

Report to	-	Planning Committee
Date	-	31 May 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**

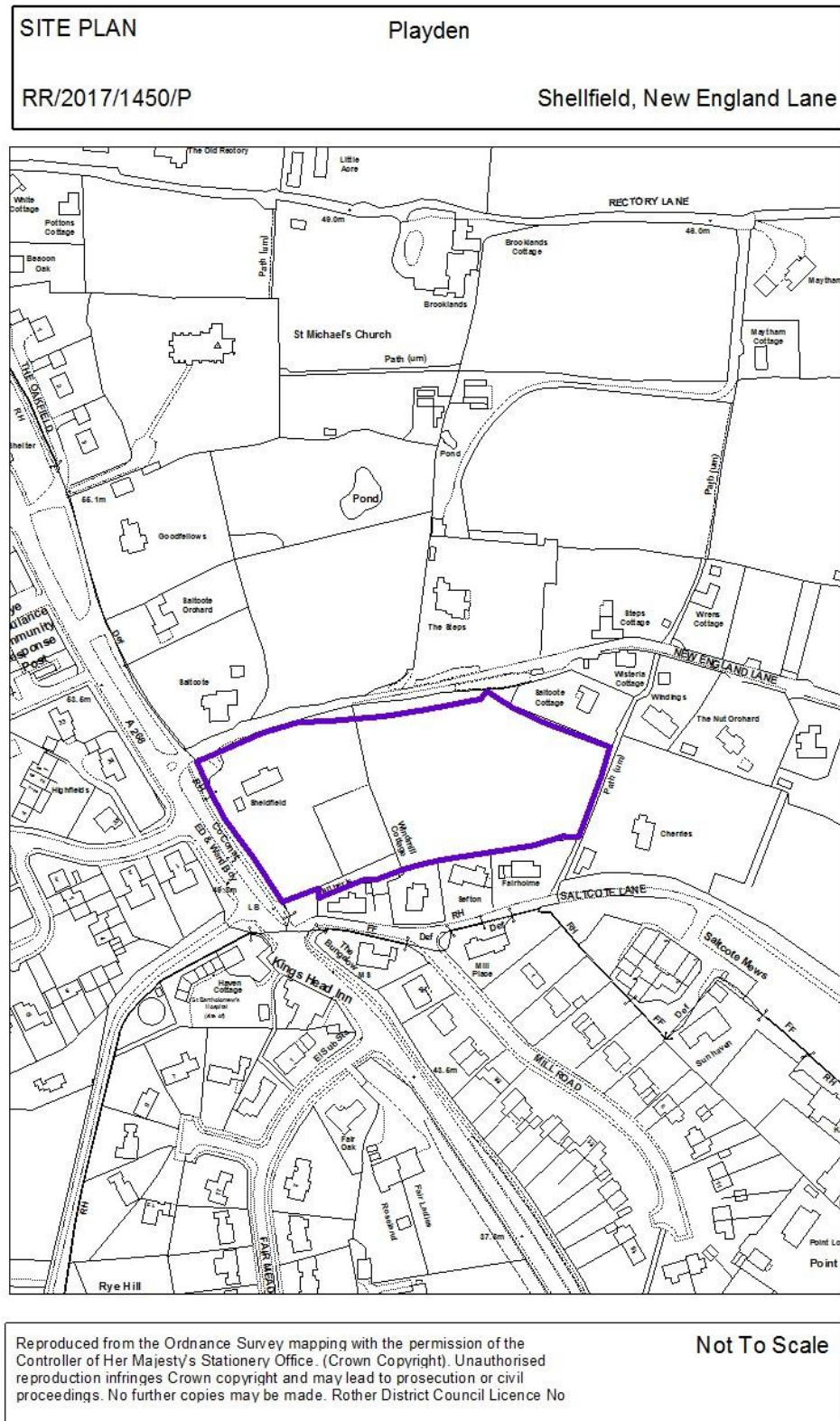
The report on planning applications is presented in the following order as shown below:

## **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/2017/1450/P</u></a>	4	PLAYDEN	Shellfield, New England Lane.

## **6.2 ALL OTHER APPLICATIONS**

<b>REFERENCE</b>	<b>PAGE</b>	<b>PARISH</b>	<b>SITE ADDRESS</b>
<a href="#"><u>RR/2017/2390/P</u></a>	38	BATTLE	North Trade Road – Land south of.
<a href="#"><u>RR/2017/2255/P</u></a>	72	PEASMARSH	Dew Farm, Dew Lane.
<a href="#"><u>RR/2017/2493/P</u></a>	93	DALLINGTON	Rabetts Farm, Battle Road.
<a href="#"><u>RR/2018/929/P</u></a>	109	WESTFIELD	Hoads Farm – Mobile Unit 1, Moat Lane.
<a href="#"><u>RR/2016/3026/P</u></a>	117	PLAYDEN	Rother Meads Tennis & Games Club, 115 Military Road.
<a href="#"><u>RR/2018/979/P</u></a>	134	BEXHILL	55 Eastergate.
<a href="#"><u>RR/2018/895/P</u></a>	140	CROWHURST	Moorings, Forewood Lane.



