Committee. The current proposal re-instates the proposal to remove this tree to enable the widening of the vehicular access to the site and the provision of a pedestrian footway however in an email dated 15 January the applicant confirms that it remains committed to exploring whether it can be retained.
- 6.8.2 As was previously reported in connection with RR/2017/941/P, the impact of the proposed development on the existing trees was discussed with the Council's tree officer on site at the pre-application stage and no objection to the loss of T1 or others proposed was raised. In connection with the current application the officer has given the following advice, that, *"...the large tree (T1) at the access is a reasonable tree which has amenity value and contributes to the character of the area. However, the position of the new access would cause damage to the roots of the tree which is likely to have an impact on its condition. It would not be recommended to have such a tree in this location next to a road in these circumstances where there is a high risk it could cause damage. Moving the access away from T1 would bring it closer to another oak tree (T35) which is considered a better specimen (has more character) on the other side of the access. It is to be expected that it would be considered that the benefits of building the houses would outweigh the loss of this one oak tree and it would not be a reason to refuse permission."*
- 6.8.3 The tree officer's advice goes on to say *"...it is also considered that other trees proposed to be felled on the site are not prominent in the landscape or poorer specimens such as T11, T12 T13 T14. Trees such as T20, T21, T22, G24, G4 and G36 are self-sown trees which are growing up within the site due to the lack of management or grazing of the field. Due to the number of trees in the area the loss of these trees would not have a significant impact*

on the landscape of the area. Notwithstanding the loss of the trees, replacement planting should take place to mitigate for the loss.”

6.8.4 The arboricultural report supporting the application is the one submitted with the larger scheme and therefore represents the ‘worst case’ based on an objective assessment of the condition of the trees on site and the volume of development then proposed. The reduction in the number of proposed dwellings now would be expected to have some impact on the number of trees that would require felling however, other than for T1 (subject to further investigation by the applicant) that is affected by the access to be approved at this stage and recommended by the Tree Officer to be removed for safety reasons, subject , the impact of the development on other trees would only be finally determined at reserved matters stage if outline permission is forthcoming.

6.8.5 The reduction in development density not only provides an opportunity to potentially retain more of the existing trees on the site but also presents further opportunities for additional and compensatory planting within the site. In overall terms therefore, the officers’ recommendation remains that the loss of the oak tree T1 is not sufficient grounds in the planning balance to be made to refuse planning permission.

6.9 Impact on adjacent properties

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

6.10 Biodiversity

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

6.10.2 In terms of protected species, the appraisal concludes, contrary to the ‘non-expert’ assessment of the arboriculturalist’s report referred to in some public representations, that the mature trees on the boundaries do not provide roosting opportunities for bats but do support foraging and that in that respect also, the site provides some connectivity to offsite habitats largely along the northern and very north western edge. There are no badger setts on the site and no latrines or snuffle holes were identified however, several mammal paths were recorded on the edges of the field though no evidence was found

to establish the species causing these. The edges of the site provide nesting opportunities for birds. The site is not considered to provide suitable habitat for reptiles as the grass is regularly cut. This latter point is now disputed by some local objectors who suggest that the grass is cut no more than once a year. Notwithstanding that, aerial photography held by the Council and also on Google Earth indicates that the grass on site over the last five years or so has been kept relatively short. This matter is returned to below.

6.10.3 The County Ecologist raised concerns about the methodology of the initial ecological assessment but in overall terms was satisfied that subject to appropriate conditions being attached to any grant of planning permission including an ecological design strategy that enhances the site's value for biodiversity that the development would be unlikely to have a significant impact on biodiversity or cause harm to protected species. In that regard the County Ecologist noted that the indicative layout shows plots extending to the edges of the site that offer little opportunity for retention, enhancement and creation of semi natural habitats. It is recommended that the layout is revised to allow wider edge habitats outside of individual plots. This remains largely the case on the amended indicative site layout.

6.10.4 Objections to the re-submission of the preliminary ecological appraisal in support of the current application have been received. However it is recognised that the appraisal only ever provided a 'snapshot' of the condition of the site at the time it was undertaken and in that regard there is no reason to assume that anything more would be found at this time if a similar exercise were to be carried out now, or that the position would thereafter remain static until development of the site (if approved) commenced. Notwithstanding that all protected species are protected under the Wildlife and Countryside Act 1981 and also in the case of bats, by the Conservation of Habitats and Species Regulations 2010. Work would be expected to take a precautionary approach and in the event that any such species are encountered during development all work would be required to stop immediately and advice be sought from a suitably qualified and experienced ecologist to comply with the relevant legislation.

6.11 Foul and Surface Water Drainage

6.11.1 Southern Water has confirmed that its initial assessment is that the foul sewage requirements of the development can be accommodated by the public foul drainage network. There is still a possibility that a pumping station to direct sewage to the public sewer may be required but this would be expected to be an underground facility and a location is indicatively shown for that in the north-west corner of the site. A minimum 15m separation between that any habitable accommodation is required and this is comfortably achieved within the indicative site layout submitted.

6.11.2 ESCC as Local Lead Flood Authority is satisfied that surface water falling on the developed site can be adequately dealt with without increasing off site flood risk.

6.12 Land stability

6.12.1 Part of the western side of the site is affected by abandoned gypsum mines with floor to roof heights of 3 – 4m at a depth of circa 200m. In connection with the previous application RR/2017/941/P and another recent application

for development elsewhere in the village it has been established beyond reasonable doubt that there is no in-principle objection to development occurring above those mines, any potential land movement falling within the normal tolerances of house foundations. Paragraph 120 of the National Planning Policy Framework states that, where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Whilst the indicative drawings submitted indicate that some very limited development might be being considered over the potentially affected area contrary to what was previously said by the applicant, there is no reason for the Council to maintain an objection to that. It is also the case that the site plan submitted is for indicative purposes only and is not for approval now. The applicant has also provide clarification on this matter stating in an email dated 15 January that, *“unless it can be demonstrated to Asprey through geotechnical investigations and receipt of advice from structural engineers, that there is no potential risk to ground stability and foundations by constructing within such an area, it is not our intention to do so. Clearly if it is demonstrated that there is no risk, then we may be prepared to consider a different approach”*.

6.13 Archaeology

- 6.13.1 The Council takes its archaeological advice from the County Archaeologist with the expertise in this respect. The applicant has undertaken a desk top assessment and a detailed magnetometer survey of the application site both of which have been assessed by the County Archaeologist. The magnetometry survey has identified a ring of deposits in the northwest corner of the site that might indicate a ring ditch / prehistoric burial mound site that would be of national significance. On the other hand, the deposits may equally be the result of the natural geology. The features are not represented on either modern or historic cartography. A detailed trench investigation would be required to ascertain the significance of the deposits and the County Archaeologist has proposed conditions to secure that and also for those remains if present to be retained in situ or recorded before development.

6.14 Layout and Design

- 6.14.1 The application is submitted in outline with all matters other than access reserved. The site layout and building elevations are therefore submitted for illustrative purposes only and are not for approval. It should be noted that the amended indicative layout was not discussed with officers prior to submission and remains unacceptable in terms of layout and house design.
- 6.14.2 Notwithstanding that the reduction in density now proposed allows more scope to address those concerns and also to accommodate enhanced site boundary measures for biodiversity and landscape value and to accommodate any archaeological remains if those are present and of significant importance requiring preservation in situ. These related matters would be fully addressed at reserved matters stage in the event that outline permission is granted.

6.15 Affordable housing provision and other planning obligations

- 6.15.1 In the event that outline planning permission is granted this would need to be subject to the satisfactory completion of a section 106 planning obligation.

The Community Infrastructure Levy (CIL) Regulations 2010 provide three tests for section 106 Planning Obligations. Obligations should be:

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

Any matter included with a section 106 Agreement must meet all of these tests.

6.15.2 In this case the following requirements would be necessary under a section 106 agreement being considered to be related to the development, proportionate and necessary:

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

6.15.3 In addition to the section 106 agreement the off-site highway works will also require a section 278 Highway Agreement with the County Highway Authority.

6.16 Impacts on European sites

6.16.1 With regard to the impact of the proposal on the air quality of Ashdown Forest and Lewes Down Special Areas of Conservation (SAC), and hence on the sites' principal interests: having regard to the conclusions of the Habitat Regulation Assessments (HRAs) undertaken for the adopted Core Strategy, supplemented by available evidence of commuting data for this locality, it is found that there is no discernable prospect of additional traffic from the proposed development impacting on the Ashdown Forest or Lewes Downs SACs in particular.

6.16.2 This is based on consideration of the likely level of non-local (i.e. commuting) trips that can be estimated to be generated by the proposed development and the likely distribution of those trips, having regard to recorded commuting flows from this locality. Assuming two trips from a single vehicle to any destination, the proposal is found likely to generate less than one quarter of a single daily vehicle movement that would have the potential to have impact on the Ashdown Forest SAC. Similarly, the likely trip generation close to the Lewes Downs SAC is less than one half of a single daily vehicle movement.

6.16.3 Of course, the current trip distribution does not necessarily equate to that which will occur in the future. A significant factor affecting future trips will be

the availability of employment opportunities locally. In this respect, it is anticipated that there will be a relative increase in jobs locally, particularly in the “A21 Corridor”, as a consequence of on-going major business development schemes, and associated road access improvements which should lead to a lesser level of net out-commuting from the area for work.

- 6.16.4 Notwithstanding this, the applicant has been invited to submit a site-specific assessment of likely traffic impacts, drawing on the traffic generation information in the Transport Assessment.
- 6.16.5 Hence, while it is anticipated that it may be concluded that any likely significant effects upon European sites, even in combination with other relevant plans and projects, can reasonably be screened out, it is considered prudent to seek external verification of this position, and any evidence that may be submitted by the applicant, before making a final decision.

7.0 COMMUNITY INFRASTRUCTURE LEVY

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

8.0 SUMMARY

- 8.1 The site lies outside of the current development boundary and within the High Weald AONB. However it is recognised within the Rother Local Plan Core Strategy that in order for the district to meet its housing requirement over the plan period that development boundaries will need to be reviewed and that certain villages, including Netherfield will need to accommodate some of that housing growth. The net identified minimum requirement for the village is 48 dwellings.
- 8.2 The National Planning Policy Framework and Policy PC1 of the Core Strategy require that planning decisions are made in accordance with a presumption in favour of sustainable development. Paragraph 7 identifies three dimensions to sustainable development: economic, social and environmental. Paragraph 8 confirms that these should not be pursued in isolation but sought jointly and simultaneously. Paragraph 49 of the National Planning Policy Framework says that where a Local Planning Authority cannot a five year supply of deliverable housing sites including appropriate buffer that its policies for housing supply must be considered out of date. Decisions in that case should be made in accordance with paragraph 14 which requires that proposals for sustainable development are permitted unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole* unless, or in accordance with footnote 9, other policies of the National Planning Policy Framework such as paragraph 115 concerning AONBs suggests that development should be restricted. Within the AONB the principal consideration in the planning balance to be made is that *great weight should be given to conserving the landscape and natural beauty* of the

AONB, which has the highest status of protection in relation to landscape and scenic beauty.

- 8.3 The application site is located within the confines of the existing and established built extent of the village and would not extend this any further into the surrounding AONB countryside. Furthermore, the strong mature tree line on the west boundary of the site prevents any long distance views into the site from the AONB. For those reasons it is concluded that the proposed development would not cause harm to the landscape of the AONB or the setting or character of the village within it. Subject to details that would be negotiated and agreed as reserved matters the development of the site can be achieved whilst, notwithstanding the loss of some existing trees including possibly one the subject of a TPO, protecting and enhancing the tree lines that bound the site and its biodiversity value. For these reasons the proposal is considered to meet the environmental dimension.
- 8.4 The proposal by providing 25 dwellings would make a significant contribution towards the additional 48 dwellings that the Rother Local Plan Core Strategy requires are delivered in the village over the plan period and therefore meets the economic dimension. In light of the Council not currently being able to demonstrate a five year supply of deliverable housing sites this consideration weighs heavily in favour of the proposal within the planning balance to be made.
- 8.5 Although the village's sustainability for new development has been questioned it was assessed to be a relatively accessible and sustainable location within the production of the Core Strategy suitable to accommodate additional dwellings of this quantum. In that regard the village has a small range of local facilities and services including a primary school, local shop / post office, two public houses and a children's playground. The application site is located within the most accessible part of the village and those services are all within easy walking distance via good footway connections. Satisfactory vehicular access to the site can be achieved and the proposal is able to meet its assessed off-street parking requirement. For these reasons it is also considered to meet the social dimension.
- 8.6 To conclude therefore, the amended proposal for the development of 25 dwellings on the site and the provision of compensatory off street parking for the properties on Darvel Down affected by the proposed double yellow lines is considered to satisfactorily address reasons 1 and 2 for refusing application RR/2017/941/P. Whilst the possible loss of the TPO tree (T1) is not resolved, and its loss would weigh against the proposal in the planning balance to be made the loss could be mitigated through new compensatory and additional tree planting on the site and would be clearly outweighed by the benefits of developing the site for housing. For that reason, it is recommended that outline planning permission should be granted subject to conditions and a section 106 planning obligation.

RECOMMENDATION: GRANT (OUTLINE PLANNING) DELEGATED (FOR EXTERNAL VERIFICATION OF THE ASSESSMENT OF IMPACTS ON THE EUROPEAN NATURE CONSERVATION SITES AND COMPLETION OF A SECTION 106 AGREEMENT RELATING TO:

- **Provision of 40% affordable housing units and nomination rights.**
- **A new vehicular access into the site.**

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

1. Approval of the details of layout, appearance, landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development commences on the development.
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
2. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
5. The development hereby permitted shall be carried out in accordance with the following approved plans and particulars:
Drawing no. 17/0305/SK02 Rev A, Site Access Design dated June 2017
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
6. The landscaping details to be submitted pursuant to condition 1 shall include the following:
 - a) details of all hard landscaping;
 - b) details of all trees to be retained;
 - c) design, layout and appearance of structural and amenity green space, including verges;
 - d) planting plans, including landscape and ecological mitigation (buffer planting and green buffers);

- e) written specifications (including cultivation and other operations associated with plant and grass establishment);
- f) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- g) details for implementation.

The development shall thereafter be carried out in accordance with the details as approved in writing by the Local Planning Authority and in accordance with an agreed implementation programme.

Reason: To ensure the creation of a high quality public realm and landscape setting that enhances the landscape and scenic quality of the High Weald AONB in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.

7. No development shall commence until details for the protection of existing trees and hedgerows on the site to be retained have been submitted to and approved in writing by the Local Planning Authority. The details shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with a scheme for protection, which shall include locations for protective fencing, ground protection and no dig surface construction methods in accordance with Appendix E-G of the Arboricultural Survey and Planning Integration Statement by Quaife Woodlands Rev A dated 2 March 2017. The approved scheme shall be put in place prior to the commencement of any development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: These details are required prior to commencement of works to ensure the protection of retained trees and hedgerows during construction and the creation of a high quality public realm and landscape setting in accordance with Policy EN3 of the Rother Local Plan Core Strategy.

8. No works or development shall take place until a full specification of all proposed tree planting has been approved in writing by the Local Planning Authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be protected and the proposed time of planting in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. A schedule of maintenance of the trees until successfully established is to be agreed in writing with the Local Planning Authority and implemented. The schedule shall include provision for replacement planting should establishment fail, such measures having regard to BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations.

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

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

dwellings shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

Reason: 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.

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

1)

- (a) Carry forward the principles of surface water management outlined in Herrington Consulting's Flood Risk Assessment (March 2017);
- (b) Provide evidence of (a) in the form of hydraulic calculations to be submitted with the detailed drainage drawings taking into account the connectivity of the different surface water drainage features; and
- (c) Not include permeable paving constructed in individual private driveways.

2)

- (a) Include a maintenance and management plan for the entire drainage system that clearly identifies who will be responsible for managing all aspects of the surface water drainage system including piped drains, and confirmation that the appropriate authority is satisfied with the submitted details; and
- (b) Include evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

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

Reason: 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.

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

Reason: A pre application condition is required because the works subject to the TRO are required to be carried out prior to any other development commencing to ensure that traffic conditions on Darvel Down maintain the safety of all road users including during the construction period in accordance with Policies TR3 and CO6 of the Rother Local Plan Core Strategy.

12. No development shall commence, including any ground works, until a Construction Management Plan has been submitted to and approved in

writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- a) the anticipated number, frequency and types of vehicles used during construction;
- b) the method of access and egress and routing of vehicles during construction;
- c) the parking of vehicles by site operatives and visitors;
- d) the loading and unloading of plant, materials and waste;
- e) the storage of plant and materials used in construction of the development;
- f) the erection and maintenance of security hoarding;
- g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary TRO); and
- h) details of public engagement both prior to and during construction works.

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

13. No development shall commence until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

14. No development shall commence until details of the foundations, piling configurations, drainage and services, to include a detailed design and method statement, has been submitted to and approved in writing by the Local Planning Authority, such details to show, where necessary, the preservation of surviving archaeological remains which are to remain in situ.

Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground to remain in situ is safeguarded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

15. No development shall commence until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location/area of proposed works on appropriate scale maps and plans;

- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development’;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures; and
- j) details for disposal of any wastes arising from the works.

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

Reason: A pre-commencement condition is required to enable the local planning authority to properly ensure the protection of protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5(ii), (v) and (viii) of the Rother Local Plan Core Strategy.

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

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

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

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

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

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

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

19. Prior to any occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, e.g., for foraging; and

- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding site and resting places.

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

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

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

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

21. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 13 and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

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

22. Unless alternative times are specifically agreed in writing construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 08:00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.

Reason: So as not to unreasonably harm the amenities of adjoining properties in accordance with Policies OSS4 (ii) and CO6 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

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

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

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

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

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

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

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

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

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

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

28. 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 the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

b) If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

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

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

NOTES:

1. This permission is the subject of an obligation under section 106 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt, the applicant is advised that the design, layout, and elevational information submitted with the application, are not acceptable and are not approved, namely:
 Drawing No. DD/522/SP 10 Rev J – proposed site layout at scale 1:250 which indicates access and circulation arrangements, including parking, disposition of development and broad landscaping,
 Drawing No. DD/522/BP 01 Rev D – proposed block plan,
 Planning, Design & Access Statement which includes the indicative layout and written explanation,
 Drawing No. DD/522/SS 10 Rev A – indicative street scenes for illustrative purposes
 For the avoidance of doubt, the site layout, internal circulation arrangements, disposition of development, public realm treatment including car-parking, and internal streetscape and elevational massing and forms of buildings, fail to deliver the high quality design required by the National Planning Policy Framework and by the Rother Local Plan Core Strategy.
3. The applicant is reminded of the need to enter into section 38 and section 278 agreements with the Highway Authority.
4. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.

