

Report to	-	Planning Committee
Date	-	19 April 2018
Report of the	-	Executive Director
Subject	-	Planning Applications

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**Head of Service: Tim Hickling**

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## **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 Head of Service – 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 Head of Service – 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 Head of Service – 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)**

<b>REFERENCE</b>	<b>PAGE</b>	<b>PARISH</b>	<b>SITE ADDRESS</b>
<a href="#"><u>RR/2017/2097/P</u></a>	4	RYE FOREIGN	Rye and Winchelsea District Memorial Hospital, Peasmarsh Road.

## **6.2 ALL OTHER APPLICATIONS**

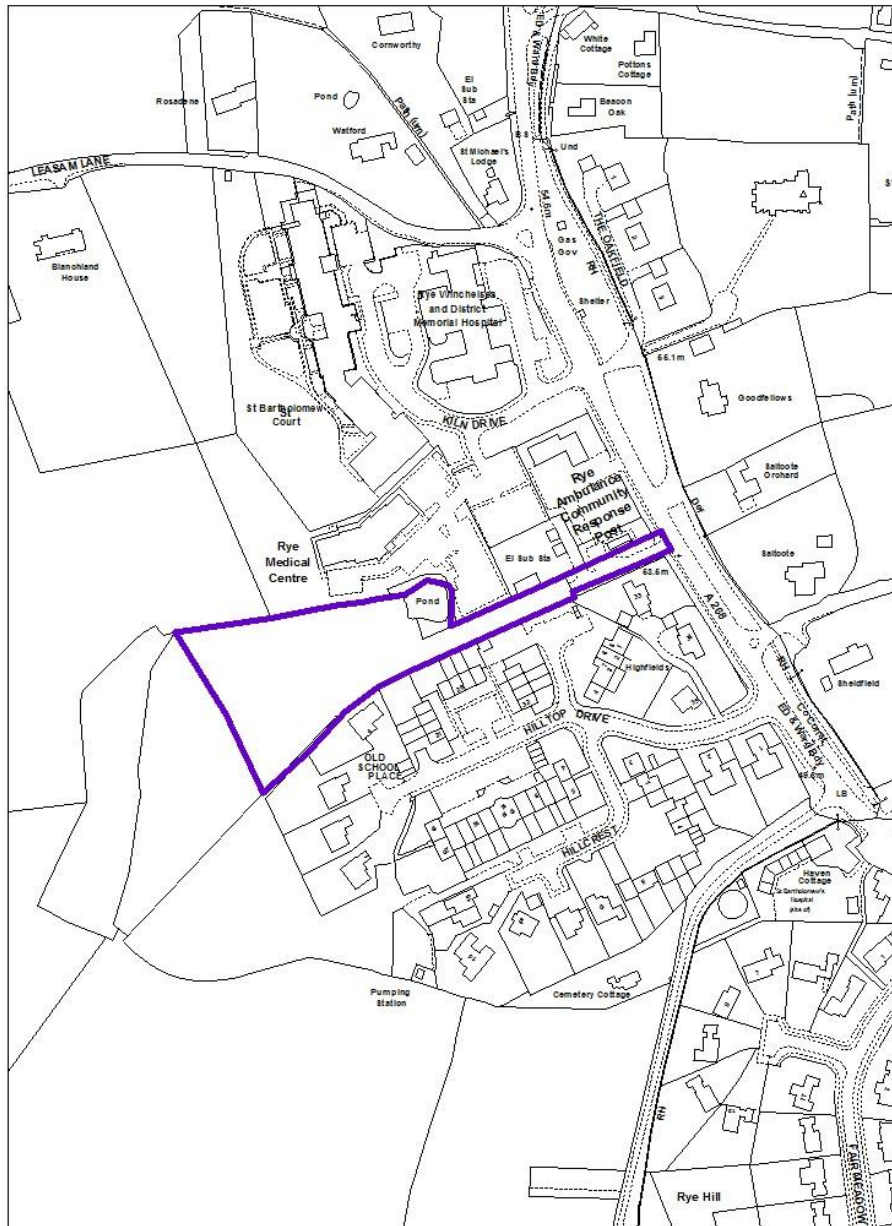
<b>REFERENCE</b>	<b>PAGE</b>	<b>PARISH</b>	<b>SITE ADDRESS</b>
<a href="#"><u>RR/2017/2452/P</u></a>	36	BEXHILL	11 Ellerslie Lane, Moleynes Mead.
<a href="#"><u>RR/2018/273/P</u></a>	66	BEXHILL	St Andrew's Church, Wickham Avenue.
<a href="#"><u>RR/2018/328/P</u></a>	82	NORTHIAM	The Mill, Station Road.
<a href="#"><u>RR/2018/488/P</u></a>	95	BEXHILL	Rafati Way – Land off.
<a href="#"><u>RR/2018/576/P</u></a>	107	FAIRLIGHT	99 Battery Hill, Gentian Cottage.
<a href="#"><u>RR/2018/673/P</u></a>	115	PETT	Westcott, Chick Hill.
<a href="#"><u>RR/2018/804/P</u></a>	122	CATSFIELD	Covertside, Powdermill Lane.

## SITE PLAN

Rye Foreign

RR/2017/2097/P

Rye and Winchelsea District Memorial Hospital



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Not To Scale

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RR/2017/2097/PRYE FOREIGN Rye and Winchelsea District Memorial  
Hospital, Peasmarsh RoadNew nursing care home with specialist care.

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**Applicant:** Greensleeves Homes Trust  
**Agent:** The Tooley & Foster Partnership  
**Case Officer:** Mr E. Corke (Email: edwin.corke@rother.gov.uk)  
**Parish:** RYE FOREIGN  
**Ward Members:** Councillors I.G.F Jenkins and M. Mooney

**Reason for Committee consideration:** Head of Service Strategy and Planning  
**referral:** Public interest

**Statutory 13 week date:** 5 February 2018

**Extension of time agreed to:** 24 April 2018

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This application is included in the Committee site inspection list.

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## **1.0 LEGISLATION AND POLICIES**

- 1.1 Section 85 of the Countryside and Rights of Way Act 2000.
- 1.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 1.3 No 'saved' policies of the adopted Rother District Local Plan 2006 are relevant to the proposal.
- 1.4 The following policies of the Rother Local Plan Core Strategy 2014 (Core Strategy) are relevant to the proposal:
- Policy PC1 (Presumption in Favour of Sustainable Development);
  - Policy OSS1 (Overall Spatial Development Strategy);
  - Policy OSS2 (Use of Development Boundaries);
  - Policy OSS3 (Location of Development);
  - Policy OSS4 (General Development Considerations);
  - Policy RA2 (General Strategy for the Countryside);
  - Policy RA3 (Development in the Countryside);
  - Policy SRM1 (Towards a Low Carbon Future);
  - Policy SRM2 (Water Supply and Wastewater Management);
  - Policy CO1 (Community Facilities and Services);
  - Policy CO5 (Supporting Older People);
  - Policy CO6 (Community Safety);
  - Policy EN1 (Landscape Stewardship);
  - Policy EN2 (Stewardship of the Historic Built Environment);
  - Policy EN3 (Design Quality);
  - Policy EN4 (Management of the Public Realm);

- Policy EN5 (Biodiversity and Green Space);
- Policy EN7 (Flood Risk and Development);
- Policy TR3 (Access and New Development); and
- Policy TR4 (Car Parking).

- 1.5 The National Planning Policy, Planning Practice Guidance and High Weald Area of Outstanding Natural Beauty (AONB) Management Plan 2014-2019 are also material considerations.

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## 2.0 SITE

- 2.1 The application relates to part of a sloping field located on the west side of Rye Road (A268), within the High Weald AONB. It is positioned to the south-west of Rye Medical Centre (part of the Rye, Winchelsea & District Memorial Hospital site) and north-west of residential development at Old School Place and Hilltop Drive. The Grade II listed Hill House Hospital sits some 59m to the south-east. The site is accessed from the A268 by an existing vehicular access, which also serves the Rye Ambulance Community Response Post and an electricity substation. Overhead electricity lines cross the site and there is a pond in the north-east corner.
- 2.2 Beyond the hedge and tree boundaries of the field – which denote an historic field boundary – the land to the north, south and west is open countryside, most of which is within the High Weald AONB. Notwithstanding the hedge and tree boundaries, the site sits on an elevated position on the hillside and is therefore visible from the wider landscape.
- 2.3 The site lies outside of a Development Boundary as defined in the adopted Rother District Local Plan 2006 and is therefore in the countryside in policy terms. It also lies within an Archaeological Notification Area, which defines an area of significant medieval activity.

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## 3.0 HISTORY

- |     |                |   |
|-----|----------------|---|
| 3.1 | A/60/39        | Outline application: House or bungalow – Refused.   |
| 3.2 | A/60/453       | Outline application: 33 dwellinghouses – Refused.   |
| 3.3 | RR/1999/2621/P | Outline: Residential development with access from A268 (Rye Hill) including construction of new road – Refused. |

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## 4.0 PROPOSAL

- 4.1 The application seeks full planning permission for the development of a 60-bedroom nursing care home with specialist care (Use Class C2), together with associated landscaping and parking. The bedrooms would each have en-suite bathroom facilities and the development also includes the following:
- Kitchen, laundry room, plant room and staff rooms on the lower ground floor;
  - Café, hair/therapy room, activity room, admin office and manager room on the ground floor; and

- Lounge/dining room(s), quiet room, assisted bathroom(s) and utility room on each level.
- 4.2 The accommodation is arranged generally to form social groups of 15-20 residents, each with their own communal lounge and dining areas, nurse base, assisted bathing, stores etc.
- 4.3 The Design & Access Statement submitted with the application states that the scheme will provide a home for older people with significant personal care needs (including dementia) through the provision of on-site care and nursing services that will be available 24 hours a day – seven days a week. The nursing care home would serve the community of Rye and the surrounding villages.
- 4.4 The proposed building is 'T' shaped and three storeys in height, although it would be built into the slope creating the appearance of a two-storey structure in relation to the front north-east wing. The maximum height to parapet is 11m at the rear south-west side of the building. Existing overhead lines would be diverted to accommodate the development.
- 4.5 The design of the building is described as follows in the Design & Access Statement:
- “The proposed building is articulated with the juxtaposing forms to reduce its apparent mass from any view by using the building form. It has been orientated to avoid any overlooking of neighbouring houses and their gardens. Towards the rear western side of the site, the topography is sloped which allows for a new building to be designed to take full advantage of it by staggering and breaking down the mass of the building. It is built into the slope creating the appearance of a two storey structure. Where the land drops to the rear a terrace is formed and the building is set back. This creates a visual break that is enhanced by use of a completely different elevation treatment for the lowest floor. The lower ground rear elevation is stone clad with timber uprights to allow climbers to establish on the elevation and soften and bed the building to the landscape in which its sits.”*
- 4.6 The external materials palette consists of a mixture of timber and weatherboard cladding, stone cladding and render with a colour scheme of green, brown, grey and sandstone. Doors and windows would be composite frames with dark grey aluminium outer faces. All glazing on the south-east and south-west elevations would be tinted. The scheme also includes an array of solar panels and timber housing for planting on the roof above the main entrance.
- 4.7 To the north-east of the building next to the main entrance, a parking and service area is proposed accommodating 30 parking spaces, an ambulance bay, cycle parking and a refuse/recycling store. New tree planting is proposed in this area to soften and enhance its appearance and help filter views from adjoining sites.
- 4.8 To the sides and rear of the building landscaped gardens would be created with paths, wildflower lawns, raised plant beds, patios, benches, tables and chairs, gazebos and new tree and hedge planting. Existing trees around the periphery of the site are to be retained, as are some hedges.

- 4.9 The application was submitted with the following supporting documents:
- Design & Access Statement;
  - Transport Statement;
  - Archaeological Desk Based Assessment;
  - Arboricultural Survey and Planning Integration Statement;
  - Landscape Visual Impact Assessment;
  - Extended Phase 1 Habitat Survey & Great Crested Newt Survey;
  - Reptile Survey & Report; and
  - Geo-Environmental Desk Study Report.
- 4.10 Subsequently a detailed Magnetometer Survey and Badger Survey Report have been submitted and the application form has been amended to show the correct owner of the site. Following discussions, the building has been stepped back from the boundary with the neighbouring property 4 Old School Place at upper floor levels and landscaping details along this boundary have also been amended. Additionally, all glazing is to be tinted on the south-east and south-west elevations. The amendments to the scheme have been publicised. Revised drainage, car parking and site location plans have also been received.
- 4.11 The application has been submitted following pre-application advice, in which it was indicated that the proposal in principle would appear to be of merit, subject to several caveats including there being an acceptable relationship with neighbouring properties and an acceptable impact in the landscape.
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## **5.0 CONSULTATIONS**

### **5.1 Playden Parish Council**

#### **5.1.1 Support:**

*“At the Playden Parish Council meeting on 7 December, the Council unanimously decided to fully support the application. They consider that there is a proven strong local need for this and support the site proposed. The Council had been consulted at an early stage and at a Council meeting earlier in the year hosted a public presentation by the Hospital Trust. It welcomes the use of a non-profit making organisation to run the care home and the emphasis on providing spaces for local residents including those requiring council funding. The Council applauds the pioneering plan to provide one integrated health and care site which will benefit the local communities for the foreseeable future.”*

#### **5.1.2 The Parish Council has commented on the amendments to the building design and landscaping as follows:**

*“Playden Parish Council continues to support this planning application and welcomes the amendments to mitigate the affect on neighbours.”*

### **5.2 Rye Foreign Parish Council**

#### **5.2.1 Support whilst raising the following observations and concerns about certain issues:**

- *“Such is the need for local care facilities and the good sense of locating them alongside other medical provision, the regrettable loss of a small finger of the AONB was considered to be a price worth paying. There was some discussion as to whether a suitable piece of other land adjoining the AONB within the parish might be given AONB status to compensate for this loss.*
- *The Council has much sympathy with the view that a new care facility would place an increased burden on existing medical provision in the area. However, accepting that a care facility is needed, such a burden would have to be addressed wherever it was to be built in the Rye area. Locating a care home alongside the existing medical provision would, to some degree, mitigate additional transport and time pressures on medical teams.*
- *On matters relating to the construction and design of the care home we do have concerns regarding the provision of adequate and suitable drainage as highlighted by Southern Water. Furthermore, the Council requests that further consideration be given to lessening the visual impact of the building from all directions through the use of trees as screening.*
- *Finally, the Council welcomes the guarantee that a minimum of 25% (15 beds) of the places provided by the new care home would cater for local needs and requests that this would be exclusively for socially funded members of the community, privately funded local provision coming from the remaining 75%. The Council would also like assurance that such a guarantee would remain in perpetuity.”*

## 5.2 East Sussex County Council (ESCC) Highway Authority

5.2.1 No objection subject to the imposition of conditions. The following detailed comments have been received:

### 5.2.2 Access

*“Access onto the A268 (Rye Road) is proposed to be via the existing access for the ambulance station. It was originally proposed to upgrade the access to provide a 5.0m width; however, in order to accommodate the largest vehicles likely to visit the site in a safe and convenient manner a width of 6.0m at the junction will be provided, with 5m kerb radii and a 1.8m footway to the north (Ref Drawing: 5042-TFP-ZZ-SP-DR-A-2029 Rev P4). This road width continues for 20m from the junction with the A268 before coming down to the original 5.0m road width before the substation access.*

*Tracking drawings have been provided to demonstrate that a large refuse vehicle can be accommodated. Tracking has also been carried out to demonstrate that a large car would also be able to turn left into the site and fit between the refuse truck and the kerb whilst remaining within the highway and not mounting the kerb.*

*Dropped kerbs and tactile paving are required either side of the upgraded access for the benefit of pedestrians on Rye Road. If sufficient space is available I would also wish for the footway on the south side of the access to continue for a short distance into the site to satisfy the desire line of pedestrians entering/leaving the site to/from this direction.*

*The stretch of road serving the site is subject to a 30mph speed limit and with this in mind the visibility splay requirements according to Manual for Streets2*

are 2.4m x 43m in each direction; however, Design Manual for Roads and Bridges recommends splays measuring 2.4m x 70m. It is acknowledged that Rye Road is not typical of a road where DMRB would be used; however, as it is a relatively busy 'A' road it does not share all of the characteristics of being a street either. With this in mind splays measuring 2.4m x 70m as recommend by DMRB are required either side of the new access. Having visited the site I am satisfied that visibility splays in accordance with these guidelines can be provided.

*I have no major concerns regarding the proposed access arrangement; however, the proposed alterations to the access will need to be in accordance with ESCC specification with all works carried out by an approved contractor and under the appropriate license."*

### 5.2.3 Accessibility

*"The nearest bus stop to the site is located on the A268 approximately 60m north of the site and this stop provides access to 3 services (312, 313, and 293). Although the most frequent service to Northiam and Rye is only hourly this still provides a usable alternative to travel by private car.*

*The closest railway station from the site is Rye station, under approximately 1km to the west of the site. The station can be accessed from the site via a 6-minutes bus journey using the 313 or 312 services. The station at Rye provides services to Ashford International with further links to London. The peak hour operation of this service provides a sustainable route for commuters on a half hourly basis.*

*The site is not ideally located from an accessibility perspective; however, it is acknowledged that bus stops and a train station located relatively nearby do provide access to alternative modes of transport for staff and visitors."*

- 5.2.4 Following Renown Travel's decision to terminate the contract to run bus services 312, 313 and 342 on 24 December 2017, the Highway Authority has confirmed that ESCC has awarded a contract to Stagecoach to continue running the services with some changes to journeys.

### 5.2.5 Traffic generation and highway impact

*"The Transport Statement makes use of the TRICS data base to determine the level of traffic likely to be generated by the proposed care home. This predicts that a 60 bed care home would generate nine movements in the AM peak and seven movements in the PM peak, this is equates to approximately 1 vehicle every 6-10 minutes.*

*A Manual Classified Count (MCC) was also undertaken to assess the existing traffic conditions at the junction Kiln Drive / Rye Road (A268) junction. The traffic survey data was used to assess the traffic flows on Rye Road and Kiln Drive and the existing distribution to and from the site onto the A268. This data base was also used to assess the growth in the area for a future year of 2022. The growth factors were then applied to the traffic surveys to create 2022 baseline flows.*

*The above assessment based on the traffic survey data indicates the overall increase of nine vehicles in the AM period represents an increase of 0.6%*

*through the junction in the 2022 base year scenario, and the PM increase of seven vehicles represents an increase of 0.7%.*

*Based on the level of traffic likely to be generated by the development proposal and the above figures I am satisfied that the site access would function without issue from a capacity perspective. I am also satisfied that the impact of the development on the highway network would not be perceptible and on this basis it is not considered necessary to undertake any junction modelling of the site."*

#### 5.2.6 Parking

*"The ESCC Parking Guidance for Non-Residential Developments indicates that for a residential care home one space per four beds plus one space per proprietor or resident staff is required. Based on the 60 bed facility the parking requirement is therefore 15 spaces plus additional spaces for resident staff.*

*30 parking spaces plus an ambulance bay are proposed; however, three of these spaces (bays 12 to 14) are in a tandem arrangement and are therefore unlikely to be utilised fully. Despite this the provision of 27 spaces remains in excess of the level of parking generally required for a use of this type and as a result I have no major concerns. The parking layout is also acceptable; however, it should be noted that parking spaces are generally required to measure a minimum of 2.5m x 5.0m but when enclosed with a parked car either side require a minimum a width of 2.75m.*

*In addition to the vehicle parking spaces, the care home will also provide six covered and secure cycle parking spaces."*

#### 5.2.7 Internal layout

*"Tracking drawings have also been provided to demonstrate that a refuse vehicle can manoeuvre and turn within the site in a safe and convenient manner.*

*Overall I have no major concerns regarding the internal layout; however, dropped kerbs and tactile paving should be provided either side of the access road to the connect the footways within the site."*

### 5.3 ESCC Lead Local Flood Authority

#### 5.3.1 No objection in principle subject to the imposition of conditions. The following detailed comments have been received:

*"We note that the applicant proposes to construct a new connection to the surface water drainage network of the adjacent hospital site which is also under their ownership. They have further indicated that they could provide additional storage within the adjacent development if required. Whilst we consider this to be acceptable in principle, we would expect the applicant to demonstrate that the overall discharge rate from the two developments would not be increased by the proposals as part of any discharge of conditions application, should permission be granted. Southern Water would also need to be satisfied with the proposals as the ultimate receiver of the surface water."*

## 5.4 ESCC Adult Social Care

### 5.4.1 Head of Strategic Commissioning – Housing & Support Solutions

*“From my perspective we do have an undersupply of nursing care in East Sussex particularly EMI/ dementia. The affordability of placing in such nursing care is a continuing challenge for Adult Social Care and we would welcome any opportunity to negotiate access to beds at our rates as part of the planning process.”*

### 5.4.2 Supply Development Manager (Bedded Care)

*“I have had a look at the application online and had some conversations with colleagues working with Bedded Care in Supply Management. Our view is that there is a need for Nursing Care in East Sussex, particularly for people with dementia (the application states “specialist care to meet the needs of local residents” but does not specifically mention dementia care). The nearest nursing home to Rye within East Sussex is in Hastings, eight miles away.*

*As with all services of this nature, if the home has a good standard of care, this would usually be overriding factor in people’s choice to move to a particular service. However, the location of the proposed service may impact on the number of people that would choose the service as it is relatively rural. Of the 1000+ referrals for OP care homes in East Sussex in the last six months, 292 of these were looking for services in the Hastings and Rother area, 25 people were looking specifically in Rye.*

*I note that the proposed care provider is Greensleeves Homes Trust. They have another service within East Sussex, Grosvenor House in St Leonards. The Brokerage Team have a good relationship with the home. Grosvenor Park will take a client funded by the local authority when they have a local authority room available.*

*If the GP surgery is objecting this could have an impact on the running of the service as we have experienced with the interim beds – if GPs are not available from Friday PM until Monday AM, homes will not accept admissions until they can register the client with a GP, and that is for homes with good relationships with the GP surgery.”*

## 5.5 ESCC Landscape Architect

### 5.5.1 Recommend for approval, as the information provided is satisfactory and identifies that the proposed development would have an acceptable impact on landscape character and visual amenity. Concludes as follows with full comments are available to view online:

*“The proposed layout and design of the building has taken into account the potential impacts on the wider AONB countryside and the amenity of neighbouring houses. The development would impact on an area of open pastoral field scape, however in the context of the adjacent hospital and residential development these impacts could be acceptable. The design of the new build has addressed the mitigation of these impacts as follows:*

- *The building line would not extend further into the countryside than the existing built form.*

- *The proposed building would be cut into the slope and this would help to reduce its scale and massing.*
- *The suggested material for use on the building facades would be in keeping with the local vernacular and landscape character.*

*The Landscape Context drawings by PLACE Design would provide a landscape mitigation strategy for the proposed building and help to integrate it into the landscape. The native mixed planting to the boundaries and specimen tree planting within the site will be of particular importance in this context. It is recommended that if the planning authority is minded to grant permission for the development that this masterplan is required to be implemented as a condition of the development.”*

## 5.6 ESCC Archaeologist

- 5.6.1 Recommend for approval in principle subject to the imposition of conditions. Detailed comments are provided below with full comments available to view online:

*“Further to my recommendation letter dated 24 November 2017, the site has now been subject to a geophysical survey. The results identified a number of potential archaeological features, possibly relating to pits, ditches and kilns; other areas of the site produced no potential features. Although it should be noted that the response to the magnetometer survey is variable on this geology, the results suggest that the site does not contain nationally significant remains across its entire extent. However there do appear to be areas of the site that do contain remains, some of which may have a high archaeological significance and pending further investigation may warrant preservation in-situ.*

*In 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 to further archaeological assessment defined by a **programme of archaeological works** and the results used to inform a sympathetic design enabling the retention in-situ of the archaeological remains within the development.”*

## 5.7 East Sussex Fire & Rescue Service

- 5.7.1 No comments received.

## 5.8 High Weald AONB Unit

- 5.8.1 Concludes as follows with full comments available to view online:

*“In the event that Rother District Council (RDC) considers the development of this site to be acceptable in principle, it is recommended that the following detailed requirements are met:*

- *Local materials such as wood and locally sourced bricks and tiles should be utilised to support the sustainable management of woodland in the AONB (Management Plan objectives S1 and W4);*
- *The High Weald Colour Study should be used to select the colours of external materials of structures so that they are appropriate to the High Weald AONB landscape;*

- *Local habitats and species should be protected and enhanced as appropriate (Management Plan objectives G3, R2, W1, W2, FH2 and FH3);*
- *Native, locally sourced plants should be used for any additional landscaping to support local wildlife and avoid contamination by invasive non-native species or plant diseases (Management plan objective FH3); and*
- *Controls over lighting should be imposed (Institute of Lighting Professionals recommended light control zone E1) to protect the intrinsically dark night skies of the High Weald (Management Plan objective UE5)."*

## 5.9 Hastings and Rother Clinical Commissioning Group

5.9.1 No comments received.

## 5.10 Southern Water

5.10.1 No objection subject to foul and surface water drainage conditions. Full comments are available to view online.

## 5.11 Planning Notice

5.11.1 Two petitions of support (including one in response to the amended building design and landscaping) have been received from the residents of Rye and surrounding villages and a spokesperson has been invited to address the Committee. The first petition has been signed by 366 people and the second, received in response to the amended building design and landscaping, by 24 people. The reasons for support are summarised as follows:

- much needed and long overdue facility adjacent to the Rye, Winchelsea & District Memorial Hospital;
- urgent need for dementia care provision; and
- good local public transport links.

5.11.2 A petition of objection signed by 13 people has been received from the residents of Fair Meadow, Hilltop Drive, Old School Place and Hillcrest and a spokesperson for that group has been invited to address the Committee. The reasons for objecting are summarised as follows:

- harmful impact on the countryside and High Weald AONB;
- site lies outside of a development boundary;
- the site has been rejected as a red site (RY24) by the Council's Strategic Housing Land Availability Assessment (SHLAA) 2013 Review;
- Playden is not listed by RDC for any rural housing allocations;
- light pollution;
- the size and mass of the proposed building are overly large;
- harmful impact on the landscape setting of Rye;
- exceptional circumstances do not apply for allowing the development;
- conflicts with the Rye Neighbourhood Plan;
- adverse impact on local traffic;
- increased air pollution and atmospheric carbon levels;
- inadequate public transport serving the site;
- overlooking/loss of privacy;
- loss of outlook to the detriment of residential amenity;

- GPs at Rye Medical Centre are concerned that the clinical burden would fall on their practice, which is presently acting at full capacity;
- will lead to a deficiency in social facilities;
- noise and disturbance;
- other sites exist;
- providing adequate foul and surface water drainage provision presents serious problems; and
- loss of biodiversity and archaeology.

5.11.3 The petitions are available to view in full online.

5.11.4 22 letters of support from 21 individual addresses. The reasons for support are summarised as follows:

- there is a real need for a care home to serve Rye and the surrounding areas;
- provision of dementia care is of huge benefit to the community;
- the position under consideration would seem ideal next to existing medical facilities;
- unlikely to be a flood of new patients using GP services;
- the building has been sympathetically designed to blend into the hillside and will provide a pleasant and happy home for those who will live there;
- will provide good opportunities for employment, training and trade;
- good transport links;
- in-line with government plans to encourage more services and amenities to be provided in the community;
- the position of the building would not encroach on any other buildings; and
- the project has been carefully thought through and many presentations have been made locally over a period of time.

5.11.5 One general comment summarised as follows:

- design includes too many external materials not vernacular to East Sussex;
- the object is to break down the scale but one or two local materials would be an improvement; and
- the provision of solar panels is a token.

5.11.6 23 letters of objection from 18 individual addresses including five in response to the amended building design and landscaping. The reasons for objecting are summarised as follows:

- pre-application advice should have been made publicly available at the start of the application process;
- the proposal does not address concerns raised in the pre-application advice (e.g. loss of residential amenity, building line unsympathetic to Old School Place);
- Council's way of presenting comments online is somewhat illogical and non-representative of who is submitting comments;
- certain supporting comments emanate from those who have a vested/connected interest to the development;
- only a handful of supporters live within the Parish;
- none of the supportive comments have addressed the question of whether this application is the right solution for Rye, nor have they

recognised the problems that a development of this size will have for the area;

- Government is committed to protecting the Green Belt;
- nearby planning decisions show that the development should be refused;
- overdevelopment;
- overbearing;
- loss of view;
- light pollution;
- concern about land stability;
- site is potentially contaminated;
- the benefit to the local community is only 15 beds out of 60;
- no guarantee that the facilities provided will be acceptable to prospective residents;
- size is well in excess of local needs;
- erroneous information given in the original application;
- inappropriate location outside of a development boundary;
- harmful impact on the countryside and High Weald AONB;
- the site has been rejected as a red site (RY24) by the Council's Strategic Housing Land Availability Assessment (SHLAA) 2013 Review;
- there is no evidence that the project is an example of 'exceptional circumstances' or that it is more than normally in the 'public interest';
- alternative sites exist for this major nursing home project;
- harmful impact on the landscape setting of Rye;
- harmful impact on the amenities of neighbouring properties (e.g. light pollution, noise and disturbance, overlooking/loss of privacy);
- lack of publicity/public consultation;
- lack of transparency;
- precedent;
- problems with the "Neighbour Petition" in favour of the development (e.g. lack of information);
- would project over the development boundary
- the site is not owned by the Rye, Winchelsea & District Memorial Hospital;
- plans appear to include the planting of trees directly underneath main electrical cables;
- sewage and drainage system is almost at breaking point;
- the proposed building would be a blot on the landscape;
- despite the charity status of Greensleeves Homes Trust (the applicant), it is still a commercial undertaking.
- this is an aggressive commercial proposal which does not address the requirements for Rye residents;
- not a sustainable development;
- doctor's statement should be considered a material planning consideration;
- the East Sussex Bedded Care Supply Development Management team has questioned the need for the nursing care home in this location and has advised that the proposal could have an impact on the running of the adjacent GP surgery;
- increased pressure on local services (e.g. Rye Medical Centre, its doctors and staff);
- the proposed development is out of scale and out of character in terms of its appearance compared with existing buildings in the vicinity;

- inadequate parking provision;
- the proposal will add significantly to traffic congestion, pollution and atmospheric carbon;
- inadequate public transport links;
- it is likely that transport to the site by staff and visitors will be primarily by private vehicle;
- increase in traffic;
- problems arising from the construction period (e.g. disruption to traffic);
- detrimental to highway safety;
- the site is not readily accessible by foot or bicycle because it is on a substantial hill;
- lack of transparency concerning this major project;
- there are some inaccuracies in the Landscape and Visual Impact Assessment submitted with the application;
- archaeology and biodiversity will be damaged, disturbed or destroyed;
- amendments to the scheme do not address fundamental problems created by the application;
- why has a project of this size not able to submit a workable drainage strategy in the first place?
- misleading information submitted and lack of written detail provided in relation to the amendments; and
- Rye, Winchelsea & District Memorial Hospital, a co-developer of the proposal for the nursing care home, was also responsible for developing the 55-bed extra care retirement home “St Bartholemew’s Court”. Over time it has lapsed into pure social housing. The significance of this should be considered in the context of the current scheme.