RR/2017/1450/P

PLAYDEN Shellfield, New England Lane

**Outline: Demolition of existing dwelling and erection of up to 24 No. new houses and associated external works.**

**Applicant:** Lucas Design & Construction  
**Case Officer:** Mr John McSweeney  
(Email: john.mcsweeney@rother.gov.uk)  
**Parish:** PLAYDEN  
**Ward Member(s):** Councillors Mrs S. Hart and P.N. Osborne

**Reason for Committee consideration: Member referral: Councillor Mrs S. Hart**

**Statutory 13 week date: 16 October 2017**  
**Extension of time agreed to: 6 June 2018**

This application is included in the Committee site inspection list.

## **1.0 POLICIES**

- 1.1 The following 'saved' policies of the adopted Rother District Local Plan 2006 are relevant to the proposal:
- DS3 – Use of development boundaries.
- 1.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS2 – Use of development boundaries.
  - OSS3 – Location of development.
  - OSS4 – General development considerations.
  - RA1 – Villages.
  - RA3 – Development in the countryside.
  - LHN1 – Achieving mixed and balanced communities.
  - LHN2 – Affordable housing.
  - EN1 – Landscape stewardship.
  - EN2 – Stewardship of the historic built environment.
  - EN3 – Design quality.
  - EN5 – Biodiversity and green space.
  - TR3 – Access and new development.
  - TR4 – Car parking.
- 1.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. The following paragraphs of the National Planning Policy Framework are particularly relevant to the proposal:
- Paragraphs 7-14, 17 core planning principle for sustainable development.
  - Paragraphs 17, 32, 35 & 38 transport and parking.

- Paragraph 47 delivering a wide choice of high quality homes via 'deliverable and developable' sites.
- Paragraph 49 five-year supply of deliverable housing sites.
- Paragraphs 56, 57, 58, 60 & 61 design.

#### 1.4 The emerging Rye Neighbourhood Plan.

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## 2.0 SITE

- 2.1 The application site measures around 1.25 hectares in area and currently comprises a single residential property and garden, and an adjoining field. It is located on the northern edge of Rye but within Playden Parish. The site lies to the south side of New England Lane and adjoins the A268 to the west.
- 2.2 The site gently slopes from west to east. New England Lane to the north more steeply slopes down in an easterly direction and is therefore at a significantly lower level than the site. Properties fronting onto Saltcote Lane back onto the southern side of the site, Saltcote Cottage the immediate neighbour in New England Lane adjoins the north-east corner of the site and is set at a lower land level.
- 2.3 A public footpath (no. 12) adjoins the eastern boundary of the site. All public boundaries contain strong hedging and trees.
- 2.4 The site is located outside of any town or village development boundary as defined within the Rother Local Plan (2006). It falls within an Archaeological Notification Area.
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## 3.0 HISTORY

- |     |                |  |
|-----|----------------|--|
| 3.1 | A/70/619       | Outline application for 12 dwellings – Refused.  |
| 3.2 | A/73/1269      | Outline application for 16 dwellings – Approved conditional.   |
| 3.3 | RR/77/1431     | Outline application for 12 dwellings – Refused.  |
| 3.4 | RR/2003/2355/P | Outline: Erection of four detached dwelling with garages including construction of new road and alteration to existing vehicular access – Refused. |
| 3.5 | RR/2004/2199/P | Outline: Erection of dwelling and garage with alterations to existing access – Refused – Appeal dismissed.   |
| 3.6 | RR/2006/1215/P | Erection of double garage and boundary fence – Approved conditional.   |
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## 4.0 PROPOSAL

- 4.1 The scheme as originally submitted sought outline permission for the demolition of the existing dwelling and the erection of 24 dwellings; consent

was sought for access, appearance, scale and layout, therefore only landscaping was reserved for future approval. The application was subsequently amended so that access and layout were the only reserved matters for which approval was being sought.

- 4.2 The application was amended for a second time with outline permission now finally being sought for the demolition of existing dwelling and erection of up to 24 new houses with *all* matters other than access reserved for future approval.
- 4.3 Vehicular access is proposed via the existing vehicular access off New England Lane which will be upgraded and widened as part of the proposal. The carriage at the junction of New England Lane and the A268 is centrally split into two routes by a grass island; both of these carriageways are too narrow to accommodate two-way traffic. As a result of this the junction is to be realigned as part of the proposal to create a standard junction arrangement with the grass island removed. This access point has remained unchanged since the first submission.
- 4.4 A final indicative layout plan has been submitted, which shows properties facing onto a central spine road, with separation distances to all common boundaries in excess of 15m. It also indicates that existing vegetation on the north, east and west boundaries will be retained.
- 4.5 The application is accompanied by a Planning, Design and Access Statement, Transport Report, Flood Risk Assessment, Ecological Appraisal, Arboricultural Method Statement, a Desk Based Archaeological Assessment and an Archaeological Trial Trench Evaluation.