5. The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed TRO. The applicant would be responsible for meeting all costs associated with this process which is a minimum of £5,000. The applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.
6. In relation to condition 13, the written scheme of investigation, ensuing works and production of reports should accord with the relevant portions of the ESCC document "Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation in East Sussex" (2008), including Annexe B, and should be undertaken only by a suitably qualified archaeologist. For assistance and advice in seeking compliance with the requirements of the condition, please contact the County Archaeologist at ESCC, Transport & Environment, County Hall, Lewes, BN7 1UE, telephone 01273 481608 or email County.Archaeology@eastsussex.gov.uk.
7. The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.
8. The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. The presence of protected species cannot be discounted on this site given its character and location and a precautionary approach must be taken to all site clearance and construction works. Should any protected species be encountered during these works all work on site should cease and advice sought on how to proceed from a suitably qualified and experienced ecologist. Separate licences and consents may be required to undertake work on the site where protected species are found.
9. This development will be subject to the CIL and all interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

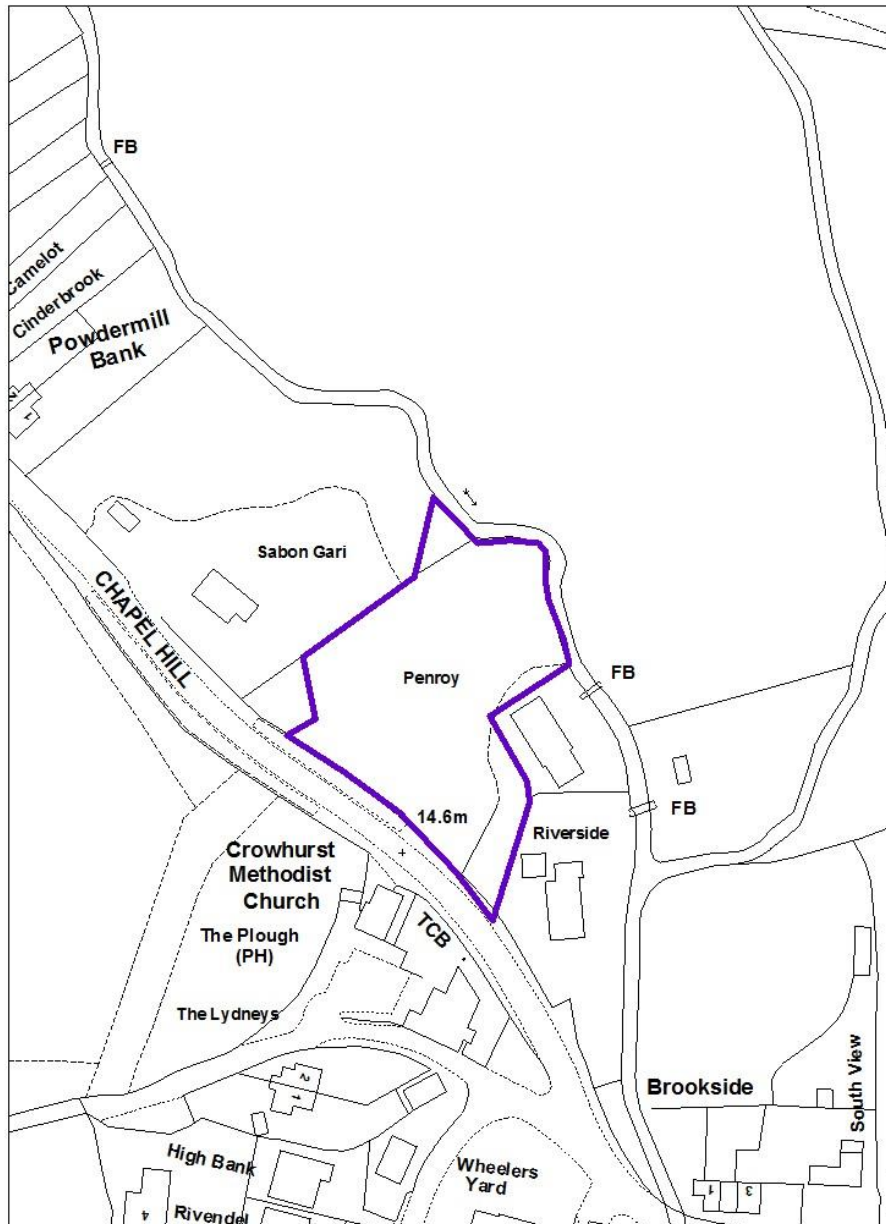
[View application/correspondence](#)

SITE PLAN

Crowhurst

RR/2018/174/P

Sabon Gari - Land adj, Crowhurst Road



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Not To Scale

RR/2018/174/P**CROWHURST Sabon Gari – Land adj, Crowhurst Road****Two detached dwellings.**

Applicant: Arrowstream
Agent: Pump House Designs
Case Officer: Mr S Carey (Email: scott.carey@rother.gov.uk)
Parish: CROWHURST
Ward Member: Councillor G C Curtis

Reason for Committee consideration: Member Referral – Councillor Curtis**Statutory 8 week date: 7 March 2018****Extension of time agreed to: 20 March 2018**

This site was visited by Committee in December 2017, at the time of the last planning application Ref RR/2017/2057/P.

1.0 POLICIES

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

- Policy DS3 (Proposals within Development Boundaries).

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

- Policy PC1 (Presumption in Favour of Sustainable Development)
- Policy OSS2 (Use of Development Boundaries)
- Policy OSS3 (Location of Development)
- Policy OSS4 (General Development Considerations)
- Policy SRM2 (Water Supply and Wastewater Management)
- Policy CO6 (Community Safety)
- Policy EN1 (Landscape Stewardship)
- Policy EN3 (Design Quality)
- Policy EN5 (Biodiversity and Green Space)
- Policy EN7 (Flood Risk and Development)
- Policy RA1 (Villages)
- Policy TR3 (Access and New Development)
- Policy TR4 (Car Parking)

1.3 The National Planning Policy (NPPF) and Planning Policy Guidance are also material considerations. Relevant paragraphs include:

- Paragraphs 7 and 14 (Sustainable Development)

- Para 17 (Core Planning Principles)
 - Para 115 (Conservation of the AONB)
-

2.0 SITE

- 2.1 The application site is an area of land to the east of a detached property known as 'Sabon Gari' and was formerly in the ownership of that property. The site itself is an undeveloped piece of land containing mature vegetation and trees (subject to a Tree Preservation Order). A watercourse runs along the northern boundary of the site and a small part of the site is within Flood Zone 3. To the east of the site lies a detached bungalow known as 'Penroy', with another detached property, 'Riverside', further to the south-east.
- 2.2 The site is within the Crowhurst Development Boundary as defined by the Rother Local Plan Core Strategy. It is also within the High Weald AONB.
-

3.0 HISTORY

- 3.1 RR/2017/1436/P Two detached dwellings – Refused August 2017.
- 3.2 RR/2017/2057/P Two detached dwellings – Refused 12 December 2017.
-

4.0 PROPOSAL

- 4.1 The proposal is a revised submission following a recent refusal for the erection of two 3-bedroom dwellings with vehicle/pedestrian access from Chapel Hill. This proposal is the third attempt to gain permission for the development on the site.
- 4.2 The first application (reference RR/2017/1436/P) was refused on 11 August 2017, due to the loss of established trees and woodland to create the access, a lack of ecological justification for the loss of natural habitat, the unremarkable design and suburban appearance of the proposed houses within the High Weald AONB and the potential impact upon the neighbouring property, 'Penroy'.
- 4.3 A revised application (reference RR/2017/2057/P) was refused on 12 December 2017, due to the potential impacts from the proposed access road upon the amenities of the neighbouring property, 'Penroy'.
- 4.4 The scheme now proposed locates the houses again towards the northern end of the site, in a slightly revised position towards the north-west, and would be accessed via a new driveway through mature woodland, from the existing drive off Chapel Hill which currently serves 'Penroy' alone. The access point to the new dwellings has been relocated slightly further towards the south, away from 'Penroy', and the proposed close-board fence running along the access road into the site has also been relocated further away from 'Penroy'. A native hedgerow is also proposed in front of this fence, to act as screening.

- 4.5 The plans also show land directly adjacent to the front (west facing) elevation of 'Penroy', to be transferred to the ownership of this neighbouring property. A gate is shown across the entrance into 'Penroy'.
- 4.6 The proposed dwellings remain as two storey dwellings, with fully pitched and hipped roofs. The external materials have changed from the previous scheme and consist of facing brickwork at ground floor level, with one dwelling having tile hanging at upper floor level, and one dwelling having weatherboard. The roofs would be plain tiled.
-

5.0 CONSULTATIONS

5.1 Parish Council:

- 5.1.1 Object to the application (summarised):
- New proposal essentially unchanged
 - Doubt cast on the ecological surveys
 - Provision of gate is not a practical solution
 - Concern over impact on TPO trees near access
 - Widened access route unsafe
 - Increased water run-off a concern

5.2 Highway Authority:

- 5.2.1 No objection subject to conditions.

5.3 Planning Notice:

- 5.3.1 A petition objecting to the proposal with 11 signatories has been received.

- 5.3.2 Nine letters of objection (2 from the same property), and 1 letter of general comment have also been received (summarised):

- Construction traffic will affect nearby retaining wall and bank
- Increase in use of access road will be detrimental to highway safety
- Revised route of driveway will have an even more severe effect on 'Penroy'
- Poor and restricted visibility on Chapel Hill
- Volume and speed of traffic on main road, with a blind corner
- Closer than previous applications
- Proposed fence will block available light
- 'Penroy' will be turned into a compound
- Shadow line shown is misleading
- Traffic headlights will shine into 'Penroy', together with noise and disturbance passing close to 'Penroy' will lead to unpleasant impact on amenity
- Trees covered by a TPO would be removed
- Trees in southernmost area will have roots affected by construction traffic
- Land has strategic importance as wildlife haven
- Will destroy an area rich in indigenous wildlife
- Ecology report conflicts with knowledge of locals who have lived here for many years

- Ecologist report mentions little evidence of wildlife, but report took place over a couple of hours only on bright sunny day
 - Site registered on Sussex Biodiversity Report 2017 as a bat site
 - Design of dwellings not in keeping with character of village or AONB
 - Surface water from the site will increase, affecting 'Penroy'
 - Will aggravate existing problem of flooding further downstream
 - Overbearing to 'Penroy'
 - Proposed development designed to minimise disruption to Sabon Gari
-

6.0 APPRAISAL

6.1 *Principle of development:*

6.1.1 It is explained within Policy OSS2 that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not. Although the site is within a defined development boundary in the Local Plan (2006).

6.1.2 Policy OSS3 addresses at the location of development, and of particular relevance are:

- (i) The spatial strategy for the particular settlement or area, and its distinct character;
- (ii) The capacity of, as well as access to, existing infrastructure and services, and of any planned or necessary improvements to them; and
- (vi) The character and qualities of the landscape.

6.1.3 The local planning authority cannot currently demonstrate a five-year supply of deliverable housing sites and therefore in accordance with paragraph 49 of the National Planning Policy Framework (NPPF), the Council's policies for the supply of housing (including the Development Boundary see paragraph 6.1.1 above) should not be regarded as up-to-date and therefore *'housing applications should be considered in the context of the presumption in favour of sustainable development'*.

6.1.4 Given the modest contribution that two houses would provide, within an area which by definition is considered to be sustainable, this positive impact is weighed against the other factors which are appraised below.

6.2 The main issues to consider are:

- Impact on existing trees and vegetation
- Ecological issues
- Character and appearance of the area
- Impact on any nearby residential properties
- Highway safety
- Surface water drainage

6.3 Policy RA1 requires the needs of the rural villages to be addressed by (i) *Protection of the locally distinctive character of villages, historic buildings and settings, with the design of any new development being expected to include appropriate high quality response to local context and landscape.*

- 6.4 Policy EN1 requires development to protect and if possible enhance designated features, such as *(i) The distinctive identified landscape character, ecological features and settlement pattern of the High Weald Area of Outstanding Natural Beauty.*
- 6.5 Policy EN3 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.*
- 6.6 *Impact on existing trees and vegetation*
- 6.6.1 Following the refusal of planning application RR/2017/1436/P, the local planning authority made a Tree Preservation Order (TPO) on the site covering “all trees of whatever species (mainly broadleaf)”. This Order has now come into full force and effect, and while it refers to the whole site, its main objectives are to preserve the woodland along the road frontage, the trees near to the existing vehicular access and a mature oak tree within the site itself.
- 6.6.2 This new proposal still includes a new driveway approximately halfway down the existing access driveway which currently serves ‘Penroy’. The new driveway to access the development would be through mature woodland, and would result in the removal of some existing woodland. In addition, in order to create the hard standing access it would require the removal of 1 x hazel, 1 x ash and a group of hazel, thorn and willow trees.
- 6.6.3 It is also proposed to remove a group of hazel, holly and thorn trees which would be sited within the garden area of one unit, one hazel tree in close proximity to the western unit, and a mixed woodland area to the west of the site.
- 6.6.4 The access point shown has been chosen in part to avoid harm to a group of trees on the road frontage adjacent to the existing access point, which consists of oak, ash, hazel and cypress species. This part of Crowhurst is semi-rural in nature, with the application site completely screened by existing vegetation on the road frontage. The road frontage hedgerows would remain.
- 6.6.5 While there are trees to be removed to facilitate the development, these trees are contained within the site, and are not considered to be of sufficient amenity value to warrant a refusal on the grounds of retention. Those trees not directly impacted by the development itself would remain protected.
- 6.6.6 The submitted arboricultural report identifies one ‘Grade A’ tree, i.e. a tree of high quality with an estimated remaining life expectancy of at least 40 years as defined by BS5837. This tree is a mature oak on the western side of the site, and measures would need to be put in place to ensure sufficient tree protection is carried out during the course of any works. The submitted report considers that the tree can be adequately protected during the development process.
- 6.6.7 On the basis that a tree protection condition can be imposed, ensuring the mitigation measures as contained in the arboricultural report are carried out during the course of development, and conditions are imposed relating to the retention of certain hedgerows along the front boundary, there is no objection

to the proposal on the grounds of any detrimental impact to trees and vegetation.

6.7 *Ecological issues*

- 6.7.1 As the land is undeveloped and covered in mature vegetation and shrubbery, it is considered that there is potential for protected species to be present on this site. The proposal would see a significant amount of trees and woodland cleared, as well as shrubs. The two dwellings would also be sited in close proximity to the Pevensey Levels Catchment water course to the north.
- 6.7.2 The application is accompanied by an ecological survey, which concludes that the site is unlikely to disturb any protected species, and no additional surveys are considered necessary. Mitigation measures are proposed to protect any biodiversity which might be present on the site.
- 6.7.3 Objection letters refer to the sighting of various wildlife within the site over the last three / four decades. This is not surprising given the character of the site and the location. The wildlife survey report accompanying the application indicates no evidence to suggest any particular protected species would be affected.
- 6.7.4 The Sussex Biodiversity Records Centre indicate historic bat activity in the immediate area of the site, and to this end a 'Ground Level Tree Inspection' has been carried out by Mountfield Ecology. The trees surveyed were found to have negligible or low potential for bat features, however recommendations are made to enhance the potential for bats to use the site.

6.8 *Character and appearance of the area*

- 6.8.1 The site lies within the High Weald Area of Outstanding Natural Beauty where Policy EN1 of the Rother Local Plan Core Strategy (2014) and the National Planning Policy Framework (paragraph 115) indicate that all new development will be carefully controlled to protect the quality of the AONB landscape which has the highest status of protection in relation to landscape and scenic beauty. Significant weight is given to the impact of any proposed development within the AONB.
- 6.8.2 While the dwellings would be partially screened from view from the roadside, it is still important to protect the landscape character of the AONB for its own sake. The proposed materials were changed in the second scheme, with the slate roof and rendered dwellings replaced with plain tiled roofs, and one unit comprising tile hanging and another unit comprising weatherboard. Facing brickwork is proposed on the ground floors of both dwellings. The chosen materials and overall design are acceptable within this location.

6.9 *Impact on any nearby residential properties*

- 6.9.1 The closest property affected is 'Penroy', to the south-east of the proposed dwellings. This neighbouring property is a bungalow, set at a lower level from the roadside. It is acknowledged that the siting of the dwellings is set back into the site, away from the roadside. However the knock-on effect is that they are sited in fairly close proximity to 'Penroy' itself.

- 6.9.2 Plot 2 will be approximately 11 metres away from this neighbouring property. The addition of a close-boarded fence on the shared boundary with 'Penroy' will help to alleviate the impact upon this neighbouring property.
- 6.9.3 Critically this property has access from the same driveway. The previous application (RR/2017/2057/P) was refused due to the close proximity of this access road to 'Penroy', on higher ground, and with the resultant noise, disturbance and headlight glare adversely impacting upon the amenities of 'Penroy'. Furthermore, the addition of a close-boarded fence in proximity to and enclosing the whole frontage of 'Penroy' as then proposed would have had an overbearing and imposing impact on the existing residents.
- 6.9.4 This revised application has relocated the fence further away from the front elevation of 'Penroy'; a further metre away at the point of the new access into the site, increasing to a further 2.5 metres from the previous siting, towards the northern end of the front elevation. While it is appreciated that a fence in this location would have a degree of impact upon the amenities of the existing residents, the addition of a fence of less than 2 metres high from ground level (in this case the bank) would ordinarily be considered 'permitted development' in its own right. Therefore recommending a refusal on this ground alone would not be warranted.
- 6.9.5 The access road itself is sited slightly closer to 'Penroy' than previously proposed. This is due to the road alignment being straight, rather than the previous winding access. In this respect, this does mean the route is direct to the new houses, rather than curving away from and then towards 'Penroy'. As the proposed fence is sited in close proximity to the access road, with the planting also proposed, the view is taken that the previous concern over impact on 'Penroy' has been satisfactorily resolved.
- 6.9.6 A gate is shown across the entrance into 'Penroy', although as this appears to be on land which would be in 'Penroy's' ownership, whether these gates were erected or not would be up to the new owner of the land. This is a private matter for the owner of 'Penroy' and the applicant.
- 6.10 *Highway safety*
- 6.10.1 The site is situated on a fast stretch of road, and the development of the site with two dwellings would increase the use of the existing access point currently used by 'Penroy'. The Highway Authority has commented, and have no major concerns regarding the site access, nor with the provision of visibility splays measuring 2.4m x 70m either side of the site access, which are appropriate as the road is subject to a 30mph.
- 6.10.2 Mention is made of the new access minimum width of 4.8m being maintained for the first 5.0m into the site. The Highways Officer considers that this 4.8m width should be maintained for a minimum of 5.5 – 6.0m into the site, and the access road further into the site would also benefit from being widened to accommodate two-way traffic. However, this would not be feasible due to the impact upon the nearby trees on the site frontage which are the subject of the TPO. The view is taken that the limited length of road is such that there will not be a significantly detrimental impact to highway safety.