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

5.11.8 Rye Medical Centre GPs have commented as follows:

*“We the GP’s at Rye Medical Centre have grave concerns regarding the impact of a new nursing home which is proposed in this planning application. Local resources are at present severely stretched as they are nationally. Our concern is that a nursing home unit will stretch those resources further placing health provision to the local community under further pressure. As a practice we care for patients at Rye Memorial Hospital on a daily basis for on average one hour per day. We feel that a 60 bed nursing home is likely to require at least a similar time commitment if not more. It is not clear to us where that time will come from at present. Our concern is that due to the proximity of the proposed site to our surgery that the clinical burden would fall mainly upon our practice which is at present acting at full capacity. Please take these concerns into consideration.”*

5.11.9 Campaign to Protect Rural England objects to the proposal. Full comments are available to view online and are summarised below:

- the proposal would fail to conserve and enhance the High Weald AONB and should therefore be rejected and a more suitable location found;
- the proposed development fails two vital tests of the High Weald Management Plan relating to the erosion of character from development within and adjacent to the AONB;

- the proposal is contrary to Paragraph 115 of the National Planning Policy Framework, as it does not conserve the landscape and scenic beauty of the High Weald AONB;
- there are no exceptional circumstances to justify this development under Paragraph 116 of the National Planning Policy Framework;
- the proposed development fails Core Strategy Policy TR3 in that public transport is not adequate to serve the people who would work there, nor the visitors who would come;
- the proposed development fails Policy CO5 (ii) in that this location is not 'accessible'; and
- the proposal fails under Policy OSS4 (iii) to respect the character and appearance of the locality.

5.11.10 Rye Conservation Society supports the proposal. Full comments are available to view online and are summarised below:

- there is a need for additional residential care facilities in this area;
- co-locating this facility with the surgery, hospital and future day-care centre will help to reduce the additional strain on the existing medical facilities;
- the design and materials of the building, together with the screening provided by the existing mature trees, would minimise the effect of the development on the AONB;
- the design of the building and the provision of planting would minimise the potential for overlooking and loss of amenity and privacy; and
- notes the need for conditions relating to archaeology and drainage; and
- the proposed development is in the interests of the whole of Rye and its surrounding villages.

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## 6.0 APPRAISAL

6.1 The main issues to be considered are:

- principle of the proposed development;
- design and impact on the landscape and scenic beauty of the High Weald AONB;
- impact on the living conditions of adjoining occupiers;
- impact on the setting of the Grade II listed Hill House Hospital;
- highway issues including parking provision;
- foul and surface water drainage;
- impact on archaeology; and
- impact on biodiversity and trees.

### 6.2 Principle

6.2.1 The site lies outside a designated settlement boundary and is within the countryside where new development is generally limited to that which supports agricultural, economic or tourism needs. Whilst the proposal does not fall into any of these categories, it would increase the range of available nursing care options for older people in this part of the District, in a location well related to existing and future healthcare facilities and close to elderly person's accommodation. The trustees of Rye, Winchelsea & District Memorial Hospital are aiming to provide a comprehensive package of facilities in this area and the proposed nursing care home would form a part of this 'interactive care village'. The Highway Authority has advised that the

site is not ideally located from an accessibility perspective, however, it has not raised an objection to the proposal in relation to this issue. It is also the case that in relation to the recently approved scheme (application ref: RR/2017/1095/P) for the construction of a new day care centre on an adjacent site in Kiln Drive, that site was considered to be accessible. With regard to the current proposal, the siting is considered to be ideally placed to serve the local community. Whether or not the development would have an acceptable impact on the environment is addressed in the following main sections of the report.

- 6.2.2 ESCC Adult Social Care has commented on the proposal, advising that there is a need for nursing care in East Sussex, particularly for people with dementia. However, they have questioned the number of people that would choose to locate here stating that of the 292 referrals for care homes in the Hastings and Rother in the last six months, only 25 were looking at the Rye area. Ultimately, there is a need for nursing care in the District and ESCC has not objected to the scheme. In time the nursing care home is likely to reach near or full occupancy. A number of local residents have commented on the commercial nature of the proposal. However, this is not a material planning consideration.
- 6.2.3 The GPs of the adjacent Rye Medical Centre are concerned that due to the proximity of the proposed nursing care home to their surgery, the clinical burden would fall mainly upon their practice, which is presently operating at full capacity. However, the nursing care home is intended to serve the local community and, as such, a fair proportion of the residents are likely to be existing patients of the GPs. Hastings and Rother Clinical Commissioning Group (CCG) has been consulted on the proposal but has not commented. Ultimately, it is the CCGs duty to ensure that appropriate medical services are provided for the persons they are responsible for.
- 6.2.4 ESCC Adult Social Care would welcome any opportunity to negotiate access to beds at their rates as part of the planning process. Rye Foreign Parish Council has requested that a minimum of 25% (15 beds) would be exclusively for socially funded members of the community and that this arrangement would remain in perpetuity. However, there is no policy requirement for such arrangements to be secured.
- 6.3 Design and impact on the landscape and scenic beauty of the High Weald AONB
- 6.3.1 Policy EN3 of the Core Strategy and Paragraphs 57 and 58 of the National Planning Policy Framework require development to be of good design quality, contributing positively to the character of the site and its surroundings.
- 6.3.2 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.

- 6.3.3 The Government's approach to the natural environment is set out in the National Planning Policy Framework and advises that valued landscapes should be protected and enhanced. Paragraph 115 states that great weight should be given to conserving the landscape and scenic beauty of AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Policies OSS3, OSS4, RA2, RA3 and EN1 of the Rother Local Plan Core Strategy are consistent with the advice of the National Planning Policy Framework. These policies all seek to ensure that development respects the character and qualities of the landscape and countryside, especially where they are protected by national designation for their scenic beauty.
- 6.3.4 The design of the proposed nursing care home is contemporary and is considered to be an acceptable approach, with the choice of materials (timber elements, render and stone cladding) and variation in colours (greens, browns, greys and sandstone) appropriate to this AONB and countryside location. The elevation treatment of the building is broken up to add visual interest and reduces its perceived mass as a large institutional type use. In addition, the building is of a sustainable design and construction.
- 6.3.5 The size and height of the building, together with its location on an elevated position on the hillside, means that it would be clear in views from the wider landscape (e.g. from Udimore Road to the south-west). Additionally, the scheme would fundamentally change the character of the site from greenfield agricultural land to one of built development. However, the proposal does not affect a great area and would effectively create an infill development between existing healthcare facilities in Kiln Drive to the north-east and residential development in Hilltop Drive & Old School Place to the south-east. The building would not extend further into the countryside than the existing cluster of dwellings in Old School Place. As such, whilst the proposed development would encroach into the AONB designation, it would not be a substantial protrusion of built development into the rural landscape. In long views the development would appear to be a part of the existing urban envelope. Furthermore, the building would be cut into the hillside, which would help to mitigate its visual impact in the wider landscape (in views from Udimore Road, the Medical Centre would still be visible beyond the nursing care home). The retention of existing mature trees and vegetation on the site boundaries, together with the planting of additional trees and hedges, would also help to mitigate the visual impact of the proposed development.
- 6.3.6 In terms of lighting, there is a significant amount of glazing on the south-west elevation of the building. Resulting illumination will be evident at times in views from the surrounding countryside particularly against the dark skies. However, these windows would be tinted and a majority of them serve bedrooms, which are likely to have curtains or blinds. It is probable that light in the rear lounge/dining areas would be controlled by movement sensors. The planting of additional trees and hedges would also help to minimise light spill, although it would take a little time for the new planting to establish. Details of any external lighting can be secured by condition to ensure the dark night time environment is maintained. For these reasons, the potential for the development to result in unacceptable light pollution of the dark night sky is considered to be very low.
- 6.3.7 Overall it is considered that harm to the landscape and scenic beauty of the High Weald AONB would be minimised subject to conditions.

6.3.8 Local residents have referred to nearby planning decisions (application refs: RR/2016/602/P, RR/2017/877/P and RR/2017/1231/P) relating to separate proposals for residential development and a petrol filling station in the countryside. These schemes have all been refused and subsequently dismissed at appeal because of, amongst other things, their harmful effect on the High Weald AONB. However, the key difference with the proposal for the nursing care home is that it would not extend further into the countryside than the existing cluster of dwellings in Old School Place and so would not result in a substantial protrusion of built development into the rural landscape. In long views it would appear to be a part of the existing urban envelope.

6.3.9 Concern has also been raised by objectors about inaccuracies in the Landscape Visual Impact Assessment submitted with the application. These are acknowledged and the County Landscape Officer has separately assessed the proposal (see section 5.5 above).

#### 6.4 Living conditions of adjoining occupiers

6.4.1 Policy OSS4 (ii) of the Core Strategy seeks to ensure that development does not unreasonably harm the amenities of adjoining properties.

6.4.2 The main areas of concern raised by local residents relate to outlook, privacy, noise and light pollution. Each of these aspects is considered in more detail below.

##### *Outlook*

6.4.3 The critical relationship here is with the chalet bungalows at nos. 3 and 4 Old School Place, whose side and rear gardens adjoin the site. The existing outlook from these properties, in particular, would be quite radically altered. At its closest point, the building is separated from the boundary with the rear garden of no. 4 by a distance of 9m. The building is only single-storey in height at this point with the two upper storeys set back a further 6.3m. These measures of separation are considered to be sufficient to ensure that the building here would not be unduly dominant and overbearing to neighbours, notwithstanding that it would be seen. During summer months, the hedge and trees along the south-east boundary of the site would provide some visual buffer between the development and the neighbouring gardens, and additional hedge and tree planting is proposed to supplement this. Furthermore, the position of the building to the north-west of nos. 3 and 4 Old School Place would make it unlikely that the residents of these properties would experience material harm in terms of loss of light.

6.4.4 Elsewhere the proposed building would be well separated from other neighbouring properties so that no material harm would be caused in relation to outlook and light.

##### *Privacy*

6.4.5 The critical relationship here is with the chalet bungalow at no. 4 Old School Place. External grounds levels to the south-east of the building would be raised to accommodate a landscaped garden, which has the potential to result in overlooking of the neighbouring property. However, a new 1.8m high close-boarded fence is proposed along the length of this garden area, which would provide some screening. The existing hedge and trees along the south-east boundary, supplemented by additional planting, would also help to protect privacy. Bedroom windows in the south-east elevation of the building

facing no.4 are located some 20m from the boundary with that property, which is considered to be sufficient to ensure that there would be no unacceptable impact on privacy.

- 6.4.6 Other residential properties that could potentially be affected by overlooking from windows are those in Hilltop Drive. However, the distances to these properties are considered to be sufficient to ensure that there would be no unacceptable impact on privacy. Elsewhere a terrace in the south-east corner of the building at first floor level has the potential to overlook the rear gardens of nos. 3 and 4 Old School Place. A privacy screen would therefore be required to prevent overlooking, which can be secured by condition. Balconies would be provided to the rear of the building at ground and first floor levels. However, these would be some 30m away from the rear garden of no. 3 Old School Place and so would not result in an unacceptable impact on neighbour privacy. A 1.8m high close-boarded fence and new hedge and tree planting on the south-east boundary of the site would safeguard the privacy of adjacent gardens in Hilltop Drive from users of the footpath and parking areas.

*Noise and light pollution*

- 6.4.7 The café, kitchen, plant room and laundry room would be housed in the front north-east wing of the building, at least 15m away from the boundary with the closest residential property (no. 4 Old School Place). Whilst some noise and odour is likely to be generated from these areas and associated plant, the potential for unacceptable harm to be caused to existing adjoining residents is considered to be very low. This is because it is expected that any noise and odour generated would have to be acceptable to future residents of the development. This is also considered to be the case in relation to the hours of waste collection and deliveries.
- 6.4.8 A formalised access, 30 parking spaces and an ambulance bay are proposed to the north-east of the building. The new access and some of the parking spaces would be in close proximity to the small rear gardens of the terrace housing in Hilltop Drive. Pedestrian movements, vehicle noise and associated disturbance would to some extent impinge on the living conditions of these neighbouring residents. However, traffic/people generated noise would mainly occur during the daytime and apart from the peak AM and PM periods when there is likely to be approximately one vehicle movement every 6-10 minutes, traffic movements to and from the site are unlikely to be significant. A 1.8m high close-boarded fence and new hedge and tree planting on the boundary with the neighbouring gardens would also help to minimise the impact.
- 6.4.9 In terms of lighting, there is a significant amount of glazing on the south-east elevation of the building which, having regard to the properties in Hilltop Drive and no. 4 Old School Place, has the potential to result in light pollution to the detriment of residential amenity. However, these windows would be tinted and a majority of them serve bedrooms, which are likely to have curtains or blinds. It is probable that light in communal and staff areas would be controlled by movement sensors. The existing trees on the south-east boundary of the site, together with the planting of additional trees would also help to minimise light spill. Details of any external lighting can be secured by condition to ensure the dark night time environment is maintained. For these reasons, the potential for the development to result in light pollution to the detriment of residential amenity is considered to be very low.

6.4.10 Overall the proposal would not cause harm to the residential amenity of adjoining occupiers subject to conditions.

## 6.5 Setting of the Grade II listed Hill House Hospital

6.5.1 There is a statutory duty to preserve listed buildings and their settings. In this case, it is not considered that the proposal would cause harm to the nearby listed building or its setting, as it sits some 59m to the south-east of the site, separated by the residential development at Old School Place and Hilltop Drive.

## 6.6 Highway issues including parking provision

6.6.1 ESCC Highway Authority has provided detailed comments in relation to access, accessibility, traffic generation, highway impact, parking and internal layout, concluding as follows:

*“I have no major concerns regarding the proposed access arrangement off Rye Road from a highway safety and capacity perspective. I am also satisfied that the proposal will not have a significant impact on the surrounding highway network. The parking provision within the site exceeds ESCC Parking Requirements for a use of this type and with this in mind I am satisfied that the parking demands associated with the care home will be met.*

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

6.6.2 Standard highway conditions are recommended, including the requirement for a Construction Management Plan.

## 6.7 Foul and surface water drainage

6.7.1 The drainage strategy submitted with the application shows that new connections are proposed to the existing foul and surface water drainage network, with both foul and surface water pumping stations to be provided within the site. These are both expected to be underground facilities. A minimum 15m separation between the pumping stations and any habitable accommodation is required and this is shown to be achieved within the drainage strategy.

6.7.2 Southern Water accepts the current development layout, however, the results of an initial desktop study indicates that it cannot currently accommodate the needs of the development without the provision of additional local infrastructure. Southern Water also seeks to ensure that the existing live foul sewer is adequately protected during the construction period. These matters can be dealt with by condition.

6.7.3 ESCC Lead Local Flood Authority similarly has no objection to the proposal, subject to the imposition of conditions.

## 6.8 Archaeology

6.8.1 The applicant has undertaken an archaeological desk based assessment and a detailed magnetometer survey of the site, both of which have been assessed by the County Archaeologist. The magnetometer survey has identified a number of potential archaeological features on parts of the site,

possibly relating to pits, ditches and kilns. Other parts of the site produced no potential features. With regard to these results, the County Archaeologist has advised as follows:

*“Although it should be noted that the response to magnetometer survey is variable on this geology, the results suggest that the site does not contain nationally significant remains across its entire extent. However, there do appear to be areas of the site that do contain remains, some of which may have a high archaeological significance and pending further investigation may warrant preservation in-situ.”*

- 6.8.2 In light of the potential for the development to impact on archaeological features, the County Archaeologist has proposed conditions to secure further archaeological assessment and, if present, for those features of high archaeological significance to be retained in-situ.

## 6.9 Biodiversity and trees

- 6.9.1 The Arboricultural Report submitted with the application states that none of the existing trees around the periphery of the site are to be removed to facilitate the development and tree protection measures are proposed. There is a hedge with trees along the south-east boundary of the site, adjacent to the rear gardens of nos. 3 and 4 Old School Place, which is not shown to be protected in the tree protection plan. This is an important landscape feature which should be retained, as it would provide a visual buffer between the development and the neighbouring gardens and would help to protect privacy. Its retention can be secured by condition. There is scope for new tree and hedge planting within the site and along the site boundaries, and an appropriate soft landscaping scheme is proposed in this respect. Overall it is considered that the impact of the proposed development on the existing arboricultural landscape would be negligible and the scheme would result in a net gain in trees.

- 6.9.2 An Extended Phase 1 Habitat Survey & Great Crested Newt Survey was carried out in July 2016 and additional Reptile and Badger surveys were carried out in October 2016 and December 2017 respectively. In terms of protected species, the results are as follows:

- Bats – Three trees provide a greater than negligible bat roost potential and the site provides suitable foraging habitat as well as limited linear features that could be utilised by commuting/foraging bats.
- Badgers – No badger setts were identified within the site, but there is a large badger sett complex within 50m of the south-western boundary. The closest badger-sized entrance hole lies within 5m of the site's western boundary. The site is expected to provide foraging opportunities for the badgers.
- Great Crested Newts – Considered likely absent from the site.
- Reptiles – At least one grass snake and multiple slow worms are present on the site.
- Dormouse – The site's woody boundary habitats (hedges and trees) are suitable dormouse habitat.
- Breeding birds – The site's woody boundary habitats are suitable nesting bird habitat.

6.9.3 Despite the presence of the protected species in and around the site, the ecologist does not consider that they would be materially harmed by the proposal subject to the implementation of an appropriate wildlife mitigation strategy, which can be secured by condition.

#### 6.10 Other matters

6.10.1 The Geo-Environmental Desk Study Report submitted with the application has identified some potential sources of on-site and off-site contamination, with the risks assessed as being low and moderate respectively. The report recommends further investigation, which can be secured by condition.

6.10.2 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). As regards the impact of the proposal on the Ashdown Forest and Lewes Downs SACs, the 60 residents of the proposed nursing care home would not be employed and can therefore be discounted as having an effect on either SAC throughout commuting. People working at the proposed care home should be considered, but the existing commuter flows into Rye (as evidenced by those for the Rother 002 MSOA, being the smallest unit used for journey to work data in the Census), do not show any flows that would be along routes that may affect either SAC. Other potential sources of extra traffic, including personal care service providers and other frequent visitors, are considered very likely to be drawn from a very localised area. Bearing in mind that the shortest distances to the SACs are 37.8 miles and 39.7 miles (to Ashdown Forest and Lewes Downs respectively), there is not considered to be any reasonable prospect of such traffic originating from that far afield. In conclusion, any likely significant effects on either SAC are screened out.

6.10.3 Objectors have referred to the development as a 'major development' in relation to Paragraph 116 of the National Planning Policy Framework, which states that such developments should be refused in the AONB except in exceptional circumstances and where it can be demonstrated they are in the public interest. However, the proposal for the nursing care home is not determined to be a 'major development' in the terms of Paragraph 116.

6.10.4 Local residents have highlighted that the site for the proposed care home is within a parcel of land ruled out as 'not suitable' for residential development in the Council's Strategic Housing Land Availability Assessment (SHLAA) 2013 Review for the following reasons:

*"RY24 is sited outside the existing settlement boundary and is relatively distant from Rye's services and amenities. RY24 does not relate particularly well with the urban fringe and is partially within the Archaeological Sensitive Area. The site is visually exposed with a sloping topography. Development here would be to the detriment to the character of the AONB. Not suitable."*

6.10.5 The SHLAA is not a policy document but was prepared as an evidence and background document to the development plan. Furthermore, the proposal is not for a new housing development and the application site only forms a part of the larger RY24 parcel of land then considered. With regard to this latter point, the site is adjacent to existing urban development in Kiln Drive, Hilltop

Drive and Old School Place and the proposal has been assessed in relation to the specific site characteristics and landscape setting.

- 6.10.6 Local residents are concerned that the proposal would add significantly to traffic congestion, pollution and atmospheric carbon. However, the Highway Authority has advised that the proposal would not give rise to a significant increase in traffic. As such, it is not considered that the scheme would lead to traffic congestion or unacceptable levels of pollution or atmospheric carbon.
- 6.10.7 Local residents are concerned about the closeness of the proposed nursing care home to residential development in Old School Place and the impact significant heavy groundwork operations would have on the stability of adjacent properties during the construction works. However, the site does not lie within an area identified as being affected by stability issues and the National Planning Policy Framework advises that responsibility for securing a safe development ultimately rests with the landowner and/or developer.
- 6.10.8 Local residents have raised other concerns such as a lack of public consultation on the part of the developer. Matters such as loss of view and the fact that Greensleeves Homes Trust (the applicant) is a commercial undertaking despite its charity status are not material planning considerations.

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## **7.0 PLANNING BALANCE AND CONCLUSION**

- 7.1 The site lies outside of a Development Boundary and is within the High Weald AONB where development is strictly controlled. 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 scenic beauty of the AONB, which has the highest status of protection in relation to landscape and scenic beauty.
- 7.2 The proposal would fundamentally change the character of the site itself from greenfield agricultural land to one of built development, which weighs against the scheme. However, the proposal does not affect a great area and would effectively create an infill development between existing healthcare facilities in Kiln Drive to the north-east and residential development in Hilltop Drive & Old School Place to the south-east. The building would not extend further into the countryside than the existing cluster of dwellings in Old School Place. As such, whilst the proposed development would encroach into the AONB designation, it would not be a substantial protrusion of built development into the rural landscape. In long views it would appear as part of the existing urban envelope. Furthermore, the building is well-designed with a materials palette appropriate to this AONB and its countryside location and it would be cut into the hillside, which would help to mitigate its visual impact in the wider landscape. The retention of existing mature trees and vegetation on the site boundaries, together with new landscaping, would also help to mitigate the visual impact of the proposed development. Harm to the landscape and scenic beauty of the High Weald AONB would be minimised subject to conditions.
- 7.3 The proposal would increase the range of available nursing care options for older people in this part of the District, in an accessible location well related to existing and future healthcare facilities, helping to create an 'interactive

care village'. These benefits weigh in favour of the scheme. The proposal would not give rise to unacceptable highway and traffic conditions or cause harm to the residential amenity of adjoining occupiers, local wildlife or archaeology subject to appropriate conditions. New foul and surface water drainage works would also be carried out to serve the development.

- 7.4 To conclude therefore, whilst the proposed development would cause harm to the landscape and scenic beauty of the High Weald AONB, this harm would be minimised by the combination of its good design and mitigation measures referred to above, together with the position of the building relative to existing development (i.e. it would appear to be a part of the existing urban envelope). Added to this are the benefits of increasing the range of nursing care options for older people in this part of the District, in a location which is ideally placed to serve the local community. For these reasons planning permission should be granted for the proposed development.

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## **8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

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

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### **RECOMMENDATION: GRANT (PLANNING PERMISSION)**

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#### **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 drawings:  
Drawing no. 5042-TFP-ZZ-00-DR-A-2000 Revision P7 (Lower Ground Level Plan) dated 02-03-2018;  
Drawing no. 5042-TFP-ZZ-00-DR-A-2001 Revision P6 (Ground Level Plan) dated 02-03-2018;  
Drawing no. 5042-TFP-ZZ-01-DR-A-2002 Revision P5 (First Level Plan) dated 02-03-2018;  
Drawing no. 5042-TFP-ZZ-SP-DR-A-2003 Revision P8 (Site Plan) dated 27-02-2018;  
Drawing no. 5042-TFP-ZZ-SP-DR-A-2007 Revision P5 (Block Plan) dated 27-02-2018;  
Drawing no. Drawing no. 5042-TFP-ZZ-XX-DR-A-2011 Revision P5 (Site Sections CC, DD & EE) dated 02-03-2018;  
Drawing no. 5042-TFP-ZZ-XX-DR-A-2012 Revision P7 (Elevations S.E. & N.E.) dated 02-03-2018;  
Drawing no. 5042-TFP-ZZ-XX-DR-A-2013 Revision P7 (N W & S W Elevations) dated 02-03-2018;  
Drawing no. 5042-TFP-ZZ-SP-DR-A-2018 Revision P1 (Location Plan) dated 04-12-2017;  
Drawing no. 5042-TFP-ZZ-SP-DR-A-2029 Revision P4 (Car Parking Layout) dated 08-12-2017;

Drawing no. 5042-TFP-ZZ-XX-DR-A-2032A Revision P2 (East Site Boundary Section) dated 02-03-2018;

Drawing no. 691\_PL\_001 Revision E (Landscape Concept – Upper Ground Floor) dated 14/09/2017; and

Drawing no. 691\_PL\_002 Revision D (Landscape Concept – Lower Ground Floor) dated 14/09/2017.

Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

3. No development shall take place, including any ground works or works of demolition, until a wildlife mitigation strategy has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details of the mitigation strategy.

Reason: These details are required prior to commencement of works to ensure the protection of wildlife in accordance with Policy EN5 (viii and ix) of the Rother Local Plan Core Strategy.

4. No development shall take place, including any ground works or works of demolition until indications of all existing trees and hedgerows on and adjacent to the site including details of those to be retained, together with measures for their protection in the course of development, have been submitted to and approved by the Local Planning Authority and such approved protection measures shall be retained in situ for the duration of construction works.

Reason: This pre-commencement condition is required to ensure the protection of existing landscape features, residential amenities of the locality and the ecological value of the site, in accordance with Policies OSS3 (vi), OSS4 (ii & iii), RA2 (viii), RA3 (v), EN1 (i) and EN5 (viii & ix) of the Rother Local Plan Core Strategy.

5. Before the development hereby permitted is commenced a Waste Management Plan to include details of the measures to minimise and manage waste generated by the development shall be submitted for the consideration and approval of the Local Planning Authority. The development shall only be carried out in accordance with the approved details of the Plan.

Reason: A pre-commencement condition is required because the plan is required at all stages of construction in the interests of seeking a sustainable development which minimises waste, in accordance with the Supplementary planning Guidance on “Construction and Demolition Waste” 2006 by ESCC and having regard to amenity issues, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

6. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval and all works shall be completed in accordance with the approved details.

- 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 appropriation 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: This pre-commencement condition is required because the historic use of the site and nearby sites may have left the land contaminated and in order to avoid risks to health or the environment investigation and mitigation may be required, in accordance with Paragraphs 120-121 of the National Planning Policy Framework and Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until a method statement detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority and the works shall be completed in accordance with the approved method statement.

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

8. 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 the development shall not be occupied until the foul water 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 ensure the satisfactory drainage of the site in the interests of flood risk avoidance and to prevent water pollution, in accordance with Policies SRM2 and EN7 of the Rother Local Plan Core Strategy.

9. 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 in consultation with Southern Water and the Lead Local Flood Authority. The scheme details shall:

- a) Be designed in accordance with the principles of drawing nos. 1001 Revision F and 1002 Revision B, dated 31-01-2018, as submitted with planning application RR/2017/2097/P.
- b) Provide evidence of (a) in the form of hydraulic calculations – taking into account the connectivity of the different surface water drainage features – to be submitted with the detailed drainage drawings demonstrating that the overall discharge rate from the development site and adjacent hospital development will be no greater than existing.
- c) Confirm ground water levels and infiltration rates at the site following an intrusive ground investigation, with any soakage testing carried out in accordance with the BRE365 methodology.
- d) 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.
- e) Include evidence that the responsibility arrangements identified in (d) will remain in place throughout the lifetime of the development.

Thereafter the development shall not be occupied until the surface water drainage works to serve the development have been provided in accordance with the approved details and evidence (including photographs) of such 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 and EN7 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 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 be restricted to the following matters:

- a) measures to manage flood risk, both on and off the site, during construction;
- b) measures to protect existing public sewers during construction;
- c) the anticipated number, frequency and types of vehicles used during construction;
- d) the method of access and egress and routeing of vehicles during construction;

- e) the parking of vehicles by site operatives and visitors;
- f) the loading and unloading of plant, materials and waste;
- g) the storage of plant and materials used in construction of the development;
- h) the erection and maintenance of security hoarding;
- i) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- j) details of public engagement both prior to and during construction works.