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## 5.0 CONSULTATIONS

### 5.1 Town and Parish Councils

#### 5.1.1 Playden Parish Council comments of 8 August 2017:

*General comment*

*At the Playden Parish Council meeting held on 3 August 17 over 70 members of the public attended to discuss and voice their objections to the proposed development. There were no attendees in favour. The objections have not been listed here but are those expressed in the submissions already made on the planning website.*

*Due to two members of the Council declaring an interest in this application the Council was inquorate and could not make a formal decision. The remaining two councillors strongly object to the application and wished to highlight the depth of feeling of the attendees against the proposed development.*

*In accordance with the protocol set up regarding the Rye Neighbourhood Plan I have contacted the Clerk of Rye Town Council and they will be discussing this in early September.*

#### 5.1.2 Playden Parish Council comments of 12 April 2018:

*General comment.*

*At the Playden Parish Council meeting held on 5 April 18 over 30 members of the public attended to discuss and voice their objections to the amended plans for proposed development.*

*Due to illness and declared interest by two councillors the Council was inquorate and could not make a formal decision. The remaining Councillor wished to register the depth of feelings of the attendees against the application.*

*The Council understands that most attendees have individually written to the planning department to detail their reasons for objection. Listed below is a summary of the concerns raised during the public adjournment.*

*The density of the housing causing a lack of privacy and existing residents being overlooked.*

*Playden has not been identified as requiring more housing.*

*The infilling of a green gap between housing.*

*Concerns over the degree of independence of any report (i.e. the recent archaeological report) when this is paid for by the developer.*

*Concern that the Highway report was carried out over a short period and not at the busiest time of the year for traffic.*

*Concerns over the same planning reference number being used and therefore people not knowing that there have been revised plans submitted.*

*It was also highlighted that there had been recent problems with the sewage pipes being blocked in New England Lane adjacent to the development area and the route of the planned drainage for the site.*

*Concern regarding the lack of one or two bedroom affordable housing in the outline plan versus a number of four or five bedroom properties which seemed to indicate a drive for maximum profit not actually matched by local need.*

#### 5.1.3 Rye Foreign Parish Council:

*We feel with all the development happening on the A268 between New England Lane and Leasam Lane. Consideration to the increased traffic turning into and out of the Care Centre and Medical Centre is relevant to this new application.*

#### 5.1.4 Rye Town Council:

Object.

The emerging Rye Neighbourhood Plan supports the retention of green spaces on – or in close proximity to – the Rye Parish boundary.

#### 5.2 Natural England:

##### 5.2.1 No representations received.

#### 5.3 Southern Water:

##### 5.3.1 Any comments will be reported.

#### 5.4 Sussex Police

##### 5.4.1 In general support of the proposal but at the reserved matters stage the Police would encourage the applicant to consider including appropriate crime prevention measures to help create a safe and secure environment, using

the principles of Secured by Design and the seven attributes of safe, sustainable places.

5.5 East Sussex Fire Brigade

5.5.1 No representations received.

5.6 East Sussex County Council (ESCC) – Highway Authority

5.6.1 No objection subject to the imposition of conditions. Their more detailed comments are:

Access

*The site is located on the southern side of New England Lane, in close proximity to the New England Lane/A268 junction. The site would be accessed via the existing vehicular access off New England Lane which will be upgraded as part of the proposal.*

*In order to determine the visibility splay requirements either side of the access an Automatic Traffic County survey has been undertaken on New England Lane. The survey recorded 85<sup>th</sup>%tile speeds of 21.9mph and 20.1mph in the eastbound and westbound directions.*

*In accordance with Manual for Street a visibility splay of 2.4m x 21m is required to the right of the access and the submitted plan demonstrates that this is achievable. The visibility splay to the west of the access will also be cleared of vegetation to maintain the sight line in this direction.*

*The layout of the New England Lane/A268 junction close to the site access is less than ideal as there is a grass island centrally which splits the carriageway into two routes, both of which are too narrow to accommodate two-way traffic. As a result the junction is to be realigned as part of the proposal to create a standard junction arrangement with the grass island removed. The ESCC Road Safety team are supportive of this.*

*An amended plan has been received (Drawing No. 2017/3631/002 C) showing the realigned New England Lane/A268 junction. A Road Safety Audit (RSA) of the original access arrangement was carried out and an addendum has been submitted which takes into account the alterations to the New England Lane/A268 junction. The RSA has raised only minor issues which have been addressed in the designer's response.*

*Tracking drawings have also been provided to demonstrate that the realigned junction and access arrangement are able to accommodate all turning manoeuvres by cars and large refuse vehicles. My only concern is that the tracking indicates that the refuse vehicle overhangs the carriageway very close to the pedestrian crossing point within the site when entering from the south and existing to the north. The tracking also indicates that there is very little scope for a refuse vehicle to pass any vehicles approaching from the opposite direction. The submitted plan indicates that the access width is 4.8m rather than the 5.5m indicated in the Transport Report (TR). To enable larger vehicles to enter and leave the site in a safer and more convenient manner the access road should be widened to 5.5m as described in the TR. The pedestrian crossing point may also benefit from being relocated slightly further to the south of the access.*



*The stretch of the A268/Rye Road serving the site is subject to a 30mph speed limit; however, in order to determine actual vehicle speeds an ATC survey has been carried out over a 7 day period. The survey results indicate 85%tile speeds of 38.5mph northbound and 35.6mph southbound. The survey therefore indicates that vehicle speeds are significantly higher than the 30mph limit; however, as visibility splays available either side of the New England Lane/A268 junction measure in excess of the requirements of both Manual for Streets 2 and Design Manual for Roads and Bridges (2.4m x 90m) this does not give me any cause for concern.*