6.11 *Surface water drainage*

- 6.11.1 Impact on surface water drainage has been mentioned as a concern by objectors, with the loss of trees and shrubs removing natural drainage solutions within the locality. No details have been submitted with the application detailing the surface water drainage proposals, other than that the foul sewage would be disposed of to the mains sewer and surface water drainage to the existing watercourse. Although the proposal is minor in terms of number of dwellings, and drainage immediately relating to the buildings would be dealt with through the Building Regulations, given the nature of the site – which will include site clearance – and the fact that a part of the site is within Flood Zone 3, arrangements for wider surface water drainage should be subject to a specific condition.

6.12 *Likely impacts on any Special Areas of Conservation (SAC)*

- 6.12.1 In light of current work consideration has been given to any *likely impacts on Ashdown Forest and Lewes Downs SACs*. Having regard to the conclusions of the Habitats Regulations Assessment undertaken for the adopted Core Strategy, supplemented by available evidence of commuting data for this locality, there is no discernable prospect of additional traffic from the proposed development impacting on the Ashdown Forest or Lewes Downs SACs in particular.
- 6.12.2 Specific consideration has been given to the likely level of non-local (i.e. commuting) trips that can be estimated to be generated by the proposed development and the likely distribution of those trips, having regard to recorded commuting flows from this locality. Assuming two trips from a single vehicle to any destination, the proposal is found likely to generate less than a fiftieth of a single daily vehicle movement that would have the potential to have impact on the Ashdown Forest SAC. Similarly, the likely trip generation close to the Lewes Downs SAC is less than a tenth of a single daily vehicle movement.

7.0 **SUMMARY**

- 7.1 This revised application has addressed all previous concerns regarding the design and appearance of the dwellings within the High Weald AONB, and more recently concerns over the impact on the neighbouring property, 'Penroy' from the access serving the houses.
- 7.2 It is also considered that the reduction in the number of trees and woodland to be removed is acceptable, as these trees are within the site only and do not have sufficient amenity value to be worthy of wholesale retention. The main trees to the frontage are now retained as is the mature oak further into the site.
- 7.3 With regards to ecology, the survey carried out notes that there will not be an impact on protected species from the development. Further survey work relating to the possible presence of bats has also been carried out, and it is considered that recommendations made within the submitted Bat Survey can be implemented.
- 7.4 The proposed access is also acceptable in principle from a highway perspective. Revised measures to overcome impact on 'Penroy' are

proposed, and from a planning perspective these are now considered acceptable.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Ecological Appraisal dated August 2017
Arboricultural Report dated August 2017
Ecological Survey – Bats dated 20 December 2017
drawing nos:
Drawing no. 5490/LBP/C dated 8/1/18
Drawing no. 5490/4 dated December 2017
Drawing no. 5490/2/A dated Sept 17
Drawing no. 5490/3 dated November 2017
Drawing no. 5490/5/A dated 2/2/18
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 or site clearance shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
Reason: These details are required prior to commencement of any site clearance or works, as a significant amount of vegetation would be removed to make way for the development. Having regard to the fact that a part of the site is within Flood Zone 3 the scheme will help 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 NPPF with accompanying Ministerial Statement of December 2014.

4. 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 5 years from the date of the occupation of the building 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

5. No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To 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.

6. Except for that part which must be removed to facilitate the appropriate visibility splay for the existing vehicular access in accordance with the conditions of this permission, the existing roadside hedge on the south-western boundary shall be retained.

Reason: To maintain as far as possible the appearance of the area in accordance with Policies OSS4 (iii), EN1 (i), EN3 (ii) (e) and RA1 (i) of the Rother Local Plan Core Strategy.

7. All ecological measures and / or works shall be carried out in accordance with the details contained in Chapter 8 of the 'Preliminary Ecological Appraisal' dated August 2017 as already submitted with the planning application.
Reason: To ensure the protection of existing biodiversity and wildlife present on the site, in accordance with Policy EN5 (ix) of the Rother District Local Plan Core Strategy and paragraph 109 of the National Planning Policy Framework.
8. The recommendations for the enhancement of the site for bats, and the protection of nesting birds, as set out in Chapter 5 of the 'Mountfield Ecology Survey: Bats – Ground Level Tree Inspection' dated 20 December 2017 and accompanying the planning application, shall be implemented during the appropriate stages of the approved development.
Reason: To ensure the protection of and subsequent enhancement of the site and to provide appropriate protection and mitigation to rare and protected species in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy.
9. Prior to the clearance of the site, details shall be submitted to the local planning authority, which will include the following:
 - a) A block plan showing the area of the site to be cleared to allow development.
 - b) Scaled drawings and sections showing the levels of the whole site to include the areas being cleared and retained. Sections should show both north-south and east-west to provide an accurate indication of the ground works proposed and relationships with neighbouring land and properties.
 - c) A methodology for the site clearance with particular reference to bats on the site.Reason: To ensure the protection of existing biodiversity and wildlife present on the site, in accordance with Policy EN5 (ix) of the Rother District Local Plan – Core Strategy and paragraph 109 of the National Planning Policy Framework.
10. The dwellings hereby approved shall not be occupied until the vehicular access serving the development has been reconstructed in accordance with the approved drawing (Ref: 5490/3 dated November 2017).
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies TR3 and CO6 (ii) of the Rother Local Plan Core Strategy.
11. The dwellings hereby approved shall not be occupied until visibility splays of 2.4 metres by 70 metres have been provided at the vehicular access onto Crowhurst Road, in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies TR3 and CO6 (ii) of the Rother Local Plan Core Strategy.
12. The development hereby permitted shall not be occupied until parking areas have been provided for each dwelling in accordance with approved drawing no. 5490/5/A dated 2 February 2018, and the parking areas shall thereafter

be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure a satisfactory level of off-road parking facilities for the new dwellings so as not to prejudice the free flow of traffic and conditions of general safety along the highway, in accordance with Policies CO6 (ii) and TR4 of the Rother Local Plan Core Strategy.

13. The development hereby permitted shall not be occupied until the vehicle turning spaces as shown on drawing ref 5490/5/A dated 2 February 2018 has been constructed within the site. This space shall thereafter be retained at all times for this use.

Reason: To ensure there is adequate turning facilities within the site for the new dwellings so as not to prejudice the free flow of traffic and conditions of general safety along the highway, in accordance with Policies CO6 (ii) and TR4 of the Rother Local Plan Core Strategy.

14. The development hereby permitted shall not be occupied until cycle parking spaces have been provided within the site. The areas 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 Policies CO6 (ii) and TR4 of the Rother Local Plan Core Strategy.

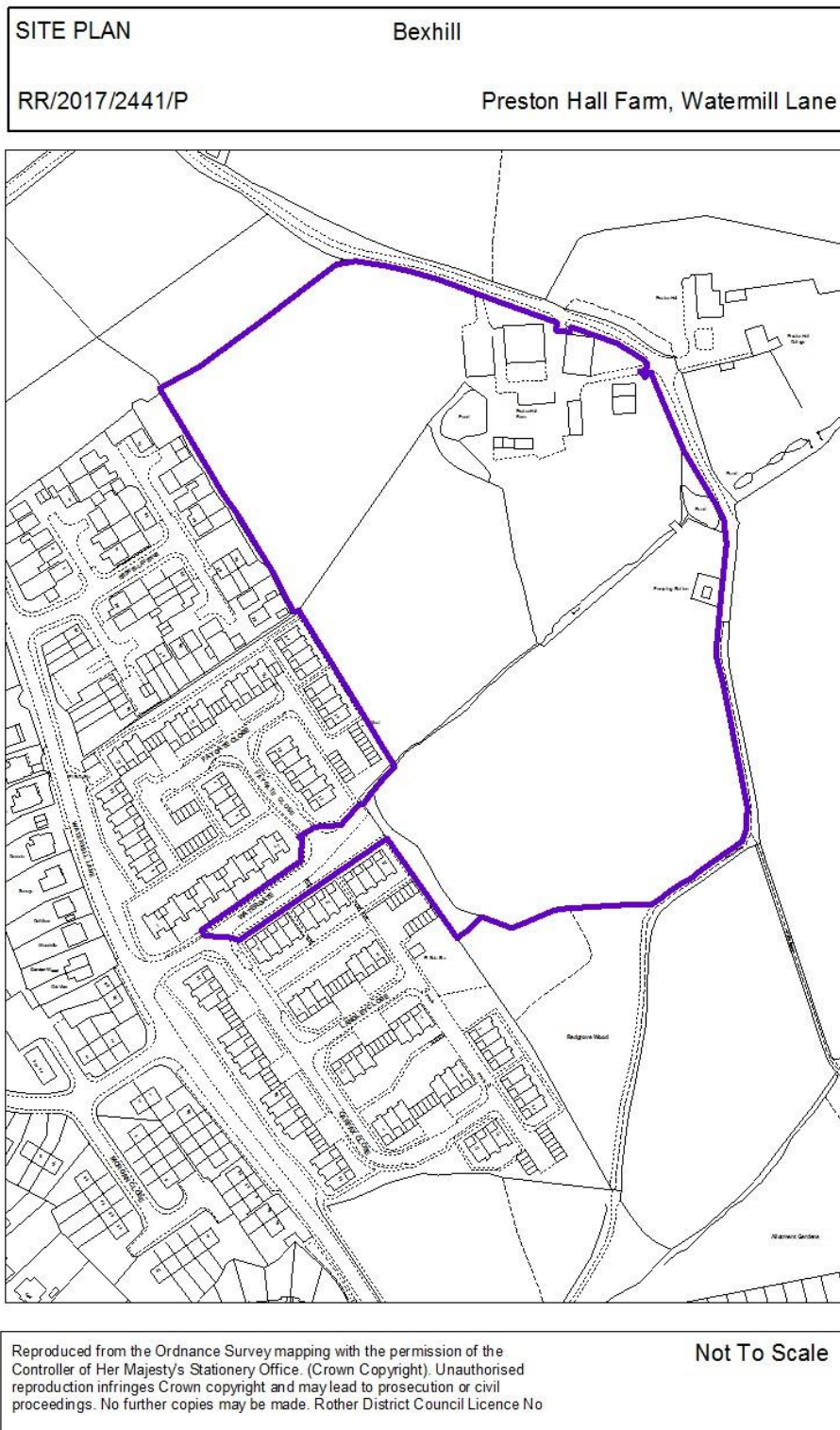
NOTES:

1. The granting of planning permission does not authorise the felling, lopping or topping of trees within the site which are protected by a Tree Preservation Order unless indicated to be removed on the approved plans.
2. This planning permission does not authorise any interference with, or disturbance of, any private right of way which crosses the site. If a diversion or stopping-up of a right of way is required this must be resolved between the parties concerned.
3. The Community Infrastructure Levy (CIL) applies to this permission

NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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](#)



RR/2017/2441/P

BEXHILL Preston Hall Farm, Watermill Lane, Bexhill

Erection of 139 residential units (including 30% affordable), together with associated car parking, cycle storage, open space, landscaping and provision of new vehicular access from Watergate.

Applicant: Persimmon Homes Ltd
Agent: Strutt and Parker
Case Officer: Mrs S Shepherd
(Email:sarah.shepherd@rother.gov.uk)
Parish: BEXHILL
Ward Members: Councillors J J Carroll and M R Watson

Reason for Committee consideration: Service Manager – Strategy & Planning referral: Major housing site

Statutory 13 week date: 19 February 2018
Extension of time agreed to: 20 March 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

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

- BX3 – Land north of Sidley

1.2 The adopted Rother District Local Plan (2006) allocates land north of Sidley, including Preston Hall Farm for a mix of housing, business and related uses (Policy BX3).

1.3 The North Bexhill Master Plan Supplementary Planning Document (SPD) was adopted by Rother District Council on 29 June 2009. It is a material planning consideration, to be used in determining planning applications for development in the area.

1.4 The SPD sets the vision for the whole north-east Bexhill allocation, suggesting that once fully completed an observer should comment:

'it's a great place to live, varied in character but contemporary, has an active community, just what it needs in terms of local services and jobs, which are easy to get to, and with a wide range of formal and informal recreation on the doorstep in the adjacent Countryside Park'.

'it has a reputation as one of the leading examples of sustainable design. Moreover, it has transformed Bexhill in that there are now more firms - and

therefore jobs - for people. This, together with the affordable housing, has helped keep young people and families here and boosted the whole 'feel' of the town'.

- 1.5 In regard to housing, the SPD seeks a broad choice of dwelling types and sizes to create a balanced community; higher densities to support efficient use of land and local services; and a layout and design that helps to develop a well-defined identity and character. The text in the SPD (paragraphs 5.42-5.57) can be summarised as follows:
- Provide housing to serve the local market, but also to foster a broader and more economically active population by encouraging young adults and families to live locally.
 - Promote social cohesion and healthy lifestyles through access to education, health, community and open space facilities.
 - Achieve a high standard of living environment through high quality design of buildings and the public realm.
 - Represent best practice in sustainable design.
- 1.6 In regard to access and movement, paragraph 5.90 sets out the over-arching accessibility principles for the development. This includes laying out streets in a highly permeable loose grid conducive to walking and cycling; bus penetration into the development and much-improved services both along the Link Road, into Bexhill town centre and to Hastings; retention and enhancement of the public rights of way; provision of on-site and off-site cycle routes to connect with the Link Road 'greenway', local services and employment areas and the Countryside Park; and car-parking provided at prevailing standards fully integrated into the design of the residential developments.
- 1.7 In regard of design, the design principles are set out in paragraphs 5.91-95 and summarised in paragraph 5.96, based around three Key Principles covering Creating an Identifiable Sense of Place, Integrating with the Wider Environment, and Developing a Contemporary, Sustainable and Safe Place.
- 1.8 Design is further discussed in relation to the individual policy areas, and in relation to the housing components of the BX3 area, paragraph 7.29 sets out that development here should draw on the positive natural characteristics of the site, paragraph 7.30 sets out that the form of development should reflect the transition from the higher density, more suburban character of north Sidley to the countryside beyond, and should bring the countryside into Sidley, while paragraph 7.34 suggests an indicative layout to take full account of existing site features, around a 'village' green, tree cover, hedgerows and the location of badger setts.
- 1.9 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- PC1 - presumption in favour of sustainable development.
 - OSS1 - overall spatial development strategy (additional dwellings required).
 - OSS2 - use of development boundaries.
 - OSS3 - location of development.
 - OSS4 - general development considerations.

- BX3 - Development Strategy (for Bexhill).
- RA3 - development in the countryside.
- SRM2 - water supply and wastewater management.
- CO3 - improving sports and recreation provision.
- CO6 - community safety.
- LHN1 - achieving mixed and balanced communities.
- LHN2 - affordable housing.
- EN1 - landscape stewardship.
- EN3 - design quality.
- EN5 - biodiversity and green space.
- EN7 - flood risk and development.
- TR2 - integrated transport.
- TR3 - access and new development.
- TR4 - car parking.

1.10 The National Planning Policy (NPPF) and Planning Policy Guidance are also material considerations. The following are particularly relevant to this proposal:

- Paragraph 7-14, 17 core planning principles for sustainable development.
- Paragraphs 17, 32, 35 and 58 – transport and parking.
- Paragraph 47 delivering a wide choice of high quality homes via ‘deliverable and developable’ sites.
- Paragraph 49 five-year supply of deliverable housing sites.
- Paragraph 118 – conservation and enhancement of biodiversity.
- Section 7, ‘Requiring good design’: states that the Government attaches importance to the design of the built environment, setting out that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people.

1.11 Although still at an early stage and therefore carrying limited weight, the site allocation is reiterated in the draft DASA at policy BEX2.

2.0 SITE

2.1 The application site sits on the northern edge of the development boundary for Bexhill, adjoining the eastern side of Watergate, Faygate Close, Langley Close, an estate of 1960’s housing and Redwell Avenue, a smaller 1990’s housing development. The site is the housing element of a wider area that also encompasses further land to its eastern side allocated for employment uses under policy BX3 of the Local Plan (2006), as well as the larger development site of Worsham Farm set out in the allocation under policy BX2. The whole area, more commonly referred to as North East Bexhill is subject to its own Supplementary Planning Document (SPD) dated 2009.

2.2 The land comprises the farm house and yard of Preston Hall Farm and four fields. The boundaries contain hedges and trees. The land slopes, particularly from the northern and western sides, down into an existing valley (water course) running through the site in a northwest direction from Watergate to the existing pumping station adjacent the track on the eastern

side boundary. The farm track enclosing the northern, eastern and part southern sides from Watermill Lane is also a public footpath.

- 2.3 The northern edge of the site is bounded by an area of ancient woodland with the listed buildings of Preston Hall and Preston Hall Cottage the opposite side of the track to the northeast of the site. A pond is located within the tree belt to the southwest side of the farmyard. The site is not in the High Weald Area of Outstanding Natural Beauty (AONB).
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3.0 HISTORY

- 3.1 B/61/689 – Residential development. Approved conditional (for a larger site area).
- 3.2 There are no other recent relevant planning applications for the site.
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4.0 PROPOSAL

- 4.1 This is a full application pursuant to the allocation of the site for housing and follows several years of discussion and negotiation. The application proposes a development comprising 139 dwellings, of which 42 units are to be for affordable housing, rented and shared equity and include a specified wheelchair unit, in line with policy requirements. The size and types of unit are mixed, again in line with policy. Access to the site is via Watergate with proposals to include a bus stop and turning area, parking via car ports, additional visitor parking and a cycle/footpath link to the adjacent employment allocation. Additional parking laybys are proposed in Watergate for existing residents in that area. The details also provide an area of public open space with a children's play area.
- 4.2 As well as plans and elevations, the application includes sections and street scenes, a Planning Statement, Statement of Community Involvement, Arboricultural Survey, Arboricultural Impact Assessment and Method Statements, Energy and Sustainability Statement, Site (contamination) Reconnaissance and Investigation Reports and Utilities Appraisal. The application is also supported by an Environmental Statement that includes a Transport Assessment, ecological appraisal with protected species surveys, Landscape Impact Assessment, Archaeological Assessment, Heritage Statement and Flood Risk Assessment.
- 4.3 Following the objection by Wealden District Council regarding the absence of any HRA screening, a "Transport Assessment Supplement – Habitats Regulations Appropriate Assessment", together with a "Supplementary Note", has been provided.
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5.0 CONSULTATIONS

5.1 Highway Authority:

- 5.1.1 Comments are summarised. Information is provided advising of the relationship with the various services and facilities available in nearby Sidley as well as the proximity to local bus services. Further negotiations have been

held to agree details for the alignment of the new access and the creation of parking laybys to replace on-street parking for residents in Watergate.