Reason: These details are required prior to commencement of any works in the interests of flood risk avoidance, to ensure protection of the existing drainage network, to maintain the safety of all road users and to protect the amenities of adjoining residents during construction, in accordance with Policies OSS4 (iii), SRM2, CO6 (ii) and EN7 of the Rother Local Plan Core Strategy.

11. 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. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within three months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with 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.

12. 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.

13. No development above ground level shall take place until samples/details of the materials and finishes to be used in the construction of the external surfaces of the building and hard landscaping 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 only.

Reason: To ensure that the appearance of development is appropriate to the High Weald AONB and countryside landscape, in accordance with Policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (v), EN1 (i) and EN3 of the Rother Local Plan Core Strategy.

14. No development shall commence until the vehicular access serving the development has been constructed in accordance with approved drawing no. 5042-TFP-ZZ-SP-DR-A-2029 Revision P4 (Car Parking Layout), dated 08-

12-2017 and construction details, form HT401/HT407, attached to this permission.

Reason: In the interests of road safety, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy.

15. The vehicular access serving the development shall not be used until visibility splays of 2.4m x 70m have been provided in each direction at the junction with Rye Road. The visibility splays shall thereafter be kept permanently free of all obstructions exceeding 600mm in height.  
Reason: To ensure that the development and associated works provides for sufficient visibility and does not prejudice the free flow of traffic or conditions of general safety along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy.
16. The development shall not be occupied until the parking and turning areas have been provided in accordance with approved drawing no. 5042-TFP-ZZ-SP-DR-A-2029 Revision P4 (Car Parking Layout), dated 08-12-2017 and the areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.  
Reason: To provide on-site parking and turning areas to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the highway, in accordance with Policies CO6 (ii) and TR4 of the Rother Local Plan Core Strategy.
17. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. 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 Policy TR3 of the Rother Local Plan Core Strategy.
18. The development shall not be occupied until the new 1.8m high close boarded timber privacy fence shown on approved drawing nos. 5042-TFP-ZZ-SP-DR-A-2003 Revision P8 (Site Plan), dated 27-02-2018 and 5042-TFP-ZZ-XX-DR-A-2032A Revision P2 (East Site Boundary Section), dated 02-03-2018 has been erected and the fence shall thereafter be retained.  
Reason: To prevent the development from having any adverse impact upon the amenities of neighbouring properties in Old School Place by way of overlooking, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.
19. The development shall not be occupied until a privacy screen has been erected on the south-east side of the terrace shown on approved drawing no. 5042-TFP-ZZ-00-DR-A-2001 Revision P6 (Ground Level Plan), dated 02-03-2018, in accordance with details first submitted to and approved in writing by the Local Planning Authority. The privacy screen shall thereafter be retained.  
Reason: To prevent the development from having any adverse impact upon the amenities of neighbouring properties in Old School Place by way of overlooking, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.
20. The flat roof shown on approved drawing no. 5042-TFP-ZZ-00-DR-A-2001 Revision P6 (Ground Level Plan), dated 02-03-2018, shall not be used as a balcony, roof garden or similar amenity area.

Reason: To prevent the development from having any adverse impact upon the amenities of neighbouring properties in Old School Place by way of overlooking, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

21. No construction work shall be carried out outside the following times: Monday to Friday – 0800 to 1800 hours, Saturdays – 0800 to 1300 hours and no construction work shall take place at any time on Sunday, Bank Holidays and Public Holidays.

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

22. In this condition "retained tree" and "retained hedge" means an existing tree or hedge which is to be retained in accordance with the details approved under condition 4; and paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of the occupation of the development for its permitted use.

- a) No retained tree or hedge 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 or hedge is removed, uprooted, destroyed or dies, another tree or hedging plant shall be planted at the same place and that tree or hedging plant 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 or hedge shall be undertaken in accordance with the details approved under condition 4 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 or hedge.
- 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 protect existing landscape features, residential amenities of the locality and the ecological value of the site, in accordance with Policies OSS3 (vi), OSS4 (ii & iii), RA2 (viii), RA3 (v), EN1 (i) and EN5 (viii & ix) of the Rother Local Plan Core Strategy.

23. All hard and soft landscape works shall be carried out in accordance with the following approved drawings:

Drawing No. 5042-TFP-ZZ-00-DR-A-2000 Revision P7 (Lower Ground Level Plan) dated 02-03-2018;

Drawing No. 5042-TFP-ZZ-00-DR-A-2001 Revision P6 (Ground Level Plan) dated 02-03-2018;

Drawing No. 5042-TFP-ZZ-SP-DR-A-2003 Revision P8 (Site Plan) dated 27-02-2018;

Drawing No. 691\_PL\_001 Revision E (Landscape Concept – Upper Ground Floor) dated 14/09/2017; and

Drawing No. 691\_PL\_002 Revision D (Landscape Concept – Lower Ground Floor) dated 14/09/2017.

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

Reason: To ensure a high quality public realm taking account of the characteristics of the area and to safeguard the amenities of neighbouring properties, in accordance with Policies OSS4 (ii) and EN3 of the Rother Local Plan Core Strategy.

24. No external lighting shall be provided on the site unless details of such lighting have first been submitted to and approved in writing by the Local Planning Authority. Any approved lighting shall be carried out in accordance with the approved details only and retained as such thereafter.

Reason: To protect the character and appearance of the High Weald AONB and countryside, residential amenities of the locality and wildlife from light pollution, in accordance with Policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (v), EN1 (i & vii) and EN5 (viii & ix) of the Rother Local Plan Core Strategy.

## NOTES:

1. The written scheme of investigation, ensuing works and production of reports required in respect of condition 11 should accord with the relevant portions of the ESCC document “Sussex Archaeological Standards” (2015), 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 by post at ESCC, Communities, Economy & Transport, County Hall, St Anne’s Crescent, Lewes, East Sussex, BN7 1UE, or by e-mail at [county.archaeology@eastsussex.gov.uk](mailto:county.archaeology@eastsussex.gov.uk).
2. With regard to condition 3 the landowner and/or developer is advised that the wildlife mitigation strategy should be based on the details set out in the Recommendation Sections of the ecological surveys prepared by FOA Ecology, submitted with planning application RR/2017/2097/P.
3. With regard to conditions 3 and 24 the landowner and/or developer is advised that any external lighting should have regard to the Bat Conservation Trust’s *Artificial Lighting and Wildlife Interim Guidance: Recommendations to Help Minimise the Impact of Artificial Lighting* and the Institution of Lighting Professionals’ *Guidance Notes for the Reduction of Obtrusive Light*.
4. The landowner and/or developer should consider opportunities for ecological enhancement of the site, as detailed in Section 7 of the Extended Phase 1

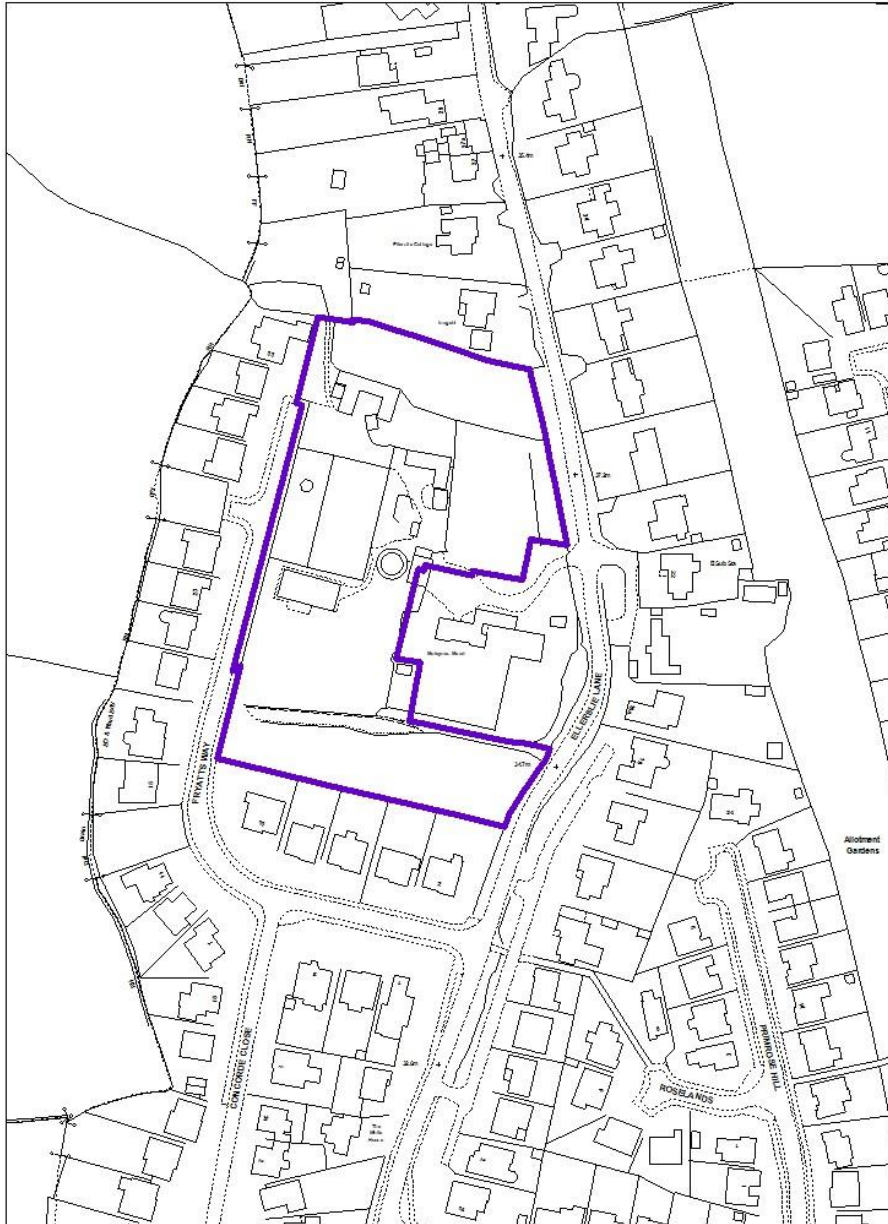
Habitat Survey & Great Crested Newt Survey prepared by FOA Ecology, submitted with planning application RR/2017/2097/P.

5. With regard to condition 4 the landowner and/or developer is advised that measures for the protection of trees and hedgerows should be based on the details set out in the Recommendations Section of the Arboricultural Survey and Planning Integration Statement prepared by R. Gawthorpe, submitted with planning application RR/2017/2097/P.
6. The landowner and/or developer is advised that a formal application for connection to the water supply 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](http://www.southernwater.co.uk).
7. Any proposed works on or abutting the existing highway will require a Section 184 Licence with ESCC, prior to the commencement of works. Details of construction, surface water drainage, gradients and potential traffic management requirements can all be discussed with ESCC through the Section 184 Licence process. Any temporary access would also be subject to the Section 184 Licence process prior to any commencement of work.
8. The landowner and/or developer is advised that dropped kerbs and tactile paving should be provided either side of the access road to connect the footways within the site.

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

[View application/correspondence](#)

SITE PLAN	Bexhill
RR/2017/2452/P	11 Ellerslie Lane, Moleynes Mead



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Not To Scale

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RR/2017/2452/P

BEXHILL Moleynes Mead, 11 Ellerslie Lane

Outline: Redevelopment of land with 24 no. unit residential development including new access road, associated parking and external amenity areas.

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**Applicant:** Mrs J. Field  
**Agent:** Michael D. Hall Building Design  
**Case Officer:** Mr M. Cathcart (Email: mark.cathcart@rother.gov.uk)  
**Parish:** BEXHILL  
**Ward Members:** Councillors R.C. Carroll and Mrs B.A. Hollingsworth

**Reason for Committee consideration:** Head of Service Strategy and Planning referral: Previous major application considered by Planning Committee.

**Statutory 13 week date:** 6 February 2018.

**Extension of time agreed to:** 24 April 2018

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This application is included in the Committee site inspection list.

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## 1.0 POLICIES

*Rother District Local Plan 2006:*

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

- DS3 Proposals within development boundaries.

The site is within the development boundary of Bexhill as identified on Bexhill Inset Map no. 1.

*Rother Local Plan Core Strategy 2014:*

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

- Policy BX1: 'Overall Strategy for Bexhill' which includes objectives to (i) conserve and enhance the town's distinct and independent character and residential function, supported by local services and jobs as much as possible; and (vii) provide for employment and housing growth, in accordance with Policy BX3, with particular regard to the needs of families, affordable housing for younger people and a range of supported housing options for older households.

- Policy BX3: 'Development Strategy' indicates that new residential and employment development will contribute to the overall strategy for Bexhill including through (ii) an overall level of housing growth of some 3,100 dwellings between 2011-2028.

#### 1.2.1 Other relevant CS policies are:

- OSS1 Overall Spatial Development Strategy
- OSS2 Use of Development Boundaries
- OSS3 Location of development
- OSS4 General development considerations
- SRM2 Water management
- CO4 Supporting young people
- CO5 Supporting older people
- LHN1 Achieving mixed and balanced communities
- LHN2 Affordable housing
- EN3 Design quality
- TR3 Access and new development
- TR4 Car parking (also relevant is East Sussex County Council (ESCC) Highways car parking requirement as determined by the car parking demand tool) (ESCC website).

#### 1.2.2 Design quality is a fundamental consideration in the planning process and to this end, the Council has identified 'Key Design Principles' in Policy EN3, (above) which should be seen as a critical starting point for any successful design project.

#### *National Planning Policy Framework:*

#### 1.3 The National Planning Policy and Planning Policy Guidance are also material considerations.

##### 1.3.1 Paragraph 56 states that the Government attaches great importance to the design of the built environment; and explains that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 63 and 64 state that, in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area, and moreover, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

##### 1.3.2 Paragraph 58 states that planning policies and decisions should aim to ensure that developments: will function well and add to the overall quality of the area; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; and are visually attractive as a result of good architecture and appropriate landscaping.

##### 1.3.3 The Council's latest housing land supply and housing trajectory as at October 2017 has remained relatively static compared to the April 2017 position, at 3.2 years supply, including a 20% buffer and there remains a shortfall in its

five-year supply of deliverable housing sites. This means that the Council's relevant policies for the supply of housing cannot be considered up-to-date for the purposes of paragraph 49 of the National Planning Policy Framework. In such circumstances, paragraph 14 of the Framework is engaged and advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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## **2.0 SITE**

- 2.1 This site is located within a residential area within the north part of Bexhill. The whole of the application site extends to about 1.17 hectares. The site is surrounded by existing residential development. The eastern side of the application site fronts Ellerslie Lane and has something of a semi-rural character with a number of mature trees and roadside verge. The opposite side of the lane contains a ribbon of mainly detached houses. A cul-de-sac, Fryatts Way, extends around the south and west of the site. The south side of the site abuts the rear gardens of five bungalows/chalet bungalows in Fryatts Way and the western side boundary of the site, which fronts directly on to Fryatts Way, contains a close-boarded fence. Here, fronting the opposite side of Fryatts Way on its western side is a ribbon of individual, detached bungalows/chalet bungalows. On the northern boundary of the site there is a detached house, 'Welton' that stands within a fairly large garden plot, which is side-on to the northern site boundary and separated by a hedge. 'Welton' fronts Ellerslie Lane and has access directly onto the lane.
- 2.2 The application site excludes the detached house which stands on the property and is known as, 'Moleynes Mead'. The dwelling is believed to date back to the mid-1920s. The access to 'Moleynes Mead' is from Ellerslie Lane and this also falls outside the application site. In addition to the house and garden the property is used in connection with equestrian activity and contains a number of stables, a manège, and areas of grass-land paddock. Running east-west across the site is a steep bank which separates the house and garden from a bottom paddock. This bank contains a belt of mature trees and there is evidence of a badger sett. A considerable number of individual trees on the site are the subject of a tree preservation order.
- 2.3 The house, Moleynes Mead, is considered to be a non-designated heritage asset.
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## **3.0 HISTORY**

- 3.1 The following recent application is particularly relevant:

RR/2014/2019/P	Proposed Development: proposed demolition of dwelling (Moleynes Mead) and the redevelopment of the site for 35 residential dwellings, associated parking, access, and amenity space – Refused Appeal Dismissed. A copy of the appeal decision is contained within the separate Appendix to this Committee.
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## 4.0 PROPOSAL

- 4.1 The scheme represents a revised proposal following the refusal of the earlier scheme in July 2015 (see 3.1 above).
- 4.2 The current application, unlike the previous application, is made as an outline application with all details of the proposed development reserved for consideration at a subsequent stage. The revised application also differs from its predecessor in that it proposes the retention of the dwelling 'Moleynes Mead'. The house, its access and immediate garden are excluded from the red line boundary of the development site. Accordingly the total site area is somewhat smaller than in the previous application and the total number of dwellings it is proposed to build on the site is correspondingly fewer.
- 4.3 Whilst the application is in outline, an illustrative site layout plan has been submitted, together with drawings showing illustrative house types plans/elevations and illustrative street elevations.
- 4.4 The originally submitted illustrative layout plan has been amended by the applicant and the amendments have been re-advertised. Also provided is a drainage strategy plan, a highway plan (including refuse vehicle turning details) and a tree survey plan. The application is also supported by the following documents/survey reports: Transport Statement; Affordable Housing Statement; Refuse Disposal Strategy; Flood Risk Assessment; Arboricultural Report; Drainage Strategy Report; Archaeological Assessment and Preliminary and Phase 2 Ecological Surveys.
- 4.5 The illustrative information indicated on the latest amended layout plan shows mainly semi-detached units on the site (one detached house, one detached chalet bungalow and 22 semi-detached houses). A number of the houses are indicated as having roof dormers to allow some accommodation within the roofs. In terms of the illustrative housing mix, this indicates:

House Type	Market	Affordable	Total
2-bed house	2	2	4
3-bed house	13	5	18
4-bed house	2		2
Total	17	7	24

- 4.6 External materials are suggested to be a mix of brick, tile hanging and timber cladding, with plain roof tiles.
- 4.7 There would be a new access road into the site from Fryatts Way on the western site boundary, which would serve 22 properties. Additionally, a further two new properties fronting Fryatts Way would have direct access onto this road. The total number of parking spaces proposed in the development is about 55.
- 4.8 The agent acting for the applicant has confirmed that the information provided is illustrative only and it remains the case that the application is in outline. Whilst this is noted, in determining the application it is important for Members to have regard to not only the principle of development but also to

the quantum of development contained in the description of development. In this regard 24 units are proposed.

- 4.9 The application is accompanied by technical reports dealing with highway matters, trees, various ecological issues, archaeology, flood risk and ground conditions.

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## 5.0 CONSULTATIONS

### 5.1 Highway Authority

- 5.1.1 No objection subject to the imposition of conditions. Additional comments are summarised as follows:

5.1.2 *Site Access:*

There are no major concerns regarding the indicated new site access to Fryatts way shown on the illustrative plan as vehicle speeds on this residential cul-de-sac are low and good visibility is available in each direction. The access would be constructed with 5.5m width and 6.0m radii. 2.0m wide footways would be provided on either side of the access. The access arrangement is considered to be appropriate for a development of this type.

Taking into account the character of Fryatts Way the Highway Authority has no major concerns regarding the individual accesses serving Plots 1 to 6 and Plot 24; however, access to Plot 7 is considered to be less than ideal and measures would need to be put in place to improve visibility. The illustrative layout has now been amended, however and a revised plan has been submitted.

5.1.3 *Trip Rates & Traffic Impact:*

Transport Reports submitted as part of the previous planning applications made use of the TRICS database and traffic surveys were also undertaken to determine the existing traffic flows on the surrounding highway network. The assessment demonstrated that the proposal would result in a material increase in traffic on Ellerslie Lane; however, it was noted that the traffic flows on the road would remain relatively low during the peak periods of the day.

It is acknowledged that Ellerslie Lane is narrow in places; however, the flows on the road would remain relatively low post-development and a recommendation for refusal based on this concern alone would be very difficult to justify.

The previous traffic impact assessment was based on the previous proposal of 35 dwellings generating 17 trips in the AM Peak and 21 trips in the PM Peak. Using the same trip rate the level of traffic likely to be generated by the current proposal for 24 dwellings would be 12 trips during the AM Peak and 14 during the PM Peak.

My view therefore remains that the roads leading to the site will not be adversely affected by the development traffic and will continue to function in a satisfactory manner and without detriment to highway safety.

I am also satisfied that the junction capacity assessment that was previously undertaken at the Ellerslie Lane/Fryatts Way junction demonstrated that it would continue to operate well within capacity post-development .

#### 5.1.4 *Car Parking Provision:*

Based on the Highway Authority's own use of the East Sussex Residential Parking Demand Calculator the parking requirement based on the indicated mix of dwellings is 56 spaces (48 allocated and eight unallocated).

The submitted calculation indicates that 55 parking spaces are proposed and this is acceptable; however, it would be beneficial for two to three additional visitor spaces to be provided on the main spine road.

#### 5.1.5 *Internal Road Layout:*

The main access and route into the site is considered to be appropriate for a development of this type and tracking drawings have been provided to demonstrate that a large refuse vehicle is able to turn and manoeuvre in a safe and convenient manner.

Proposals for road adoption would be secured through a section 38 agreement. The extent of the highway adoption will need to be agreed. A full safety audit on the internal road layout should also be completed along with agreed lighting and highway drainage proposals. This element of the proposal can be considered at Reserved Matters and section 38 stage and the ESCC Implementation Team should be contacted at an early stage to discuss this.

#### 5.1.6 *Accessibility:*

Overall there are concerns that the site is not in close proximity to any services or facilities and that travel is largely reliant on motorised means of transport (private or public). I am also concerned that whilst public transport options (bus stops) are available within walking distance of the site the pedestrian links are far from ideal with the route to the north particular poor.

Based on these observations the site is not considered to be well located from an accessibility perspective and there is little or no opportunity for improvements to be put in place as part of the proposal. Despite this, it must also be acknowledged that the site is situated within a well-established residential area that has operated under these circumstances for many years. For this reason, despite the limited opportunities for non-car modes of travel available, it would be difficult to object to a proposal that is unlikely to significantly disrupt the current status quo.

#### 5.1.7 *Construction Traffic Management Plan:*

In the event the application is granted outline planning a Construction Traffic Management Plan would need to be submitted for consideration and subsequent approval.

#### 5.1.8 *Conclusion:*

To conclude, there are no major concerns regarding the proposal. The Highway Authority does not wish to restrict grant of consent subject to conditions and the outstanding matters in this consultation response being satisfied.

#### 5.1.9 Amended plan:

The Highway Authority has been re-consulted on the amended illustrative layout plan that has been submitted and would not wish to restrict the grant of consent.

### 5.2 Local Lead Flood Authority (LLFA)

- 5.2.1 The information provided is satisfactory and enables the LLFA to determine that the proposed development is capable of managing flood risk effectively; although there will be a need for standard conditions which are outlined in the response.

### 5.3 Southern Water (SW)

- 5.3.1 Initial investigations indicate that SW can provide foul sewage disposal to service the proposed development. If the Local Planning Authority is minded to approve the application an informative should be included requiring the applicant to enter into a formal agreement with SW to provide the necessary sewerage infrastructure to service the development.
- 5.3.2 The application states that surface water would be disposed of by a sustainable drainage system (SuDs). SW has indicated that there is currently inadequate capacity in the local network to provide surface water sewage disposal to service the proposed development. Additional off-site sewers or improvements to existing sewers will be required as a result in the event planning permission is granted. Alternatively the developer can discharge surface water flow no greater than existing levels. The applicant would be required to provide survey information, including calculations, to demonstrate the proposed surface water flow will be no greater than the existing flows. Additionally in the event that planning permission is granted SW would require a condition requiring that construction of the development shall not commence until details of the proposed means of foul and service water disposal have been submitted and approved by the Local Planning Authority in conjunction with SW.

### 5.4 County Archaeologist

- 5.4.1 The County Archaeologist previously commented that conditions should be attached in the event that planning permission is granted. These would require the prior submission of a '*written scheme of investigation*' to confirm the archaeological action to be taken and the development itself would be required to be the subject of a *programme of archaeological works*, which would enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded.

5.5 Acquisitions, Transformation and Regeneration – Asset Development Officer (Housing)

5.5.1 The received comments include the following points (summarised):

- Housing Development supports this outline application in principle, subject to consideration of the following comments and Planning Committee approval.
- Total affordable housing proposed on-site is seven dwellings.
- The scheme is required to provide 30% affordable housing totalling 7.2 dwellings. The remaining 20% will be required in the form of a commuted sum in lieu of the scheme completing, to be ring-fenced towards delivery of future affordable housing in the district.
- A maximum of two shared ownership dwellings will be accepted with the remaining five homes offered as affordable rent.
- In view of the small number of affordable dwellings included on this scheme and high demand for affordable rented housing in the district, a mono tenure of affordable rented would also be considered acceptable in this location.
- The changes to the illustrative layout have improved the extent of pepper-potting across the scheme. Housing would, however, be looking to increase the number of two bed houses (even if this is a slight increase to say 4 x 2 bed houses and 3 x 3 bed houses).
- The applicant will be required to enter into a section 106 agreement to secure the affordable housing provision. This would need to include the affordable housing number, mix and house types as well as design/space standards.
- The market mix includes predominately three bedroom houses which are supported in this location.

5.6 Sussex Police

5.6.1 No fundamental concerns are identified; however, some minor design changes are suggested to improve surveillance and security.

5.7 Planning Notice

5.7.1 Letters and emails of objection from 45 local residents and the Ellerslie Area Residents Association (summarised):

*Traffic:*

- Ellerslie Lane cannot support added heavy traffic from construction vehicles and subsequent residential vehicles.
- If there are to be new houses then something should be done about Ellerslie Lane as currently there are no footpaths.
- With insufficient infrastructure the resultant amount of traffic will be horrendous. Fryatts Way will have moving (traffic) and heavy amounts of parked cars on a continuous basis.
- This area is served by narrow lanes and further building will cause an unacceptable impact on the existing residents.
- Ellerslie Lane is narrow and already overused. I live in Broad Oak Lane and my driveway is also already used as a passing place for cars, a clear example of the unsuitability of increased traffic.
- Ellerslie Lane is used as a rat run by through traffic.

- The two nearby schools have already increased traffic in this area
- The proposed garages are of insufficient size to accommodate modern vehicles, thereby making them redundant as garages.
- The off road parking is inadequate and will lead to congestion in Fryatts Way.
- ESCC Highways commented that parking spaces should measure a minimum width of 2.75m when enclosed with a parked car on either side; for the parking spaces for plots 12-19 this does not seem to have been complied with.
- There is insufficient provision for parking for visitors of the new development and no replacement for the loss of the current provision for the existing houses within Fryatts Way.
- It would improve matters considerably for pedestrians of Ellerslie Lane if the verge on the western side of the land on the dangerous bend could have a gravel path laid.
- There is also scope for pathways to be constructed at the northern end of Ellerslie Lane near Highwoods Golf Course on either side of the road, again, to ensure safe passage for pedestrians or an escape route if traffic is coming.
- Insufficient consideration has been given to the location of the access road to the new development, which needs relocating.
- I have asked ESCC to reduce the speed limit to 20 mph in Ellerslie Lane but as no-one has been killed or injured yet they have refused to do so.
- ESCC has been asked for better/clearer signage in relation to the 6' 6" width restriction (i.e. making the signs more prominent and having the metric equivalent shown but again the Council is not interested in doing this).
- Also, there needs to be signage on the A259 along Little Common Road directing that Ibstock brickwork traffic should go through Sidley and Turkey Road rather than use Ellerslie Lane; Highways England have been approached about this but they do not see it as a problem.
- If development of this site does go ahead in some form or other the developer would be able to resolve the issues of signage and pathways by offering to fund them as a neighbourly gesture?

#### *Amenity:*

- The development does not protect the amenity and privacy of neighbouring properties.
- The outlook from my property, 'Welton,' will be a mass of built development which would be overbearing and result in unreasonable loss of amenity and privacy.
- The Appeal Inspector commented (paragraph 20) on the previous application layout "*...it is the case that the regimented building form and lack of modelling of the terraces would be a component of the outlook from this house (Welton) and the visual shortcomings previously identified would be felt particularly by this occupier;*" this continues to apply.
- My property is exactly opposite the exit road of the proposed development with the road coming down a bank; it will mean that headlights will always shine directly into my property. If a vehicle fails to stop, it will come straight into my house.
- The new properties fronting Fryatts Way will be overbearing.
- I foresee difficulty in accessing and leaving my drive.
- It would have a knock on effect of devaluing neighbouring properties.

- There is insufficient provision for safe play for children.
- The Appeal Inspector previously commented (paragraph 14) that, “*the shortcomings of the unrelieved length with only a short gap between plots 21 to 22 would risk the gardens of plots 22-25 having poor access to light and air*”; with regard to the current development proposal, the orientation of houses on plots 12-17 along an east-west access means that their rear gardens will be to the north and continuously in the shade.
- By reason of its size, depth, width, and overcrowding, this would have an unacceptably adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and visually overbearing impact.
- The use of the site as an overpopulated housing estate introduces a diverse element that by reason of the use is likely to result in noise, disturbance and nuisance to the detriment of neighbouring local residents.
- Potential landfill sites have been identified in close proximity to this site, one of unknown exact location is allegedly just 10m away from the southern boundary. If this is disturbed there is the potential for air or land to be contaminated by noxious substances.