*It is noted that the speed limit on New England Lane changes from 30mph to a derestricted 60mph limit close to the junction with the A268. The speed limit on the new development needs to be appropriate. If the development is to be provided with street lighting then 30mph terminal signs will be all that is required. If no lighting is provided then a Traffic Regulation Order is required to relocate the speed limit and repeater signs will be needed. This will require further investigation; however, the applicant should be aware that they would be responsible for meeting all costs associated with this process which is a minimum of £5,000.*

*Overall I have no major concerns regarding the proposed access arrangement and the alterations to the New England Lane/Rye Road junction from a highway safety perspective. However, this is subject to the outcome of a Stage 2 Road Safety Audit which will be required as part of the S278 Legal Agreement needed to construct the access and the off-site works.*

#### *Traffic generation and highway impact*

*The traffic survey carried out on Rye Road recorded all vehicle movements passing the site in both directions to determine the level of traffic during a typical weekday period. This indicates that two-way traffic flows during the peak periods are as follows – 600 in AM peak and 624 in the PM peak.*

*A traffic survey was also carried out on New England Lane to determine existing traffic flows. The result of the survey indicate that the traffic flows on New England Lane associated with the existing 19 dwellings within the cul-de-sac are currently seven trips in the AM peak and seven trips in the PM peak. Using the same trip rates obtained from this survey the proposed development will generate approximately nine trips in the AM peak and 10 trips in the PM peak. In comparison the trip rates obtained using the TRICS data base indicates that the development will add approximately 12 trips in the AM peak and 11 in the PM peak.*

*Based on the above, the traffic flows on New England Lane post development will be in the region of 16 to 19 trips in the AM peak and 17 to 18 trips in the PM peak.*

*No further assessment of the New England Lane/A268 junction was carried out as part of the proposal; however, as the level of traffic using New England Lane post development will remain low and considering the relatively low level of traffic on the A268 I do not have any concerns regarding the functionality of the junction from a capacity perspective or the impact on the highway network further afield.*

*I am aware that a new Day Care Centre is proposed a short distance to the north of the site and that this will generate some additional traffic on the A268; however, the assessment carried out as part of the proposal indicates that this is likely to be approximately two trips in the AM peak period and 4/5 trips in the PM peak. As a result the impact on the surrounding highway network is unlikely to be perceptible.*

*Overall I have no major concerns regarding the level of traffic generated by the development and its impact on the site access, the New England Lane/A268 junction or the surrounding highway network.*

Additionally:

Internal layout

There are no major concerns regarding the internal layout; however, observations are made in respect of parking spaces parallel to the carriageway, manoeuvring space behind parking spaces, width of main spine road, waste collection points, and construction standard of roads.

Parking

The parking demand calculator indicates that a housing mix of 15 x five bed houses, five x four bed houses and 14 x three bed houses requires 60 parking spaces (48 allocated and 12 unallocated).

The submitted plan indicates that 47 open parking spaces are proposed with 15 garages. It should be noted that garages now only count towards 1/3 of a parking space. With this in mind some of the garages will need to be replaced with car ports to satisfy the parking requirements.

The level of cycle parking will need to meet the requirements of the ESCC standards.

Accessibility

It is observed that 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 residents.

The Highway Authority conclusion is:

*I have no major concerns regarding the proposal and therefore do not wish to raise an objection; however, this is subject to the above comments and recommendations being taken into account as well as conditions being imposed.*

Suggested conditions relate to, access, visibility, junction works, car and cycle parking, turning space, internal road works, construction management plan and section 278 Agreement.

5.7 ESCC – Lead Local Flood Authority (LLFA)

5.7.1 No objection. 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.

5.8 ESCC – Archaeologist

#### 5.8.1 Initial comments of 24 July 2017:

Recommend for refusal due to insufficient information – the applicant has failed to meet the requirements of section 128 of the National Planning Policy Framework and it is not possible to clarify the impact of the proposal on heritage assets or archaeological remains.

*“In the light of the potential archaeological interest of this site, it is my opinion, that it is important to follow the requirements set out within National Planning Policy Framework (the Government’s planning policies for England) and ask the developer to undertake an archaeological field evaluation to clarify the archaeological significance of the site. This evaluation should be undertaken before the application for planning permission is decided, so that archaeological issues can be fully considered when the planning decision is made.”*

#### 5.8.2 Further comments of 2 May 2018:

Recommend for approval in principle subject to the imposition of conditions. The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions.