- 5.1.2 The scheme includes details for linkages through the site for pedestrians and cyclists, most notably in accordance with the policy requirements for the development of BX3 and NE Bexhill, linking to the adjacent employment site and further on to the Combe Haven walk and the Bexhill Cycle strategy.
- 5.1.3 Local bus services are available but exceed the recommended walking distance with safety issues raised with regard to the current turning arrangements for buses in Morgan Close. Discussions are on-going in terms of seeking a better solution to this and in seeking contributions via any S106 Agreement for the improvement of bus services.
- 5.1.4 A travel plan framework has been included and is welcomed. A detailed plan would be the subject of conditions.
- 5.1.5 This site is a green field and currently generates no trips and the assessment provided for the proposal considers all new trips from the site, taking account of the road schemes and proposals that were included in modelling for the NBAR, QGR and Combe Valley Way. The trip rates are acceptable for consideration on the wider network and future forecast/growth. The junction assessments for the existing network have been tested and included in the Transport Assessment (TA). The trip and junction assessments shown with in the TA are considered to be robust and demonstrate that the stated junctions on highway network in the immediate vicinity of the development site are able to accommodate the development traffic up to 2028.
- 5.1.6 Car parking is provided to standard and in the form of open spaces and car ports. Cycle parking is also provided and shown on the plan via sheds in rear gardens. A swept path for suitable refuse vehicles has been provided. Bin/recycling stores and collection points accord with appropriate collection distances for waste management teams.
- 5.1.7 Subject to the imposition of relevant conditions and inclusions in any S106 Agreement no other objections are raised.

5.2 Lead Local Flood Authority (LLFA) (ESCC):

- 5.2.1 The proposals are to be the subject of SuDS. From the information so far submitted the LLFA has no objection advising that the proposed development is capable of managing flood risk effectively. They require the imposition of conditions. It is noted that the watercourse discharges into the Pevensey and Cuckmere Water Level Management Board area (PCWLMB) which might require a discharge contribution. Any works affecting the water course on site will require a separate consent from the LLFA.

5.3 County Archaeologist:

- 5.3.1 The proposed development is of archaeological interest due to its location in a landscape that has been utilised from at least the early Bronze Age period (c. 2350BC), with evidence on the development site to the east of funerary monuments as well as agricultural settlement and fieldscapes.

5.3.2 An archaeological geophysical survey and historic building assessment has been undertaken and identifies features of local interest. These remains will be destroyed by the development so further investigation and recording will be required.

5.3.3 Notes 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 is mitigated by planning conditions.

5.4 Rights of Way Officer (ESCC):

5.4.1 Note the proposals for a footpath/cycle link connecting with the neighbouring employment land to the east/north-east. The existing public footpath is to be unaffected but the status and maintenance of the new link is to be secured via condition/agreement. A cycle route will not be recordable as a public right of way but could be adopted as a cycle way or included within a management agreement with the developer. Other paths and footways to be subject to appropriate agreements and assume there are no rights of way implications.

5.5 ESCC – Infrastructure:

5.5.1 Under the CIL 123 list, the provision of new primary and nursery school places are excluded in respect of development in North East Bexhill. In line with policy requirements, contributions from this development are therefore expected and would be incorporated into any S106 agreement.

5.5.2 Early years education facilities in Bexhill would be able to accommodate the additional children expected from this development and no contribution is required. There is however a predicted forecast shortfall of permanent primary school places with provision of a new primary school in NE Bexhill (Worsham Farm development). Currently 3 contributions have been sought since April 2010 (RR/2011/2332/P, RR/2014/1223/P and RR/2015/1760/P). The pooling limitation therefore has not been reached. The estimated contribution being sought is:

119 No. houses x £3,420 per house	= £406,980
10 No. 2 bed or more flats x £513 per flat	= £5,130
10 No. 1 bed flats	= Nil
Total	£412,110

5.6 Southern Water:

5.6.1 Highlights the usual easements required in relation to sewer lines and building/planting proposals. Advise that they may not be able to accommodate foul drainage without improvements to local infrastructure (a matter already addressed by the applicant). Request conditions in respect of full drainage details and protection of existing public sewers on the site.

5.7 Environment Agency:

5.7.1 Advise that the site lies over a Secondary Aquifer with a stream bisecting the site likely to be in hydrological continuity with the shallow groundwater. As such they would have no objection but 'only' if conditions are imposed with regard to risk assessment and remediation in relation to potential contaminated land.

5.8 Community & Economy – Housing and Asset Development Officer:

5.8.1 Housing Development fully support this application, which proposes 42 affordable dwellings on the site in compliance with policy LHN2 of the Core Strategy. A S106 Agreement will be required to secure the affordable housing and nomination rights for the rental units.

5.8.2 The tenure and mix proposed has been agreed with the Council and is as set out in the table below and in line with Council policy. It is to be pepper potted throughout the site, with materials from the same palette as the market units. A wheelchair accessible unit is to be provided (plot 128) as per detailed discussions. Affordable homes are to be built to the Nationally Described Space Standards.

Property Type	Affordable Rent	Shared Ownership	Total
1 bedroom flat	4	2	6
2 bedroom flat	4	4	8
2 bedroom house	5	7	12
3 bedroom house	6	8	14
4 bedroom house	2	0	2
Total	21	21	42

5.9 Sussex Police:

5.9.1 Considered the proposals from a Secured by Design perspective. Generally supports the design of the layout noting that it creates a good active frontage with the streets and public areas overlooked. Any communal parking areas should be within view of an active room within a property. It is desirable for dwelling frontages to be open to view with low boundary treatments defining public and private areas. More robust (higher, well-constructed) treatments should secure side and rear gardens. Maintenance of landscaping will be required to maintain the levels of natural surveillance within the development.

5.10 Planning Notice:

5.10.1 The Ramblers Association note that the public footpath Bexhill FP16b does not appear to be affected but request that it be kept open and safe at all times, including during construction. They also request barriers at the footpath crossing with the new footpath/cycleway link to slow down the crossing cycles for the safety of pedestrians.

5.10.2 1 comment on the following points:

- Welcome the cycle route proposed and encourage other links to be formed, including suitable width of the roadways in the site
- Paths in the green space should be bound surface and wide enough for two-way shared use
- Cul-de-sacs should have shared use paths joining with the road

5.10.3 One letter of support:

- We need more places to live

5.10.4 Seventeen objections summarised as follows:

- Area already too congested
- Loss of parking in Watgate
- Why not use the new road for access? (NBAR)
- Lack of doctors and school places
- Loss of view
- Loss of working farm
- Harm to wildlife and loss of countryside
- Too many houses already
- Loss of public path
- Devalue surrounding houses
- Limited water supply
- No point in new road to ease congestion and then infill the space with more development and vehicles
- Homes need larger bedrooms and will the affordable units go to local people?
- Impacts on health from noise and disturbance
- Bexhill will lose its character

5.10.5 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 SAC (Special Area of Conservation) and the Lewes Downs SAC 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 (A22) or the B2192 adjacent the Lewes Downs 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 site lies within the Development Boundary for Bexhill as defined in the Rother Local Plan (2006) and is allocated within the same Local Plan as a new housing site under policy BX3. This policy remains current and the allocation is reaffirmed in the draft DaSA as a site suitable for approximately 135 dwellings with amenity open space. While the application is submitted in the light of the adopted site allocation and therefore considered acceptable in broad principal, the details of the scheme remain to be considered in the light of other adopted national and local policies.

6.2 The principal issues to be considered are the impact of the proposed development on the surrounding landscape and biodiversity; the relationships with and any impacts on neighbouring properties; traffic, accessibility and highway safety; scale, layout and design; affordable housing; drainage; archaeology; and other S106 Planning Obligation requirements. Any additional impact on air quality and pollution on the Ashdown Forest and Lewes Downs SACs are also to be assessed in light of current concerns.

6.3 Impact on local landscape and biodiversity:

- 6.3.1 The design and layout of the proposed scheme has sought to take on board the specific considerations set out within Policy BX3 (and Policy BEX2). Perimeter landscaping is to be retained and reinforced with the inclusion of buffer zones to mitigate any impacts to the adjacent ancient woodland to the north and maintain ecological corridors. The major part of existing field boundary trees, pond and watercourse are all reinforced within the layout, with additional landscaping including hedging and trees to be planted throughout the site.
- 6.3.2 The density of development is considerably lower than that of the neighbouring housing estate to the west, which is built close to the field edge with little screening to the countryside. The proposed scheme in contrast, retains significant landscaping to the eastern boundaries thereby presenting a much softer edge to the open countryside and providing screening to the neighbouring employment allocation directly to the east of the southern section of the site, (application RR/2017/2181/P refers which is also on this committee agenda). The proposals sit within the local landscape, utilising the contours of the site as much as possible and represent a softer edge to the surrounding countryside than currently exists. As such the proposal is not overtly harmful to the landscape and is considered to comply with local policies BX3, EN1 and OSS4.
- 6.3.3 The site has been the subject of ecological surveys and appropriate mitigation is proposed. Protected species are known to exist in the area but with appropriate mitigation these would not be unduly impacted by the proposed scheme. Any relevant licences would be required from Natural England.

6.4 Impact on neighbouring properties:

- 6.4.1 The western boundary of the site adjoins the neighbouring houses in Watergate, Faygate Close, Langley Close and Redwell Avenue. It is acknowledged that these properties, where they adjoin the field boundary, currently enjoy uninterrupted views over the countryside. Members are aware that a wider 'right to a view' is not a material planning consideration; however there is a requirement in accordance with policy OSS4 (ii) to ensure that development does not unreasonably harm the amenities of adjoining properties.
- 6.4.2 The site sits at a lower ground level than that of the existing neighbouring dwellings. In addition, where the rear gardens of the proposed development face the boundary, the new dwellings have been set away from this boundary with a minimum acceptable distance of 20m - in some cases 25m - between the buildings. Plot 1 has its side facing the houses in Faygate Close but has been relocated further away to provide the minimum acceptable distance of just over 15m between the buildings. Additional planting is also proposed along this southwestern boundary. As such the proposal is not considered to represent any significant or unacceptable overlooking nor any loss of light and therefore residential amenities are maintained.

6.5 Highway Matters:

- 6.5.1 Access to the site is now proposed from Watergate – via Watermill Lane. Watergate will be extended onwards from the existing turning head. It is noted that many properties to the southern side of Watergate rely on on-street parking and this has been taken into account. Parking laybys have been specifically designed into the proposals within Watergate in discussion with the Highway Authority. Details can be secured via conditions.
- 6.5.2 The applicant has advised that the road layout is not to be adopted and therefore the HA would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and casual parking are properly constructed, surfaced, drained and where appropriate lit and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.
- 6.5.3 Trip data has been presented and checked by the Highway Authority which confirms that there are no capacity or safety issues in respect of the local highway network.
- 6.5.4 Bus service enhancements have been discussed with the County Passenger Transport Team to consider a solution to enhance the service 95 between Conquest Hospital and Bexhill and to mitigate the existing bus turning facilities in Morgan Close which have safety risks. A solution has been found which will include new bus stops in Watermill Lane and may require additional funding for parking controls in Mayo Lane. The applicant has also offered closer bus stops on the A259.
- 6.5.5 A travel plan is required to promote this major development and a taster bus ticket for a period of one month should be made available for each dwelling as a voucher for redemption by the first occupier.
- 6.5.6 Transport and traffic matters to secure within a S106 obligation are:
- Travel Plan, with a monitoring fee of £6,000
 - Public Transport enhancements to service 95 for PM peak over a period of 3 years; bus infrastructure as listed for locations on Watermill Lane and Ninfield Road/Turkey Road secured within a s278 agreement; TRO for junction protection markings (refundable) to secure bus route on Mayo Lane.
 - Estate roads to remain unadopted and maintained through a management company.
 - Footway/cycle connection between both BX3 sites for housing and employment.
 - Bus service enhancements.

6.6 Scale, layout and design:

- 6.6.1 The density, scale, design and layout of the development are to be considered in the context of Core Strategy Policies OSS4 and EN3 and the NE Bexhill Supplementary Planning Document.
- 6.6.2 The application site and its design have been the subject of considerable pre-application discussions over some years. The house-types, character and

appearance of the street-scenes and the overall layout and relationships between buildings have all been the subject of discussion and revision since submission of this final application. While Policy BX3 refers to 'at least 130 dwellings', and the SPD proposed 135 at a density of 35/hectare the final layout is for 139 dwellings. However, the layout and street-scenes submitted show how 139 dwellings have been satisfactorily accommodated whilst still achieving the high urban design quality sought by the SPD and Core Strategy Policy EN3. Therefore this quantum of development in this form is considered acceptable in design terms.

6.6.3 Policy BX3, as expanded in the SPD, places strong emphasis on the requirement for landscaping and the need to include a central green open space with dwellings around it and a connecting footpath/cycle route into the adjacent employment land. This connection has underpinned the design layout and has been successfully achieved. In terms of the character and architectural approach, a broadly local vernacular style has been pursued; features are proposed with a material palette that includes brick, timber effect cladding and clay tiled roofs.

6.6.4 However, notwithstanding the efforts made by negotiation before and during the application to reach a final form of development by officers, the following outstanding design issues are still to be finalised. These include:

- The need for a comprehensive drawing showing all plot boundaries, their exact locations, and boundary treatments, showing satisfactory enclosure of front gardens, and how the frontages of plots are divided from each other and the extent/location of public realm and private enclosed curtilage in a number of instances, to avoid 'left-over' or undefined space;
- Alterations to the proposed boundary treatment in a number of locations, including the south-eastern ends of the gardens to 134 and 135 and the east of plot 70's rear garden;
- A number of elevational detailed design issues including the use of materials combinations, and the elevational design and appearance of some house types;
- The hard-landscaping strategy, including the unacceptable over-provision of black-top tarmac on the roadway around the green itself, and to the on-plot car parking and to the footpaths across the green, and the proposals for bollards and knee-rails;
- The street-lighting strategy;
- Some plots require alterations to the parking/turning facilities.

6.6.5 Officers are continuing to work with the applicant to address these outstanding issues, but we are now at a stage where we are confident that they can be satisfactorily resolved. However, in view of the significance of these outstanding issues, the amendments will need to be received before a final permission can be granted. A number of amended drawings are expected and any further progress prior to the meeting will be reported to Committee. In view of timings, however, it is officers' recommendation that any resolution to support the proposal be delegated to the Service Manager and subject to submission and agreement by officers of appropriate amended designs to address the matters as set out above.

6.7 Affordable housing:

- 6.7.1 As set out at paragraph 5.8 of this report, the Council's Housing Officer is supportive of the proposal. The scheme is policy compliant with 30% of the dwellings (42) to be affordable housing. The tenure split is also policy compliant with 21 each of rented units and intermediate (equity shared). The mix of dwelling sizes is also acceptable for this area and a specific wheelchair accessible unit is also included (plot 128) with ground floor facilities for a wheelchair occupant. A S106 agreement would require the provision of the affordable units in terms of its mix and tenure split and nomination rights for the Council.

6.8 Other matters – including impacts on European sites:

- 6.8.1 Drainage and archaeology are matters that have been assessed and while further work is required, this can be dealt with via conditions. They do not raise insurmountable issues.
- 6.8.2 It is noted that some objections refer to a lack of local school and doctor places. East Sussex County Council advises (paragraph 5.5 above) that provisions are in place to accommodate any potential increase in school places resulting from this development. The Clinical Commissioning Group acknowledges that there is currently a local issue with regards to doctor services and this is something that they are seeking to address. These matters do not constitute reasons for refusal.
- 6.8.3 The application proposal has been assessed having regard to the Wealden DC objection relating to traffic and air pollution. It is accepted that the development should be screened for potential impacts on the European Sites referred to. In response, the applicant has submitted a Transport Assessment Supplement – HRA Assessment. This indicates that there would be miniscule, effectively no addition to daily flows past either the Ashdown Forest or the Lewes Downs SACs. The report's approach uses a normal methodology for trip generation, distribution and assignment to the road network. The Supplementary Note also presents some sensitivity testing in relation to the air quality impacts of a range of traffic flow increases.
- 6.8.4 In addition, in the light of the specific concerns regarding commuting trips across and past Ashdown Forest, officers have given consideration to the likely level of non-local (i.e. commuting) trips that can be estimated to be generated by the proposed development and the likely distribution of those trips, having regard to recorded commuting flows from this locality. Assuming two trips from a single vehicle to any destination, the proposal is found likely to generate not even a single daily vehicle movement that would have the potential to have impact on the Ashdown Forest SAC. There would be no likely trip generation close to the Lewes Downs SAC at all.
- 6.8.5 Furthermore, having regard to the adopted development strategy for Bexhill to reduce reliance on commuting and to create a greater "self-sufficiency" in employment, it is noted that there is good progress with development of major new business areas locally (including the proposal for up to some 33,500sqm B class floorspace at 'Bexhill Enterprise Park North' elsewhere on the agenda) as well as supporting road infrastructure. These proposals when taken in combination should further reduce the fractional traffic flows that may go further afield and close to the SACs.

6.8.6 Hence, on the basis of the information supplied by the applicant, supplemented by available evidence of commuting data for this locality and together with the clear prospect of more employment being found locally, there is no discernible prospect of additional traffic from the proposed development impacting on the Ashdown Forest or Lewes Downs SACs in particular. It is concluded that any likely significant effects upon European sites, even in combination with other relevant plans and projects, can reasonably be screened out. Notwithstanding this conclusion however, it is considered prudent to seek external verification of the screening assessment.

6.9 S106 Planning Obligation contributions:

6.9.1 In the event that planning permission is granted this would need to be subject to the satisfactory completion of a Section 106 Planning Obligation.

6.9.2 The CIL Regulations 2010 provide three tests for Section 106 Planning Obligations. Obligations should be:

- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- Any matter included with a S106 Agreement must meet all of these tests.

6.9.3 In this case the following requirements would be necessary under a S106 Agreement, being considered to be related to the development, proportionate and necessary:

- Affordable housing, including nomination rights;
- Provision of and management of the ancient woodland buffer, landscaping and play area/equipment;
- Ecology mitigation and biodiversity improvements;
- Travel plan with monitoring fee of £6,000;
- Public Transport enhancements to service 95 for PM peak over a period of 3 years; bus infrastructure as listed for locations on Watermill Lane and Ninfield Road/Turkey Road secured within a s278 agreement; TRO for junction protection markings (refundable) to secure bus route on Mayo Lane;
- Estate roads to remain unadopted and maintained through a management company;
- Footway/cycle connection between both BX3 sites for housing and employment;
- Contributions to primary school places;
- Bus service enhancements.