#### *Character.*

- The proposed development is not sympathetic to or in keeping with existing properties
- The character and appearance of the area is of a spacious layout of detached houses, chalets and bungalows. The application comprises 16 semi-detached houses, three terraced and only five detached properties. 15 of the houses comprise three storeys.
- Semi-detached houses mean that the proposed development will be out of character with the area.
- Communal parking areas for a number of the plots will result in an unattractive outlook.
- The Design and Access Statement is both wrong in description and principles. The scale and design is out of keeping with the surrounding area.
- The removal of some 36 trees and the formation of on-site hard standing areas for 21 vehicle spaces is out of keeping with the established character of the surrounding area, which entirely consists of detached houses and bungalows with traditional front gardens with drives, garages and grassed areas.
- If this development was for 12 to 14 exclusive detached houses with private drives and garages I am quite sure it would have no problem getting planning, and more importantly would enhance the area.
- 15 out of 24 houses are planned as 3-storey; these are totally out-of-keeping and will shade each other and nearby houses too greatly.
- Garden sizes are minimal and parking spaces and garage sizes seem to be too small to be practical.
- I do not think this area is appropriate for affordable/social housing as currently the area surrounding this development only has privately owned properties.
- Surely there will be enough affordable/social housing on the Barnhorn development. Seven affordable homes on this development will not have any impact on the need for this type of housing in Bexhill but it will certainly erode the type of area we all chose to live in.

- The reduced curtilage around Moleynes Mead House would damage the amenity of this heritage asset.
- Insufficient grounds remaining with Moleynes Mead would make it unattractive for resale, which might end in its decay and ultimately its demolition.
- The proposed new three storey house on plot 22 will be in close proximity to Moleynes Mead and the high brick end wall will be overbearing and oppressive - damaging the amenity of Moleynes Mead.
- The new road would be extremely close to the boundary of this house.
- The development proposed should copy the surrounding properties, namely bungalows with reasonable gardens; those properties shown should have better gardens to satisfy family needs.
- The site cannot support affordable houses - no nearby schools (all schools already full), no doctors' surgeries (all surgeries already full), and no accessible public transport.
- Some mature trees were felled a few years back: a survey leading to Tree Preservation Orders should be part of the considerations. Overall the density is still too great.

*Policy etc:*

- Would conflict with CS Policy OSS4.
- The DaSA shows the developable site area as 0.9 hectares; this is in conflict with the current application which identifies the site area as 1.17 hectares.
- The National Planning Policy Framework paragraph 59 refers to the scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. This application does not comply with the National Planning Policy Framework, bears all the shortcomings of the previous refused applications and needs a re-think to maximise the potential of the site, respect the character and amenity of surrounding properties and protect the heritage asset.
- The houses proposed at the northern end would overlook "Welton" and over-shadow it. This is contrary to Core Strategy Policy OSS4. The Human Rights Act, First Protocol, Article 1 states that "a person has the right to peaceful enjoyment of all their possessions, this includes the home and other land." The density of housing proposed would infringe on these rights and lead to loss of amenity.
- The 16 semi-detached and three terraced homes planned bear no relation to the vernacular. Only 2% of UK homes in 2009 were bungalows, as the population is aging rapidly, it would be far more apt for smaller bungalows to be a substantial part of this Plan. The then Planning Minister stated "We must build more homes for older people if we are to avoid problems further down the track."
- The Land Registry entry (ESX104107) for Moleynes Mead contains restrictive covenants principally:- (i) not to erect any building nearer to the frontage to Eilerslie Lane than 50 feet; (ii) no plot for building to have less frontage than 60 feet in width. These covenants are current and valid; the current development proposal is an infringement of them.

*Wildlife:*

- Wildlife habitats and foraging areas identified on site may well be destroyed despite so-called "mitigation measures." We think these to be inadequate and we strongly object to the suggestion that such sites

should be moved just to build even more homes, when there are many larger and more suitable sites already in line for redevelopment nearby.

- Tawny and Little Owl can be heard regularly and breed within this area. A Barn Owl has also been seen this summer within the meadow behind Fryatts Way.
- It is understood that a badger mitigation strategy is planned; this is one of the most established, important and mature badger setts in this area – it is far from easy to create a new environment that can contain, or indeed suite such a large population of animals.

*Infrastructure:*

- Bexhill is being inundated with new housing.
- Local medical surgeries have already closed their lists and cannot accept any additional patients so how is it proposed that any new residents receive medical treatment?
- Hospital and ambulances are already under severe strain due to over-use and lack of financing. Schools and dentists and other facilities also seem to be generally full.
- We have recently been warned that, due to low rainfall, the reservoirs are low; are new reservoirs being built to assist with the increase in usage from all those occupying the thousands of houses being built in the area?
- This area cannot sustain an increased population of this size.

*Drainage:*

- Lower homes in Fryatts Way and Ellerslie Lane already suffer ingress of sewerage and/or excess rainwater as the land on site is acknowledged as having poor drainage. We suggest that extra homes will just add to this problem.
- SW has previously expressed concern about a lack of capacity in the local network and the possibility that existing properties may be subject to a greater risk of flooding in the event of the site being developed.
- The planning application for Bexhill High School, reference RR/2709/CC, included a Ground Assessment Report - Section 12B. Page 51 of that report contains two references to landfill sites located at Fryatts Way (on the Molynes Mead site?). I feel the exact location should be ascertained and nature of the waste deposited be established in order that any development does not disturb these and any change in the water run-off from the site does not lead to contamination of the local watercourse.

5.7.2 A letter of objection has been received from 'Hastings Badger Protection Society' (summarised):

- only a partial desk study ecological report has been provided;
- an ecological report must cover all protected species of wildlife; The report recorded the possible presence of crested newts and identified a smooth newt; all newts are protected in law;
- it is essential to conduct surveys for all species of wildlife as several species are on the verge of extinction;
- if there is a badger sett on a property and the owner has decided to put forward a planning application; they are responsible for the protection of all protected species on the site, safe alternative setts, access to fresh water and long term safe foraging must be provided; and

- I saw no mention of searches for common dormice.

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

5.7.4 One email of support has been received as follows:

- The make-up, quantity and overall look of the development proposed appears to be sympathetic to its surroundings and is exactly the sort of smaller developments that are needed in Bexhill. I foresee no major impact upon the local community or services in the area as a result of this proposed development.

5.7.5 Three emails of general comment have been received (including one from 'Bexhill Heritage', which comment on the following grounds:

- The site forms part of rolling open countryside which in part abuts Highwoods Golf Course. The site is higher in the north and has views into the wider landscape. The southern and eastern ends of the site are lower. Development of any scale at this location would constitute in our opinion, a significant incursion into existing open countryside, which is contrary to Policy OSS4.
- A large development in this location is likely to have a significant impact on the adjacent quiet residential road network.
- We are glad to see that the current application does not appear to place the main house itself under threat of demolition, and that a reasonable area of land has been left as garden to go along side it.
- Should the planning department and committee be minded to give outline approval for the development of this site, I suggest it is subject to the following conditions: (i) dwellings along the boundary of the property "Welton" are bungalows; (ii) dwellings fronting Fryatts Way are bungalows; (iii) other dwellings do not exceed two storeys; (iv) on-curtilage parking is provided for all dwellings; (v) the plot size for Moleynes Mead is as shown in the new DaSA.
- Revisiting an earlier unimplemented planning permission for low density development on the site (RR/80/2191) dated 1980 would possible be a more acceptable solution. Perhaps the planning committee could look up these old plans and see if they would offer a solution to today's problem.

5.7.6 *Amended indicative layout plan:*

An amended indicative layout plan has been submitted and this has been re-advertised by the posting of fresh planning notices on site.

In response to the fresh planning notices further emails/letters of objection have been received from 11 respondents including the Ellerslie Area Residents Association. The main points can be summarised as follows:

- This proposal is a further departure from the character and appearance of the local area which is of a spacious layout of detached houses, chalets and bungalows.
- The proposal now contains only two detached dwellings; of the other 22 dwellings, 18 now comprise three storey houses.
- None of the surrounding dwellings have three floors and many are bungalows.
- These amended plans do not comply with the Core Strategy design. Also conflicts with Para 65 of the National Planning Policy Framework as the poor design of this development would cause material harm to a heritage asset (Moleynes Mead) and its setting.
- I very strongly object to this proposed development by reason of its size, depth, width, and overcrowding.
- The previous proposal had eight properties facing Fryatts Way, which faced the seven detached houses opposite; the eight have been replaced by no less than thirteen houses with just one being detached. This would be completely out of character with the surrounding area.
- The development would result in loss of privacy and be totally overbearing to the residents of Fryatts Way.
- The use is likely to result in noise, disturbance and nuisance to the detriment of local residents.
- Although the revised layout drawings are an improvement on what has previously been proposed, they still pose problems, namely: (i) the C&LG Committee published 'Housing for Older People - this development fails to respond to the need to provide housing for older people within the district: (ii) the removal of garages for the smaller properties should not be approved; this has obviously been done to cram the same amount of properties into a smaller space: (iii) the proposed three storey houses would not be in keeping with the locale and would be overbearing to neighbouring properties: (iv) there does not appear to be provision for pedestrian access onto Ellerslie Lane to encourage people to walk, cycle or go to the bus stop: (v) there are restrictive covenants on the site which the development would not adhere to.
- The land on which the new homes are to be located should be at least 20m from the north wall of Moleynes Mead.
- There are 72 properties in Fryatts Way and Ellerslie Lane which occupy approximately an area of 61,000sqm; the average plot size of Fryatts Way and Ellerslie Lane is approximately 847sqm; this should mean that, no more than 10 houses should be built on this site to fit in with the existing average density of this area.
- Not only are plots 2 to 11 extremely small in size, tightly packed together but have back gardens of merely 8.5sqm.
- Appeal Decision APP/U1430NV/14/3001671: 'there is a risk of harm to the character and appearance of the area, of the type which Policy 0884 (iii) seeks to avoid.'
- 53 parking spaces whether or not allocated are insufficient.
- Homes will be small and closely packed, not only totally out of keeping with the local character but destroying the character of the local area.

- Plot 1 encroaches upon the roots of: T2, Plot 21 encroaches on T26 Sycamore, T24 Austrian Pine, T25, T23 Scots Pine and T27 also encroaching upon protected grounds and tree roots of G1 7 x Austrian Pine. Plot 22 encroaches on the roots and tree of T19 Scots Pine. All of these trees are protected.
- We still have strong objections due to the probable material increase in traffic on Ellerslie Lane.
- No provision is made for a pedestrian footpath link to Ellerslie Lane.
- Objections regarding ecology issues: there is evidence of badgers, bats, grass snakes, newts and amphibians on the site.
- Objection due to shortage of medical facilities in the locality.
- The same issues still apply from the first application with some new problems added.
- The properties shown include family homes and there is no provision within the locality for children's play-space to meet the needs of this form of development.
- The proposed chalet bungalow on Plot 1 would give an overbearing presence for the existing occupiers of 23 Ellerslie Lane and would cause an intrusion through noise and activity.
- Object to the removal of any trees along the Ellerslie Lane frontage as they are necessary to alleviate water-logging in the area and also screen the unsuitable housing which is out of character.
- Unclear from the amended plan whether the proposed southern boundary of the house Moleynes Mead would continue to extend to the rear gardens of the Fryatts Way properties or whether this area would become a public area.
- There are plenty of areas available for affordable housing, this not being one.

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## 6.0 APPRAISAL

### 6.1 Background

- 6.1.1 This application is a revised submission following the refusal of application RR/2014/2019/P for the demolition of the house, Moleynes Mead, and the erection of 35 dwellings. The refused application was subsequently dismissed at appeal. The Inspector's decision letter is a significant material consideration in the determination of this current planning permission. A copy of the appeal decision can be found in the separate Appendix to this Committee.

### 6.2 The principle of development

- 6.2.1 The site is within the development boundary for Bexhill as identified in the 2006 Local Plan. Policy DS3 states that the majority of all new development will take place within the identified development boundaries of settlements. The appeal Inspector commented:

*5. "Having regard to the site's location, within the urban area, with access to transport and services, and with residential development surrounding it, as well as the nature of the present reasons for refusal and the contents of the Council's Report and submissions to this appeal, it is considered now that the site is suitable in principle for residential development of a similar overall*

*number of dwellings to that proposed, subject to the findings with regard to the main issues set out below”.*

6.2.2 The Inspector did not dismiss the appeal in principle; but having considered the main issues set out below, dismissed the appeal on the basis of shortcomings in regards of the specific scheme contained in the application. The main issues identified by the Inspector in regard of the previous application were:

- The effect on the character and appearance of the area with particular regard to the location and design of plots 13 to 25 (the proposed terraces of affordable housing).
- Whether the affordable housing is sufficiently well integrated with the market housing;
- The effect on the living conditions of prospective occupiers with regard to space, access, refuse and recycling facilities (plots 13 to 25).
- The effect of the development on the living conditions of existing occupiers at ‘Welton’ and 33 Fryatts Way (specifically, plots 19-25 and plot 8 respectively).
- Whether there is sufficient space for parking, turning and manoeuvring.
- The effect on protected trees at plots 24 and 25
- The effect on the significance of ‘Moleynes Mead’.

The Inspector concluded:

*35. “In summary, the site appears suitable for the amount of development proposed but there are shortcomings in the design and disposition of the terraced properties which includes also the layout of refuse collection points. The size and utility of some rear gardens is a cause for concern and this is added to by the proximity of trees which contribute to the character and appearance of the area. There would also be a risk of a perception of harmful overlooking and an erosion of outlook to two existing neighbouring properties. The loss of a heritage asset has not been able to be fully considered in light of considerations as to its architectural or historic merit and hence suitability for adding to the statutory list, but this omission does not affect the overall conclusion that the design of a small area of the development fails to reach the standards sought in the Framework and the Development Plan policies previously detailed”.*

The principle of development of the application site is not therefore at issue.

6.2.3 Policy BX3 (ii) of the Council’s Core Strategy identifies a need to plan for an overall level of housing growth in and around Bexhill of 3,100 dwellings between 2011 and 2028. Whilst the majority of this provision will be met through the allocation of strategic sites to the north of Bexhill, in order to meet the housing allocation it will also be necessary to bring forward potential housing sites within Bexhill. Such sites will be brought forward in the Council’s forthcoming Development and Site Allocations Plan (DaSA). As an emerging Plan this identifies Moleynes Mead as a preferred housing site (under Ref: BX64). This plan is at an early stage and is not adopted. Consequently its policies can be given little weight in the consideration of planning applications. However, this does not mean that the residential development of the application site cannot be granted planning permission in advance of the DaSA if the development satisfies the presumption in favour of sustainable development as set out in the National Planning Policy

Framework and the benefits of the scheme to the supply of housing outweigh any failings of the scheme.

### 6.3 The number and density of development

- 6.3.1 A number of the objections received from local residents state that if the site is to be developed it should be for a low density development of fewer, and perhaps larger, detached dwellings. The Inspector commented on the amount of residential units that the site could possibly reasonably accommodate in the decision letter relating to the previously dismissed appeal (including the extracts in paragraphs 5 and 35 included above). The previous application was for the erection of 35 dwellings on a site area measuring 1.59 hectares. That amounted to some 22 dwellings per hectare. The Inspector considered that, "*the site appears suitable for the amount of development proposed*", although, as set out above, he did identify shortcomings with regard to the details of that specific scheme. The current application proposes the retention of Moleynes Mead and consequently the development site is smaller (1.17 hectares). It proposes the erection of 24 dwellings, which amounts to some 20-21 dwellings per hectare. In the circumstances, the Inspector has expressed the view that a development density in the region of that proposed could be acceptable in principle. However it is for the applicant to demonstrate that the design details of the scheme address all other matters, including the shortcomings identified in respect of the previous scheme and the subsequently dismissed appeal.

### 6.4 The outline application

- 6.4.1 The current application has been made in outline only with all matters relating to: appearance; means of access; landscaping; layout; and scale; reserved for subsequent approval at the detailed stage in the event that outline planning permission is granted. The applicant has indicated that at this stage the outline application is seeking to establish the number of dwellings that can be built on the site. In support of the application an illustrative layout plan has been provided, together with indicative information about the design of the scheme. Such information is necessary with an outline application to demonstrate that the proposed quantum of development can be satisfactorily accommodated on the site and that a policy compliant scheme is capable of being brought forward.
- 6.4.2 The indicative layout plan shows a new access road from Fryatts Way on the west side to serve the development and also shows a possible housing mix, comprising semi-detached houses, one detached house, and one detached chalet bungalow. Indicative information is also provided in respect of the number of bedrooms and the scale of buildings; the latter of which shows a scheme of mainly two storey houses on the site – the majority of which are indicated as having roof dormers (adding an element of third floor accommodation at roof level). As was the case with the previous application, the scheme excludes any housing development from a swathe of land across the southern part of the site. It is proposed that this area would contain the underground Sustainable Drainage System drainage facilities and be retained as an ecological area.

## 6.5 Character and appearance

- 6.5.1 The character and appearance of the local area is of a spacious layout of detached properties. The previous application proposed a development of 21 detached houses and four terraces of smaller houses (35 dwellings in total). The Inspector considered that the character of the area was acceptably reflected in the proposed layout of detached properties but commented that there should be, *“no reason why a higher density, such as terraces, should not be introduced within the site”*. The Inspector’s concern was not the introduction of higher density smaller properties per se but the lack of transition between the two quite different building forms and the fact that the provision of the terraces represented a stark difference in style and layout with not only the surrounding development, but also within the site. The current scheme (indicatively) presents a more inclusive and transitional layout of development, notwithstanding that the illustrative plan shows a layout comprising mainly semi-detached properties. In this regard the indicative layout would address the Inspector’s concern.
- 6.5.2 The Inspector also considered that the linear form of the proposed new residential roadside housing fronting on to Fryatts Way and facing the existing bungalows on the opposite (western) side of Fryatts Way would be compatible with the existing form and grain of development in the area. The current indicative layout also shows new roadside development in this location; however the new development of houses has largely been turned so as to back-onto Fryatts Way. In doing so the new houses here would present their rear gardens to Fryatts Way and the front of these properties together their associated parking and driveways would face onto the new access road serving the development. Although consideration would need to be given to any replacement boundary treatment along-side Fryatts Way (presently this is a close boarded fence) overall the indicative pattern of new buildings represents a grain of development that would be in character with the area.
- 6.5.3 Whilst this illustrative layout has been amended to show appropriate space between new development and the undesignated heritage asset that is Moleynes Mead, there nevertheless remain a number of concerns. These include:
- the car parking strategy, which displays a layout largely dominated by forecourt parking and hard-standings, as well as a number of communal parking areas encroaching into green space and creating poor quality public realm;
  - a street design, which is dominated by a highway engineering approach, rather than a ‘Manual for Streets’ approach;
  - a lack of clarity about how private curtilages at the front and sides of dwellings would be physically defined and enclosed from public realm areas; and
  - an unsatisfactory relationship between plots 18/19 and 20/21.

However, these issues are not considered ones to affect the quantum of development that the site can deliver, nor the location of the access into the site. The information provided on the amended layout plan is considered satisfactory for the purposes of considering the outline application, and layout and other design issues, including building design and appearance, could be addressed at any subsequent reserved matters application stage.

## 6.6 Living Conditions – existing occupiers

- 6.6.1 The previous appeal decision identified that the proposed development would impact on the residential amenities of the occupiers of existing properties in principally two locations.
- 6.6.2 First, in the northwest corner of the site, the house then proposed (now plot 1) would have had an unacceptable impact on the existing facing property - 33 Fryatts Way, in that the size and height of the house would have risked appearing intrusive in outlook and also, would have resulted in the occupiers of the existing dwelling having a perception of being overlooked. The revised application substitutes the house on this plot for a chalet bungalow. This would have a more acceptable relationship with the occupiers of the existing property and would address the Inspector's concerns regarding the disposition of development proposed in this part of the site.
- 6.6.3 Secondly, with regard to the existing dwelling, 'Welton', to the north of the site, the Inspector agreed with the Council's view that the occupiers of this property would have experienced a loss of residential amenity from proposed terraced housing next to their side boundary. More specifically it was stated that the arrangement then proposed would result in the perception of overlooking resulting from the introduction of a regimented building form and lack of modelling of the terraces. The amended indicative layout plan increases the distance between the proposed houses on plots 18 – 21 and the side boundary of 'Welton'. It is noted that the occupiers of 'Welton' consider that the dwelling on Plot 1 would still be intrusive and oppressive: this is indicated as being a chalet bungalow and in principle it is not considered that that an objection to the development could reasonable be sustained.
- 6.6.4 With regards to the scheme overall, any harm to amenity for the occupiers of other existing properties in the vicinity of the site by reason of introducing built form where none presently exists would be limited. In this regard it is not considered that proposed development (albeit only shown indicatively on the layout plan) would unreasonably harm the amenities of adjoining properties and as such would accord with Core Strategy Policy OSS4 (ii).

## 6.7 Affordable Housing

- 6.7.1 Core Strategy Policy LHN2 (i) requires housing sites of 15 dwellings or more in Bexhill to provide 30% affordable housing. The application proposes that 7 no. of the proposed 24 no. units are to be offered as affordable units on-site. This approximates to the 30% requirement (7.2 units). LHN2 and LHN1 (vi) require that affordable housing is integrated with market housing in the interests of achieving mixed and balanced communities. The indicative layout plan indicates a degree of 'pepper-potting'; however the final layout is a reserved matter, therefore, the distribution of affordable housing can only be considered illustrative at this stage. Comments from the Acquisitions, Transformation and Regeneration – Asset Development Officer (Housing) have been received, which indicate that the measures contained in the application to provide affordable housing can be supported in principle. In the event that the Committee is minded to approve the application this should be subject to a legal section 106 agreement to ensure nomination rights and that the affordable housing will remain available.

## 6.8 Moleynes Mead as a Heritage Asset

- 6.8.1 The previous application RR/20142019/P proposed the demolition of the existing house 'Moleynes Mead' as part of the overall re-development proposals for the site. At that time, interest from local residents in the history and architecture of the building resulted in Historic England being approached to assess the property for statutory listing status. Historic England, however, after examining all the records and other relevant information and having carefully considered the architectural and historic interest of this case, decided that the criteria for listing were not fulfilled. Moleynes Mead is not therefore statutorily protected as a designated heritage asset. The building nevertheless does have some local interest and significantly, the current application proposes the retention of the house as part of the development proposals for the site. The dwelling would continue to be served by the existing vehicular access off Ellerslie Lane. The proposal to retain the building is welcomed. The amended indicative layout plan that has been received shows an increase to the side garden boundary of Moleynes Mead. The measures proposed to protect the non-designated heritage asset and its setting are now considered to be proportionate to its significance.

## 6.9 Trees

- 6.9.1 Trees fronting Ellerslie Lane and within the steep bank running east-west across the site are now subject to a Tree Preservation Order. In determining the application, consideration will need to be given to whether any specific trees covered by the Order may be allowed to be removed as a consequence of development taking place on the site. An arboricultural report has been provided with the application, which considers the effect of the indicative layout on protected trees. Whilst it is not suggested that all trees on the site should necessarily be retained, this indicates that the illustrative layout largely retains trees covered by the tree preservation order that have amenity value. Those trees that would need to be removed as a consequence of the indicatively shown built development are principally within the central areas of the site. The tree survey report identifies these as being mainly ornamental in nature and having very little visual impact within the landscape beyond the site boundaries.

## 6.10 Ecological Issues

- 6.10.1 A 'Preliminary Ecological Appraisal' and a 'Phase 2 Survey Report: Bats, Great Crested Newts, Reptiles and Badgers' have been submitted with the application.
- 6.10.2 *Badgers:* The application identifies the presence of a badger sett within the application site. Badgers are a nationally protected species and both badgers and their setts are legally protected under the Wildlife and Countryside Act 1981(as amended) and the Protection of Badgers Act 1992. It is necessary to apply for a licence from Natural England before badgers or their setts can be interfered with. Badgers are susceptible to impacts from development such as disturbance or direct impacts on their setts. Planning Authorities are required to take account of protected species and habitat conservation when they consider planning applications. The identified sett is within the treed bank which runs east-west across the site. In accordance with standing advice, a survey has been carried out by a qualified ecologist and is contained in the reports submitted with the application. The sett was found to

active and classified as a “well used sett”. The proposed mitigation contained in the ecology report would include a requirement for further surveys to establish whether it is an annexe sett to a larger set that was recorded off site some 200m away or whether it is a main sett in its own right. Should the further surveys discover that the two sites are being utilised by the same badger group, then the on-site sett would be classed as a subsidiary sett to the larger off-site site; in which case in the event the development is allowed to proceed, the badgers could be excluded from the on-site sett outside of the breeding season as there will be a suitable alternative sett they can move to. Alternatively, if the further surveys conclude that the two setts are being used by two separate badger groups an artificial sett of similar size would be created on a nearby receptor site within the territorial boundaries of the group.

- 6.10.3 The ecological survey report indicates that if possible the proposal should allow a 30m construction exclusion buffer zone around the active badger sett, which would avoid disturbing the sett and any badgers, and would negate the need for a licence from Natural England. The indicative layout plan, however, shows new built development, including the proposed access and underground drainage crates, within this zone. Notwithstanding this, the applicant has for now, dismissed the retention of the badger sett in its current location as a viable option not least because of the constraints associated with relocating the underground drainage attenuation crates elsewhere within the site. Subject to the further investigations, in the event that the badgers have to be interfered with under licence, the revised indicative layout shows a possible relocation of the existing sett to a new artificial sett formed to the south-eastern corner of the site.
- 6.10.4 *Bats:* Bats are legally protected under EU (Conservation of Habitat Regulations 2010) and domestic legislation contained in the Wildlife and Countryside Act 1981 (as amended). Again the presence of bats is a material consideration in the determination of the application and a licence is required to interfere with them. The ecological surveys included bat emergence and re-entry surveys. The survey records that eight species of bats were seen during the surveys with high activity around Moleynes Mead house but passes were recorded by only low numbers of bats. Only one species of roosting bats was recorded and this again was at Moleynes Mead house. The survey notes that as it is proposed to retain Moleynes Mead house as part of the proposals the roosting bats are not likely to be affected by the proposals. The ecology reports, nevertheless, include recommendations and mitigation measures to be carried out in the event that the development is allowed to proceed and this would include the provision of a number of mounted bat boxes to be sited in mature trees and incorporated into the fabric of the new houses.
- 6.10.5 *Newts:* The site presently contains an ornamental fishpond which the ecological surveys identify as containing evidence of a small population of great crested newts. Great crested newts are legally protected under EU (Conservation of Habitats and Species Regulations 2010) and legislation contained in the Wildlife and Countryside Act 1981 (as amended). This is also a material planning consideration in the determination of an application. The ecological reports set out recommendations and mitigation measures including a replacement pond of equal or larger size and the provision and maintenance of habitats comprising the grassland strip to the south (ecological area) and the tree lined bank.

#### 6.10.6 *Other ecological matters – including impacts on European sites:*

The application proposal has been assessed having regard to the Wealden District Council 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 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 less than a tenth of 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.

6.10.7 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 floor-space at ‘Bexhill Enterprise Park North’ as well as supporting road infrastructure which is delegated for approval following the March Committee). These proposals when taken in combination should further reduce the fractional traffic flows that may go further afield and close to the SACs.

6.10.8 Hence, on the basis of the 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.

#### 6.11 Highway Considerations

6.11.1 The Highway Authority has been consulted on the planning application and has raised no overall objection in principle. The highways report, which is summarised in section 5.1 and can be viewed in full on the planning website, has considered the proposed outline development in terms of: site access, traffic generation, parking, internal road layout and sustainability (particularly with regard to accessibility to services and facilities). The Highway Authority does not wish to restrict grant of consent subject to conditions and satisfactory details in respect the identified outstanding matters, which would need to be addressed at any reserved matters stage.

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## 7.0 SUMMARY

7.1 Paragraph 14 of the Framework is applied in this case, which advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In assessing the planning balance, the site is within the development boundary for Bexhill; the site is suitable for residential development in principle and residential development would contribute some way towards meeting the

District's new housing requirement in the Core Strategy, without having to use a 'greenfield' site (countryside). There are a number of concerns in respect of the site layout (outlined in paragraph 6.5.3 of this report); however, the submitted plan is illustrative only and the application is in outline with all matters reserved.

- 7.2 The application is the resubmission of an application which was refused planning permission and dismissed at appeal (RR/2014/2019/P). The inspector, nevertheless considered, *"that the site is suitable for residential development of a similar overall number of dwellings to that proposed"*. The current application has a similar density of development.
- 7.3 Unlike previously, the new application proposes the retention of the existing house on the site – Moleynes Mead - and the erection of 24 dwellings on the land is now indicated. The submitted layout plan that has been submitted with the application is for illustrative purposes only. Other than in the number of dwellings proposed the application states that all matters of detail (relating to layout, scale, appearance, access, and landscaping) are reserved.
- 7.4 The application includes 30% affordable housing.
- 7.5 Provision is made for the retention of existing boundary planting, particularly in relation to the existing Tree Preservation Order on the site;
- 7.6 The southern section of the site remains undeveloped (with the exception of proposed underground drainage attenuation tanks) as an ecology area.
- 7.7 Whilst the application is in outline the indicative highway proposals show the primary access to be provided from Fryatts Way, the existing access to Ellerslie Lane serving Moleynes Mead is retained. The Highway Authority has raised no objection in principle to the development.
- 7.8 Indicative information submitted with the outline application addresses the concerns raised by the previous planning inspector regarding specific and localised impact on the residential amenity of neighbouring properties. In applying the planning balance (in accordance with paragraph 14 of the Framework) it is considered that any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of granting planning permission. In the circumstances the application should be supported.