*“Further to my previous consultation letter dated 24/07/2017, where I recommended refusal due to a lack of clarity on this site’s archaeological interest, the applicant has now commissioned an archaeological evaluation excavation which was carried out by Surrey Council Archaeological Unit. The evaluation has identified buried archaeological remains, which relate to prehistoric, Roman and medieval activity on this site, some of which is industrial in nature. However although remains are relatively well preserved, I do not consider any meet the criteria set out in section 139 of the National Planning Policy Framework, i.e. they are not of national significance and would not inhibit development of this site.*

*However the remains are of local archaeological interest and will be destroyed if the site was developed. Therefore following the requirement of section 141 of the National Planning Policy Framework, these remains need to be archaeologically excavated and recorded in advance of development of this site. The evaluation has identified remains in most areas of the site, and therefore I will be requiring a full archaeological strip, map and sample excavation of this site.*

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

#### 5.9 ESCC – Rights of Way

##### 5.9.1 *“Public Footpath Playden 12 runs along the outside of the eastern boundary of the site. From the details provided the path appears not to be affected*

*and on that basis confirm that we have no comments or objections in response to the application.”*

5.10 ESCC – Housing Commissioning Team

5.10.1 No representations received.

5.11 Clinical Commissioning Group

5.11.1 No representations received.

5.12 Programme and Policy Office (Housing) (summary)

5.12.1 In principle support the proposal, subject to amendments as detailed below;

*“Total provision of affordable housing is 9.2*

*Based on the net number of dwelling (23) with 40% affordable, the total onsite housing provision should be nine dwellings.*

*Commuted sum required payable in lieu of onsite housing provision, to be determined as part of completing the section 106 agreement – 20% of one unit.*

*Housing Development requires a mix of smaller units as well as larger dwellings to support current housing need. The mix required is shown below. This mix is based on locally identified housing need.*

Housing provision	Affordable rented	Intermediate housing (to include shared ownership)
One bedroom house/apartment	2	0
Two bedroom house	2	2
Three bedroom house	1	1
Four bedroom house	1	0
<b>Total</b>	<b>6</b>	<b>3</b>

5.13 The Ramblers Association

5.13.1 No representations received.

5.14 Planning Notice

5.14.1 A petition of objection to the proposal signed by 32 individuals has been received. The lead petitioner will have the opportunity to speak at the Planning Committee meeting.

5.14.2 The reasons for objection stated within the petition are:

- Playden has not been allocated any sites for development/housing by Rother District Council (RDC). The proposed site is not residential in nature.
- It is vital to maintain the 'strategic gap' between Rye and Playden, in order to preserve each community's distinct character. The application would breach RDC's Core Strategy RY1 (iii) by damaging "the distinctive landscape setting of the town [Rye]".
- The application contravenes several RDC, National Planning Policy Framework and Rye Town Council planning policies, strategies or rules.
- The site and adjacent area is one of immense historical, archaeological and environmental importance. The site is close to the Dungeness, Romney Marsh and Rye Bay Sites of Special Scientific Interest and the High Weald Area of Outstanding Natural Beauty. Playden is a Domesday Village.
- The impact of traffic, congestion and vehicle-related pollution has been significantly underestimated by the applicant.
- Drainage provision and surface water mitigation for this development will be significant and will prove very costly. Current public drainage and anti-flood measures are insufficient.
- The size of the development, size of buildings and the mix of dwellings are inappropriate. Loss of sunlight, overshadowing, overlooking, loss of privacy, light pollution and noise and disturbance will severely impact neighbouring properties and the local community.

5.14.3 The application has been subject to two variations, which were both subject to further public consultation. The original scheme attracted 103 letters of objection, the first revision 73 letters of objection and the latest revision 47 letters of objection.

5.14.4 The ground of objection in relation to the development of this site for housing can be summarised as follows:

*Character of area*

- 24 houses is entirely out of keeping with the local environment, nature and character.
- Unacceptable loss of rural character.
- Density totally out of character.
- Massive over-development.
- Mini estate.
- Lead to a conurbation of the village of Playden and the town of Rye.
- Playden would become a suburb of Rye.
- Does not maintain the distinctive landscape setting of Rye – would damage the important visually open settlement edge and rural fringe of Rye.
- The removal of the grass island at junction of New England Lane and A268 would be a very sorry loss of a feature of this ancient village.
- Intensive form of development, more appropriate to an urban setting.
- Removal of grassed triangle will completely change the street scene and turn a rural ancient lane into a congested urban estate entrance.

*Traffic*

- Traffic assessment was taken on the highly seasonal A268 over three days, mid-week, out of season.
- The traffic-flow data suggested for the new development seems improbable.

- Additional traffic will have a material impact on the operation of the local highway network.
- Potential traffic bottleneck nightmare.
- Increase traffic on this lane, concern to pet owners and child safety.
- Increased traffic at the junction of New England Lane and the A268.
- Insufficient parking allocation.
- Local bus services are infrequent.
- Traffic assessment gives no consideration to the traffic to be generated by the planning permission granted to the new day care centre.
- Traffic assessment is flawed, as no account has been taken of traffic generated from tourism.
- The survey used for the traffic analysis is incomplete leading to flawed conclusions.
- Traffic leaving the site would endanger pedestrians using the footway along Rye Road.
- Will lead to further accidents.
- All journeys would be by car.
- Development favours use by car over cycle or pedestrian.

#### *Residential amenities*

- Overlooking.
- Loss of light.
- Loss of privacy.
- Pollution and noise disturbance.
- Overbearing.
- Loss of outlook.

#### *Ecology*

- Open space and wildlife will be damaged by this proposed development.
- The ecological contribution of the wild cherry trees on the site is understated. They provide food for birds, mammals and insects.
- Loss of natural hedgerows.
- Landscaping plan appears to be solely for screening purposes rather than for biodiversity purposes.
- Further bat and badger surveys are required.
- Loss of trees.
- Bats are present on site.