7.0 SUMMARY

7.1 This application proposal is considered to be in accordance with the site allocation and other policies set out in the development plan.

7.2 While the development would be visible to neighbouring dwellings and will change the outlook to these open fields, there is no right to broad views and the layout has been designed having regard to the residential amenities of those properties.

- 7.3 The design, scale and layout of the scheme are considered to be acceptable and as per the policy requirement. A central amenity open space and landscaping throughout the site is to be retained and enhanced to fit the development into its rural landscape on the edge of the town.
- 7.4 Subject to external verification, with regard to potential impacts on traffic and air pollution, it is concluded that any likely significant effects upon European sites, even in combination with other relevant plans and projects, can reasonably be screened out.
- 7.5 The scheme achieves a further milestone in implementing the planned growth of Bexhill.
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8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposal is for development where CIL is chargeable.
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RECOMMENDATION: GRANT (FULL PLANNING) DELEGATED (FOR EXTERNAL VERIFICATION OF THE ASSESSMENT OF IMPACTS ON THE EUROPEAN NATURE CONSERVATION SITES, FINALISATION OF AMENDMENTS AND CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT RELATING TO:

- **Provision of 30% affordable housing units and nomination rights.**
 - **Provision of and future management of the ancient woodland buffer, landscaping and play area/equipment.**
 - **Ecology mitigation and biodiversity improvements.**
 - **Travel plan with monitoring fee of £6,000.**
 - **Public Transport enhancements to service 95 for PM peak over a period of 3 years; bus infrastructure as listed for locations on Watermill Lane and Ninfield Road/Turkey Road secured within a s278 agreement; TRO for junction protection markings (refundable) to secure bus route on Mayo Lane.**
 - **Estate roads to remain unadopted and maintained through a management company.**
 - **Footway/cycle connection between both BX3 sites for housing and employment.**
 - **Contributions to primary school places.**
 - **Bus service enhancements).**
-

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 documents:
Drawings no. 6001-04 rev. dated

Ecological assessment and mitigation
Landscape and visual impact assessment
Flood risk assessment
Arboricultural survey and impact assessment
Transport statement

Phase I Desk Study and Phase II Site Investigation Reports, by Leap Environmental Ltd.

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 ground works shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that any archaeological and historical interest of the site is safeguarded and recorded to comply with Policy EN2 (vi) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
4. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 3 to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policy EN2 (vi) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
5. 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.
 - a) The contaminated land assessment shall include a desk study to be submitted to the local planning authority for approval. The desk study shall include the history of the site's uses and a walk-over survey. It shall, if necessary, propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the local planning authority prior to investigations commencing on site.
 - b) The site investigation, including relevant soil, soil gas, surface and ground water sampling, in accordance with a quality assured sampling and analysis methodology.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the local planning authority. The local planning authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment (including any controlled waters).

- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination should be fully assessed and an appropriate remediation scheme submitted to the local planning authority for approval.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report 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 NPPF and Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

- 6. No ground works shall commence until a scheme for the provision of all foul and surface water drainage works for both the buildings and land within the development site has been submitted to and approved in writing by the local planning authority, in association with the Lead Local Flood Authority 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: To ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policy SRM2 (ii) & (iii) of the Rother Local Plan Core Strategy.

- 7. No development shall commence until the vehicular access serving the development and the highway scheme on Watergate has been constructed in accordance with plans and details have been submitted to and approved in writing by the Local Planning Authority in association with the Highway Authority.

Reason: In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6(ii) and TR3 of the Rother Local Plan Core Strategy.

- 8. Prior to commencement of development a Code of Practice in respect of the management of construction traffic including deliveries of building materials to the site, shall be submitted to and approved in writing by the local planning authority. The approved Code of Practice shall be implemented for the duration of the development.

Reason: To control the use of the approach roads through the neighbouring residential estates in the interests of the amenities of local residents and highway safety having regard to Policies OSS4 (ii) and CO6 (ii) of the Rother Local Plan Core Strategy.

- 9. Prior to commencement of any ground works a Traffic Management Scheme for operations at the site shall be submitted to and approved in writing by the local planning authority in association with the Highway Authority. This should include details for an onsite compound for contractors' vehicles, plant,

machinery and materials for the duration of the development, and details for wheel washing equipment within the site, during any form of earthworks and/or excavations.

Reason: To maintain the free flow of traffic along the highway and to prevent contamination and damage to the adjacent roads, in the interests of highway safety and for the benefit and convenience of the public at large having regard to Policies OSS4 (ii), CO6 (ii) and TR3 of the Rother Local Plan Core Strategy.

10. The access shall have maximum gradients of 4% (1 in 25) / 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: In the interests of highway safety having regard to Policies OSS4 (ii), CO6 (ii) and TR3 of the Rother Local Plan Core Strategy.

11. No part of the development shall be occupied until visibility splays of 2.4 metres by 43 metres from give way markings have been provided at the proposed site vehicular access onto Watergate and Faygate Close in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6(ii) and TR3 of the Rother Local Plan Core Strategy.

12. No development shall commence until a scheme of the working hours during the construction has been submitted to and approved in writing by the Local Planning Authority. Unless alternative times are specifically agreed construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 08:00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.

Reason: A pre-commencement condition is required from the outset to ensure highway safety and so as not to unreasonably harm the amenities of adjoining properties in accordance with Policies OSS4 (ii) and CO6 of the Rother Local Plan Core Strategy and the NPPF.

13. Prior to the commencement of the development a scheme for the control of noise and dust during construction shall be submitted to and approved in writing by the local planning authority. Development work should be carried out in accordance with the approved scheme and no bonfires will be permitted on site.

Reason: A pre-commencement condition is required so that development from its outset does not unreasonably harm the amenities of adjoining properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and the NPPF.

14. No development shall commence until details for the protection of existing trees and hedgerows on the site have been submitted to and approved in writing by the local planning authority. The details shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with a scheme for protection, which shall include protective fencing. The approved scheme shall be put in place prior to the commencement of any development and shall be maintained until all equipment, machinery and surplus materials have been removed from the

site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: The site contains trees and hedgerows which contribute to the character of the area and should be conserved to ensure that the development is integrated within the local landscape. The commencement of any ground works could potentially impact on trees and hedgerows and pre-commencement measures therefore need to be put in place to ensure that protected trees/hedgerows remain in situ as agreed and with measures in accordance with the British Standard and to accord with Policy BX3 of the Rother District Local Plan (2006) and Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy.

15. Prior to the commencement of any ground works on the site, detailed drawings, including levels, sections and constructional details of the proposed roads, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority in association with the Highway Authority. The development shall be completed in accordance with the approved details.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and having regard to the character and appearance of the locality, in accordance with Policy BX3 of the Rother District Local Plan (2006) and Policies OSS4 (iii), CO6 (ii), EN1, EN3 and TR3 of the Rother Local Plan Core Strategy.

16. No external means of illumination of any part of the site shall be provided, installed or operated, with the exception that should some limited street lighting be required with a view to adoption as a publicly maintained highway, a scheme for the lighting must first be submitted to and approved in writing by the local planning authority in association with the Highway Authority. Street lighting shall only be installed in accordance with the approved scheme.

Reason: To safeguard the visual amenities of the locality and to maintain the landscape character and appearance of the local rural landscape, in accordance with Policy BX3 of the Rother District Local Plan (2006) and Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy.

17. No above ground works shall commence until details of the following have been submitted and approved by the local planning authority, and the development shall thereafter be completed in accordance with the approved details:

- a) 1:10 drawings of proposed building details including fenestration, eaves details, barge boards, porches, dormers, roof-lights, chimneystacks, pipes, vents and utility meters and boxes.
- b) Samples of the materials to be used in the construction of all external faces of the buildings.

Reason: To ensure a high building appearance and architectural quality, to ensure that the development where practical reflects the character and/or appearance of the local area and to preserve the visual amenities of the local landscape in accordance with Policy BX3 of the Rother District Local Plan (2006) and Policies OSS4 (iii), EN1 and EN3 of the Rother Local Plan Core Strategy and the NPPF.

18. No above ground works shall commence until the following public realm and hard landscaping details have been submitted and approved by the local

planning authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

- a) Proposed finished levels or contours.
- b) Boundary treatments and other means of enclosure (fences, railings and walls) indicating the locations, and 1:20 scale typical elevation drawings indicating design, height, materials of such.
- c) specification/samples of hard surfacing materials (including road surfaces, footpaths, parking spaces and other areas of hardstandings, kerbs and tactile paving).
- d) Any street furniture, signage and lighting, bollards and other such items, including proposed locations.
- e) Full details for the play areas including full specification and details of play equipment proposed and its future maintenance and management.

Reason: To ensure the creation of a high quality public realm, landscape setting, minimal impact upon retained trees and architectural quality in accordance with Policy EN3, EN4 and EN1 of the Rother Local Plan Core Strategy.

19. No above ground works shall commence until the following soft and hard landscaping details have been submitted to and approved in writing by the local planning authority, which shall include:

- a) indications of all existing trees and hedgerows on the land including details of those to be retained;
- b) planting plans;
- c) written specifications (including cultivation and other operations associated with plant and grass establishment);
- d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- e) details of management responsibilities and maintenance schedules for all landscape areas, other than privately owned, domestic gardens; and
- f) implementation programme.

Reason: To enhance the appearance of the development and to ensure that the proposed development does not prejudice the landscape setting and enhances the local landscape in accordance with Policy BX3 of the Rother District Local Plan (2006) and Policies OSS4 (iii), EN1 and EN3 of the Rother Local Plan Core Strategy.

20. Prior to the occupation of the development, a landscape management plan, including management responsibilities and maintenance schedules for the communal hard and soft landscape/open space areas, including any street furniture and minor artefacts therein, shall be submitted to and approved by the local planning authority. The landscape management plan shall be carried out as approved.

Reason: To ensure a high quality public realm taking account of the characteristics of the locality and enhancing the landscape character in accordance with Policy BX3 of the Rother District Local Plan (2006) and Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

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

Reason: To enhance the appearance of the development and maintain its rural setting in accordance with Policy BX3 of the Rother District Local Plan (2006) and Policies OSS4 (iii), EN1 and EN3 of the Rother Local Plan Core Strategy.

22. No dwelling hereby approved shall be occupied until space has been laid out within the site in accordance with the approved plan drawing no. dated, for the parking and turning of vehicles and it shall thereafter be retained for those purposes only.

Reason: To provide on-site parking/turning and thereby ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

23. No dwelling hereby approved shall be occupied until the cycle parking areas have been provided in accordance with the approved plan drawing no. dated and shall thereafter be retained for that use.

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

24. A Travel Plan Statement is required in association with this development to ensure that private car trips to and from the site are reduced. The travel plan should include targets for reduced car use and a monitoring programme to ensure these targets are met.

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

25. No above ground works shall commence until full details for the cycle route, including details for its construction, surfacing and the cross over arrangements with public footpath FP16b, have been submitted to and approved by the local planning authority in association with the Highway Authority and ESCC Rights of Way Officer.

Reason: To ensure provision of the required cycle way while maintaining the safety of pedestrians and accessibility of the public right of way, in accordance with Policy BX3 of the Rother District Local Plan (2006) and Policies TR3 and EN5 (vii) of the Rother Local Plan Core Strategy.

NOTES:

1. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990
2. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
3. The written scheme of investigation, ensuing works and production of reports required in respect of conditions 3 and 4 should accord with the relevant portions of the East Sussex County Council document "Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation in East Sussex" (2008), including Annexe B, and should be undertaken only by a suitably qualified archaeologist. For assistance and

advice in seeking compliance with the requirements of the condition, please contact the County Archaeologist at East Sussex County Council, Transport & Environment, County Hall, Lewes, BN7 1UE or email county.archaeology@eastsussex.gov.uk

4. To give effect to condition 13 you should contact the Transport Development Control of East Sussex County Council at County Hall, St Anne's Crescent, Lewes, BN7 1UE (Telephone 0345 6080193) prior to the commencement of work to obtain an appropriate licence or agreement between yourself and the County Council to enable works to be permitted on the highway.)
5. The Highway Authority would 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.
6. The applicant is reminded that the highway works will require an obligation under Section 278 of the Highways Act.
7. With regards to the surface water drainage scheme (condition 5) the applicant is referred to the details required to be included within the proposed scheme as set out in the comments from the LLFA dated 4 December 2017.
8. The applicant is reminded of the need to contact the Highway Authority with regard to obtaining the necessary licences and Traffic Regulation Order prior to undertaking any highway works.

NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

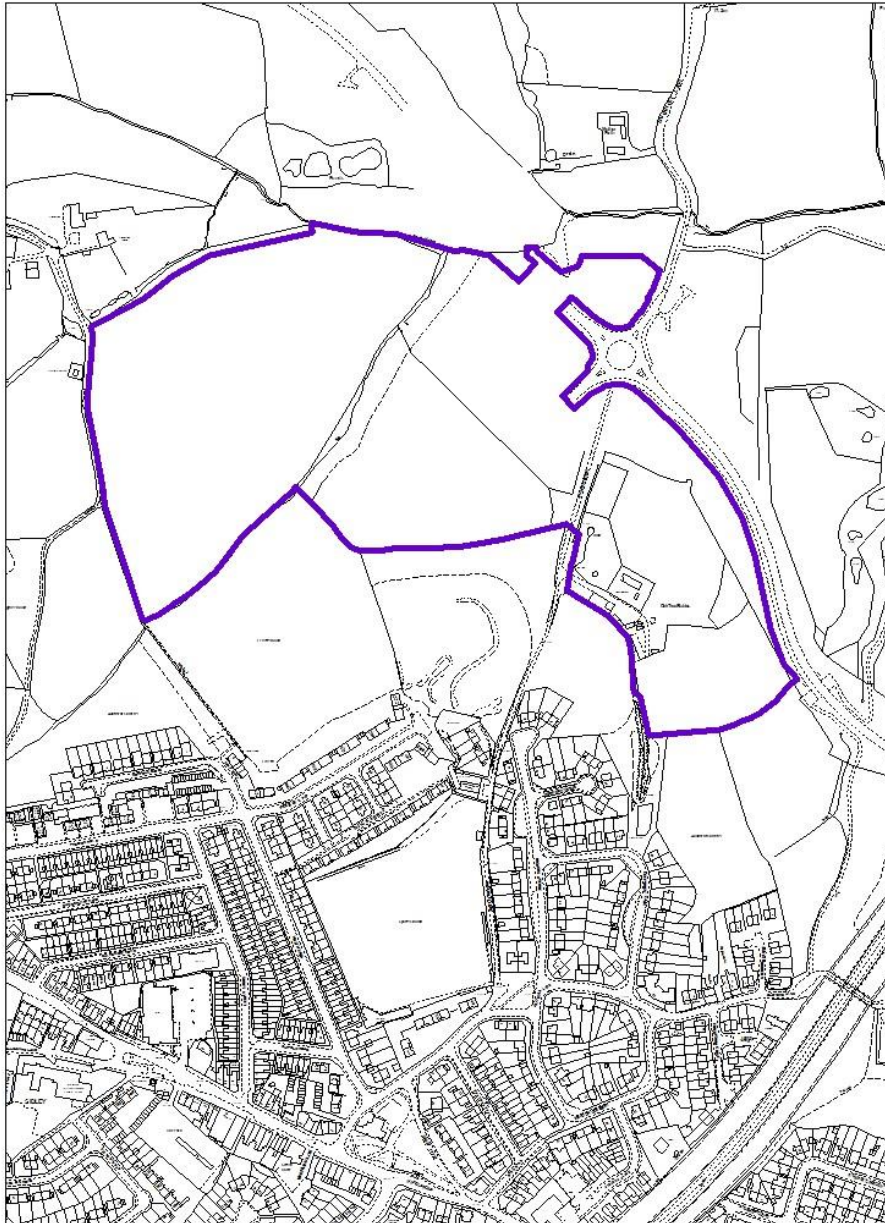
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SITE PLAN

Bexhill

RR/2017/2181/P

Buckholt Lane - land at,



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Not To Scale

RR/2017/2181/P

BEXHILL Land at Buckholt Lane

Outline: Business park for up to 33,500 sq m (net internal area) of employment floor space (within Use Classes B1 and B2) with roads and ancillary infrastructure and services.

Applicant: Sea Change Sussex
Agent: None
Case Officer: Mrs S Shepherd
 (Email: sarah.shepherd@rother.gov.uk)
Parish: BEXHILL
Ward Member(s): Councillors J J Carroll and M R Watson

Reason for Committee consideration: Service Manager – Strategy & Planning referral: Major employment site

Statutory 13 week date: 26 January 2018
Extension of time agreed to: 20 March 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

- 1.1 The following ‘saved’ policies of the adopted Rother District Local Plan 2006 are relevant to the proposal:
- DS3 – use of development boundaries
 - BX3 – Land north of Sidley
- 1.2 The adopted Rother District Local Plan (2006) allocates land north of Sidley, including Preston Hall Farm, for a mix of housing, business and related uses (Policy BX3).
- 1.3 The North Bexhill Master Plan Supplementary Planning Document (SPD) was adopted by Rother District Council on 29 June 2009. It is a material planning consideration, to be used in determining planning applications for development in the area. This document was also informed by the North-East Bexhill Design Study (2007).
- 1.4 The SPD sets the vision for the whole north-east Bexhill allocation, suggesting that once fully completed an observer should comment:

‘it’s a great place to live, varied in character but contemporary, has an active community, just what it needs in terms of local services and jobs, which are easy to get to, and with a wide range of formal and informal recreation on the doorstep in the adjacent Countryside Park’.

'it has a reputation as one of the leading examples of sustainable design. Moreover, it has transformed Bexhill in that there are now more firms - and therefore jobs - for people. This, together with the affordable housing, has helped keep young people and families here and boosted the whole 'feel' of the town'.