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## **8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL) and section 106**

- 8.1 The proposal is a development where CIL will be chargeable. CIL, however, is calculated at the reserved matters stage, as the amount can only be calculated when precise floor areas of properties are known.

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**RECOMMENDATION: GRANT (OUTLINE PLANNING) DELEGATED (SATISFACTORY COMPLETION OF A SECTION 106 PLANNING OBLIGATION IN RELATION TO THE PROVISION OF AFFORDABLE HOUSING AND THE MANAGEMENT AND MAINTENANCE OF THE PROPOSED ECOLOGY/WILDLIFE ZONE AND SUDS AT THE SOUTH OF THE SITE.)**

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## CONDITIONS:

1. Before any part of the approved development is commenced approval of the details of the access, appearance, landscaping, layout, and scale, within the upper and lower limit for the height, width and length of each building on the site, (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only as approved. The layout plan (drawing no. 4515.7A) and site elevations and house type plans/elevations (drawing nos. 4515.3, 4515.4 & 4515.5) are illustrative only and the details shown are not hereby approved.  
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
3. 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).
4. The development hereby permitted shall be carried out on the basis of the following approved plan:  
Drawing no.4515.LP Revision A.  
The development site area shall be in accordance with, and be no less than, the area outlined in red on the approved plan.  
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.
5. No trees shall be felled unless dead or dangerous without the prior written consent of the Local Planning Authority and the plans and particulars submitted in accordance with condition 1 above shall include details of all existing trees to be retained on the site, and in particular shall include:
  - a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5m above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
  - b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
  - c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
  - d) details of any proposed alterations in existing ground levels; and

- e) details of the specification and position of fencing for the protection of any retained tree from damage before or during the course of development.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no building or structure shall be erected, constructed or stationed on the land identified as 'proposed ecology/wildlife zone' on the block/location plan drawing no. 4515.7A. For the avoidance of doubt this shall not prohibit a footpath link, below ground surface water attenuation storage and replacement artificial badger sett indicated on the drawing, should these form part of the detailed development proposals for the site.  
Reason: In the interests of protecting residential amenity, the existing trees, and providing wildlife mitigation measures in accordance with Policies OSS4 (ii)(iii) and EN5 of the Rother Local Plan Core Strategy.
7. The further survey work described in the submitted 'Preliminary Ecological Appraisal' dated 20 February 2017 and the 'Phase 2 Survey Report: Bats, Great Crested Newts, Reptiles and Badgers' dated 25 September 2017 reports shall be carried out and used to inform an ecological design strategy (EDS) to address the mitigation, compensation, enhancement and restoration required in respect of bats, great crested newts, reptiles and badgers, which prior to the commencement of development shall be submitted for the consideration and approval of 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. local 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: These details are required prior to commencement of works to ensure the protection of reptiles in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
8. Development shall not commence until a drainage strategy detailing the proposed means of surface water disposal and an implementation timetable, has been submitted to and approved by the Local Planning Authority in consultation with the SW and the Lead Local Flood Authority. The development shall be carried out in accordance with the approved scheme and timetable, so as to be implemented in full prior to the occupation of the dwellings.

Reason: To accord with the requirements of SW and the Lead Local Flood Authority to ensure the satisfactory storage of/disposal of surface water from the site and to accord with Policy SRM2 of the Rother Local Plan Core Strategy. A pre-commencement condition is necessary to ensure that measures where necessary are put in place at the initial groundwork stage and thereafter built into the scheme to ensure satisfactory drainage.

9. Before the construction of any dwelling commences, the access and new estate road[s] shall be completed to base course level, in accordance with a phased programme of works to be submitted for consideration and approval by the Local Planning Authority in consultation with the Highway Authority as part of the reserved matters application required under Condition 1 above.

Reason: To provide satisfactory means of access, in the interests of highway safety, and for the benefit and convenience of the public at large, and in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

10. No part of the development shall be occupied until the access, internal 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 secure satisfactory standards of access for the proposed development, in the interests of highway safety, and for the benefit and convenience of the public at large, and in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

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

Reason: To secure satisfactory standards of car-parking spaces for the development, in the interests of highway safety, and for the benefit and convenience of the public at large, and in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies, including Policy TR3 of the Rother Local Plan Core Strategy.

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

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

14. Construction Management Plan - 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 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 use of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
- h) details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area. A pre-commencement condition is necessary to ensure that initial groundworks through to the construction phase are satisfactorily managed.

15. No development 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 the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework. A pre-commencement condition is required to ensure that any below ground archaeology is not disturbed by initial ground works.

16. 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 [15] 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 the National Planning Policy Framework.

## **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 any plans which may be approved at the reserved matters stage.
2. The planning permission is subject to a section 106 planning obligation.
3. The Community Infrastructure Levy (CIL) applies to this permission.

4. The application for approval of reserved matters referred to in condition 1 shall include the provision of a footpath linking the development to Ellerslie Lane.
5. 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.
6. The drainage strategy required to be submitted under condition 9 should take into account the following:
  - (i) Surface water runoff from the proposed development should be limited to 5 l/s for all rainfall including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
  - (ii) Discharge of surface water runoff from the application site to a possible ordinary watercourse to the west of Fryatts Way should be thoroughly investigated before discharging into the highway drains. The investigation should include the watercourse's condition and capacity to accommodate surface water run-off from the development, and negotiations with affected third parties. Evidence that the investigation was undertaken should be submitted to the Local Planning Authority and Lead Local Flood Authority) LLFA. If a discharge to the highway drain is made, evidence that the highway authority has agreed to the connection and discharge rate should be submitted to the Local Planning Authority.
  - (iii) The detailed design of the cellular storage tank should be informed by findings of additional groundwater monitoring in winter. The design should leave at least 1m unsaturated zone between the base of the tank and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided. Evidence on how impacts of high groundwater on the structural integrity of the tank will be managed should also be provided.
  - (iv) A maintenance and management plan for the entire drainage system should be submitted to the Local Planning Authority before any construction commences on site. This plan should 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.
  - (v) Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs
7. A formal application for connection to the public sewerage is required in order to service this development and in this regard the developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
8. The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK

wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found and these should be sought before development commences.

#### **NATIONAL PLANNING POLICY FRAMEWORK:**

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

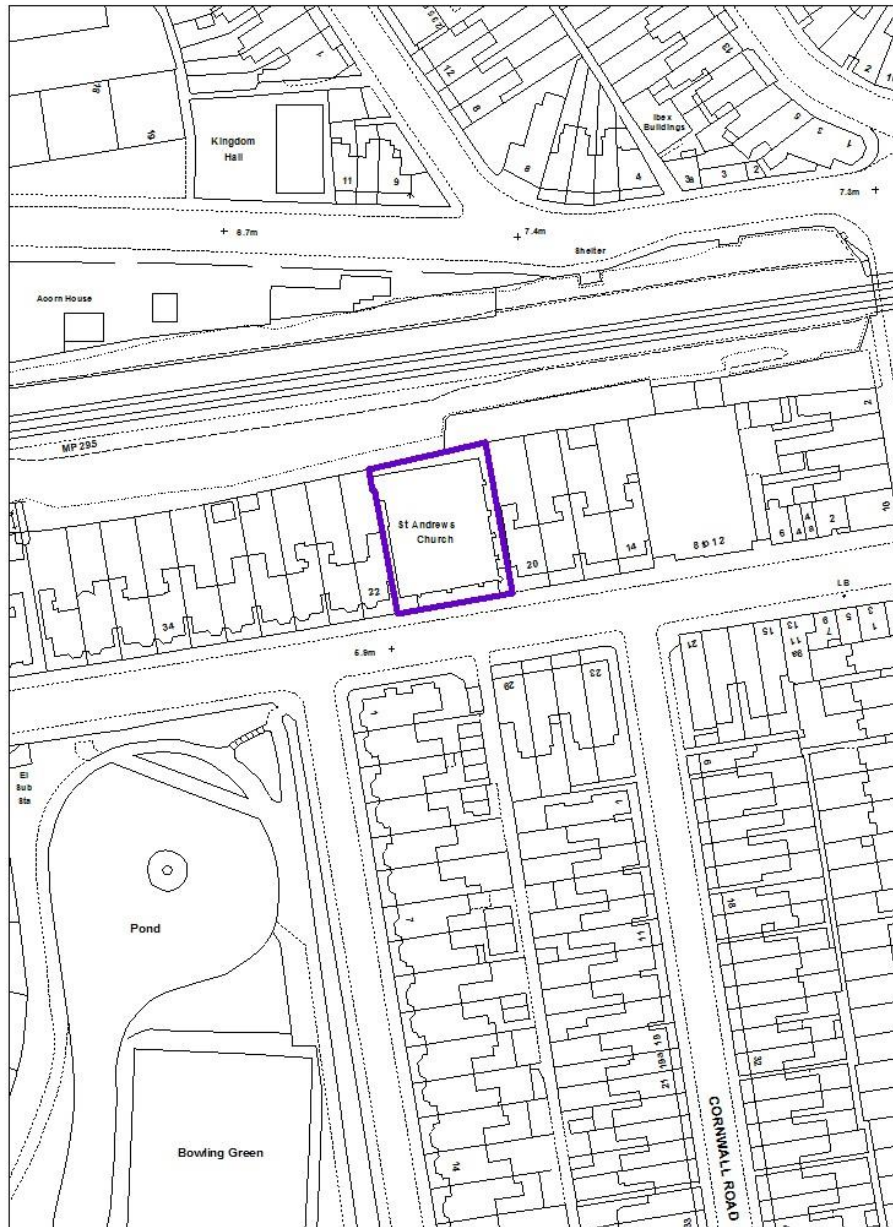
[View application/correspondence](#)

SITE PLAN

Bexhill

RR/2018/273/P

St Andrew's Church, Wickham Avenue



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Not To Scale

RR/2018/273/P

**BEXHILL St Andrew's Church, Wickham Avenue****Conversion of redundant church building into 11 flats including external alterations and erection of bin store and bike/external store building**

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<b>Applicant:</b>	<b>We Make It Happen Design and Build Ltd</b>
<b>Agent:</b>	<b>CLM Planning</b>
<b>Case Officer:</b>	<b>Mr E. Corke (Email: edwin.corke@rother.gov.uk)</b>
<b>Parish:</b>	<b>BEXHILL</b>
<b>Ward Members:</b>	<b>Councillors A.K. Azad and Mrs J.M. Hughes</b>

**Reason for Committee consideration: The agent is related to a member of staff**

**Statutory 13 week date: 13 April 2018**

**Extension of time agreed to: 24 April 2018**

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This application is included in the Committee site inspection list.

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## **1.0 POLICIES**

1.1 The following 'saved' policy of the Rother District Local Plan (2006) is relevant to the proposal:

- Policy DS3 (Proposals within Development Boundaries).

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

- Policy PC1 (Presumption in Favour of Sustainable Development).
- Policy OSS1 (Overall Spatial Development Strategy).
- Policy OSS3 (Location of Development).
- Policy OSS4 (General Development Considerations).
- Policy BX1 (Overall Strategy for Bexhill).
- Policy BX2 (Bexhill Town Centre).
- Policy BX3 (Development Strategy).
- Policy SRM2 (Water Supply and Wastewater Management).
- Policy CO1 (Community Facilities and Services).
- Policy CO6 (Community Safety).
- Policy LHN1 (Achieving Mixed and Balanced Communities).
- Policy EN2 (Stewardship of the Historic Built Environment).
- Policy EN3 (Design Quality).
- Policy EN5 (Biodiversity and Green Space).
- Policy EN7 (Flood Risk and Development).
- Policy TR3 (Access and New Development).
- Policy TR4 (Car Parking).

- 1.3 The National Planning Policy and Planning Practice Guidance are also material considerations.
- 1.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to Local Planning Authorities when considering whether to grant planning permission for development which affects a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
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## **2.0 SITE**

- 2.1 The application site relates to the redundant St Andrews Church located on the north side of Wickham Avenue in between two 3 storey (the third storey is within the roof space) terraced houses (Nos. 20 and 22 Wickham Avenue) and bounded by railway land to the rear. While the shopping centre of Bexhill is close-by to the east the surrounding area is primarily residential in character.
- 2.2 The church is an example of Victorian church architecture designed in the Early English Gothic style and constructed in brick, faced with pebbles, with cement rendered dressings to imitate masonry, under slate pitched roofs. The narrow site required the church to be aligned north to south with the altar facing north. In plan the church is an irregular cruciform shape consisting of a three bay nave with an integral chancel, east and west aisles and transepts, the western transept wider than the eastern. There are south-west and south-east porches. Modern extensions have been constructed on the north and west elevations and the building footprint now occupies most of the site.
- 2.3 The church is situated within the Bexhill Town Centre Conservation Area and was designed by the architect Joseph Barker Daniel Wall (1849-1923) who lived in Bexhill from 1887 onwards. The foundations were laid in 1899 and the church was dedicated in 1900 but never consecrated. Historic England has previously decided not to recommend the building for statutory listing, although note in their assessment report that it is of some local architectural and historic interest. The Victorian Society has previously advised that Wall also designed the Egerton Park Estate of Victorian housing, which St Andrew's historically served, and that the church is mentioned in the Pevsner Buildings of England volume 'Sussex: East'. For all these reasons, the church is considered to be a non-designated heritage asset.
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## **3.0 HISTORY**

- 3.1 There have been three recent planning applications related to the site. The first proposal (Ref: RR/2014/1309/P) was an outline application with all matters reserved (although illustrative plans were submitted), which proposed partial demolition of the church building and redevelopment to provide 12 flats. The application was withdrawn in August 2014 following concerns raised over partial demolition of the building, access and parking arrangements, impact on the living conditions of neighbouring occupiers, and the amount of development proposed on the site.
- 3.2 The second scheme (Ref: RR/2015/2593/P) was a full application, again for partial demolition of the church building and the erection of 10 flats with

associated access and parking. The application was withdrawn in January 2016 because of issues relating to loss of a non-designated heritage asset, the design quality of the proposed building, impact of the development on the living conditions of neighbouring occupiers, and surface water drainage.

3.3 The third proposal (Ref: RR/2016/2800/P) was for total demolition of the church building and the erection of a replacement building in a contemporary design to provide 10 flats with associated access and parking. The application was refused for the following reasons:

- Loss of a non-designated heritage asset;
- Loss of the church would cause harm to the character and appearance of the Conservation Area;
- Inappropriate design for the replacement building;
- New vehicle access and provision of vehicle parking spaces adjacent to neighbouring properties would harm the amenities of those properties through noise and disturbance from vehicles and people;
- Replacement building would be overbearing on neighbouring property; and
- Elevated positions of the balconies and windows at upper floor levels would overlook the rear gardens of adjoining properties.

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## 4.0 PROPOSAL

4.1 In light of the Council's previous opposition to the demolition of this building, the current application seeks full planning permission to convert the redundant church into 11 flats. A mix of one, two and three bedroom flats are proposed over three floors in the following arrangement:

Flat Type	Ground Floor	First Floor	Second Floor	Total
1-bed	1	1	2	4
2-bed	3	3	0	6
3-bed	0	0	1	1
Total	4	4	3	11

4.2 It is proposed to remove the modern extensions on the rear (north) and side (west) elevations of the building to provide improved amenity space. The north addition would be replaced with garden space and the west addition replaced with garden space, a communal bin store and a bike store and external store for cycle parking. The conversion scheme includes retention of the triple lancet windows, installation of new windows and doors, and the addition of 22 'conservation' style rooflights in the various roof slopes. The proposal does not include any on-site car parking spaces.

4.3 The application is accompanied by a Planning Statement, Design and Access Statement, Assessment of Significance, Historic Building Assessment, Drainage Strategy Report, Highway Report, Commercial Viability Assessment, Preliminary Ecological Survey and a Refuse Disposal Strategy.

4.4 Since the application was first publicised, negotiations have taken place to ensure that new windows, doors and rooflights are appropriate for the

building. A large bin store, capable of accommodating two, 1,100 litre 'Eurobins', has also been secured.

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## **5.0 CONSULTATIONS**

### **5.1 East Sussex County Council (ESCC) Highway Authority**

5.1.1 Objects because of inadequate parking provision.

5.1.2 *"Based on my own use of the East Sussex Parking Demand Calculator this development is likely to create a parking demand of 9 spaces if all spaces were unallocated.*

5.1.3 *It is acknowledged that the site is accessible as it is located within walking distance of a railway station and bus routes but while this can influence car ownership levels it is unlikely that all potential residents will be without a car. This is backed up by the ESCC Parking Demand Calculator which uses the latest available census data to determine the likely parking demands for residential developments. With this in mind I am concerned that no on-site parking spaces are proposed.*

5.1.4 *Based on previous visits to this area I have noted that there is little on street parking availability in the area close to the site during the day and on this basis in the evenings and weekends parking is likely to be even more limited. The survey results confirm this and indicate that parking pressures on all the streets in the vicinity of the site are high with most exceeding the 85% stress level considered to be the 'practical capacity' point beyond which there is little scope to find a vacant parking space. On roads where the survey indicates that parking stress is below 85% it is noted that this is skewed by considering single yellow lines and other restricted parking areas as available parking spaces. It is also noted that most roads are described as being densely parked with parking frequently occurring on double yellow lines. Any increase in these parking pressures is therefore likely to lead to additional inappropriate parking which could be detrimental to road safety.*

5.1.5 *Ultimately parking provision should be appropriate to the location, based on local ward data, and not be detrimental to road safety and should not create additional pressure on existing streets that cannot be mitigated. With this in mind, due to the lack to the lack of on-site parking provided I recommend that this planning application is refused."*

### **5.2 ESCC Archaeology**

5.2.1 No objection.

5.2.2 *"Based on the information supplied, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. Furthermore, the church has already been subject to an historic building survey and report. For this reason I have no further recommendations to make in this instance."*

### 5.3 ESCC Lead Local Flood Authority

- 5.3.1 No objection. Recommends that the existing surface water drainage system is investigated and any required improvements/maintenance is undertaken prior to the occupation of the flats. Also advises that whoever will be responsible for the maintenance of the permeable pavement should be aware of the intended function and carry out the required maintenance without compromising the functionality of the permeable pavement.

### 5.4 Southern Water

- 5.4.1 No objection. Requires a formal application for a connection to the public sewer to be made by the applicant or developer and also requests a foul and surface water drainage condition. Full comments are available to view online.

### 5.5 Environmental Services, Licensing and Community Safety – Private Sector Housing

- 5.5.1 *“Lack of supporting information about the proposal restricts our ability to give detailed comments. There is insufficient information regarding fire safety precautions, window sizes and opening casements and room sizes.”* Full comments are available to view online.

### 5.6 Planning Notice

- 5.6.1 3 general comments from three properties:

- What provision is being made for resident parking?
- Application for 11 flats but what about car parking as that particular street, and surrounding ones, are already very pressured in terms of parking.
- As this application intends to preserve the fabric of the original building, offer new accommodation to residents and will not have cars crossing the pavement, I have no objection. I will be looking out for any later amendments to this plan.

- 5.6.2 14 objections from 13 properties raising the following concerns (summarised):

- Inadequate parking provision.
- Overdevelopment.
- Too close to neighbouring properties.
- Loss of property value.
- Problems arising from the construction period (e.g. noise, dust, construction vehicles).
- Privacy and security compromised by overlooking.
- Rubbish area would be next to neighbouring wall, reducing quality of life.
- No boundary treatment details provided.
- No communication with neighbours.
- This entire development has been an act of cynical manipulation.
- Outside of the building should not be altered.
- Building should not be used for commercial purposes.

- Building should be retained for community purposes and not converted into flats.
- Inadequate bin store provision.

#### 5.6.3 Bexhill Heritage:

- Would like to congratulate the applicant for this latest planning application which re-establishes a redundant heritage asset back into good use providing housing yet maintaining the integrity of the building and street scene.
- This is an excellent example of good custodianship and architectural ingenuity and we are delighted that this enlightened stance has been taken.
- The only concern is that any modifications to the existing stained glass windows would be sympathetic to the building in terms of design and materials.

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## 6.0 APPRAISAL

6.1 The background to this application is the recent rejection by the Council of attempts to demolish the existing church building - a non-designated heritage asset within the Conservation Area - and to redevelop the site in total (application RR/2016/2800/P - see paragraph 3.3 above).

6.2 The loss of the use of the building for community purposes was however accepted in principle under the refused application. Accepting a residential use as a means of safeguarding the building, the main issues to be considered now are therefore:

- The effect on the character and appearance of the church building and the Conservation Area.
- The effect on the living conditions of adjoining occupiers.
- Housing mix.
- Parking and access.
- Drainage.
- Impact on wildlife.

### 6.3 Character and appearance of the church building and the Conservation Area

6.3.1 The church building is a non-designated heritage asset, which presently sits as a distinctive and positive feature in the street scene of this part of the Bexhill Town Centre Conservation Area, itself a designated heritage asset. Paragraph 135 of the National Planning Policy Framework states that:

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

6.3.2 Paragraph 131 states that:

*“In determining planning applications, local planning authorities should take account of:*

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- the desirability of new development making a positive contribution to local character and distinctiveness.”*

6.3.3 Paragraph 132 states that:

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”*

6.3.4 Policies BX2 and EN2 of the Core Strategy, amongst other things, require development to respect the character and appearance of the historic built environment in the town centre of Bexhill.

6.3.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to Local Planning Authorities when considering whether to grant planning permission for development which affects a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

6.3.6 The proposed conversion works would result in the removal of modern extensions to the north and west elevations of the church, which would better reveal the footprint and appearance of the original building, as well as providing outdoor space for future occupiers. Existing openings would be retained and where possible the existing lancet windows would be thoroughly cleaned and extensively repaired. All lancet windows in the principal façade facing the street would be preserved, as would the triple lancet windows to the transept and chancel. The aesthetic value of these windows is considered to be high, making a positive contribution to the building’s significance and so their retention is welcomed. It is also proposed to repair and refurbish existing timber doors and fit them with bronze ironmongery. Again, this is welcomed, as the doors are important features of this historic building. The scheme includes replacement of the existing small leaded light lancet windows in the side elevations of the building, which would result in the loss of historic fabric. However, these windows are not readily visible from the street and their replacement is necessitated by the need for windows with opening lights. The new windows would replicate the appearance of the existing (i.e. they would be a ‘crittall’ type with metal frames), albeit that they would be double glazed instead of single glazed.

6.3.7 Turning to new openings, two traditional leaded light windows are proposed below the main triple lancet window on the principal façade. Subject to appropriate design details, which can be secured by condition, these windows would preserve the character and appearance of the church building. New doors are proposed to the rear elevation to give light to the rear flats. These would be similarly proportioned to existing openings and those at

first floor level would have metal balustrades and arched timber spandrel panes over, designed to be in keeping with existing features of the church (e.g. the metalwork pattern of the balustrades would match that of the leaded light lancet windows on the principal façade). These proposed new features are an imaginative and positive approach to the conversion.

- 6.3.8 A significant number of rooflights are proposed on the various roof slopes to provide light to the upper floor flats. Some of these would be readily visible in the street scene and would result in minor harm to the character and appearance of the church and the Conservation Area. However, this harm is outweighed by public benefits including bringing the redundant heritage asset back into a viable use, securing the building's long-term future, and contributing to the supply of housing in the District.
- 6.3.9 The proposal would result in internal changes within the building, but the interior is notably plain in appearance and the original fittings no longer remain. Externally, the church would largely retain its historic character and appearance and would continue to sit as a distinctive and positive feature in the street scene of this part of the Bexhill Town Centre Conservation Area.

#### 6.4 Living Conditions

- 6.4.1 Policy OSS4 (ii) of the Core Strategy seeks to ensure that development does not unreasonably harm the amenities of adjoining properties.
- 6.4.2 There is potential for the east and west facing triple lancet windows to overlook the rear gardens of nos. 20 and 22 Wickham Avenue, but it is proposed to install internal secondary glazing with frosted glass to these windows, which would address this issue. The proposed side facing rooflights could potentially overlook the neighbouring properties. However, a majority of these would face the side gable walls of the adjoining properties and, as such, would not result in harmful overlooking. Upper floor windows are present in the side gable wall of no. 20 Wickham Avenue, but these are secondary windows which do not serve habitable rooms. The rear most rooflights in the side roof slopes of the church would overlook the rear single-storey extensions of nos. 20 and 22 Wickham Avenue, but they would not directly overlook the rear gardens of those properties. The neighbouring rear gardens are in any case overlooked by the upper floor windows of nos. 18 and 24 Wickham Avenue. Appropriate boundary treatment, secured by condition, would ensure no overlooking between the church site and neighbouring properties at ground level.
- 6.4.3 The proposal would result in increased pedestrian activity – mainly on the west side of the church building where the main entrance and proposed stores would be located – but such comings and goings adjacent to the flank wall of no. 22 Wickham Avenue are unlikely to cause significant disturbance, particularly as there are no windows in this wall. The occupants of no. 22 are concerned about the presence of a bin store against the side wall of their property. However, the submitted plans show that it would be positioned some 4.5 metres away from their side wall and would be well separated from their rear garden.
- 6.4.4 Overall it is considered that the proposal would have an acceptable impact on the living conditions of adjoining occupiers.

## 6.5 Housing Mix

- 6.5.1 Policy LHN1 of the Core Strategy aims to achieve mixed, balanced and sustainable communities. In Bexhill the aim is to increase the provision of family dwellings, unless site circumstances make this inappropriate and, in larger developments (6+ units), to provide housing for a range of differing household types.
- 6.5.2 The site is considered to lend itself to a flatted development because it would make effective use of the building for housing in a sustainable town centre location. The proposed mix of one, two and three bedroom flats is considered to be appropriate for this particular site and location.

## 6.6 Parking and Access

- 6.6.1 Policy TR3 of the Core Strategy states that new development should minimise the need to travel and support good access to employment, services and community facilities.
- 6.6.2 Policy TR4 (i) requires the residual needs of the development for off-street parking to be met having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.
- 6.6.3 In normal circumstances the ESCC Parking Demand Calculator would require 9 car parking spaces to be provided for the new development if all spaces were unallocated. No on-site car parking spaces are proposed and so the development would increase on-street parking in the surrounding roads. In relation to this issue the application is accompanied by a parking survey, which was carried out on Wednesday 6 September 2017, between 03:00hrs and 05:00hrs to coincide with overnight peak residential parking demand. Nine roads in the immediate locality were surveyed for the availability of on-street parking. The results of the survey show that there are some roads where parking is at or close to capacity (e.g. Wickham Avenue) and others where parking spaces are more readily available (e.g. Woodville Road). Overall the survey on that date showed that there were over 100 vacant parking spaces within the parking survey area.
- 6.6.4 The Highway Authority has objected to the proposal because of the lack of on-site parking and the impacts that a reliance of on-street parking would have on the surrounding roads. However, even if not all of the 100+ vacant parking spaces referred to in the survey were available for parking (e.g. those on yellow lines), it is still considered likely that there would be sufficient parking capacity in the surrounding roads to accommodate 9 cars. The site is also in very close proximity to the town centre, within short walking distance of local facilities and services and sustainable transport modes (i.e. train and bus routes). As such, there would be less of a reliance on the private car arising from the residential development of the site. This would be further aided by the provision of on-site cycle parking spaces.
- 6.6.5 Moreover it must be accepted that any alternative D1 Class re-use of the building would involve a similar compromise in relation to parking as any alternative use would be similarly constrained due to the Council's desire to retain the historic integrity of the building.

6.6.6 It is considered fundamentally desirable to preserve the existing church building because of its association with the architect Joseph Barker Daniel Wall and more particularly for the positive contribution the building makes to the character and appearance of the Conservation Area. However, retention of the building because of its historic value means that on-site parking would not be possible and so it has to be accepted that any re-use would rely on on-street parking in the surrounding roads (a point that has not been taken into account by the Highway Authority). In this case, the lack of on-site parking is outweighed by the public benefits of the residential conversion scheme, including bringing the redundant heritage asset back into a viable use, securing the building's long-term future, and contributing to the supply of housing in the District.

## 6.7 Drainage

6.7.1 The Drainage Strategy Report submitted with the application sets out the proposed foul and surface water drainage scheme for the development. The existing foul and surface water drainage systems would be utilised and the proposal would also reduce surface water run-off with the removal of existing extensions and the creation of grassed and permeably paved garden areas. ESCC Lead Local Flood Authority and Southern Water have raised no objection to the proposed drainage scheme. Southern Water has recommended a condition requiring foul and surface water drainage details to be submitted for approval prior to development commencing. However, this condition is not considered to be relevant, as the foul and surface water drainage details have already been provided. A condition can, however, be imposed requiring no flat to be occupied until the foul and surface water drainage works for the development have been completed.

## 6.8 Wildlife

6.8.1 A Preliminary Ecological Survey of the site has been carried out. This states that the proposal is unlikely to disturb great crested newts, badgers, bats, barn owls or dormice. No additional surveys are required.

6.8.2 The proposal has the potential to disturb nesting birds during construction works and there is limited potential for reptiles to be present. Mitigation measures are recommended, which can be secured by condition. The survey lists potential options for enhancing biodiversity, which the landowner and/or developer can be advised of by way of a note attached to the decision notice.

## 6.9 Other Matters

6.9.1 Local residents are concerned about problems arising from the construction period (e.g. noise, dust, construction vehicles). However, this is a proposal for conversion works rather than new build and so a construction management plan is not considered to be necessary in this case. The landowner and/or developer can be advised to minimise the potential for disturbance to adjoining occupiers by way of a note attached to the decision notice.

6.9.2 The scheme includes the provision of a communal bin store designed to accommodate two large 1,100 litre 'Eurobins' for household waste and recycling. These bins would provide sufficient waste storage for the 11 flats. The waste and recycling bins would be collected from a designated collection

point within the site but adjacent to Wickham Avenue, which is accessible to refuse vehicles.