#### *Archaeology*

- In 1977 and 1978 archaeological artefacts were found in at least four locations on the development site.
- Playden is an ancient and historic Domesday village and there is evidence that the location has been frequented by humans for at least 4,000 years and probably longer.
- Archaeological artefacts have been found within sites bounding the application site.
- There is speculation that a Roman villa may have been sited in Playden.
- The landscape, including the application site, should be declared a Heritage Asset by RDC, owing to the land's heritage interest.
- New England Lane is a historic sunken lane.
- Archaeological dig did not include garden area of Shellfield.

#### *Other issues*

- Set precedent.
- Is there a need for 24 houses in Playden.
- Several brown field sites within Rye itself, which could be redeveloped and which would be closer to local amenities and require less transport.

- Health centre already under pressure.
- Lack of employment in Rye.
- Cause light pollution.
- Put additional pressure on drainage and sewerage system which is already overused.
- Will remove rural feel of this historic lane.
- Loss of a perfectly lovely house that fits in with the character of the area.
- Would lose the lanes identity as a semi-rural beautiful place to live.
- Outside the defined development boundary.
- Urbanisation of the site/area.
- Noise pollution.
- Pollution from added vehicles.
- This site has not been included within the Rother Development and Site Allocations (DaSA) Local Plan.
- Outside of the built up area, and the development boundary of Rye, goes against the objective of Policy RY1 and would also have a negative impact upon the overall objectives to reduce traffic congestion and promote alternatives to travel by car.
- Priority should be given to making the best use of urban land, especially through the use of previously development land – this site is neither urban land nor previously developed.
- Some distance from the main facilities and services of Rye.
- No public consultation prior to its submission.
- Shellfield is of architectural importance.
- Back garden development should be discouraged.
- Previous applications for a single house have been refused.
- Stain on local schools.
- Geological survey should be done – development could cause landslips.
- Design of houses uninspired.
- Agricultural land.
- Fails to meet the National Planning Policy Framework sustainable development requirements – Economic role, Social role and Environmental role.
- Rye Neighbourhood Plan states: *To protect the profile of Rye; it is important to retain current strategic green areas as gaps between parishes, particularly with Playden, East Guldeford, Camber and Udimore.*
- Suggested mix of dwellings is inappropriate.
- Proposed sewer connection is into the main drain running down New England Lane. This will require the destruction of the high ancient bank and the excavation of the lane itself.
- Surface water issues in the locality.
- No landscape visual impact assessment has been submitted.
- Views of site afforded from public footpath.
- Loss of views.
- Disruption during construction.
- The Strategic Housing Lane Availability Assessment (SHLAA) concluded that this site was not suitable for housing.
- The length of time it has taken to determine this application.
- The latest public consultation period for comments has been cut to only 14 days. This is an outrageous move.
- Latest amended plan contains only a single diagram which is not even accurate and there are no written details.

- Neighbouring properties have been incorrectly or are missing names.
- De-value neighbouring properties.
- Playden is a Domesday Village, should be protected.
- Unsure why the developer has been allowed to submit amendments.

5.14.5 A letter of support:

- As long as these houses are made affordable for the people of Rye.
- Rye is in desperate need of affordable housing.

5.14.6 Campaign for the Protection of Rural England object for the following reasons:

- No development boundary for Playden.
- Scale and density of housing proposed inappropriate for a rural village.
- Uncertain whether the affordable housing is what the local community needs.
- Contrary to Policies OSS3 (i), (ii) and (vi), LNH1 (ii) and TR3.
- Access is not adequate and therefore renders the access to the A268 unsafe.

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## 6.0 APPRAISAL

### 6.1 Issues for consideration

6.1.1 The primary issues to be considered concern development outside of any currently defined village or town development boundary; the housing requirement of the adopted Rother Local Plan Core Strategy; current housing supply along with sustainability; associated highway matters; the relationship with neighbouring properties; scale, layout and design (albeit the plans submitted are indicative only); affordable housing; archaeology and drainage issues.

### 6.2 Housing policy position

6.2.1 The Government's planning policies set out in the National Planning Policy Framework state that every effort should be made by planning authorities to objectively identify and then meet the housing needs of an area (para. 17). Moreover to boost significantly the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a five-year supply against their housing requirement (with an additional buffer) (para. 47).

6.2.2 The Rother Local Plan Core Strategy (Policy OSS1) states that the strategy is to plan for at least 5,700 dwellings (net) in the district over the plan period 2011-2028. Policy RA1 (v) identifies that, 1,670 of these dwellings will be provided within villages (which shall comprise existing commitments, new allocations and windfalls).

6.2.3 Figure 12 of the Core Strategy sets out the distribution of rural housing allocations; however, Playden village has *not* been allocated any specific additional housing provision, having regard to its close proximity to Rye.