- 1.5 In regard to employment space, the SPD sets out the Development Principles for employment uses and the rationale for the focus on delivering this use. The text in the SPD (paragraphs 5.29-5.40) can be summarised as follows:
- Increasing job opportunities is a clear priority in the Local Plan.
 - The North East Bexhill development should create significant job growth in Bexhill, which is regarded as vital to improve job opportunities and to increase the quality of life and future prosperity of local people.
 - Average household income in Rother is currently only about 80% of the average for the region and Bexhill is below the district average. Many people have to commute out of Bexhill for work, while the limited supply of business sites and premises constrains the growth of local firms.
 - There is pent-up local demand. High quality, modern business sites, which the town currently lacks, may help attract investment into the area.
 - A co-ordinated approach is required, linked to skills development and training, improved communications and marketing. Seaspace (now SeaChange) actively fosters this approach. Their role in securing business development is recognised in the SPD.
 - While the topography and other sensitivities of the area may limit very large buildings, plots should be capable of providing a range of accommodation, from start-up units and managed workspace to prestige headquarters, in order to meet local needs and encourage new firms.
 - The business land should be developed as early as possible.
- 1.6 Paragraph 5.86 advises that '*good connectivity*' to the rest of Bexhill (and to Hastings) is a key aspect of the development. These access principles include that the existing public rights of way network should be retained and enhanced and that on-site and off-site cycle routes should be provided to connect with the Link Road '*greenway*', local services, existing employment areas (such as Bexhill College, Sidley Centre and Bexhill Town Centre) and the Countryside Park. Paragraph 5.85 identifies a need for development to incorporate links to the Countryside Park, as well as contribute to its creation.
- 1.7 Paragraph 7.20 refers to an employment area of 9.35 hectares for land north of Sidley, specifying an average building floorspace: site ratio of 30%, equating to a total floorspace of 28,000 sq m, marginally more than the 26,000 sq m anticipated in the Local Plan (2006).
- 1.8 Paragraph 8.31 requires master-planning for each Policy Area so as to enable individual elements to be designed in detail within a clear overall structure. It advises that the master-planning should carry forward the principles and distribution of uses proposed in the SPD and specifically:
- Include proposals for the movement network within the site and linking to adjacent areas.
 - Show the scale and character of open spaces as part of this network.
 - Define the form, height, density and massing of 'blocks' of buildings, with specific regard to the relationship between adjoining blocks.

- 1.9 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- PC1 Presumption in favour of sustainable development
 - OSS4 General development considerations
 - BX3 Development Strategy (for Bexhill), identifying 60,000 sq m of new business floorspace for Bexhill, focused on new strategic employment areas
 - SRM1 Towards a low carbon future, seeking a comprehensive energy strategy
 - SRM2 Water supply and wastewater management
 - EC2 Identifies plans for 100,000 sq m of employment floorspace across the District (including Bexhill), with an increased supply of high quality employment sites, including new major business sites at Bexhill
 - C04 Supports young people by giving priority to making growing up, living and working in Rother attractive to young people and families including accessible employment opportunities
 - EN1 Landscape stewardship
 - EN3 Design quality
 - EN5 Biodiversity and green space
 - EN7 Flood risk and development
 - TR2 Integrated transport
 - TR3 Access and new development, minimising the need to travel
 - TR4 Car parking
- 1.10 The National Planning Policy (NPPF) and Planning Policy Guidance are also material considerations. The following are particularly relevant to this proposal:
- Paragraph 7-14, 17 core planning principles for sustainable development
- Paragraphs 18 and 19 seek to secure economic growth in order to create jobs and prosperity encouraging sustainable growth. Significant weight should be placed on the need to support economic growth through the planning system
- Paragraphs 17, 32, 35 and 58 – transport and parking
- Paragraph 118 – conservation and enhancement of biodiversity
- Section 7, 'Requiring good design': states that the Government attaches importance to the design of the built environment, setting out that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people.
- 1.11 Although still at an early stage and therefore carrying limited weight, the site allocation specific to the employment land is reiterated in the draft DaSA at Policy BEX1.
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2.0 SITE

- 2.1 The site forms part of the larger development area of North East Bexhill and comprises three distinct agricultural fields to the west of the new North Bexhill Access Road (NBAR) and north of woodland including Levetts Wood designated as ancient woodland. Levetts Wood separates the site from housing to the south in Sidley. The three fields are each clearly defined by well-established hedges and wooded copses. Land levels slope down to the

north towards the Combe Haven. The NBAR is located on the north side of the Combe Haven and at a slightly higher ground level.

- 2.2 Buckholt Lane, an unmade road, forms the boundary between the central and eastern fields. Oaktree Farm lies off Buckholt Lane in the south eastern corner of the site with its small outbuildings and stables. A tributary of the Combe Haven forms the boundary between the central and western fields.
- 2.3 The allocated site sits largely within the development boundary for Bexhill as defined in the Rother District Local Plan (2006). The application site has been adjusted when compared to that of the allocated site, to reflect the re-alignment of the NBAR as now being built.

3.0 HISTORY

- 3.1 B/61/689 Residential development. Approved conditional (western field only).
- 3.2 RR/2005/2093/P Change of use of land for stationing of caravan for residential purposes in connection with commercial livery stables for three year period. Approved temporary.
- 3.3 There are no other recent relevant planning applications for the site.

4.0 PROPOSAL

- 4.1 This is an outline application seeking permission in principle for development of the site with up to 33,500 sq m of light industrial and general industrial (Class B1 and B2) floorspace. Following discussions, this figure has been amended down from the initial submission for 38,000 sq m. An indicative master-plan is provided illustrating a tight potential layout to accommodate a mix of office, small light industrial units and a large B2 unit. However, all matters except access are reserved by the application.
- 4.2 The indicative sketch plan reflects the SPD approach and indicates the retention of three parcels of land, i.e. the three fields, and the landscaping to the boundaries. The application, as per policy requirements, also indicates the provision of cycle and pathways connecting to the Preston Hall Farm development to the west and the Combe Haven walk and Bexhill Cycle Strategy to the east. Provisions for a bus service to the site, with turning facility are also mentioned in the proposals. It is required that ecology, including protection of protected species, and additional landscaping enhancements will also be incorporated into any detailed design proposals.
- 4.3 A sustainable drainage scheme is envisaged with ponds, linked to the Combe Haven.
- 4.4 The buildings at Oaktree Farm are to be demolished.
- 4.5 The application is accompanied by various other documents, including a Planning Statement, Environmental Statement, Transport Assessment and Travel Plan, Tree Survey and Energy Statement.

- 4.6 Following the objection by Wealden DC regarding the absence of any HRA screening, a “Technical Note – Wider Transport Implications”, has been provided.
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5.0 CONSULTATIONS

5.1 Highway Authority

- 5.1.1 Following the receipt of an additional Transport Statement, the authority now has no objection advising that the access means to secure this development site is sufficient for outline planning purposes subject to the imposition of conditions. Other comments are summarised.
- 5.1.2 Access into the site is shown to be from a roundabout scheme on the NBAR with a suitable swept path plan provided to demonstrate use by larger vehicles. While details of the internal road arrangements and parking provisions are for any RM application, it is unclear at this stage whether the quantum of parking required can be accommodated.
- 5.1.3 Public transport links and non-motorised routes of access have been discussed to agree a methodology for introducing these to the site. The phasing of development and identification of users will have implications for when necessary improvements are required to public transport links and non-motorised routes are made available.
- 5.1.4 Modelling has been extracted from the NBAR evidence to assess the potential impacts of the development. This is robust. A Travel Plan will be required.

5.2 Landscape Architect (ESCC):

- 5.2.1 Detailed comments are available on the website. In summary it is of the view that it has not been demonstrated by the applicant that the quantum of development (38,000 sq m of floorspace and associated access roads and parking) can be appropriately accommodated into the site in landscape terms. Is aware that the matter of layout would be considered as part of any reserved matters application and therefore if Rother District Council is minded to approve the application, the following design considerations are to be incorporated into the reserved matters proposals in order to mitigate the landscape and visual impacts of the proposals:
- Detailed parking design which avoids strips of planting laid out between parking areas. Tree and shrub plantings in these environments suffer from drought, exhaust pollution and trampling.
 - A building layout for sites 2a and 3a which would ensure that the buildings are set back from the NBAR so that the rural character of the road is maintained.
 - A wider landscape buffer is provided between Sites 2a and 2b, particularly on the south side of the access road.
 - The larger industrial units in Site 2b are cut into the slope of the land to reduce the overall heights of the rooflines in views from the north.

5.3 Ecologist (ESCC):

5.3.1 Detailed comments are available on the website. In summary, the view is taken that it has not been demonstrated that the proposed quantum of development (38,000 sq. m. of floorspace and associated access roads and parking) can be appropriately accommodated into the site in ecological terms. The Ecologist is aware that the matter of layout would be considered as part of any reserved matters application and therefore if Rother District Council is minded to approve the application, would recommend that the following design considerations are incorporated into the reserved matters proposals to mitigate the ecological impact of the proposals:

- Opportunities for an increased buffer of semi-natural habitat between development and the ancient woodland;
- Minimum 20m buffers between badger sett entrances and the development and the retention and/or creation of larger areas of foraging and commuting habitat;
- The retention of key commuting and foraging routes for bats which should be unlit;
- The maintenance of connectivity for dormice through the minimisation of gaps in hedegrows/tree lines (no wider than 20m), the planting of heavy standards at the ends of gaps with management to encourage a continuous canopy, and the provision of dormouse bridges in the interim;
- The retention and protection of core great crested newt habitat within 50m of known breeding ponds;
- The provision and protection of wildlife corridors through and around the site;
- Opportunities to enhance biodiversity through biodiverse roofs and walls, SUDS etc.

5.4 Lead Local Flood Authority (LLFA) (ESCC):

5.4.1 The proposals are to be the subject of a sustainable drainage scheme (SuDS). Following the receipt of additional information, the LLFA has no objection advising that the proposed development is capable of managing flood risk effectively. The authority requires the imposition of conditions. It is noted that a SuDS proposal that incorporates water treatment should be included to help ensure the integrity of the Combe Haven SSSI. Maintenance arrangements will need to be robust. Ground water levels are relatively high in the area so this needs to be monitored to inform any scheme. The watercourse discharges into the Pevensey and Cuckmere Water Level Management Board area (PCWLMB) which might require a discharge contribution. Any works affecting the water course on site will require a separate consent from the LLFA.

5.5 Rights of Way Officer (ESCC):

5.5.1 The Rights of Way officer supports the comments of the Transport officer and adds specific comments summarised as follows.

5.5.2 Buckholt Lane was a byway open to use by all traffic, including equestrian traffic. Equestrian use is now to be directed to Glovers Lane and the Equestrian Greenway and the use of Buckholt Lane and the employment site is to be avoided. However, to assist in implementation of this, parking is

required to both the north and south sides of the NBAR and it was anticipated that some of this would come forward via the BX3 development site.

5.5.3 An appropriate order is required to stop-up Buckholt Lane with appropriate bollards, gates/barriers and signage. Surfacing of the lane for use as the connective cycle and footpath route to the application site will be required along with lighting to the lower end between Ashburnham House and Glovers Lane, subject to either an appropriate agreement with ESCC or a management agreement with the applicant.

5.5.4 The cycle way to the west linking with the residential development will need to be subject to an adoption agreement or private management agreement for the internal road layout. The riverside walk footpath may be more appropriately dedicated as a public footpath, subject to detailed proposals and arrangements where the path connects with the internal site road.

5.6 County Archaeologist:

5.6.1 The proposed development is of archaeological interest due to its location within a landscape that has been a focus for human interaction for most periods of British human history.

5.6.2 The site has been subject to a geophysical survey which identified a number of potential archaeological features, comprising boundary ditches, enclosures and two probable ring ditch burial sites. Limited targeted evaluation excavation, (reported as an interim summary in a revised addendum to the environmental statement), has confirmed that these features are archaeological and date to the prehistoric periods. The two ring ditches were confirmed as Bronze Age in date, and likely to be ritual / mortuary in origin.

5.6.3 The archaeological fieldwork undertaken identifies that these below-ground features are truncated to varying degrees by ploughing and there appears to be no above ground expression as earthworks according to the LiDAR images and the trenching. The agricultural impact reduces the archaeological interest and significance of the identified heritage assets to a regional or local level in our opinion. However, given that these archaeological remains will be destroyed by the proposed development, an archaeological record of these remains will be required through archaeological excavation. The scope and extent of this excavation will need to be informed through further evaluation trenching post decision.

5.6.4 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 is mitigated by planning conditions.

5.7 Southern Water:

5.7.1 Southern Water note that the proposed use of a package treatment plant which will require on-going maintenance and suggest consideration of connection into the public sewerage network should be explored, which will require formal consent. The details for any SuDS should be assessed by the Council's technical advisers. A condition is required in respect of drainage details.

5.8 Environment Agency (EA):

5.8.1 Has no objections subject to the imposition of conditions in respect of:

- Construction in accordance with the Flood Risk Assessment
- Inclusion of an 8m wide buffer zone to the Combe Haven
- Landscape planting and ecology proposals in relation to water bodies
- Construction details of new ponds and wetland habitats (part of SuDS)
- Protection and/or management of Priority Habitat Rivers
- CEMP

5.8.2 The use of an on-site package treatment plant is noted but the EA requires the first option for foul drainage to be via a public foul sewer. Given the presence of a local foul sewerage network connection to this should be explored first. If the package treatment plant is the only current option, because the discharge is into the Combe Haven SSSI, this is likely to result in an environmental permit with appropriately stringent limits.

5.9 Sussex Police:

5.9.1 The Police have considered the proposals from a Secured by Design perspective. While having no major concerns they have advised that security should be considered at an early stage, with consideration given to CCTV, lighting and 'Parkmark' accreditation for the car parking areas.

5.10 Planning Notice:

5.10.1 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 (SAC) and the Lewes Downs SAC 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 (A22) or the B2192 adjacent the Lewes Downs 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 policy tests under which the application must be determined are as follows:

- Principle of Development.
- Comprehensive Masterplanning.
- Consistency with the Vision, Objectives and Principles of the SPD.
- Environmental Impacts.

6.2 Principle of Development:

6.2.1 In general there is strong support, in line with policy, for employment use of this site. It is noted that the floor space area varies from that set out in the adopted policy and the SPD as a result of the realignment of the NBAR. However, the quantum of development being sought has been the subject of

discussion and negotiation as it originally represented a significant increase in the floor space being sought (38,000 sq m - some 20% over the policy figure of 28,000 sq m). The indicative master-plan submitted – based on this higher floorspace - illustrates an extremely tight development with little room for enhancements and protection of the local landscape and ecology in line with policy and SPD requirements.

- 6.2.2 The quantum of development now sought - being up to 33,500sqm - remains higher than specified in policy. While some increase in floorspace may be possible, this application relates to the principle of development only. Any increase will be acceptable only if the siting, scale, appearance and landscape details, which will be submitted as reserved matters applications, are appropriate and follow the landscape strategy required to mitigate for the visual and landscape impacts of the development on the urban edge.

6.3 Comprehensive Master-planning:

- 6.3.1 As the application, subject of this report, is in outline, detailed master-planning has yet to take place. Although the original indicative master-plan (on the basis of up to 38,000sqm) demonstrates an option as to how the site could be developed, it is not a matter for approval at this stage. The extent of the proposed development site shown on the indicative master-plan, and the additional 'greened' indicative master-plan, is not considered suitable having regard to the policy criteria, SPD or Design Study.

- 6.3.2 While the employment use is acceptable in principle, the precise details of any scheme should seek to achieve more of an exemplary innovative new type of 'eco-business park'; such an approach being based on sustainable design principles respecting and responding positively to existing landscape and wildlife features, habitats, and ecology systems, as always envisaged by the SPD (see para. 6.4.1 below).

- 6.3.3 It is recognised that development of this northern employment area may be brought forward in phases, as the market dictates the level and type of interest, but it is considered essential that detailed proposals – to be brought forward as reserved matters – are for suitably sized land parcels so that the landscape strategy is developed into a detailed proposal and a sustainable development delivered. A phasing condition is recommended to agree the phases in advance of the consideration of reserved matters applications.

6.4 Consistency with the Vision, Objectives and Principles of the SPD.

- 6.4.1 The SPD was underpinned by the North-East Bexhill Design Study, prepared by ATLAS / English Partnerships in conjunction with the Council. Within the wider Northeast Bexhill allocation, this document analysed this area as 'Character Area 3: Levetts Wood & Oaktree Farm', noting that the landscape impression created here is very much one of a woodland clearing, and setting out Site Objectives:

The opportunity exists here to create an exemplary innovative new type of 'eco-business park' with strong commercial branding based on sustainable design principles of

- *respecting and responding positively to existing landscape and wildlife features, habitats, and ecology systems,*
- *low-embodied energy content of building construction*

- *low-emissions buildings in operating mode, incorporating energy-efficient technologies*

To achieve this level of environmentally responsible development, a high quality of architecture will be expected, exploiting latest eco-technologies in buildings, and contributing positively in its built form and design to the existing natural beauty of the area. This might be brought about by an architect-led site masterplan or by design-coding.

- 6.4.2 Whilst, as stated by the applicant, some of these matters would be for design detail at reserved matters stage, others are critical to establish at site-master-planning/overall strategic vision and capacity stage, hence are highly relevant at this outline application stage.
- 6.4.3 To achieve this the SPD set out clear, strong design and landscape principles and an over-arching vision for the development of this site, and included images and photograph example of indicative high quality commercial developments set within strong landscape structures to help demonstrate this. The indicative scheme does not follow this approach and is not an appropriate response, with:
- fields completely in-filled with buildings and hardstanding car parking.
 - identical building footprints placed over the site with no response to context, topography, landscape, and wider place-making qualities or strategic design/character vision for the site.
 - a lack of consideration of spaces between buildings, with 'left-over' space between buildings.
 - a main access route that bi-sects each of the cells centrally thus limiting the subsequent layout options and strategy for development within the cells.
 - pedestrian and cycle linkways forced round the backs of commercial buildings or through car parks, or along the main access road, which does not make for attractive, desirable leisure routes and connectivity.
- 6.4.4 The above are not matters of landscaping detail regarding, 'the content of landscaping within the development plots' or, 'the width of the NBAR frontage peripheral planting', that can be considered at a reserved matters stage as suggested by the applicant, but rather are key choices at the core of the vision and overall strategy for the site.
- 6.4.5 Notwithstanding the landscape and ecological studies undertaken to inform the Environmental Statement (ES), the indicative scheme lacks an overall urban design site context analysis, and no clear or robust design layout strategy as a response to the landscape, e.g. it neither consciously chooses to arrange the buildings to create a green 'courtyard' as per the SPD (para 7.26), nor efficiently clusters buildings in the centres of each of the field 'cells' looking outwards over substantial green space (either of which approaches may have merit as concept design strategies to explore).
- 6.4.6 The 'greened' indicative master-plan subsequently submitted in December, along with the Supplementary Supporting Statement, unsuccessfully attempts to introduce further 'green space' into the scheme retrospectively. The location of these areas and their relationship to buildings, only serves to reinforce the urban design layout and place-making deficiencies in the initial indicative layout.