- 6.9.3 A local resident is concerned about a loss of property value but this is not a material planning consideration and so is not a determining matter.
- 6.9.4 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 HRAs 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. 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 tenth of a single daily vehicle movement that would have the potential to have impact on the Ashdown Forest SAC. The proposal is found to have no impact on Lewes SAC. 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.
- 

## **7.0 SUMMARY**

- 7.1 The proposal is for a well-designed residential conversion scheme, which would make effective and efficient use of the redundant church building (a non-designated heritage asset). The scheme would respect the character and appearance of the church building and the wider Bexhill Town Centre Conservation Area, and has been designed such that the new residential use would minimise impact on the living conditions of existing neighbouring occupiers.
- 7.2 As a consequence of retaining the building the development cannot provide the required level of on-site car parking provision, potentially leading to an increase in on-street parking in the surrounding roads. However, in this particular case the lack of on-site parking is outweighed by the public benefits of the scheme, including bringing the redundant heritage asset back into a viable use, securing the building's long-term future, and contributing to the supply of housing in the District. Moreover any alternative D1 use of the redundant building would, in itself, generate a parking demand which could not be met on site.
- 7.3 Subject to appropriate conditions, planning permission should be granted.
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## **8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 8.1 The proposed development is liable for CIL.
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## **RECOMMENDATION: GRANT (PLANNING PERMISSION)**

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### **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 drawings and document:  
Drawing No. 1614-ST-PL-01;  
Drawing No. 1614-PA-PL-11 revision M;  
Drawing No. 1614-PA-PL-12 revision K;  
Drawing No. 1614-PA-PL-13 revision K;  
Drawing No. 1614-PA-PL-14 revision A;  
Drawing No. 1614-PA-EL-11 revision M;  
Drawing No. 1614-PA-EL-12 revision I;  
Drawing No. 1614-PA-EL-13 revision F;  
Drawing No. 1614-PA-EL-14 revision H;  
Drawing No. 1614-PA-SE-11 revision H;  
Drawing No. 1614-PA-DE-01 revision B;  
Drawing No. 1614-PA-DE-02 revision A;  
Drawing No. 1614-PA-DE-03 revision B;  
Drawing No. 1614-PA-DE-04 revision A;  
Drawing No. 1614-PA-EL-21-1 revision A;  
Drawing No. 1614-PA-EL-21-2;  
Drawing No. 1614-PA-EL-22-1 revision A;  
Drawing No. 1614-PA-EL-22-2 revision A;  
Drawing No. 1614-PA-EL-23-1; and  
Preliminary Ecological Appraisal (EA/48216) prepared by The Mayhew Consultancy Ltd, dated October 2016.  
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. Before works begin, the following details shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details:
  - a) Section and elevational details of all new windows, secondary glazing and doors, drawn to a scale of 1:10.
  - b) Details of the proposed balustrades, drawn to a scale of 1:10.
  - c) Details of all new rainwater goods and other external pipework, including positions in the building.
  - d) Details of proposed external flues and vents, including positions on the building.Reason: To preserve the character and appearance of the historic church building and the character and appearance of the Bexhill Town Centre Conservation Area, in accordance with policies OSS4 (iii), BX2 (vi) and EN2 (iii) of the Rother Local Plan Core Strategy.
4. At the time of conversion works and prior to the first occupation of the flats hereby permitted, the triple lancet windows in the east and west elevations,

as indicated on the approved drawing nos. 1614-PA-PL-12 revision K, 1614-PA-PL-13 revision K, 1614-PA-EL-12 revision I and 1614-PA-EL-14 revision H, shall be fitted with internal secondary glazing in accordance with the approved drawings, and shall be glazed with obscure glass of obscurity level equivalent to scale 5 on the Pilkington Glass Scale and shall thereafter be retained in that condition.

Reason: To prevent harmful overlooking of the neighbouring properties, in accordance with policy OSS4 (ii) of the Rother Local Plan Core Strategy.

5. All materials to be used in the making good of the external surfaces of the building shall match in materials, colour and texture those used in the existing building unless otherwise approved in writing by the Local Planning Authority.  
Reason: To preserve the character and appearance of the historic church building and the character and appearance of the Bexhill Town Centre Conservation Area, in accordance with policies OSS4 (iii), BX2 (vi) and EN2 (iii) of the Rother Local Plan Core Strategy.
6. No flat shall be occupied until the foul and surface water works for the whole site have been completed in accordance with approved drawing no. 1614-PA-PL-11 revision M.  
Reason: To ensure the satisfactory drainage of the site, in accordance with policies SRM2 and EN7 of the Rother Local Plan Core Strategy.
7. No flat shall be occupied until the hard and soft landscaping for the site has been carried out in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority.  
Reason: To preserve the character and appearance of the Bexhill Town Centre Conservation Area and to ensure the satisfactory drainage of the site, in accordance with policies OSS4 (iii), BX2 (vi), EN2 (iii), SRM2 and EN7 of the Rother Local Plan Core Strategy.
8. No flat shall be occupied until boundary treatment has been erected in accordance with details (to include positions, design, height, materials and type of boundary treatment to be erected) which have been first submitted to and approved in writing by the Local Planning Authority, and the boundary treatment shall thereafter be retained in accordance with the approved details.  
Reason: To preserve the character and appearance of the Bexhill Town Centre Conservation Area and to safeguard the amenities of neighbouring properties, in accordance with policies OSS4 (ii & iii), EN2 (iii) and BX2 (vi) of the Rother Local Plan Core Strategy.
9. No flat shall be occupied until the bike store and external store for the parking of cycles has been provided in accordance with the approved drawings and the bike store and external store shall thereafter be retained for that use and shall not be used other than for the parking of cycles.  
Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with policies OSS4 (i) & TR3 (i) of the Rother Local Plan Core Strategy.
10. No flat shall be occupied until the refuse and recycling storage and collection point facilities have been provided in accordance with the approved drawings and thereafter retained, with all bins and containers available for use maintained and replaced as need be.

Reason: In the interests of providing a sustainable development which meets the needs of future occupiers and protects the residential amenities of the locality, in accordance with Policy OSS4 (i and ii) of the Rother Local Plan Core Strategy.

11. The development shall be carried out in accordance with the mitigation measures recommended in Section 8.0 of the approved Preliminary Ecological Appraisal.

Reason: To avoid any adverse impacts on wildlife that may be present on the site, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy.

#### **NOTES:**

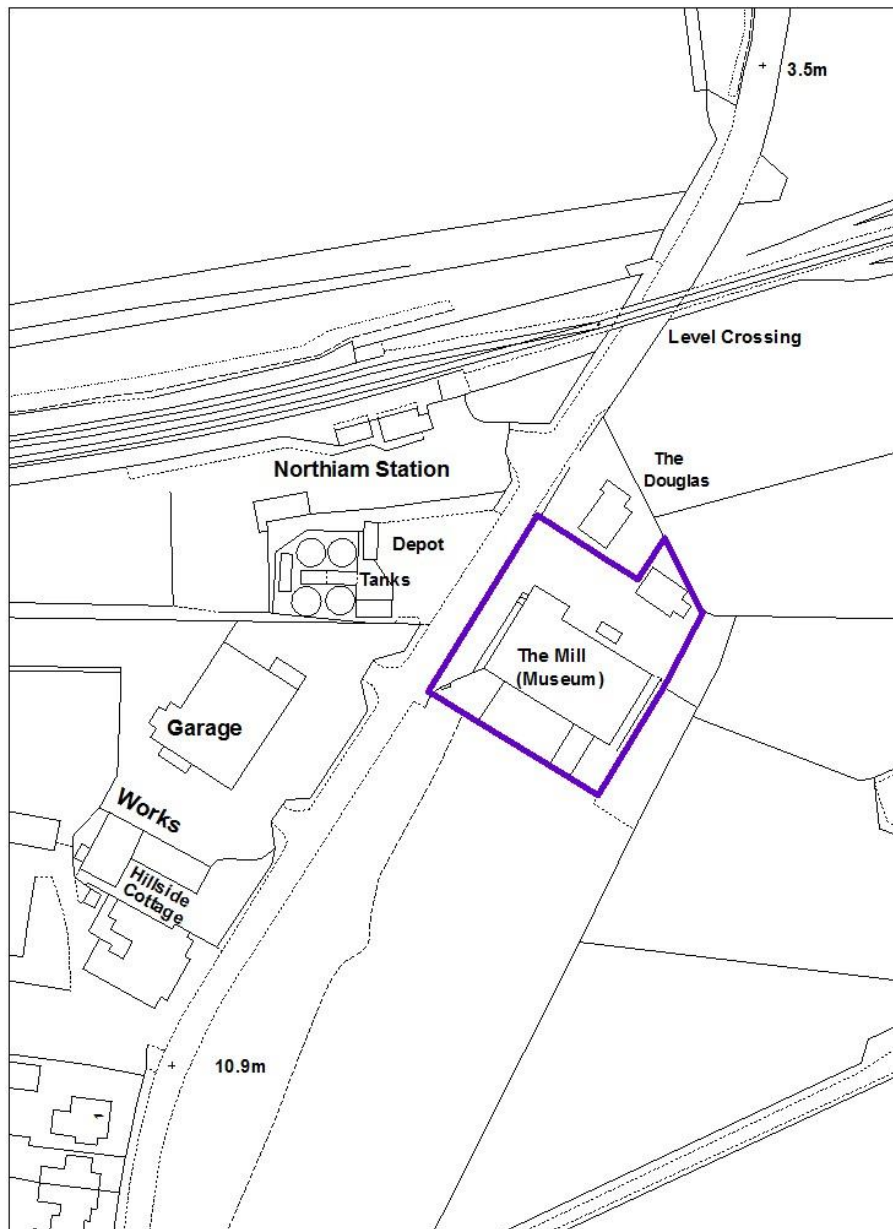
1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
2. The landowner and/or developer is advised to investigate the existing surface water drainage system to establish whether any improvements/maintenance needs to be carried out prior to occupation of the flats.
3. The landowner and/or developer is advised that whoever will be responsible for the maintenance of the permeable pavement should be aware of the intended function and carry out the required maintenance without compromising the functionality of the permeable pavement.
4. The landowner and/or developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Bank Holidays.
5. The landowner and/or developer is advised that in relation to the details required under condition 3, all new rainwater goods and other external pipework should be cast aluminium painted black.
6. The landowner and/or developer 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.
7. The landowner and/or developer should consider post development opportunities for increasing biodiversity on the site, as detailed in Section 9.0 of the approved Preliminary Ecological Appraisal (EA/48216) prepared by The Mayhew Consultancy Ltd, dated October 2016.
8. The landowner and/or developer is advised that a formal connection to the public sewage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for

the development with sufficient capacity within the public sewerage network, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). It should be noted that Southern Water is currently consulting on the New connections charging process as directed by Ofwat. Please refer to Southern Water's website <https://www.southernwater.co.uk/new-connections-charging-consultation> for further details.

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

[View application/correspondence](#)

SITE PLAN	Northiam
RR/2018/328/P	The Mill, Station Road



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**Not To Scale**

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RR/2018/328/P

NORTHAM The Mill, Station Road,

**Outline: Demolition of the rear store building range, retention of the Mill as a detached dwelling (as approved under RR/2016/843) and construction of 2 dwellings with use of existing access to Station Road.**

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**Applicant:** Mr P. Collins  
**Agent:** Greenhayes Planning  
**Case Officer:** Mr S. Batchelor  
(Email: samuel.batchelor@rother.gov.uk)  
**Parish:** NORTHAM  
**Ward Member(s):** Councillors I.G.F Jenkins and M. Mooney

**Reason for Committee consideration: Member referral: Councillor M. Mooney**

**Statutory 8 week date: 14 March 2018**

**Extension of time agreed to: 26 April 2018**

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This application is included in the Committee site inspection list.

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## **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 OSS2 – Use of Development Boundaries
- Policy OSS3 – Location of development
- Policy OSS4 – General Development Considerations
- Policy RA2 – General Strategy for the Countryside
- Policy RA3 – Development in the Countryside
- Policy SRM1 – Towards a low carbon future
- Policy SRM2 – Water Supply and Wastewater Management
- Policy CO6 – Community Safety
- Policy LHN1 – Achieving Mixed and Balanced Communities
- Policy EC3 – Existing Employment Sites
- Policy EN1 – Landscape Stewardship
- Policy EN2 – Stewardship of the Historic Built Environment
- Policy EN3 – Design Quality
- Policy EN7 – Flood Risk and Development

- Policy TR3 – Access and New Development
- Policy TR4 – Car Parking

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

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## 2.0 SITE

- 2.1 The site is outside the development boundary of Northiam, which lies 0.6km to the south, and within the High Weald Area of Outstanding Natural Beauty (AONB).
- 2.2 The Mill is a large building occupying a prominent position on the eastern side of Station Road. The building has two main parts, the brick-built frontage building which has two storeys, a double pitched roof and a wide frontage; and a long, brick/metal pitched roof warehouse-style building which is attached to the rear. There is a narrow area of hard-standing in front of the building and a further area on its northern side, used for vehicle parking. Following the grant of planning permission in 2016 the front portion of the building has been converted into a large house (with a domestic garden on the southern side) and the rear has been turned into a storage facility, although this does not appear to have been carried out in accordance with the internal layout that was approved.
- 2.3 The building was originally a corn mill but it has been in various other commercial uses since at least the 1970s. As mentioned, the rear portion is now used as a self-storage facility and currently stores the artefacts from the building's previous use as a toy and model museum.
- 2.4 The site includes a detached garage/outbuilding on its northeast boundary. There is a residential property, The Douglas, directly north of the site and Grade II listed houses further across a field, 75m to the east – known collectively as Gate Court Farm. There is commercial development to the west, on the opposite side of Station Road, including a station on the Kent and East Sussex Railway line, a garage/car sales business, a gas storage facility, restaurant and a holiday caravan park. To the south of the commercial area, along Station Road, are a group of around 10 houses.

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## 3.0 HISTORY

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|-----|------------|---|
| 3.1 | A/59/779   | Alterations to existing corn mill. Approved conditional 1960.   |
| 3.2 | A/61/365   | Pulling down and rebuilding rear portion of existing corn mill. Approved conditional 1961.                                    |
| 3.3 | A/70/806   | Light industry. Approved conditional 1971.  |
| 3.4 | A/72/2020  | Extension industrial building. Approved conditional 1973.   |
| 3.5 | RR/75/0626 | Change of use of first floor area from storage to light industrial use (manufacture of furniture). Approved conditional 1975. |

3.6	RR/77/1593	Light industrial use. Approved conditional 1977.
3.7	RR/81/2189	Continued use part buildings light industry, storage offices. Change of use area part industry to offices. Approved conditional 1981.
3.8	RR/82/0169	Continued use of premises as light industry/storage/cricket bar manufacture/offices. Change of use of store to offices. Approved conditional 1982.
3.9	RR/88/1437	Change of use from store/light industrial to part store/offices. Approved conditional 1988.
3.10	RR/92/0401/P	Change of use of part of existing office space and stores to provide bar/ restaurant. Approved conditional 1992.
3.11	RR/98/308/P	Conservatory and utility building extension to restaurant. Change of use of agricultural land to garden and car park and replacement sewage treatment plant. Approved conditional 1998.
3.12	RR/2000/100/P	Two storey extension at rear, change of use of part of building to provide bedrooms and accommodation (Class C1 hotel use); use of part of offices as flat; provision of car park and relocation of sewage treatment plant. Approved conditional 2000.
3.13	RR/2005/1503/P	Extension of existing restaurant to provide conservatory and new amenity building. Approved conditional 2006.
3.14	RR/2009/3124/P	Conversion of restaurant to tea rooms. Conversion of kitchen/ store to toy museum with additional first floor accommodation. Replacement of corrugated fibre cement roof with powder coated insulated metal roof. Approved conditional 2010.
3.15	RR/2010/2740/P	Three bay carport. Approved conditional 2011.
3.16	RR/2011/2612/P	Display garage. Approved conditional 2012.
3.17	RR/2011/2613/P	External fire escape. Approved conditional 2012.
3.18	RR/2011/2622/P	Conservatory. Approved conditional 2012.
3.19	RR/2016/843/P	Conversion of Mill building to single dwelling and self-storage facility to rear of property along with landscape and site improvements. Approved conditional 2016.

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## 4.0 PROPOSAL

- 4.1 The applicant wishes to demolish the rear self-storage building and erect two dwellinghouses. The house at the front of the site, The Mill, is proposed to be retained as a separate dwellinghouse.

- 4.2 The proposal will result in the loss of 628sqm of storage space (Use Class B8) and the houses proposed are indicated to be four bedroom detached units.
- 4.3 The application is submitted in outline form with only access being sought for approval. Appearance, landscaping, layout and scale are all reserved matters.
- 4.4 The purpose of the outline planning application is to establish the principle of development and, to aid this, the applicant has submitted indicative drawings showing the possible layout of the development and the elevations and floorplans of the new and retained houses.
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## **5.0 CONSULTATIONS**

### **5.1 Northiam Parish Council**

#### **5.1.1 Recommends refusal stating:**

- 5.1.2 *“The site is designated as a combination of commercial & residential mix. Construction of the two new dwellings falls outside of the development boundary. We feel there is insufficient justification to claim that two more family sized dwellings will “assess the development shortfall to the relevant planning policies” as stated in the planning statement.”*

### **5.2 Planning Notice**

#### **5.2.1 No comments received.**

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## **6.0 APPRAISAL**

### **6.1 The main considerations are:**

- the principle of the development having regard to the location of the development and the loss of an employment use;
- the impact on the character and appearance of the area; and
- the impact on neighbouring residential amenities.

### **6.2 *Principle of development***

- 6.2.1 Policy DS3 of the Local Plan (2006) sets out the development boundaries where the majority of new development will take place. Policy OSS2 of the Core Strategy confirms 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.
- 6.2.2 Policy RA3 (iii) of the Core Strategy allows residential development in the countryside in extremely limited circumstances.
- 6.2.3 Paragraph 55 of the National Planning Policy Framework states *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities...Local planning*

*authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker; would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or, the exceptional quality or innovative nature of the design.”*

- 6.2.4 Policy EC3 relates to existing employment sites and seeks to retain land in employment use unless it is demonstrated there is no reasonable prospect of its continued use for employment purposes or it would cause serious harm to local amenities. Where such criteria are met, a hierarchical approach to redevelopment should be taken, prioritising a mixed-use scheme to make most effective use for employment purposes and if this is not viable, alternative community uses should be considered before affordable and market housing.
- 6.2.5 Paragraph 22 of the National Planning Policy Framework notes that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
- 6.2.6 Once part of a larger commercial enterprise, the proposal involves the loss of the remaining commercial floorspace (628sqm) currently permitted as storage (Use Class B8). The previous application, resulting in the change of use of the main mill building to a single dwelling, was supported by marketing information and the applicant has submitted further information from two estate agents. In its current format (now as a house and storage facility), the site has been marketed since January 2017. The site has otherwise been marketed as a commercial opportunity since March 2015.
- 6.2.7 In the previous application the planning officer stated:
- 6.2.8 *“The applicant has provided marketing information which shows that the site has been marketed for sale as a commercial opportunity since March 2015 but no genuine interest has been shown. It has been marketed on the basis of a “price on application” to attract the widest range of buyers. Active marketing has taken place including contacting convenience store operators but no positive responses were received. The marketing company considers that the location and the large size of the building, which does not naturally split into smaller units, are the main factors limiting its appeal. Even if the building could be split, the marketing company is not confident that the units would sell or let, having regard to other similar properties that remain un-let/ for sale in the area. The company considers that there are better provisions and availability in towns and business parks locally. The history shows that there have been a number of short-term commercial uses in the building over the past 20 years, with four different restaurants/ pubs (three of which only lasted two years each) occupying the site before it was left vacant for three years prior to the toy museum moving in, in 2011. The museum closed in*

*2014 having made a financial loss each year since opening, even without a salary being taken for the owner.”*

6.2.9 The report went on to say:

6.2.10 *“It is considered that the submitted information demonstrates that the applicant has taken reasonable steps to find a new commercial use for the whole site, but there has not been a demand. The history suggests that the relatively remote location has been a limiting factor in the site’s commercial success for a number of years. The applicant has also considered whether another “community” use would be appropriate and have indicated that they have contacted the Parish Council who have advised that there is not a demand for an additional community use in the village or local area at present. Furthermore, the provision of affordable housing on the site was found not to be viable without a quantum of market housing, which would be beyond the capacity of the site.”*

6.2.11 It is clear that the redundancy of the whole site for commercial and community use as well as for affordable housing was proven as part of the previous application. Even so, and presumably to ensure a successful application, the applicant sought approval for a mixed use at the time. As the mixed use was approved and has been implemented the applicant has now submitted further information to demonstrate that in its new format the site has remained unviable for commercial purposes.

6.2.12 The estate agents used cite that many of the problems are the same as when the property was marketed as part of the previous application – i.e. poor location, competitive market, better placed alternatives. There is no material evidence to challenge these assumptions. There is also no material evidence to suggest that the price of the unit is unreasonable.

6.2.13 Furthermore, it is considered that viability of the site for commercial uses is compromised by the relationship of the commercial space adjacent to the permitted residential property (something highlighted by the client’s estate agents). Concerns include:

1. Potential operational conflicts between the commercial storage space and the residential property.
2. Limited diversification opportunities – for example, a B2 use would unlikely be approved adjacent to a residential unit which limits the interest in the site to prospective purchasers.
3. The planning permission for the site restricts the commercial space to self-storage only and removes all changes of use allowed as ‘permitted development’. This limits the flexibility of the use of the space and introduces a risk (of planning permission not being obtained) for anyone considering an alternative commercial enterprise.

6.2.14 It is considered that the employment use of the site has been shown to be redundant and there are no conflicts with Policy EC3.

6.2.15 Turning to policy RA3 and paragraph 55 of the National Planning Policy Framework, the proposed site is located outside of the development boundary of Northiam village and is therefore within the countryside. The proposed development does not meet the limited criteria for new residential development within the countryside in accordance with Policy RA3 and

paragraph 55 i.e. it is not for agricultural purposes, it is not a one-to-one replacement of an existing building nor is it a conversion of a traditional historic farm building. In accordance with Policies RA3, DS3 and OSS2 development would normally be resisted.

6.2.16 Notwithstanding the above, based on the housing position as of April 2017 it is acknowledged that the Council does not have a five-year supply of deliverable sites at the present time. In such circumstances, paragraph 49 of the National Planning Policy Framework states that relevant policies for the supply of housing cannot be considered up-to-date. This position means only limited weight can be given to the fact that the proposal conflicts with the Local Plan policy relating to development boundaries and the application is to be considered in the context of paragraph 14 of the National Planning Policy Framework. This situation does not mean that housing schemes which are unacceptable on sound planning grounds must now be allowed; however, it does add weight to the benefits that a potential additional source of housing supply would bring when determining the 'planning balance'.

6.2.17 Footnote 9 of paragraph 14 of the National Planning Policy Framework exempts Areas of Outstanding Natural Beauty (AONBs) amongst other designations from what has been described as the 'tilted balance' where in paragraph 14 it requires approval 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"*.

6.2.18 Having regard to paragraph 14:

- the new houses will be in place of existing built form;
- the site would be associated with a small built up area around Northiam railway station (it is acknowledged that this is not part of the public railway network);
- the extent of the site is not being extended so there is no additional encroachment into the countryside; and
- the site is moderately sustainable as it is not too far from Northiam village (around 600m to the south), is not considered isolated (given the location and amount of surrounding development) and there are means other than car (i.e. a frequent bus service which stops beside the site) to access nearby shops and services.

6.2.19 Considering these points, the site is not considered isolated in terms of paragraph 55 nor is the development considered to harm the AONB (discussed in more detail below), therefore, it is an appropriate location for additional housing.

6.2.20 Taking all of the above into account, it is considered that the principle of two houses in this location is acceptable.

### 6.3 *Impact on the character of the area*

6.3.1 Policy OSS4 of the Core Strategy requires all development to (iii) respect and not detract from the character and appearance of the locality. Policy RA3 (v) requires all development in the countryside to be of an appropriate scale and not adversely impact on the landscape character. Policy EN1 seeks to ensure 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 High Weald AONB. Paragraph 115 of the National Planning Policy Framework requires great weight to be given to conserving landscape and scenic beauty in AONBs.

- 6.3.2 The Mill House is a large imposing feature and, particularly since it has been refurbished, contributes more positively to the character of the local area. On the contrary the sheet metal-roofed commercial addition slightly detracts from the wider rural landscape because of its industrial appearance. Its removal is supported as it will be an improvement to the appearance of the area and the wider AONB.
- 6.3.3 In its place, the applicant has indicatively proposed two detached, two-storey, four-bedroom houses. The layout, scale and appearance of the buildings are not being considered at this stage which is beneficial as there are concerns over the size of the units and their relationship to each other.
- 6.3.4 To a certain degree the new houses will be screened along Station Road by existing trees, the existing house (The Mill) and the neighbouring house, The Douglas. However, there will be views of the proposed properties when closer to the site and more widely from the east. The dwellings as indicatively shown would compete with The Mill and would be much larger than the garage/outbuilding that is proposed to be retained and The Douglas, which is of a chalet bungalow scale. The indicative design, although described as vernacular does not appear to relate well to traditional built forms in the area – for example the porch is large, the frontage is wide, the “L” shaped layout does not reflect the simpler form of cottages in the countryside and it is not clear how well the façade treatments and use of materials will relate to surrounding development. The indicative development would, therefore, be considered out of character when compared with its immediate surroundings and the applicant is encouraged to consider smaller, more simply designed properties.
- 6.3.5 Notwithstanding the indicative design it is clear that two dwellings can adequately fit on site – due to its width and depth – along with adequate provision being shown in terms of gardens, refuse storage and parking. The development would also replace existing built form. Subject to appropriate details being provided at the reserved matters stage the proposed development will not impact negatively on the character of the area including the AONB.

#### 6.4 *Impact on neighbouring properties*

- 6.4.1 Policy OSS4 of the Core Strategy requires development to (ii) not unreasonably harm the amenities of adjoining properties.
- 6.4.2 The existing property, The Mill, will lie parallel to the development and the neighbouring house, The Douglas, would be approximately 20m from the proposed new house and orientated at right angles to them.
- 6.4.3 Although scale is not being considered at this stage, and concerns have been raised about the size of the building, it can reasonably be assumed that the new houses will not be larger than two-storeys. With this in mind, and given the relationship of the proposed development to the existing, it is not

considered that there will be harm to neighbouring amenities in terms of overlooking, overshadowing, loss of light or reduced outlook.

## 6.5 Access

- 6.5.1 The proposal will utilise an existing access onto Station Road (the A28). The proposed access maintains good visibility to the south but visibility to the north is slightly restricted by a hedgerow. That said, given the reduced speed limit along this section of road (40mph), the fact it is an existing access and that the development will likely result in reduced traffic movements when compared with the permitted and historical uses of the site, the proposed access is considered to be acceptable. The proposal does not conflict with Policy TR3.

## 6.6 Other matters

- 6.6.1 The properties at Gate Court Farm are Grade II listed or curtilage listed buildings. The proposed development would be over 75m from these properties but, nonetheless the new houses would be visible from and relate to the listed buildings. That said, given the distances involved and separating features such as fencing, a field, trees and hedgerows, it is not considered that the proposed development would harm the setting of the listed building. The proposal is not considered to conflict with Policy EN2 nor contravene the legal requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 6.6.2 Although layout is not being approved at this stage, the indicative layout submitted includes 7 spaces. In accordance with the East Sussex County Council Parking Demand Calculator a development of one existing 5 bedroom house and two 4 bedroom houses in this location would require 6.45 spaces. With the houses unlikely to be larger, given the comments above, the applicant has demonstrated that sufficient parking could be achieved in accordance with policy TR4.

- 6.6.3 The applicant has stated that the existing properties will be connected to the existing sewer in terms of foul water but no details are provided of the Sustainable Drainage System in order to attenuate the surface water run-off from the development. The proposal is unlikely to create more run-off than the existing situation but, nonetheless, details of appropriate drainage should be submitted. A condition requiring these details is recommended. Subject to the submission of details by condition the proposed development is not considered to conflict with policy EN7.

## 6.7 Impact on Ashdown Forest and Lewes Downs SACs

- 6.7.1 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).

- 6.7.2 Having regard to the conclusions of the HRAs 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. Hence, any likely significant effects upon European sites,

even in combination with other relevant plans and projects, can be screened out.

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## **7.0 SUMMARY AND PLANNING BALANCE**

- 7.1 The proposed development will result in the loss of an employment use. However, the applicant has adequately demonstrated that the use is not viable in accordance with policy EC3.
- 7.2 Paragraph 49 of the National Planning Policy Framework says that where a LPA cannot demonstrate a five year supply of deliverable housing sites, including an appropriate buffer, 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, or in accordance with footnote 9, specific policies in the Framework indicate development should be restricted. Although the development is in a countryside location, it is considered to be sustainable development in accordance with paragraph 14 as: the proposed development would replace existing built form; in principle, the redevelopment is not considered to have any greater impact on the surrounding landscape (including the AONB); and the site is in a moderately sustainable location having regard to surrounding development, the proximity to Northiam village and access to non-car modes of transport.
- 7.3 The application is in outline form only with appearance, landscaping, layout and scale are all reserved matters. Considering full details will be submitted later, at this stage, there are no concerns regarding the development's relationship to the character of the area (including the AONB) or harm to residential amenities.
- 7.4 The proposed access, for which approval is sought as part of this outline application, is considered to be acceptable having regard to the quantum of development, the width of the access, the speed limit of the road and the historical use of the site.
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## **8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 8.1 The development is a type of development where CIL would be chargeable. This would be considered further at the reserved matters stage.
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## **RECOMMENDATION: GRANT (OUTLINE PLANNING)**

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### **CONDITIONS:**

1. Before any part of the approved development is commenced approval of the details of the appearance, landscaping, layout and scale of the site, (hereinafter called "the reserved matters"), shall be submitted to and

approved in writing by the Local Planning Authority. Development shall be carried out only as approved.

Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

3. 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).

4. The development hereby permitted, in respect of access only, shall be carried out in accordance with the following approved plans and details:

Drawing no. 011117/03A

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.

5. 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 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 routeing of vehicles during construction;
- c) the parking of vehicles by site operatives and visitors;
- d) the loading and unloading of plant, materials and waste;
- e) the storage of plant and materials used in construction of the development;
- f) the erection and maintenance of security hoarding;
- g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- h) methods to control noise and dust;
- i) working hours during construction; and
- j) details of public engagement both prior to and during construction works.

Reason: These details are required prior to commencement of any works to ensure highway safety and to protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

6. Any application submitted in respect of the layout of the development, as required by condition 1 above, shall include a scheme for the provision of foul and surface water drainage.  
Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.

**NOTES:**

1. Aside from the access the details submitted with the application have been considered as indicative only. They have not been approved and nor should it be construed that the details are acceptable to the Local Planning Authority. The applicant's attention is drawn to the comments made in the committee report (dated 19 April 2018) regarding the scale and appearance of the proposed houses and any subsequent 'reserved matters' application should take into account those comments.
2. The development is a type of development where Community Infrastructure Levy (CIL) would be chargeable. Any reserved matters application will need to be accompanied by a 'Determining whether a Development may be CIL Liab Planning Application Additional Information Requirement form'

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

[View application/correspondence](#)

SITE PLAN

Bexhill

RR/2018/488/P

Rafati Way - Land off



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Not To Scale

RR/2018/488/P

**BEXHILL Rafati Way – Land off, Bexhill****Proposed erection of 2 no. detached bungalows**

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<b>Applicant:</b>	<b>R B Wilton Ltd</b>
<b>Agent:</b>	<b>Pump House Designs</b>
<b>Case Officer:</b>	<b>Mr E. Corke (Email: <a href="mailto:edwin.corke@rother.gov.uk">edwin.corke@rother.gov.uk</a>)</b>
<b>Parish:</b>	<b>BEXHILL</b>
<b>Ward Members:</b>	<b>Councillors G.P. Johnson and J. Potts</b>

**Reason for Committee consideration: Referred by Councillor G.P. Johnson****Statutory 8 week date: 30 March 2018****Extension of time agreed to: 24 April 2018**

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This application is included in the Committee site inspection list.

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## **1.0 POLICIES**

- 1.1 The following ‘saved’ policy of the Rother District Local Plan (2006) is relevant to the proposal:
- Policy DS3 (Proposals within Development Boundaries).
- 1.2 The following policies of the Rother Local Plan Core Strategy 2014 (Core Strategy) 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 BX1 (Overall Strategy for Bexhill);
  - Policy BX3 (Development Strategy);
  - Policy SRM2 (Water Supply and Wastewater Management);
  - Policy CO6 (Community Safety);
  - Policy EN3 (Design Quality);
  - Policy EN5 (Biodiversity and Green Space);
  - Policy EN7 (Flood Risk and Development);
  - Policy TR3 (Access and New Development); and
  - Policy TR4 (Car Parking).
- 1.3 The National Planning Policy and Planning Practice Guidance are also material considerations.
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## **2.0 SITE**

- 2.1 The application site forms part of the garden of Garden Cottage, which lies to the west. It is a 0.1 hectare triangular shaped plot of land surrounded by a mixture of dwellings on varying plots sizes. It is bordered on its north-western side by the long rear garden of Elmsted, on its north-eastern side by a modern housing development at Rafati Way (a cul-de-sac), and on its southern side by the long rear gardens of properties in Chantry Avenue, which sit at a lower ground level.
- 2.2 The site is largely grassed with mature trees along the north-eastern and southern boundaries, with some of those to the east being the subject of Tree Preservation Orders (TPOs). It is understood that trees on the southern boundary have been removed in recent months.
- 2.3 In addition to the above, a mature hedgerow is present along the northern-western boundary and another hedgerow is present along part of the southern boundary.
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## **3.0 HISTORY**

- 3.1 None relevant.
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## **4.0 PROPOSAL**

- 4.1 The proposal is for the erection of two detached 2-bed bungalows with access from Rafati Way. Both are hipped roof bungalows. The plans indicate external materials that would match those used within the adjoining Rafati Way development (i.e. brick elevations and plain tiled roofs).
- 4.2 One bungalow would be positioned in the western corner of the site, adjacent to the common boundary with Elmsted to the north-west. The principal elevation faces north-east towards Rafati Way, with the rear elevation facing the rear garden of the host property Garden Cottage. The overall dimensions of this building are 8.7m width x 12.2m depth x 5.4m height to ridge.
- 4.3 The other bungalow would be positioned to the east, adjacent to the common boundaries with properties in Chantry Avenue to the south. The principal elevation faces north-west towards the rear garden of Elmsted, with the rear elevation facing the rear gardens of properties in Chantry Avenue. The overall dimensions of this building are 11.7m width x 11.6m depth x 5.1m height to ridge.
- 4.4 A shared hardstanding is proposed together with two off-street parking spaces per dwelling. Existing trees are shown to be retained, but part of the hedge on the north-western boundary would have to be removed.
- 4.5 An Arboricultural Report and Preliminary Ecological Appraisal have been submitted with the application.
- 4.6 Since the application was first publicised, the ridge heights of the bungalows have been reduced by some 800mm.

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## **5.0 CONSULTATIONS**

### **5.1 Planning Notice**

#### **5.1.1 One general comment (summarised):**

- Access should sit within Rafati Way, not St Johns Road;
- There should be sufficient parking provision within the development; and
- Residents should have the opportunity to comment on any amendments.

#### **5.1.2 13 objections from 10 properties raising the following concerns (summarised):**

- Will exacerbate parking problems in the surrounding area;
- Will cause access issues;
- Detrimental to highway safety;
- Increased traffic generation will have an adverse impact on the amenities of residents in Rafati Way;
- The development should not be an extension of Rafati Way;
- Access should be via St Johns Road;
- Harmful to wildlife;
- Boundary dispute;
- Bungalows will be visible from private garden area;
- Could lead to further development;
- Surface water drainage issues;
- Problems arising from the construction period (e.g. noise, dust, construction vehicles, hours of working, damage to the road surface of Rafati Way);
- Overdevelopment;
- Not a necessary development with new houses to be built around the link road;
- Removal of boundary hedge is not agreed and it should not be touched;
- Lack of consultation with neighbours;
- Additional hedges should be planted;
- Some areas should be hedged/fenced off to protect existing tree root systems and provide a safe sanctuary for wildlife;
- Part of the site currently has no boundary treatment, which is a security issue; and
- Trees have already been cleared from the site.

## **6.0 APPRAISAL**

### **6.1 The application site is located within the defined development boundary for Bexhill and as such there is a presumption in favour of development, subject to environmental considerations. The main issues are:**

- Effect on the character and appearance of the area;
- Effect on the living conditions of adjoining occupiers;
- Highway issues including traffic generation, vehicle access and highway safety;

- Parking provision;
- Impact on hedges/trees; and
- Impact on wildlife.

## 6.2 Character and appearance

- 6.2.1 Policy OSS4 (iii) of the Core Strategy seeks to ensure that development proposals respect and do not detract from the character and appearance of the locality.
- 6.2.2 It is also the case that Policy EN3 of the Core Strategy and paragraphs 57 and 58 of the National Planning Policy Framework require development to be of good design quality, contributing positively to the character of the site and its surroundings.
- 6.2.3 The site lies within a mixed residential area that includes purpose built flats as well as houses and bungalows on plots of varying sizes and ages.
- 6.2.4 The proposal is for conventionally designed dwellings in good-sized plots which would relate well to the existing pattern of development in the surrounding area. Overall, the proposal would have an acceptable impact on the character and appearance of the area.

## 6.3 Living Conditions

- 6.3.1 Policy OSS4 (ii) seeks to ensure that development does not unreasonably harm the amenities of adjoining properties.
- 6.3.2 The critical relationships are with the adjoining dwellings – Elmsted to the north-west and nos. 21, 23 & 25 Chantry Avenue to the south – in relation to light, outlook and privacy.

### *Impact on Elmsted*

- 6.3.3 The proposed bungalow adjacent to the common boundary with Elmsted would be about 1 metre away from this boundary and would be clearly visible from the adjoining rear garden. Furthermore, as a result of the bungalow's position to the south-east, within the sun's path, there would be some overshadowing during the day. However, the bungalow is a single-storey structure with a hipped roof (lowered since originally submitted) and it would be positioned at the end of the adjoining rear garden, some 44m away from the neighbouring dwelling. In the circumstances, it is not considered that the proposal would bring about a significant erosion of residential amenity through loss of light or outlook.
- 6.3.4 There would be no overlooking as only ground floor living accommodation is proposed and appropriate boundary treatment/landscaping would be provided, secured by condition.

### *Impact on nos. 21, 23 & 25 Chantry Avenue*

- 6.3.5 The proposed bungalows would be constructed at a higher ground level than the long rear gardens of the neighbouring properties and would be visible therefrom. However, the bungalows are both single-storey structures with hipped roofs and would be positioned to the north, outside of the sun's path. For these reasons, the proposal would not result in loss of light or outlook to the detriment of residential amenity.

- 6.3.6 There would be no overlooking as only ground floor living accommodation is proposed and appropriate boundary treatment/landscaping would be provided, secured by condition.

*Increased traffic generation*

- 6.3.7 The erection of two bungalows would not result in significant additional vehicle movements and so it is not considered that traffic generated noise would be harmful to the residential amenities of neighbouring properties around the site, including those in Rafati Way.

6.4 Highway Issues

- 6.4.1 Policy CO6 (ii) and TR3 of the Core Strategy seek to avoid prejudice to road and/or pedestrian safety by ensuring adequate, safe access arrangements.

- 6.4.2 A new access from the turning head at the end of Rafati Way would introduce a potential source of danger. However, the proposal is for two bungalows only, which would not result in significant additional vehicle movements. It is also the case that Rafati Way is a residential cul-de-sac where vehicle speeds are likely to be relatively low. As a result of the above, it is not considered that the proposal would prejudice road and/or pedestrian safety.

6.5 Parking Provision

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

- 6.5.2 The scheme would provide two off-street car parking spaces for each dwelling, which would meet the residual needs of the development for off-street car parking.

- 6.5.3 No cycle parking areas have been proposed but these can be secured by condition.

6.6 Impact on Hedges/Trees

- 6.6.1 An Arboricultural Report has been submitted with the application, which assesses the impact of the proposal on existing hedges/trees. This states that the existing trees can be retained provided the recommended mitigation measures are adopted, which can be secured by condition.

- 6.6.2 It is likely that a portion of the hedgerow on the north-western boundary would be lost to accommodate the development but it is not considered that this would have a significant impact on the landscape setting of the site. The occupant of the neighbouring property Elmsted has not agreed to removal of this hedgerow, but ultimately the owner of the site is able to remove that part of the hedge which is on their own land.

## 6.7 Impact on Wildlife

- 6.7.1 A Preliminary Ecological Survey of the site has been carried out. This states that the proposal is unlikely to disturb great crested newts, badgers, bats, barn owls or dormice. No additional surveys are recommended.
- 6.7.2 The proposal has the potential to disturb nesting birds during construction works and there is limited potential for reptiles to be present on the site. Mitigation measures are recommended, which can be secured by condition. The survey lists potential options for enhancing biodiversity, which the landowner and/or developer can be advised of by way of a note attached to the decision notice.

## 6.8 Other Matters

- 6.8.1 Local residents are concerned about problems arising from the construction period (e.g. noise, dust, construction vehicles, hours of working, damage to the road surface of Rafati Way). However, this is a relatively small-scale development where a construction management plan is not considered to be necessary. Nevertheless, this is a case where the provision of wheel washing facilities would be appropriate and this can be secured by condition. Additionally, the landowner and/or developer can be advised to minimise the potential for disturbance to adjoining occupiers by way of a note attached to the decision notice.
- 6.8.2 Local residents are also concerned about surface water run-off impacting properties in Chantry Avenue. The application proposes soakways to deal with surface water. However, as the proposal would result in an increase in built development on the land, and given that the properties in Chantry Avenue are at a lower ground level, a surface water drainage condition is considered to be reasonable and necessary to ensure proper management of the additional surface water run-off that would be created.
- 6.8.3 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 HRAs 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. 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. The proposal is found to have no impact on Lewes SAC. 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.

## **7.0 SUMMARY**

- 7.1 The proposal would make effective and efficient use of the site, would contribute to the supply of housing in the District and would have an acceptable impact on the environment. Subject to appropriate conditions, planning permission should be granted.
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## **8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 8.1 The proposed development is liable for CIL
- 

## **RECOMMENDATION: GRANT (PLANNING PERMISSION)**

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### **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 drawings and document:  
Drawing no. 5684/LBP/A (LOCATION BLOCK PLAN), dated JAN 18;  
Drawing no. 5684/1/D (PROPOSED DWELLINGS – SITE PLAN), dated JAN 18;  
Drawing no. 5684/2/D (PROPOSED DWELLINGS – LAYOUTS), dated MAR 18;  
Preliminary Ecological Appraisal (EA/54917) prepared by The Mayhew Consultancy Ltd, dated January 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 take place, including any ground works or works of demolition until indications of all existing trees and hedgerows on and adjacent to the site including details of those to be retained, together with measures for their protection in the course of development, have been submitted to and approved by the Local Planning Authority and such approved protection measures shall be retained in situ for the duration of construction works.

Reason: This pre-commencement condition is required to ensure that the development takes proper account of existing trees and hedgerows to be safeguarded to enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

4. 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 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 required prior to commencement of works to ensure satisfactory surface water drainage of the site, in accordance with Policy EN7 of the Rother Local Plan Core Strategy.

5. No development shall commence until details of wheel washing facilities 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 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: These details are required prior to commencement of works to ensure highway safety during construction and so as not to unreasonably harm the amenities of adjoining properties, in accordance with Policies OSS4 (ii) and CO6 (ii) of the Rother Local Plan Core Strategy.

6. 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 in accordance with the approved details before the dwellings are occupied and shall thereafter be retained.

Reason: To ensure a high quality public realm taking account of the characteristics of the area and to safeguard the amenities of neighbouring properties, in accordance with Policies OSS4 (ii & iii) and EN3 of the Rother Local Plan Core Strategy.

7. No development above ground level shall commence until details for the landscaping of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) A planting plan with schedule of plants/trees, noting species, plant sizes and positions; and
- b) An implementation programme.

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

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

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

9. In this condition "retained tree" and "retained hedge" means an existing tree or hedge which is to be retained in accordance with the details approved under condition 3; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the development for its permitted use.

- a) No retained tree or hedge 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 or hedge is removed, uprooted, destroyed or dies, another tree or hedging plant shall be planted at the same place and that tree or hedging plant 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 or hedge shall be undertaken in accordance with the details approved under condition 3 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 or hedge.
- 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 the development takes proper account of existing trees and hedgerows to be safeguarded to enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

- 10. The development shall be carried out in accordance with the mitigation measures recommended in Section 8 of the approved Preliminary Ecological Appraisal (EA/54917) prepared by The Mayhew Consultancy Ltd, dated January 2018.

Reason: To avoid any adverse impacts on wildlife that may be present on the site, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy.

- 11. The new access shall be provided in the position shown on approved drawing no. 5684/1/D (PROPOSED DWELLINGS – SITE PLAN), dated JAN 18, and all works undertaken shall be executed and completed to the written satisfaction of the Local Planning Authority in consultation with the Local Highway Authority prior to occupation of the dwellings hereby permitted.

Reason: 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 TR3 of the Rother Local Plan Core Strategy.

- 12. No dwelling shall be occupied until parking and turning areas have been provided in accordance with approved drawing no. 5684/1/D (PROPOSED DWELLINGS – SITE PLAN), dated JAN 18, and the parking and turning

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

Reason: To provide on-site parking and turning areas to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the highway, in accordance with policies CO6 (ii) and TR4 of the Rother Local Plan Core Strategy.

13. No dwelling shall be occupied until cycle parking areas have been provided in accordance with plans or details which have been first submitted to and approved in writing by the Local Planning Authority and the cycle parking 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 Policies OSS4 (i) & TR3 of the Rother Local Plan Core Strategy.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no enlargement, improvement or other alteration of a dwelling, and no garage, building, structure or erection of any kind, as defined within Classes A, B, C and E of Part 1 of the Schedule 2 of the Order, shall be carried out on the site otherwise than in accordance with a planning permission granted by the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring properties and the landscape setting of the development, and to retain appropriate outdoor amenity space for future occupiers, in accordance with Policies OSS4 (i, ii and iii) and EN3 of the Rother Local Plan Core Strategy.

## NOTES:

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
2. With regard to condition 3 the landowner and/or developer is advised that measures for the protection of trees and hedgerows should be based on the details set out in the Recommendations Section of the Arboricultural Report prepared by The Mayhew Consultancy Ltd, submitted with planning application RR/2018/488/P.
3. Any proposed works on or abutting the existing highway will require a Section 184 Licence with the County Council, prior to the commencement of works. Details of construction, surface water drainage, gradients and potential traffic management requirements can all be discussed with East Sussex County Council through the Section 184 Licence process. Any temporary access would also be subject to the Section 184 Licence process prior to any commencement of work.
4. The development will be subject to the requirements of the Building Regulations, and advice should be sought from the East Sussex Building Control Partnership. No work should be carried out until any necessary permission has been obtained.

5. The landowner and/or developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Bank Holidays.
6. The landowner and/or developer 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.
7. The landowner and/or developer should consider post development opportunities for increasing biodiversity on the site, as detailed in Section 9 of the approved Preliminary Ecological Appraisal (EA/54917) prepared by The Mayhew Consultancy Ltd, dated January 2018.

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

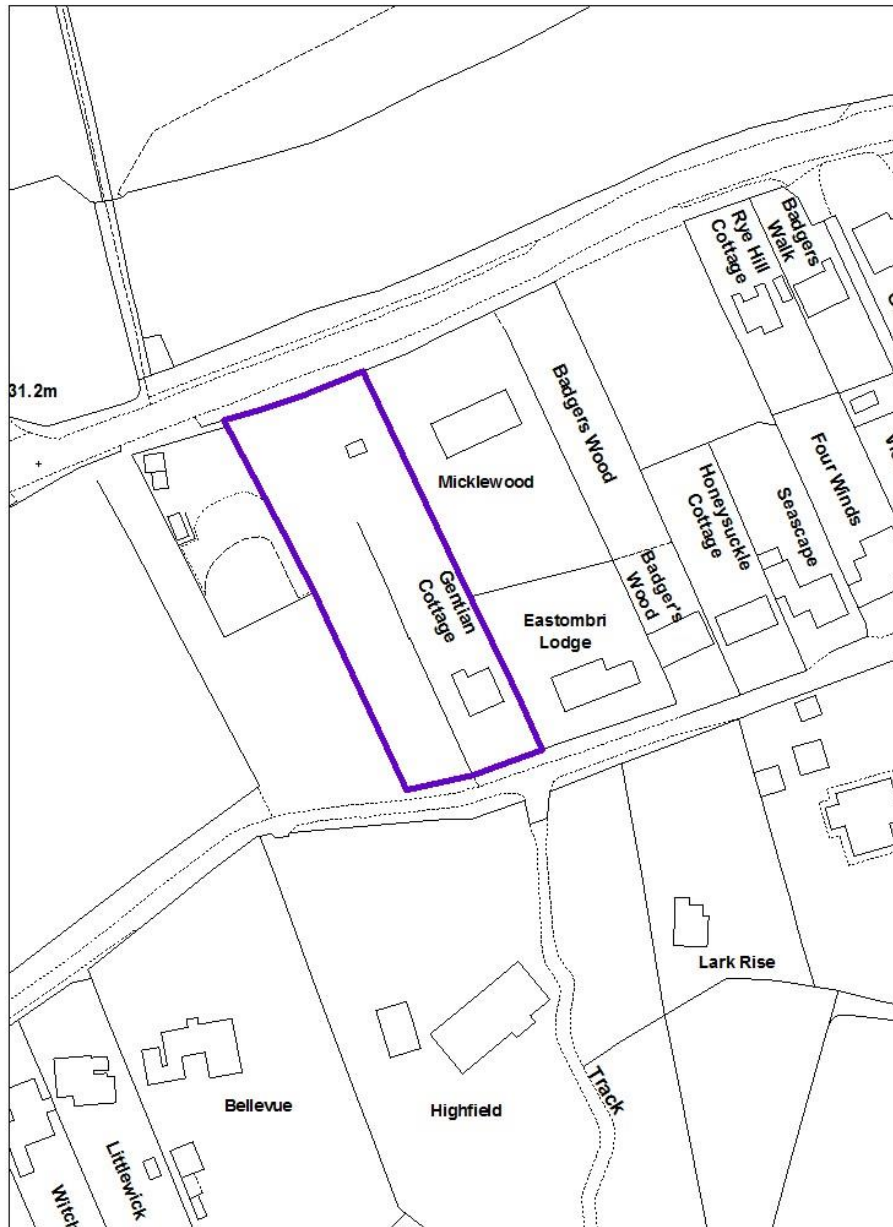
[View application/correspondence](#)

SITE PLAN

Fairlight

RR/2018/576/P

99 Battery Hill, Gentian Cottage



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Not To Scale

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RR/2018/576/P

FAIRLIGHT 99 Battery Hill, Gentian Cottage

Single storey chalet style extension to side and front with dormers in roof.

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<b>Applicant:</b>	Mr S. Joyce	
<b>Agent:</b>	Martin Kenward	
<b>Case Officer:</b>	Mr S. Carey	(Email: <a href="mailto:scott.carey@rother.gov.uk">scott.carey@rother.gov.uk</a> )
<b>Parish:</b>	FAIRLIGHT	

**Ward Member:** Councillors R.K. Bird and C.J. Saint**Reason for Committee consideration:** Member referral – Councillor R.K. Bird.**Statutory 8 week date:** 12 April 2018.**Extension of time agreed to:** 25 April 2018.

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This application is included in the Committee site inspection list.

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## 1.0 POLICIES

- 1.1 The following policies of the Rother Local Plan Core Strategy are relevant to this proposal:
- Policy OSS4 (General Development Considerations);
  - Policy EN1 (Landscape Stewardship); and
  - Policy EN3 (Design Quality).
- 1.2 The following saved policy of the Rother District Local Plan (2006) is also relevant to this proposal:
- Policy HG8 (Extensions and Alterations to Existing Dwellings).
- 1.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.

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## 2.0 SITE

- 2.1 Gentian Cottage is a detached dwelling situated in an elevated position on the southern side of Battery Hill. Although the dwelling is positioned in closer proximity to Hill Road to the north, the front elevation faces towards Battery Hill, and this road is from where the property takes its main vehicular access.
- 2.2 The land immediately to the east, while the same depth as the application site, is sub-divided into two plots, with Micklewood, fronting Battery Hill to the north-east, and Eastombri Lodge, fronting Hill Road, to the east.

### **3.0 HISTORY**

- 3.1 RR/2008/2634/P Erection of two storey extension and associated alterations to domestic dwelling house – Approved 16 October 2010.
- 3.2 RR/2017/2509/P Single storey extension including rooms in roof with gable window, roof lights and dormer – Withdrawn 19 January 2018.
- 

### **4.0 PROPOSAL**

- 4.1 This application proposes the erection of a two storey chalet style extension to the western elevation of the dwelling, including the removal of an existing outbuilding.
- 4.2 The extension would comprise a pitched roof extension, gabled on the front (north-western) elevation, with three pitched roof dormer windows on the south-eastern side elevation. Concrete plain tiles are proposed to match the existing dwelling, with both the new extension and existing external walls being rendered in white.
- 4.3 There is an existing area of decking at the frontage, and a modest area is being retained on the front elevation, with an existing trellis screen being extended at the edge of the decking to provide privacy for the neighbouring property (Eastombri Lodge). A 2.4 metre high trellis fence is also being provided along the boundary to the north-east of the dwelling, where the boundary of Eastombri Lodge and Micklewood meets the eastern boundary of the host property.
- 4.4 The original application proposed included the addition of new decking to the front elevation of the proposed extension. However, due to the sloping nature of the site, this would have meant the decking would have been built up to a higher level, on the same level as the extension floor level. Concern was expressed at the potential for overlooking from the decking towards neighbouring properties to the east. This new decking has since been deleted from the proposal, with the only decking now proposed the area being retained, as mentioned in the above paragraph.
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### **5.0 CONSULTATIONS**

#### **5.1 Parish Council**

##### **5.1.1 No objection (summarised):**

- There is a discrepancy with a previous application, the block plans attached to this application and to the previous recent application RR/2017/2509/P appear to show the existing property to be of a different size and different distance to the boundary of the plot to the west.
- There should be a planning condition that the residential curtilage of the proposed property should not be allowed to encroach into the plot to the west.

- Any comments made by neighbours should be taken into account.

## 5.2 Planning Notice

### 5.2.1 11 objections received (including three from one property, and two from another):

- Does not seem correct in applying for an extension to the principal elevation of a property.
- Gardens at the rear of the surrounding properties slope downhill, away from the properties.
- Proposed extension will extend out on a level plane and tower as a "pier like" structure imposing on people's privacy within the surrounding gardens.
- The extension is planned way beyond the building line of the existing property. We are lower than Gentian Cottage so the extension will be just as intrusive as if a two storey house was built in the front garden.
- We will be totally overlooked and will completely lose our privacy due to the high level of the proposed ground floor and decking.
- The proposed extension does not go into the adjoining woods. but it will be necessary to remove trees to make the extension safe.
- This will impact on the habitat for a range of species that will be lost through the development of the site.
- Proposed front elevation seems to have been turned at right angles to become the side elevation facing directly onto the adjoining neighbour's property.
- All visitors approaching the new front door, and using new raised decking/terrace would overlook neighbours in their lower rear gardens to be overlooked.
- Situation can be remedied by perhaps relocation of the front door and lowering/reducing the decking/terrace.
- Plans show the height of the raised platform to be less than two feet. In reality it will be at least five feet.
- Base of the extension will be nearly the same height as our hedge.
- We would again ask that a site visit is made before planning permission is decided.
- At present the applicant has installed additional floodlighting on the existing building, if allowed on the new extension works it will, in effect, light up most of our property.
- In preparation for this development the applicant has fenced off an area of woodland to the west of Gentian Cottage using chestnut posts, stock netting and barbed wire.
- By enclosing the wood it suggests that the applicant may have plans to extend the residential property into this area at a future date.
- The applicant in erecting this fence has closed off a right of access between Hill Road and Battery Hill without prior consultation or agreement.
- The only vehicular access to this site is from Battery Hill. For some reason this entrance is not shown on the site plans, although it is well established and has been used for many years.
- Assumed that if this planning application is approved all site vehicles will be required to use this access.
- I remain strongly opposed to the creation of a temporary or permanent vehicular access from Hill Road because this traffic would harm the road surface, road edges and verges of a privately owned road.

- Site traffic would be a hazard to local residents, service and emergency vehicles, pedestrians, dog walkers and horse riders.
- 5.2.2 Two letters of general comment have been received:
- 5.2.3 One letter is on behalf of the Hill Road Association (summarised),
- Pleased to note that no new access from Hill Road is at present proposed.
  - Would request that a condition of any approval should be that access during the construction phase is from Battery Hill.
- 5.2.4 The other general comment is from the Chair of the Parish Council:
- Confusingly Gentian Cottage fronts onto Battery Hill, meaning that the front garden of Gentian Cottage runs alongside the back garden of Eastombri.
  - The land slopes downwards from Hill Road to Battery Hill, meaning the proposed extension will be raised above ground level and the proposed decking even further so.
  - Additionally there is a drop from Gentian Cottage to the back garden of Estombri.
  - There is presently a tall privet hedge between the two gardens. I believe the hedge to be on Eastombri's land.
  - I can understand neighbours concerns about overlooking.
  - Should this application be allowed I consider it important that any permitted development rights as to further extension and fenestration are removed.
  - The velux window should have obscured glass to prevent overlooking. I also note that the woodland to the other side of Gentian Cottage (to the south west) has been fenced and I reiterate the Parish Council's concern that the residential curtilage of Gentian Cottage should not extend into the wood.
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## **6.0 APPRAISAL**

### **6.1 Issues for consideration**

6.1.1 This is a revised scheme, following a withdrawal before a decision, of an earlier proposal for a side extension on the western elevation of the property (RR/2017/2509/P).

6.1.2 The main issues to consider are the effect of the proposed development on the character of the host dwelling, visual impact on the locality, and impact on neighbouring properties.

### **6.2 Impact on existing dwelling and locality**

6.2.1 Saved Policy HG8 of the Rother District Local Plan (2006) requires that proposals to extend or alter an existing dwelling be in keeping with the character of the existing dwelling and its surroundings in terms of size, style, design and materials.

6.2.2 Policy OSS4 (iii) of the Rother Local Plan Core Strategy seeks to ensure that development proposals respect and do not detract from the character and appearance of the locality.