*Existing development boundaries and housing supply*



- 6.2.4 The National Planning Policy Framework (para. 47) requires Councils to have a five-year supply of deliverable housing sites plus a buffer. The Council's current 'Housing Land Supply and Housing Trajectory' (October 2017) identifies that the Council does not presently have a five-year supply of deliverable housing sites but has the equivalent to a 3.2 year supply (including a 20% buffer). Paragraph 49 goes on to state that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. This means that development boundaries and related Local Plan policies restricting development in the countryside must be viewed at present as being 'out-of-date' for the purposes of paragraph 49 of the National Planning Policy Framework and that, as a consequence, planning applications fall to be considered in the context of paragraph 14 of the National Planning Policy Framework. For decision-taking this means, *"where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted"* (NB The application site is not in the High Weald Area of Outstanding Natural Beauty nor covered by other designations, nor at risk of flooding, and therefore is not a specifically protected area, so footnote 9 to this paragraph 14 does not apply).
- 6.2.5 While the policy position described above in paragraph 6.2.4 means 'limited weight' can be given to existing settlement development boundary policies, it is also acknowledged that in order to meet the Rother Local Plan Core Strategy housing requirements there will be a need to adjust village/town development boundaries and also plan for new housing development in sustainable locations outside of development boundaries.
- 6.2.6 The Council is progressing with a Local Plan for the period 2011-2028, providing for the more demanding 'objectively assessed' housing targets (as required by the National Planning Policy Framework). The first part of the Local Plan, the Core Strategy, has been adopted by Rother. This identifies housing numbers for the whole District and the individual settlements.
- 6.2.7 In the context of Rye, the suitability of various sites in this area was previously assessed as part of the SHLAA Review 2013. The SHLAA was an initial assessment to support the Core Strategy and an 'evidence base' document. It did not allocate land for housing nor pre-empt nor prejudice any decisions about particular sites. It was prepared as an aid to plan making and not a statement of Council policy but in the context of this application is of some relevance. SHLAA site RY15 was an extensive area considered: it included the application site as well as land to the east and a substantial parcel of land to the north/north east. As a whole area it was identified as a 'red' site and not suitable for development for the following reason:
- 'RY15 and the smaller RY35 are located in an area where there are relatively few environmental constraints, falling outside the AONB and outside flood zones. Both RY15 and RY35 are sited outside the settlement boundary and relatively distant from the centre of Rye. However there are significant access constraints attached to both parcels of land with Highways indicating there are very limited options to overcome them. Not suitable for housing.'*

- 6.2.8 Notwithstanding the SHLAA consideration of the greater site concluding that there were more suitable alternatives, the wider housing need of the district as a whole and the issues raised in the subsequent paragraphs leads to the need now to consider the application site alone in relation to current policy considerations and national guidance.

*Rye Neighbourhood Plan*

- 6.2.9 The Core Strategy's policy framework for Rye is applicable to the application site, it being acknowledged that parts of the built-up areas extend into adjacent parishes. The most recent housing land supply position identifies an outstanding requirement for at least 107 dwellings (and up to 152 dwellings) for Rye and Rye Harbour, taking account of good progress to date towards the housing target of 355-400 homes over the plan period.
- 6.2.10 The Draft Rye Neighbourhood Plan (RNP) has been prepared and recently consulted upon. Its proposals, if fully realised, would meet the requirement. However, there are a number of issues that could impact on the delivery and/or timescale of development at several identified sites, such that a buffer in supply would be sensible at this stage. In any event, the RNP (and the Preferred Options version of the DaSA Local Plan, which proposes a site for some 40 dwellings in Rye Harbour) can only be given limited weight at this stage.
- 6.2.11 In addition, it is accepted that the lack of a five-year supply of deliverable sites is an added factor which needs to be given significant weight in the planning balance. The contribution that the site may make to the setting of the town and locality is an important consideration, but this must be judged in the context of the "*tilted balance*" of paragraph 14 of the National Planning Policy Framework.

6.3 Landscape setting

- 6.3.1 Policy OSS2 states that development boundaries around settlements will be reviewed taking account of (i) the existing pattern, form and function of settlements, including of closely 'linked' settlements and important 'gaps' of countryside between them, (ii) the character and setting of individual towns and villages.
- 6.3.2 Policy OSS3 states that development proposals will be assessed in the context of (i) the spatial strategy for the particular settlement; (vi) the character and qualities of the landscape; and (vii) making effective use of land within the main built up confines of towns and villages.
- 6.3.3 Policy OSS4 (iii) requires that all development respects and does not detract from the character and appearance of the locality.
- 6.3.4 Policy RA2 sets out the overarching strategy for the countryside outside the main confines of settlements, including: (viii) generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.
- 6.3.5 Policy EN1 provides for the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features including: (v) open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes.