6.4.7 In conclusion, while the principle of employment use of up to 33,500 sq m can be accepted, the indicative master-plan is not an appropriate response to the SPD or policy criteria. It is considered to be a more dated approach to 'business park' planning, which fails to relate to its rural context and is not landscape-led. Development of the site should result in a rural business park with a high quality design and place-making vision at its heart, which is in line with the adopted SPD and policy, and also in view of its location on the new approach to Bexhill on the NBAR.

6.5 Environmental Impacts:

6.5.1 Following a formal scoping process undertaken by the Council, an Environmental Statement (ES) is provided with the application covering the following issues:

- Social-economic impacts
- Ecology
- Noise and vibration
- Ground conditions
- Water resources, flooding and drainage
- Landscape and visual impacts
- Heritage
- Sustainability and climate change

6.5.2 The scope of the assessment was determined by the Council prior to its preparation. The ES assesses the effects of the development (both during construction and once operational). Overall it finds the following:

- Major beneficial economic effects. Once operational, the estimated economic impact of the development will be the creation of some 1,700 gross full time equivalent jobs with additional temporary employment benefits from the construction activities associated with development and additional employment through downstream multiplier effects;
- Cumulative effects of the proposed development and adjoining land allocations could result in additional adverse effects on ecology through direct habitat loss and indirect damage and disturbance impacts. The overall significance of development will be dependent on precise locations of business units. It is feasible that potential impacts could be reduced to acceptable levels through careful development design, mitigation planning and habitat creation/enhancement; the County Ecologist and your officers are concerned that the indicative master-plan would not deliver this.
- Cumulative effects have been assessed including traffic assessed as part of the NBAR EIA. Predicted noise and vibration levels are not considered to interact with any other impacts to create significant environmental effects and as such in-combination effects are considered negligible.
- Cumulative effects are not anticipated due to the unlikely chance of encountering soil, surface water and/or groundwater contamination. Similarly due to the lack of contamination or likely interaction with sensitive receptors in-combination effects are considered negligible.
- Impacts have been considered with those of the NBAR, which discharges to the Combe Haven. Fluvial flood risk associated with the NBAR is considered to be high sensitivity. Flood compensation works have been provided to reduce the risk of flooding to the Combe Haven.

Taking into consideration the cumulative risk of fluvial flooding as a result of all development the effect is considered to be low and not deemed to be a significant impact;

- Minor to Major adverse temporary landscape and visual effects (localised) on key landscape elements, features and tranquility during construction;
- No significant long-term landscape and visual effects following mitigation measures based on a landscape strategy which retains existing and proposes enhancements to significant boundary tree and landscaping features; the County Landscape officer and your officers are concerned that the indicative master-plan would not deliver this.
- No cultural heritage effects (subject to a programme of archaeological works to be agreed with the County Archaeologist and secured by condition). Note that the County Archaeologist identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk is mitigated by planning conditions.
- Sustainability and climate change have been assessed with reference to BREEAM to give an indication of the potential sustainability performance of the proposed development. From the information available at this stage it is assessed that the development is 'very good' in sustainability terms.

6.5.3 Officers agree broadly with the findings of the ES but have expressed serious concerns with regard to impacts on landscape and ecology, which will be effected by the scale, layout and design of development. There is also the potential for other impacts on water and associated ecology. All aspects require appropriate mitigation being agreed through planning conditions.

6.5.4 The cumulative effects of the wider North East Bexhill development, as allocated by the Local Plan have also been considered. Increased landscape and visual effects and the loss of agricultural land due to development of the allocated sites are highlighted. These environmental effects would be considered in detail if planning applications are submitted for development of these allocated areas. At this stage, the background studies undertaken to inform the adopted SPD are considered sufficient for the local planning authority to conclude that these environmental effects can be mitigated through good design.

6.6 Other matters – Impacts on European sites:

6.6.1 The application proposal has been assessed in light of the Wealden District Council's objection relating to traffic and air pollution. It is accepted that the development should be screened for potential impacts on the European Sites referred to. In response, the applicants has submitted a further report, entitled 'BEPN – Wider Transport Implications' which deals directly with the potential traffic associated with the development likely to affect the two SACs highlighted by WDC, namely Ashdown Forest and Lewes Downs. It draws on the submitted Transport Assessment in terms of trip generation and the Bexhill Hastings Link Road traffic model and, further afield, distributes traffic according to existing movements at relevant junctions.

6.6.2 The applicant's report assess likely traffic generation in the morning and afternoon peaks, as these are regarded as the most significant periods. In relation to the Lewes Downs SAC the most significant number of movements between the application site and the SAC occur in the pm peak, but this is

still less than 1 vehicle movement. For the Ashdown Forest SAC pm peak figures are also higher, but still only represent an estimated 0.5 of a vehicle movement. It concludes that the proposed development is not likely to have any adverse impact on either the Ashdown Forest or the Lewes Downs SACs.

- 6.6.3 In addition, officers have given specific consideration to the distribution of commuting journeys to employment centres in Bexhill and the adjacent business sites in north west Hastings. Mapping shows that the catchment for businesses is highly concentrated within the Bexhill/Hastings area.
- 6.6.4 These findings are not surprising as Bexhill is closely linked economically to adjoining Hastings, defined as its own 'travel to work area', as well as being not only distant from the respective SACs and without main road links.
- 6.6.5 Furthermore, this proposal is integral to the adopted development strategy for Bexhill to reduce reliance on commuting and to create a greater "self-sufficiency" in employment, as well as balancing the housing growth in the town. When viewed together, it is considered that the respective planned employment and housing developments, together with supporting road infrastructure, should further reduce the fractional traffic flows that may go further afield and close to the SACs.
- 6.6.6 Hence, on the basis of the information supplied by the applicant, *supplemented by available evidence of commuting data for this locality* and the benefit that this development would bring in enabling greater self-sufficiency of employment, it is found that there is no discernible prospect of additional traffic from the proposed development impacting on the Ashdown Forest or Lewes Downs SACs in particular. Hence, it is concluded that any likely significant effects upon European sites, even in combination with other relevant plans and projects, can reasonably be screened out. Notwithstanding this conclusion, it is considered prudent to seek external verification of the screening assessment.
-

7.0 SUMMARY

- 7.1 The application seeks outline planning permission (with all matters reserved except for access) for the development of up to 33,500 sq m (net internal area) of employment floorspace (within use classes B1 and B2) with roads and ancillary infrastructure and services, including pedestrian, cycle and vehicle circulation, car parking and landscaping.
- 7.2 There is strong support in principle for the development in the Rother District Council Local Plan (specifically Policy BX3) adopted in 2006, the North East Bexhill Supplementary Planning Document (SPD) adopted in 2009 and the NPPF.
- 7.3 Two of the five main land use principles of the SPD are met by this application:
- To provide for significant business investment and job creation at the earliest opportunity; and

- To locate business development to maximize overall accessibility as well as minimising commercial traffic on residential roads and, by linking it with housing development, to make it commercially viable.
- 7.4 The highway impacts associated with the proposal have been properly considered through a Transport Assessment and the Highway Authority supports the assessment subject to conditions, a Travel Plan, bus provision and pedestrian/cycle connectivity.
- 7.5 The environmental impacts of the proposal have been properly assessed through an Environmental Impact Assessment and officers support its broad findings subject to consideration of any detailed scheme via reserved matters application.
- 7.6 Subject to external verification, with regard to potential impacts on traffic and air pollution, it is concluded that any likely significant effects upon European sites, even in combination with other relevant plans and projects, can reasonably be screened out.
- 7.7 The scheme achieves a further milestone in implementing the planned growth of Bexhill.
-

RECOMMENDATION: GRANT (OUTLINE PLANNING) DELEGATED (FOR EXTERNAL VERIFICATION OF THE ASSESSMENT OF IMPACTS ON THE EUROPEAN NATURE CONSERVATION SITES).

CONDITIONS:

1. Approval of the details of the siting, design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development commences on each phase of the development.
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 section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. Applications may be made on a phased basis.
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 3 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. Subject to the details required by Condition 1, the development hereby permitted shall be carried out in accordance with the following approved drawings:

Application Site Location plan GIS001 - B, dated 19/09/17

Reason: For the avoidance of doubt and in the interests of proper planning as advised in the CLG Guidance document 'Greater Flexibility' for Planning Permissions, 2009.

6. No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to and approved in writing by, the local planning authority. The purpose of the strategy shall be to establish the effectiveness of buffer zones for badgers, of unlit areas for bats, and of crossing features for dormice by monitoring their continued use by local populations. The content of the strategy shall include the following:

- a) aims and objectives of monitoring to match the stated purpose;
- b) identification of adequate baseline conditions prior to the start of development;
- c) appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measure being monitored can be judged;
- d) methods for data gathering and analysis;
- e) location of monitoring;
- f) timing and duration of monitoring;
- g) responsible persons and lines of communication;
- h) review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: A pre-commencement condition is required as monitoring of the site is essential to ensure that the proposed development delivers the fully functioning biodiversity outcomes set out, firstly, in the planning application and then approved in the planning consent. Monitoring is required to: a) determine whether any conservation actions have been ineffective, leading to failure (in full or in part) to achieve stated conservation objectives, and b) identify contingencies and/or remedial measures required to ensure that biodiversity outcomes comply with the originally approved scheme, in accordance with Policy EN5 of the Rother Local Plan Core Strategy and the NPPF.

7. The development hereby permitted shall not begin until a scheme to deal with contamination of land, potential ground gas and potential pollution of controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures,

unless the local planning authority dispenses with any such requirement specifically in writing:

- a) 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) 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 the 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/the development being brought into use]. 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: The details submitted with the application indicate the need for additional testing. 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 NPPF and Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

8. Pursuant to Condition 1, no development shall commence until a phasing plan has been submitted to, and approved in writing by, the local planning authority which delineates the physical extent of each phase and provides in total for no more than 33,500sqm (net internal floorspace) and including appropriate parking, loading and turning facilities compliant with the adopted East Sussex County Council parking standards.

Reason: To ensure that each phase includes an appropriate parcel of land including buildings, parking and other facilities and landscaping, with associated access links, SuDS and biodiversity space, which together will deliver the creation of a high quality environment in accordance with Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4, SRM2, EN1, EN3, EN5 and TR4 in particular of the Rother Local Plan Core Strategy.

9. Pursuant to Condition 1, no development shall commence on each phase until the following hard landscaping for that phase have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved:
 - a) Proposed finished levels or contours;

- b) Means of enclosure (fence, hedging etc.);
- c) Hard surfacing materials (road surface, cycleway, footpath, crossings);
- d) Minor artefacts and structures (e.g. curbs, street furniture, signs, signals, lighting etc.); and
- e) Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

Reason: To ensure the creation of a high quality environment in accordance with Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4, EN1, EN3 and TR2 in particular of the Rother Local Plan Core Strategy.

10. Pursuant to Condition 1, no development shall commence on each phase until the following soft landscaping and tree planting details for that phase have been submitted to and approved by the local planning authority:
- a) Indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development;
 - b) Planting plans;
 - c) Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - d) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
 - e) Implementation programme.

Reason: To ensure the creation of a high quality environment in accordance with Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4, EN1, EN3 and EN5 in particular of the Rother Local Plan Core Strategy.

11. No development shall commence on each phase until a Construction Traffic Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The plan shall include the construction programme, haulage routes and the location of all temporary site construction compounds and fences for and access points to the public highway. The compounds and any temporary associated works shall be removed and the land restored to its previous condition within 3 months of completion of works on site unless otherwise agreed in writing by the Local Planning Authority. The approved plan shall subsequently be implemented in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with Policies OSS4, CO6 and TR3 of the Rother Local Plan Core Strategy.

12. No development shall commence on each phase until details of proposed bus provision measures sufficient for that phase have been approved in writing by the Local Planning Authority, and no building shall be occupied until those provisions have been provided in accordance with the approved details.

Reason: To ensure the adequate mitigation of the transportation impacts of the proposal and in accordance with Policy TR2 of the Rother Local Plan Core Strategy.

13. No development shall commence on each phase until details of wheel washing facilities for that phase have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the commencement of development on that phase

and the facilities shall be maintained in working order during the construction period and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site.

Reason: In the interests of highway safety and in accordance with Policies OSS4 and CO6 of the Rother Local Plan Core Strategy.

14. No development shall commence on each phase until a scheme of the working hours during the construction of that phase has been submitted to and approved in writing by the Local Planning Authority. Unless alternative times are specifically agreed construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 7:00am and 7:00pm on Mondays to Fridays inclusive and 7:00am and 1.00pm on Saturdays and not at any time on Sundays, Bank and Public Holidays.

Reason: To safeguard the rural and residential amenities in the vicinity of the site and in accordance with Policy OSS4 of Rother Local Plan Core Strategy.

15. No development shall commence on each phase until a surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The overall drainage strategy should demonstrate that total surface water discharge from the application site will not exceed 16 l/s, including those with a 1 in 100 (plus climate change) annual probability of occurrence. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- a) All the features set out in the surface water drainage strategy, including the use of water treatment stages, (particularly necessary to avoid pollution to the Combe Haven SSSI).
- b) Details to clarify that there will be no increase to discharge rates from Pond 2.
- c) Measures to manage impacts of high groundwater.
- d) Details of how the scheme shall be maintained and managed after completion.
- e) Details of specific measures to minimise the risk of deterioration in water quality of receiving watercourses and water bodies downstream (for both the construction and operational phases of the development).

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity in accordance with Policies SRM2 and EN7 of the Rother Local Plan Core Strategy.

16. No development shall commence on each phase until a plan for the protection and/or mitigation of damage to the Rivers and Streams, and Ponds Priority habitats, both during construction, operation and decommissioning of that phase and including a timetable of implementation and management responsibilities, has been submitted to and approved in writing by the Local Planning Authority. The Rivers and Streams, and Ponds Protection Plan shall be carried out in accordance with the timetable for implementation as approved.

The scheme shall include the following elements:

- a) A detailed method statement including access and materials storage.
- b) Details of the stream diversion and any mitigation of damage proposals.
- c) Details of treatment of site boundaries and buffers around water bodies.
- d) Details demonstrating how the buffer zones will be protected during

- development and managed/maintained over the longer term.
- e) Details of any new habitat created on site.
- f) Details of any proposed planting scheme, which should be of native species where reasonably practicable bearing in mind access for maintenance.

Reason: To protect the Rivers and Streams, and Ponds within and adjacent to the development site in accordance with Policy EN5 of the Rother Local Plan Core Strategy. Without it, avoidable damage could be caused to the nature conservation value of the site and the Combe Haven SSSI.

17. No development shall commence on each phase until details of the new wetland habitats (surface water ponds) proposed as part of the SuDS for that phase, including a timetable of implementation, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the details and timetable for implementation as approved.

The scheme shall provide for connectivity to adjacent ponds and watercourses to enhance the potential for breeding and dispersal of reptiles and amphibians on and around this site.

Reason: To ensure that the proposed new wetland habitats, as part of the SuDS, are developed in a way that contributes to the nature conservation value of the site in accordance with Policy EN5 of the Rother Local Plan Core Strategy and NPPF paragraphs 109 and 118.

18. No development shall take place on each phase until an ecological design strategy (EDS) addressing: retention and protection of existing habitats during construction; protection and enhancement of suitable buffer zones for protected species and habitats; provision for wildlife corridors, linear features and habitat connectivity; creation, restoration and enhancement of semi-natural habitats; creation of new wildlife features (e.g. bat roosts, bird nesting features and dormouse bridges); and the provision and control of access, has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following.

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

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implantation can demonstrate this, in accordance with Policy EN5 of the Rother Local Plan Core Strategy and NPPF paragraphs 109 and 118.

19. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

Reason: To ensure badgers are not trapped and harmed on site and to prevent delays to site operation in accordance with Policy EN5 of the Rother Local Plan Core Strategy and NPPF paragraphs 109 and 118.

20. No development shall commence on each phase until a landscape management plan, including long-term design objectives, management responsibilities and a timetable for implementation and maintenance schedules for all landscaped areas related to that phase has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved, in accordance with the agreed programme and timetable of implementation and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

- a) Provision and maintenance of an 8m buffer zone alongside the main river, Combe Haven;
- b) Details of any new habitat created on site;
- c) Details of maintenance regimes;
- d) Details of treatment of site boundaries and/or buffers around water bodies;
- e) Details of any proposed planting scheme, which should be of native species where reasonably practicable, bearing in mind access for maintenance.
- f) Details of management responsibilities.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policy EN5 of the Rother Local Plan Core Strategy, paragraphs 109 and 118 of the NPPF and article 10 of the Habitats Directive.

21. No development shall commence on each phase until a Construction Environmental Management Plan (CEMP) for that phase that is in accordance with the approach outlined in the Environmental Statement, has been submitted to and approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:

- a) The timing of the works;
- b) The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution);
- c) A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works;
- d) Any necessary mitigation for protected species;
- e) Construction methods;

- f) Any necessary pollution protection methods; and
- g) Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrates they are qualified for the activity they are undertaking.

The works shall be carried out in accordance with the approved CEMP. Reason: To ensure environmental impacts of construction are prevented or minimised in accordance with Policy EN5 of the Rother Local Plan Core Strategy.

22. Prior to 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, badgers and dormice, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) Show how and where external lighting 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 unless a separate permission has been granted by the local planning authority.

Reason: Bats, dormice and badgers are present on site and are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and would be contrary to Policy EN5 of the Rother Local Plan Core Strategy and paragraphs 109 and 118 of the NPPF.

23. No development shall commence on each phase until a comprehensive energy strategy for that phase has been submitted and approved in writing by the Local Planning Authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: To deliver high levels of energy performance and ensure low carbon or renewable energy generation is pursued in accordance with Policy SRM1 of the Rother Local Plan Core Strategy.

24. No development shall commence on each phase until the developer has secured the implementation of a programme of archaeological work for that phase, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy EN2 of the Rother Local Plan Core Strategy and the NPPF.

25. Each phase of the development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 18 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy EN2 of the Rother Local Plan Core Strategy and the NPPF.