- 6.2.3 Policy EN3 of the Core Strategy and Paragraphs 57 and 58 of the National Planning Policy Framework require development to be of good design quality, contributing positively to the character of the site and its surroundings
- 6.2.4 The existing building is brick built bungalow with concrete plain tiles, typical of many of the properties in the locality; although overall the area has no unifying character theme. The proposed chalet-style two storey extension proposes matching roof tiles, and the whole property is to be rendered white, with weatherboarding on the front and rear gable ends. The materials proposed are not unacceptable in this particular location, as there is a variety of materials in use on dwelling, including brick, weatherboarding and render.
- 6.2.5 In terms of size and the impact on the locality, it is accepted that due to the sloping ground levels, the extension would be at a higher level than the rear of the property (fronting Hill Road). However, the dwelling is set away from Battery Hill, and it is not readily visible from this vantage point.
- 6.2.6 The extension proposed is not considered to have a detrimental impact upon the visual amenities of the street scene from Battery Hill, and from Hill Road, while it would be more visible due to the addition to the western elevation, the extension does not exceed the height of the existing ridge, and the dwelling would be more similar to the existing dwellings in terms of size and scale.
- 6.3 Impact on the neighbouring properties
- 6.3.1 The nearest affected properties are Eastombri Lodge to the east, and Micklewood to the north-east.
- 6.3.2 With regard to impact on Eastombri Lodge, this property is built along the same building line as the host property, and is at a slightly higher level. The extension proposed is on the opposite side of this neighbouring property, and while it extends out some 8m, it is also approximately 8m from the shared boundary line.
- 6.3.3 While the extension will be visible from the garden of Eastombri Lodge, it is set far enough away to ensure it will not be overbearing. In addition the height is no higher than the existing dwelling, and as the host property is set at a lower level than the neighbouring property, the extension itself is not considered to detrimentally impact upon the amenities of this property.
- 6.3.4 The amended plans have removed the proposed decking, which alleviates overlooking towards this property, and trellis fencing is proposed to the east of the retained decking area, to provide privacy for the neighbouring property.
- 6.3.5 With regard to impacts upon Micklewood, there is a far greater distance between this property and the host property, some 44m. It is acknowledged however that this neighbouring property is set at a far lower level than the host property, due to the sloping nature of the site.
- 6.3.6 Notwithstanding this, the view is taken that the extension is far enough away to avoid significantly detrimental overlooking towards Micklewood. There is existing vegetation on the boundary to help screen the extension from view, and in addition the 2.4m high trellis fencing proposed on the eastern boundary will add to the screening. In addition, the removal of the decking alleviates overlooking concerns.

## 6.4 Other Matters

- 6.4.1 Mention is made regarding impacts on the woodland to the west of the host property. However, this extension is wholly within the recognised residential curtilage, and should approval be granted, this would not authorise any change of use of the adjoining land.
- 6.4.2 Mention has also been made of the issue of construction traffic. However, the Local Planning Authority would not control how construction traffic and materials are delivered to the site. This would be a private matter between the applicant and other interested parties, such as the Hill Road Association.
- 7.4.3 Concern has been expressed at the use of lighting on the proposed extension. While it is acknowledged that the site is at a higher level than some other adjoining neighbours, the addition of external lighting to the extension in the form of security lighting is not a matter ordinarily requiring planning permission.
- 

## 7.0 **SUMMARY**

- 7.1 The extension proposed is not easily seen from the roadside of Battery Hill, and does not impact upon the visual amenities of the locality. It will be partially seen from Hill Road, however it does not exceed the existing ridge height of the host property.
- 7.2 The removal of the decking has also alleviated overlooking impacts towards Eastombri Lodge and Mickelwood, with trellis fencing to be provided to add further screening for both neighbouring properties.
- 7.3 The form of the extension proposed is not in any manner unusual and as such the proposal accords with the relevant paragraphs contained within the National Planning Policy Framework, Policies EN1 and EN3 of the Rother Local Plan Core Strategy and Policy HG8 of the Rother District Local Plan (2006). The scheme is recommended for approval.
- 

## **RECOMMENDATION: GRANT (FULL PLANNING)**

---

### **CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
Drawing No. PL2098/06 dated 12/10/2017  
Drawing No. PL2098/07B dated 04/04/2018  
Drawing No. PL2098/02C dated 04/04/2018  
Drawing No. PL2098/03B dated 11/02/2018  
Drawing No. PL2098/04C dated 04/04/2018

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. The materials to be used in the construction of the roof of the extension hereby permitted shall match in materials, colour and texture those used in the existing building unless an alternative finish is first submitted to and approved in writing by the local planning authority.

Reason: To maintain the characteristics of the existing building in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy.

4. The extension hereby permitted shall not be occupied until the 2.4m high trellis fencing as shown on drawing ref PL2098/07B dated 04/04/2018 is provided on the eastern side of the retained decking, and on the eastern boundary of the plot.

Reason: To preserve the residential amenities of the neighbouring properties to the east and north-east in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

#### **NOTES:**

1. For clarification purposes, the land edged red as shown on the site plan PL2098/06 dated 12/10/2017 and block plan PL2098/07B dated 04/04/2018 is not considered to be the authorised residential curtilage of 99 Battery Hill, Fairlight.
2. The applicant is advised to consider the impact any proposed security lighting to the extension may have on the residential amenities of neighbouring properties, in particular 'Mickelwood' to the north-east, given the sloping nature of the site.

**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.

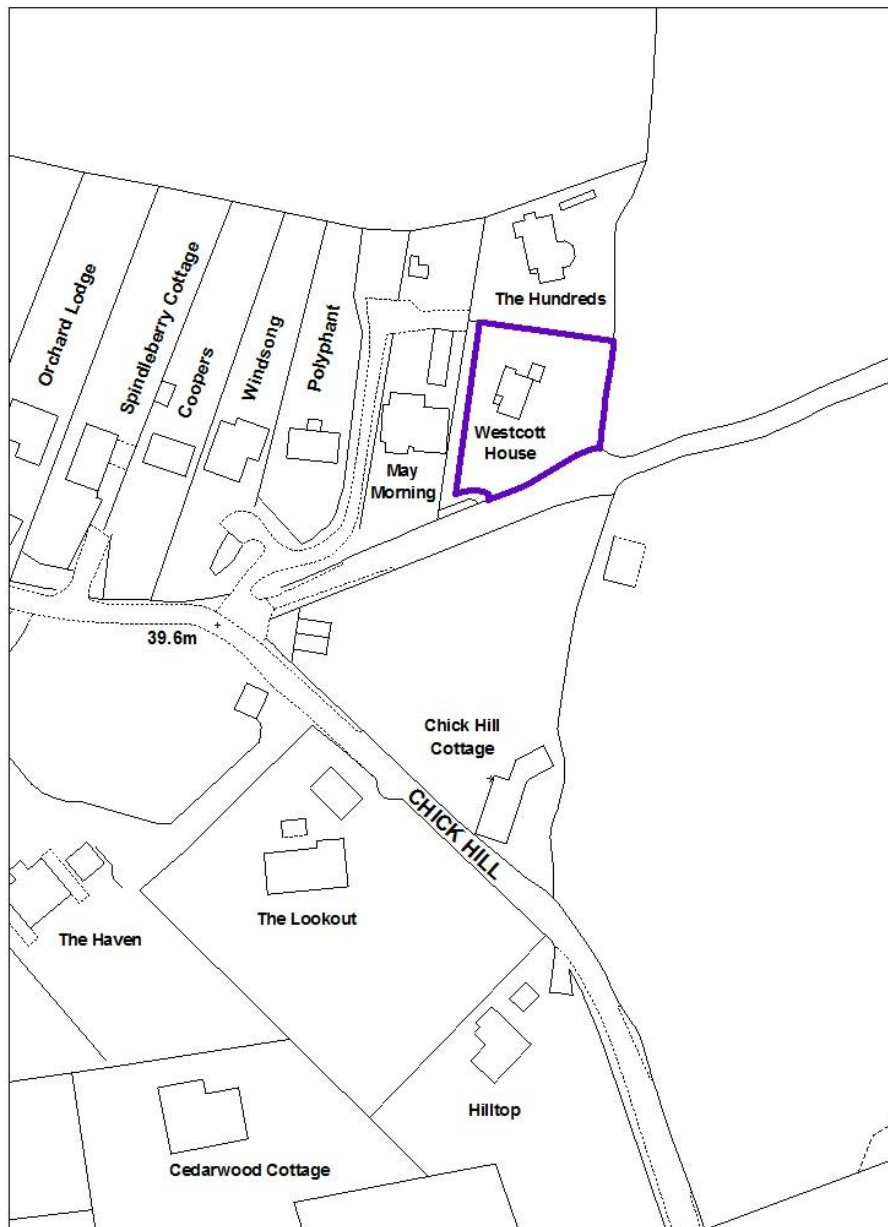
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SITE PLAN

Pett

RR/2018/673/P

Westcott, Chick Hill



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RR/2018/673/P

PETT Westcott, Chick Hill

**Demolition of existing extension, outbuildings and raised balcony. Construct two storey extension and internal alterations.**

**Applicant:** Mr R. Romanoff  
**Agent:** C.L.M Planning  
**Case Officer:** Mr S. Carey (Email: [scott.carey@rother.gov.uk](mailto:scott.carey@rother.gov.uk))  
**Parish:** PETT  
**Ward Members:** Councillors R.K. Bird and C.J. Saint

**Reason for Committee consideration:** Head of Service Strategy and Planning referral: Applicant is related to a Councillor, and the planning agent is related to a member of staff.

**Statutory 8 week date: 23 April 2018**

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## 1.0 POLICIES

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

- Policy OSS4 (General Development Considerations);
- Policy EN1 (Landscape Stewardship); and
- Policy EN3 (Design Quality).

1.2 The following saved policy of the Rother District Local Plan (2006) is also relevant to this proposal:

- Policy HG8 (Extensions and Alterations to Existing Dwellings).

1.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.

---

## 2.0 SITE

2.1 Westcott is a detached house situated in an elevated position with good sea views at the top of Chick Hill, accessed via steps just above an unmade track. The property is outside but adjacent to the High Weald Area of Outstanding Natural Beauty (AONB), with the land immediately to the east and beyond all part of the AONB. Due to the elevated position of the dwelling, the site is visible from this nationally important designation.

---

### 3.0 HISTORY

- 3.1 RR/2011/2067/P Erection of two storey side extension – Approved 8 November 2011.
- 3.2 RR/2017/1118/P Demolition of existing extension, outbuildings and raised balcony. Construct two storey extension – Withdrawn 21 June 2017.
- 

### 4.0 PROPOSAL

- 4.1 This application proposes the erection of a two storey side extension, on the northern elevation of the dwelling. It would replace an existing single storey extension, outbuilding and balcony.
- 4.2 The extension would comprise a linked wing to the main dwelling, and would use white painted brick, render and tile hanging, with a brown clay tiled roof, all to match the existing dwelling.
- 4.3 It has been designed to incorporate gable ends and pitched roofs, in keeping with the architectural style of the existing dwelling. It would be connected to the existing dwelling via a two storey pitched roof link.
- 4.4 A separate application has been submitted relating to the creation of a new access to the property, off the existing farm track (Ref RR/2018/3652/P). This proposal is being dealt with as a separate proposal, considering access issues only and on its own merits.
- 

### 5.0 CONSULTATIONS

#### 5.1 Parish Council

- 5.1.1 *'No objections to the proposed alterations in themselves, however, if planning permission is granted, there will be significant logistic problems for plant accessing the site as at present there is no vehicular access. This could lead to even more serious road safety problems than for the other application'.*

#### 5.2 Planning Notice

##### 5.2.1 Three objections received:

- Hard to see how this application can be considered without reference to RR/2018/362/P for a new access.
- Any construction for an extension will have a grave and irreversible effect on the farm track.
- No vehicle access exists at present for construction traffic.
- How will materials be transported to the site?
- Unless an access solution is agreed, construction traffic will park on Chick Hill which is dangerous.
- An extension cannot proceed unless permission is given for an access off the farm track or public highway.
- Previously existing access track should be reinstated.
- Septic tank at Westcott has limited capacity.

- Surface water off the new extension will cause problems for neighbouring land and will run down to the highway.
- 5.2.2 One comment in support has been received, commenting that the proposal is much more sympathetic and in keeping with style of the existing property than the proposal previously submitted.
- 

## **6.0 APPRAISAL**

### **6.1 Issues for consideration**

- 6.1.1 This is a revised scheme following withdrawal, before a decision, of an earlier proposal designed in a contemporary form including a flat roof (RR/2017/1118/P).
- 6.1.2 The main issues to consider are the effect of the proposed development on the character of the host dwelling and its surroundings including on the setting of the High Weald AONB.
- 6.1.3 The property does have neighbouring properties to the north and west, however due to the proposed siting of the extension, away from the western boundary, and because of existing vegetation on the northern boundary, the extension is not considered to adversely impact upon the amenities of these neighbouring properties.

### **6.2 Impact on existing dwelling**

- 6.2.1 Saved Policy HG8 of the Rother District Local Plan (2006) requires proposals to extend or alter an existing dwelling to be in keeping with the character of the existing dwelling and its surroundings in terms of size, style, design and materials.
- 6.2.2 Policy OSS4 (iii) of the Rother Local Plan Core Strategy seeks to ensure that development proposals respect and do not detract from the character and appearance of the locality.
- 6.2.3 Policy EN3 of the Core Strategy and Paragraphs 57 and 58 of the National Planning Policy Framework require development to be of good design quality, contributing positively to the character of the site and its surroundings
- 6.2.4 The existing building has a strong and individual character, with a steep-pitched tiled roof, having gable-ends with characteristic eaves details, thick timber casement windows and tall brick chimneys. The roof contains the first floor accommodation. The proposed two storey extension seeks to replicate existing architectural features of the main dwelling.
- 6.2.5 In particular, a pitched roof with a gable end is proposed, similar to the pitched roof on the existing west elevation. The ridge height is slightly higher than the gable end on the west elevation; however the ridge height proposed does not exceed the existing ridge height of the existing dwelling. The use of similar materials will also ensure the extension does not detract from the existing visual appearance of the dwelling.

- 6.2.6 In addition, the extension proposed is similar in style to an extension in the same location previously approved in 2011 (RR/2011/2067/P), but which was never implemented. While this revised proposal is larger in depth, and includes the addition of a link between the existing dwelling and the extension, the proportions, ridge and eaves lines of the existing dwelling are maintained.

### 6.3 Impact on the High Weald AONB

- 6.3.1 Policy EN1 (Landscape Stewardship) of the Core Strategy explains that the management of the high quality historic, built and natural landscape character of the district, will be achieved by ensuring the protection, and wherever possible enhancement, of its nationally designated and locally distinctive landscapes and landscape features. These include:

- (i) The distinctive identified landscape character, ecological features and settlement pattern of the High Weald Area of Outstanding Natural Beauty, and;
- (v) Open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes.

- 6.3.2 Due to the dwelling sitting at a significantly higher level than the surrounding area, the dwelling, while not within the AONB itself, is visible within the wider countryside and the High Weald AONB landscape. From the east, the application dwelling and its neighbour are clearly visible on the hill, particularly the white gable end of the neighbouring property. Other properties, at lower level, are also visible and have characteristic red brick or tiling with white joinery and render and pitched tiled roofs. The proposed two storey extension would be visible in this view; however due to the use of matching materials, will not be unduly prominent and would respect existing views of the dwelling. The proposed extension would not have a detrimental impact upon the intrinsic character and beauty of the setting of the High Weald AONB.

### 6.4 Other Matters

- 6.4.1 Objection letters have referred to issues with the existing farm track, the lack of vehicular access and the ongoing planning application for a new access driveway from the farm track.
- 6.4.2 This particular application is being assessed purely on the merits of the proposal as submitted only. The route of construction traffic is not a material planning consideration, and the lack of vehicular access to the site is a matter which the applicant will have to resolve. Suffice to say in the event of an approval being granted, this would not give the applicant any rights over land not within their ownership. Any access issues would be a private matter between the applicant and other landowners affected.
- 6.4.3 An objection letter has made mention of the capacity of the existing septic tank on the land, and surface water run-off. However drainage matters will be an issue for Building Regulations to consider, should planning permission being granted.

## **7.0 SUMMARY**

- 7.1 The extension does not directly affect nearby properties, due to the siting and existing vegetation on the boundary.
- 7.2 It is also proposed to use materials similar to the existing dwelling, and the mass, scale and detailed design of the two storey extension is in keeping with the existing dwelling.
- 7.3 While the two storey extension would be visible from the High Weald AONB, it would blend in with the existing dwelling and is subservient to the house. There will be no harm to the intrinsic character and beauty of this designated area.
- 7.4 As such the proposal accords with the relevant paragraphs contained within the National Planning Policy Framework, Policies EN1 and EN3 of the Rother Local Plan Core Strategy and Policy HG8 of the Rother District Local Plan (2006). The scheme is recommended for approval.
- 

## **RECOMMENDATION: GRANT (FULL PLANNING)**

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### **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:  
Site Location Plan dated 15/01/2018  
Block/site plan dated 19/02/2018  
Drawing No. 878.P01 dated Feb'18  
Drawing No. 878.P02 dated Feb'18  
Drawing No. 878.P03 dated Feb'18  
Drawing No. 878.P04 dated Feb'18  
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in materials, colour and texture those used in the existing building unless an alternative finish is first submitted to and approved in writing by the local planning authority.  
Reason: To maintain the characteristics of the existing building in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy.

### **NOTES:**

1. The applicant is advised that the granting of this permission does not authorise any use of the farm track to the south of the dwelling for construction traffic. Any issues arising from the use of this track is a private

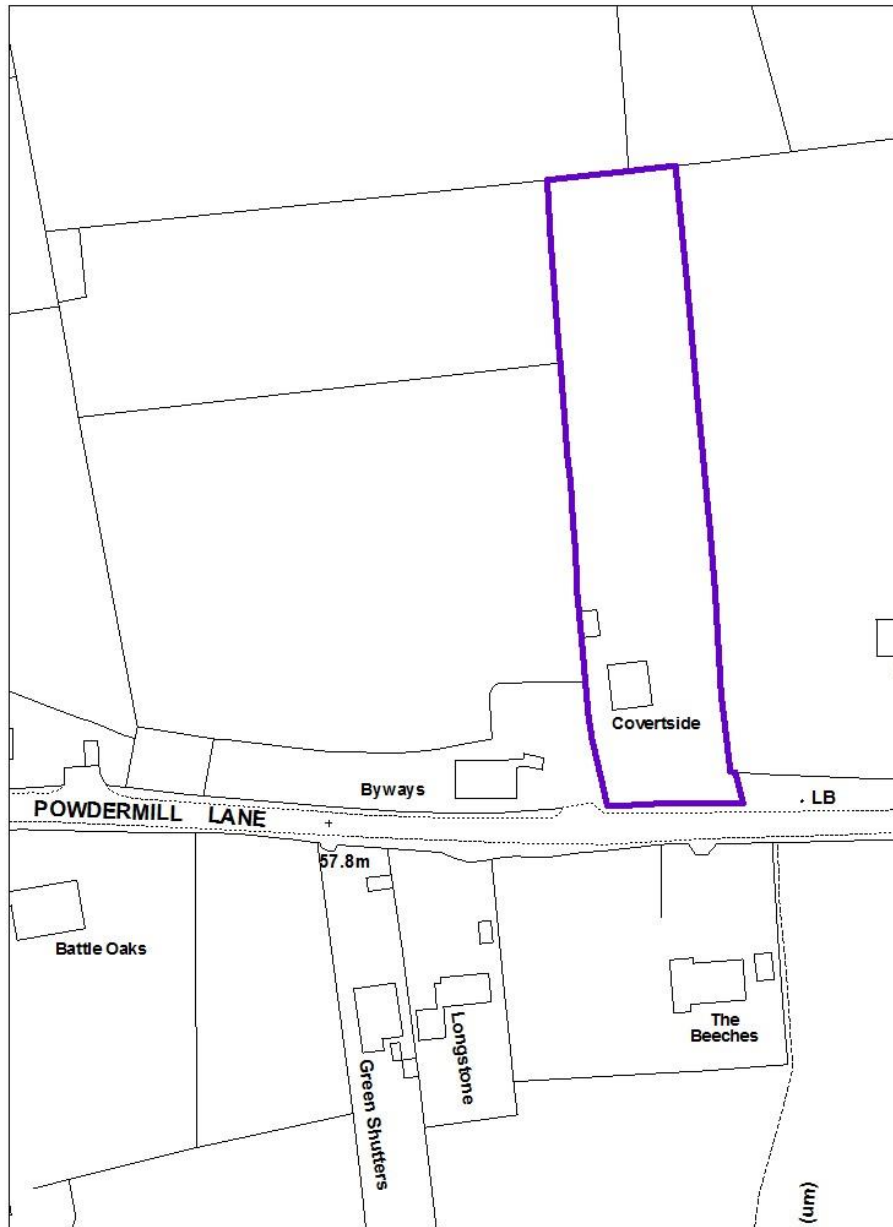
matter between the applicant and any other relevant landowners / parties with an interest in the track in question.

**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	Catsfield
RR/2018/804/P	Covertside, Powdermill Lane



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RR/2018/804/P

CATSFIELD Covertside, Powdermill Lane

Variation of condition 2 imposed on RR/2016/160/P to re-site the proposed dwelling by 1.6 metres from the eastern boundary and 1.8 metres back into the site.

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**Applicant:** Mr S. Anthony and Ms J. Lavocah  
**Agent:** Mr J. Waterhouse  
**Case Officer:** Mr M. Worsley  
(Email: matthew.worsley@rother.gov.uk)  
**Parish:** CATSFIELD  
**Ward Member:** Councillor G.C. Curtis

**Reason for Committee consideration:** The applicant is related to a member of staff.

**Statutory 8 week date:** 8 May 2018

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## 1.0 POLICIES

### 1.1 Rother Local Plan Core Strategy (Core Strategy)

#### 1.1.1 The following policies are relevant to the application:

- OSS4 (general development considerations);
- RA3 (development within the countryside);
- CO6 (community safety);
- EN1 (landscape stewardship);
- EN3 (design quality);
- EN5 (biodiversity and green space); and
- TR4 (car parking).

### 1.2 National Planning Policy Framework (the Framework)

#### 1.2.1 The Framework and Planning Policy Guidance are also material considerations. The various provisions contained within the Framework relating to sustainable development, design and protecting the intrinsic qualities of the countryside and the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB) are relevant.

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## 2.0 SITE

### 2.1 The site lies to the north of Powdermill Lane around 250m east of the junction with the B2204. It is located within the countryside and is within the AONB. There is a single dwelling present on the site with a detached garage block behind and there is a vehicular access on the road frontage.

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### **3.0 HISTORY**

- 3.1 RR/2016/160/P Demolition of existing dwelling and construction of new two storey detached 4 bedroom house and double garage. Temporary caravan for the duration of the construction works – Approved Conditional.
- 

### **4.0 PROPOSAL**

- 4.1 Permission is sought to alter the position of the dwelling granted under RR/2016/160/P so that it would not overlap the footprint of the existing property. The reason for the re-siting is so the applicants would be able to live in the existing property whilst the new one is built. Within the application it is stated that the applicants are willing to enter into a section 106 Planning Obligation to secure the demolition of the existing property upon completion of the new one and extinguish any rights to rebuild.
- 

### **5.0 CONSULTATIONS**

5.1 Parish Council

- 5.1.1 No objection.

5.2 Planning Notice

- 5.2.1 Any representations will be reported.
- 

### **6.0 APPRAISAL**

- 6.1 The main issues to consider include the impact of the proposed development on the character and appearance of the locality, including the landscape and scenic beauty of the AONB, the living conditions of occupants of neighbouring properties, highway safety and biodiversity.

6.2 Character and Appearance

- 6.2.1 The principle of replacing the existing property with a larger dwelling was established under RR/2016/160/P. The new dwelling would be of the same scale and design as that previously granted. The change in siting would result in the development having the same impact on the character and appearance of the locality and the landscape and scenic beauty of the AONB.

- 6.2.2 Given the countryside location, in the event that planning permission is granted, the applicant would need to enter into a section 106 Planning Obligation with the Council to ensure that the existing dwelling is demolished and any rights to rebuild are extinguished. This is to ensure that an additional dwelling within the countryside is not created.

- 6.2.3 As with the 2016 scheme, it is proposed to remove the roadside hedge in order to improve visibility. The hedge contributes positively to the rural character of the lane. However, it does adversely impact on highway safety

with visibility severely restricted. For this reason the removal of the hedge is justified provided a replacement native hedge is planted behind the visibility splays. This detail could be secured via a planning condition.

### 6.3 Living Conditions

- 6.3.1 Policy OSS4 requires all development to, (ii) not unreasonably harm the amenities of adjoining properties.
- 6.3.2 The revised siting of the dwelling would move it away slightly from the eastern boundary.
- 6.3.3 There are neighbouring residential properties to the east and west of the site and on the opposite side of the road. The properties to the east and on the opposite side of the road would retain sufficient separation from the proposed dwelling to not be adversely affected by direct overlooking, loss of light or the development appearing overbearing.
- 6.3.4 The neighbouring property to the west would be positioned closer to the proposed replacement dwelling. However, a distance of around 24m would separate the two buildings and the tall vegetation screening on the shared boundary would be retained. In any case, no windows would directly face each other and the proposed development should not unreasonably harm the living conditions of the neighbouring occupants in any other way.

### 6.4 Highway Safety

- 6.4.1 The revised siting would not alter the access and parking arrangements previously granted. The details could be secured via conditions.

### 6.5 Biodiversity

- 6.5.1 The proposed works to hedges and trees on the site would remain the same as those detailed under RR/2016/160/P. The details could be secured via conditions.

### 6.6 Conditions

- 6.6.1 Relevant conditions from RR/2016/160/P will need to be repeated and adjusted accordingly.

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## 7.0 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

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

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## 8.0 **SUMMARY**

- 8.1 The proposed alteration to the siting of the previously granted replacement dwelling would have the same impact on the character and appearance of the locality, including the landscape and scenic beauty of the AONB, the living conditions of the neighbouring properties, highway safety and biodiversity.

- 8.2 Given the countryside location, and that the new dwelling would not overlap the existing, a section 106 Planning Obligation will need to be secured to ensure the existing dwelling is demolished on completion of the new one and any rights to rebuild are extinguished.
- 8.3 The development complies with Core Strategy policies and the various provisions contained within the Framework and hence, for the reasons explained within this report, the application can be supported.

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**RECOMMENDATION: GRANT (FULL PLANNING) DELEGATED (S.106 PLANNING OBLIGATION TO REQUIRE THE EXISTING DWELLING TO BE DEMOLISHED AND ANY RIGHTS TO REBUILD TO BE EXTINGUISHED)**

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**CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of the operative permission RR/2016/160/P.  
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 plan:  
Drawing no. 15.708/03 B dated March 2018; and  
Drawing no. 15.708/04A dated March 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, including the demolition of the existing dwelling, until tree protection barriers and ground protection measures have been provided in accordance with sections 10, 13 and 14 and Appendix B, F and G of The Mayhew Consultancy Ltd Arboricultural Report dated January 2016 (ref. AR/41915).  
Reason: Commencing development before tree protection measures are provided could adversely impact on the health and condition of the trees. The tree protection measures will protect the condition of the trees in accordance with Policy EN5 (viii) of the Rother Local Plan Core Strategy and paragraph 118 of the National Planning Policy Framework.
4. The dwelling hereby permitted shall not be constructed until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.  
Reason: To ensure that the new dwelling is in keeping with its surroundings and to preserve the visual amenities of the area in accordance with Policies OSS4 (iii), RA3 (iii) (c), EN1 (i) and EN3 of the Rother Local Plan Core Strategy.
5. The driveway hereby permitted shall be surfaced with a permeable gravel material.

Reason: In order to manage the quantity and rate of surface water run-off in accordance with Policy SRM2 (iii) of the Rother Local Plan Core Strategy.

6. The dwelling hereby permitted shall not be brought into use until the existing roadside hedge has been removed and replaced with new native hedging set behind improved visibility splays. The access shall not be brought into use until a plan showing the position of new native hedging has been submitted to and approved in writing by the Local Planning Authority. The plan shall be accompanied by a detailed specification of the species, sizes, number and density together with an implementation programme. The new hedge shall be planted in accordance with the approved details.

Reason: In order to compensate against the loss of the roadside hedge, which contributes positively to the character and appearance of the locality and in the interests of highway safety in accordance with Policies OSS4 (iii), CO6 (ii) and EN1 (i) of the Rother Local Plan Core Strategy.

7. If within a period of five years from the date of the planting of any hedge that hedge, or any hedge 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 hedge 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: In order to compensate against the loss of the roadside hedge, which contributes positively to the character and appearance of the locality in accordance with Policies OSS4 (iii) and EN1 (i) of the Rother Local Plan Core Strategy.

8. The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with the approved plan, drawing no. 15.708/03 B dated March 2018, for the parking and turning of vehicles and it shall thereafter be retained for those purposes only.

Reason: To provide adequate on-site parking and 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 CO6 (ii) of the Rother Local Plan Core Strategy.

9. The dwelling hereby permitted shall not be occupied until bin storage facilities are provided in accordance with the approved plan, drawing no. 15.708/03 B dated march 2018.

Reason: To preserve the visual amenities of the area in accordance with Policies OSS4 (iii) and EN1 (i) 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 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.

3. 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.
4. 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.
5. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

#### **NATIONAL PLANNING POLICY FRAMEWORK:**

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