26. If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason: To enhance the appearance of the development itself and to safeguard the characteristics of the general area on the Hastings ridgeline in accordance with Policy GD1 of the Rother District Local Plan (2006).
27. Each phase of the development hereby permitted shall not be brought into use until the associated connections to the adjoining Public Rights of Way and proposed cycleway and footpaths for that phase have been completed in full accordance with the details approved by the reserved matters, unless otherwise agreed in writing by the Service Manager – Strategy and Planning.
Reason: To ensure the provision of walking and cycling facilities in accordance with Policy BX3 of the Rother District Local Plan (2006), North East Bexhill Supplementary Planning Document and Policies TR2 and TR3 of the Rother Local Plan Core Strategy.
28. The plans and particulars submitted in accordance with Condition 1 shall include a Travel Plan, detailing the provision of alternative transport arrangements to enable access to and from the site other than by car.
Reason: In the interests of providing a sustainable development and to reduce the harmful effects of traffic upon the character, amenities and highway safety for the surrounding area, in accordance with Policy TR2 of the Rother Local Plan Core Strategy.
29. The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment (FRA) by Campbell Reith, dated September 2017, unless subsequently varied and otherwise approved in writing by the local planning authority, and the following mitigation measures detailed within the FRA:
- a) As stated in section 2.9.4 and figure 2.3 and 6.1, the sequential approach whereby all development is located in Flood Zone 1 must be adhered to.
 - b) As stated in section 2.9.4 where all proposed development must have a minimum buffer distance of 8m from the main river.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the local planning authority in association with the Environment Agency.
Reason: To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and the future occupants in accordance with Policy EN7 of the Rother Local Plan Core Strategy.

NOTES:

1. In relation to Condition 13, special attention will be required to the water quality and ecological elements of the SUDS design to protect the downstream Combe Haven SSSI. With regard to the detailed design the developer is referred to the comments of the Lead Local Flood Authority (ESCC) in their letter of the 8th February 2018.

2. In relation to Condition 14, these rivers and streams, as headwaters of rivers, are ecologically unique and important habitats which provide a vital link into a protected Biodiversity Action Plan (BAP) habitat, Coastal and Floodplain Grazing Marsh, and an ecological corridor for protected species such as Great Crested Newt. For this reason the Sussex BAP seeks to avoid fragmentation or truncation of linear migration routes and construction of barriers to movement such as roads and culverts. Buffer zones need to be measured from bank top for the whole extent of the site. Bank top is defined as the point at which the bank meets normal ground levels, structures, hard standing, footpaths, fences, lighting or overhanging development and should not include formal landscaping. The buffer zones need to be designed and managed to develop a natural character or left to colonise and regenerate naturally as a natural area for wildlife. Please see the advice of the Environment Agency regarding biodiversity in their letter of 8th November 2017.
3. In relation to Condition 18, the applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.
4. In relation to Condition 18, the applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found and these should be sought before development commences.
5. In relation to Condition 18, this planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation. Further advice on the requirements of these Acts is available from Natural England, Sussex and Surrey Team, Phoenix House, 33 North Street, Lewes, East Sussex, BN7 2PH.
6. In relation to Conditions 20 and 21, the written scheme of investigation, ensuing works and production of reports should accord with the relevant portions of the ESCC document "Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation in East Sussex" (2008), including Annexe B, and should be undertaken only by a suitably qualified archaeologist. For assistance and advice in seeking compliance with the requirements of the condition, please contact the County Archaeologist at ESCC, Transport & Environment, County Hall, Lewes, BN7 1UE or telephone 01273 481608.
7. The applicant is advised that they will need an Environmental Permit for Flood Risk Activities, especially where works are within the 8m buffer distance of the main river, including the new and upgraded bridges,

resurfacing of rights of way, trees/planting and any other works. For further advice please contact PSOEastSussex@environment-agency.gov.uk

8. Given the close proximity to the main river and flood zones, consideration should be given to the use of flood proofing measures to reduce the impact of flooding when it occurs.
- 9 The applicant is reminded that an Order will be required to stop up Buckholt Lane.
10. For the avoidance of doubt, the applicant is advised that the design, layout, and access information submitted with the application, namely Drawing No. (08) 005 Indicative Masterplan - which indicates access and circulation arrangements within the site, disposition of development, building footprints and broad landscaping.
Drawing No's. (08) 007 and (08) 008 Indicative Sections – which indicates scale and heights of buildings.
Design & Access Statement are **not** approved.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

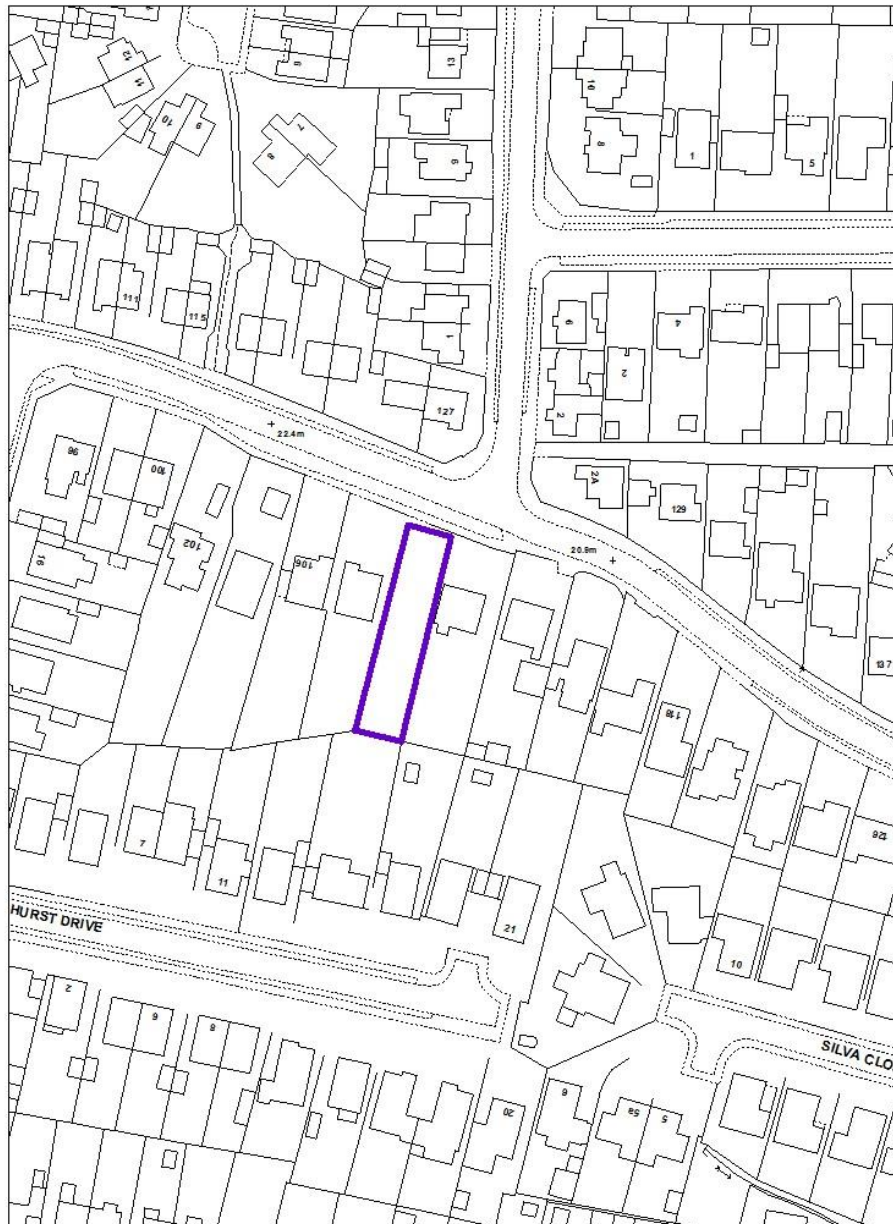
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SITE PLAN

Bexhill

RR/2018/79/P

110 Pebsham Lane



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Not To Scale

RR/2018/79/P

BEXHILL 110 Pebsham Lane, Bexhill

Proposed detached dwelling and new vehicular access.

Applicant: Mr G. Fairbrass
Agent: CLM Planning
Case Officer: Mr John McSweeney
(Email: john.mcsweeney@rother.gov.uk)
Parish: BEXHILL
Ward Member(s): Councillors C A Clark and S D Elford

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

Statutory 8 week date: 5 March 2018.

Extension of time agreed to: 21 March 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:

- OSS2 – Use of development boundaries.
- OSS4 – General development considerations.
- EN3 – Design.

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

2.0 SITE

2.1 110 Pebsham Lane is on the south side of Pebsham Lane opposite its junction with Buckholt Avenue. The application site currently forms part of the garden to the west side of no. 110 and adjoins 108 Pebsham Lane. The site also adjoins bungalows (to the south) in Penhurst Drive; these properties are set at a lower level than the site given the fall of the land from north to south.

3.0 HISTORY (relevant)

3.1 RR/2017/243/P Proposed detached dwelling and new vehicular access – Refused.

- 3.2 RR/2017/1014/P Proposed detached dwelling and new vehicular access – Refused.
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4.0 PROPOSAL

4.1 This application seeks permission to sub-divide the existing garden of no. 110 Pebsham Lane to create a new plot constructing a split level bungalow, appearing as a single storey dwelling to the highway but using the land levels to be two storey to the rear. The proposal includes a new vehicular access from Pebsham Lane.

4.2 This application follows the refusal of previous applications RR/2017/243/P and RR/2017/1014/P. Application RR/2017/1014/P was refused for the following reason:

“The proposed dwelling by reason of its proximity to 108 and 110 Pebsham Lane, which remains as per the previous refused scheme (RR/2017/243/P), would have an unsatisfactorily relationship with these two immediate neighbouring properties. The proposed dwelling would appear overly dominant and be overbearing and result in the loss of light and outlook to the detriment of the residential amenities that the occupants of these neighbouring properties could reasonably expect to enjoy. As such the proposal is contrary to the objectives of Policy OSS4 (ii) of the Rother Local Plan Core Strategy.”

4.3 The proposal is the same as refused application RR/2017/1014/P in terms of design, scale, siting and means of access. As such, the site which currently forms part of the garden of no. 110 Pebsham Lane would have a 9.6 metre wide frontage and a depth of some 46 metres. The dwelling itself would have a width of some 7 metres and depth of some 14 metres, with a height of some 5.8 metres (front elevation) and some 8.4 metres (rear elevation).

4.4. The dwelling would be constructed from brick and tile hanging walls under a plain clay tile roof. However, there have been changes to the site since the consideration of RR/2017/1014/P, principally that the windows within the west elevation of no. 110 have been replaced with high level windows and a 2m high close boarded fence has been erected on the boundary with no. 108.

4.5 The accommodation would consist of open plan kitchen/dining room, utility and WC at lower ground floor level and entrance hall, shower room, living room and two bedrooms (1 en-suite) at upper ground floor level.

5.0 CONSULTATIONS

5.1 Planning Notice:

5.1.1 Two letters of objection have been received, their concerns have been summarised below:

- Problems with drainage in our rear gardens during heavy rain, the situation has worsened since the land (application site) has been cleared.
- No objection to the build, but the drainage problem should be resolved before any work commences.

6.0 APPRAISAL

6.1 Issues for consideration

- 6.1.1 The main issues for consideration are;
- Principle of development.
 - Relationship with neighbouring properties.
 - Character of area/design of dwelling.
 - Size of plot.

6.2 Principle of development

- 6.2.1 Policy OSS2 states that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not; albeit that currently, as the Council does not have a 5 year supply of housing land, the development boundaries are considered out of date.

- 6.2.2 Nevertheless, the site is set within Bexhill and therefore falls within the sustainable area where there is a presumption that infill and redevelopment will be acceptable in principle subject to other policies in the Local Plan Core Strategy. Such criteria seek to ensure that the character and appearance of the locality is respected, and that development does not unreasonably harm neighbouring amenities. It is therefore important that whilst considering the presumption in favour of redevelopment that this should not be at the expense of the character and appearance of the locality and impact upon neighbouring amenities.

6.3 Relationship with neighbouring properties

- 6.3.1 Policy OSS4 (ii) states that all development should not unreasonably harm the amenities of adjoining properties.

- 6.3.2 In comparison to the open nature of the garden area, a dwelling in this position would inevitably have a greater impact on adjoining residents. However, this is not in itself a reason for refusal; very many developments have some effect. The issue is whether those impacts are unreasonable in terms of, for example, the overbearing nature of the building or overlooking.

- 6.3.3 Given the infill nature of the plot the change in circumstances - as with the previous refused applications - will be greatest to the host dwelling no. 110 Pebsham Lane and no. 108 Pebsham Lane the adjoining property to the west.

- 6.3.4 The proposal is the same as refused application RR/2017/1014/P in terms of design, scale, siting and means of access. However, there have been changes to the site since the consideration of RR/2017/1014/P, which are material. In particular the windows within the west elevation of no. 110 have been replaced with high level windows and a 2m high close boarded fence has been erected on the boundary with no. 108. The judgment, therefore, is whether these changes are sufficient, on balance, to address the Council's previous concerns in respect of the impact the proposed dwelling would have on these two adjacent properties.

- 6.3.5 Turning first to the relationship with no. 110 Pebsham Lane; it is considered that the insertion of high level windows in place of the previous windows in the facing west elevation has addressed the Council's previous concerns in regard to potential impact on this property from the new dwelling. The insertion of high level windows has meant that significant views (outlook) are no-longer afforded from this neighbouring property towards the application site and furthermore that any loss of light to these windows caused as a result of this proposal will not be demonstrable.
- 6.3.6 Turning to the relationship with no. 108 Pebsham Lane; this neighbouring property has a number of windows in its east elevation, which are all obscure glazed apart from one at ground floor level, this serves the kitchen and is the only window to this room. The other windows serve bathrooms. The erection of the 2m high fencing on the boundary with no. 108 will have already altered the outlook from this adjoining property, especially to the ground floor windows. It is acknowledged that the proposed dwelling will have an effect on light to and on the outlook from the kitchen window, however, on balance and taking into the consideration the change to boundary treatment, it is not considered that this would result in demonstrable harm to this neighbouring property to justify a reason for refusal. Furthermore, the linear nature of development within this built up town streetscape is a consideration, insofar as the new dwelling can be seen as logically in-filling a gap in an otherwise built-up frontage.
- 6.3.7 Given the separation distance afforded to properties in Penhurst Drive (to the south) the development of this site is unlikely to have any adversely impact upon the amenities of properties here.
- 6.4 Character of area/design of dwelling
- 6.4.1 Policy OSS4 (iii) states that all development should respect and not detract from the character and appearance of the locality. Policy EN3 states that new development is required to be of high design quality which contributes positively to the character of the site and surroundings and demonstrates robust solutions tailored to a thorough and empathetic understanding of the particular site and context.
- 6.4.2 The application site is currently open and forms part of the garden area serving no. 110 and sits between two split level bungalows. While there is no one defining architectural style in the immediate locality, it is important that any dwelling is designed in context to its immediate setting. In this regard, whilst the current garden area does provide a break in the street scene, this is not a defining characteristic and the redevelopment of this site would not be at odds with the urban grain of the wider area (as noted above at 6.3.6) in-filling a gap in an otherwise built-up frontage. Whilst the proposed dwelling would appear relatively modest in the street scene in comparison to the two immediately adjacent dwellings, this is not necessarily unacceptable and its simple design would not detract from the overall character of the street scape.
- 6.5 Size of plot
- 6.5.1 Policy OSS4 (i) states that all development should meet the needs of future occupiers, including appropriate amenities.

- 6.5.2 The current plots serving 110 Pebsham Lane is one of the larger within the immediate locality. As such its subdivision in two would mean that the resultant plot to serve no. 110 and the new plot created would be sufficient in size to provide appropriate amenity space to serve both properties.

6.6 Other issues raised

Drainage/flooding

- 6.6.1 It is evident that works to the existing property and within the garden have been carried out, however, whilst the full extent of these works is not known, it did not appear that the works to date would have required planning permission. Therefore, the local planning authority has little jurisdiction to investigate whether such works have contributed to the flooding of any neighbouring property and this would be a private matter between the parties involved. However, should permission be granted for a new dwelling on this site, then drainage would be controlled by either planning conditions and/or Building Regulations.

Impact on European Sites

- 6.6.2 On some other applications objections to new development have been raised by Wealden District Council in regard to potential cumulative impacts on the air quality at Ashdown Forest and Lewes Downs Special Areas of Conservation (SACs). Having regard to the conclusions of the Habitats Regulations Assessment undertaken for the adopted Core Strategy, supplemented by available evidence of commuting data for this locality, there is no discernable prospect of additional traffic from the proposed development impacting on the Ashdown Forest or Lewis Downs Special Areas of Conservation (SAC) in particular. Hence, any likely significant effects upon European sites, even in combination with other relevant plans and projects, can be screened out.

7.0 **SUMMARY**

- 7.1 The site is set within the built up area of Bexhill in a sustainable location with good access to jobs, services and transport. It therefore falls within the area where there is a presumption that development/infilling will be acceptable in principle. The development is regarded as being of an appropriate form, scale and design that has respect for the character and appearance of the locality.
- 7.2 The change in circumstances to the two adjoining neighbours is noted, however, it has been concluded that having regard to the urban setting of the site, that the limited impacts that would result would not justify withholding the grant of planning permission.

8.0 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 8.1 The proposal is liable for the Community Infrastructure Levy (CIL). Full details of the amount payable will be set out in the CIL Liability Notice which will be issued in conjunction with the decision notice.

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:
Drawing nos. 5325/LBP/A and 5325/1/A, dated MAR 2017.
Drawing nos. 5325/2/B and 5325/3/B, dated MAR 2018.
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 scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority and the dwelling shall not be occupied until the drainage works to serve the development have been provided in accordance with the approved details.
Reason: A pre-commencement condition is required to ensure the satisfactory drainage of the site in an area liable to surface water flooding in accordance with Policy SRM2 (iii) of the Rother Local Plan Core Strategy.
4. The materials to be used in the construction of the external surfaces of the dwelling hereby approved shall be as described in the application form, unless otherwise agreed in writing by the local planning authority.
Reason: To ensure that the development reflects the character and the visual amenities of the area in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
5. The new access shall be in the position shown on the approved plans, drawing no. 5325/3/A, dated MAR 2017 and all works undertaken shall be executed and completed to the written satisfaction of the local planning authority prior to the occupation of the development hereby permitted
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.
6. The dwelling hereby permitted shall not be occupied until parking and turning areas have been constructed in accordance with the approved plan, drawing no. 5325/3/A, dated MAR 2017, and these areas shall thereafter be retained for those uses and shall not be used other than for the parking and turning of vehicles.
Reason: To ensure that adequate parking is provided and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-

enacting this Order, with or without modification), no windows or other openings (other than those expressly authorised by this permission) shall be inserted into the east and west elevations or roof slopes.

Reason: To preclude overlooking and thereby protect the residential amenities of the neighbouring occupiers in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

NOTES:

1. This development will be subject to the Community Infrastructure Levy (CIL) and all interested parties are referred to www.rother.gov.uk/CIL for further information and the charging schedule.
2. The proposed surface water drainage scheme as required by condition no. 3 should be informed by the 'SuDS Decision Support Tool for Small Scale Development' produced by East Sussex County Council, which should form part of the details submitted.

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

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