- 6.3.6 The application site is an existing single residential property and garden, and an adjoining field (to the east) located on the northern edge of Rye within Playden Village. The site gently slopes from west to east. New England Lane to the north slopes down more steeply in an easterly direction and is therefore at a significantly lower level than the site. The immediate neighbour in New England Lane, Saltcote Cottage is set above the level of the road, but slightly below the level of the application site. A public footpath (no. 12) adjoins the eastern boundary of the site. All public boundaries contain strong hedging and trees, while the boundaries with neighbouring properties vary in terms of being hard or soft and in height, with many currently being relatively modest in height.
- 6.3.7 Leaving Rye to the north via the A268 the deep roadside verges and soft boundary vegetation act as an indicator that the more built up form of Rye is transitioning into countryside, in which context this site is partly viewed. However, there is residential development to the east and west of the A268 which falls within this urban/rural transition, but given the boundary treatment and land topography the dwellings here are not readily apparent from the main road. This would be the same should the application site be developed. While some rooftops may be viewed, with the retention of strong vegetation boundaries, the site and how it is viewed within the immediately locality is unlikely to significantly alter. Moreover, this reasonably enclosed site would have a relatively limited impact in the wider landscape.
- 6.3.8 A further issue for consideration is whether development on this site would result in the infilling of the current, albeit modest, green gap between Rye and Playden. Members can assess this potential impact during their visit but it is noted that to the west side of the A268 there is no clear distinction between Rye and Rye Foreign.
- 6.3.9 The concerns raised in regard to the loss of the grassed triangle of land at the junction of New England Lane and the A268 are noted. However, while this more rural arrangement does contribute to the street scene, it is a modest feature rather than being appreciated as a defining characteristic of the locality. Moreover, the required junction improvement works to facilitate a safe access to the site (see Section 6.5), will result in a junction not dissimilar in size or function to that found at Hilltop Drive and the A268 (located on the opposite side of the A268, albeit some 10m further to the south). Furthermore, the presence of the deep grass verges will ensure that the character of this part of the A268 is not unduly compromised or would appear too urban in appearance.

## 6.4 Layout and design

- 6.4.1 Policy RA1 seeks to protect the locally distinctive character of villages, with the design of any new development being expected to include a high quality response to local context and landscape.
- 6.4.2 Policy EN3 requires new development to be of high design quality by contributing positively to the character of the site, and demonstrating robust design solutions tested against a series of Key Design Principles, tailored to a thorough and empathetic understanding of the particular site and context.
- 6.4.3 Paragraph 58 of the National Planning Policy Framework requires development to, amongst other things:

- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places.
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
- Be visually attractive as a result of good architecture and appropriate landscaping.

6.4.4 Whilst the application is in outline, and layout is a reserved matter, it is nevertheless important that the application demonstrates that a reasonable layout for the number of housing units proposed is capable of being accommodated on the site. In this regard an 'indicative site layout' plan (Drawing No. PL002) has been provided with the application submission. This is an amended layout plan to that originally submitted, and has been supplied following officer feedback to the applicant (on a without prejudice basis).

6.4.5 Also, though scale is a reserved matter, during the course of the consideration of the application, the applicant did provide the Council with elevational drawings of the proposed dwellings. However, these have not been formally submitted as indicative elevational drawings. In any case, the applicants have been made aware of officer concerns with those elevations, including that the scale of the proposed dwellings is very large, the impact of which is exacerbated by the cramped nature of the layout and the large roofs of many of the units (some hosting a second storey of accommodation). This would create a dominant built form – the formality of the 'Edwardian' styled semi-detached units, and the large projecting gables of the terraces creating a large scale on what should really be the most petite and cottage-scaled of the building typologies. Cumulatively this scale would be a concern, particularly in relation to the small single-storey or chalet scale of adjacent development on Saltcote Lane and New England Lane. Scale will be a matter for consideration at reserved matters stage. Similarly building appearance also falls to be considered at reserved matters, and while the buildings appear to be in a broadly vernacular style, the reserved matters application will need to demonstrate how the materials strategy will reflect the local character and vernacular – the inclusion of render would seem an odd choice as it is not widely used on the existing residential buildings in this area.

6.4.6 The current 'indicative site layout plan', with its simple central spine road with buildings either side, has addressed a number of design issues raised by officers on the original submitted layout, in terms of the broad layout approach (site structure, street layout, general disposition of development). However, a number of concerns still pertain, particularly, though not exclusively, relating to the cramped nature of the development, the treatment of front gardens/private defensible space/communal areas, plot enclosure, and the extent of parking in front of terraces.

6.4.7 To expand on these points, the indicative layout appears cramped and dense, and not reflective of the more spacious character of development in the locality, particularly bearing in mind the rural context of the site to the north, and the role this site plays in transitioning from this to the built character of Rye to the south. The internal street appears potentially suburban in character, rather than sitting as more of a rural lane in character, to be more in keeping with the surrounding character. The layout plan does

not include enclosed private front gardens, instead there are multiple areas of ambiguous 'left-over' space sitting in front and to the sides of individual properties, labelled 'communal grounds' on the plan; this is not good practice; front (and side) gardens should be allocated to dwellings and enclosed (potentially with hedges to help reinforce the rural feel of this site as a transition to the countryside) to define private curtilage space, which will also give strong street definition. Also on this subject, the ambiguous area in front of the easternmost plots is particularly unsatisfactory, the location and lack of definition of this area means it functions as neither private curtilage nor meaningful or useable public space, nor does the large area of mid-green shaded 'communal grounds' to the east of the north-easternmost plot. The somewhat arbitrary locations of the detached garages to the two easternmost plots is also a concern, pushed back near the site boundary and existing properties, as described elsewhere in this report, and relating poorly to the plots they serve in street character terms. The extent of forecourt parking is a concern, creating large areas of hardstanding in front of the terraces. As well as creating a poor streetscape and harsh visual appearance, the forecourt parking also recesses the built units here back from the prevailing building line, and prevents front curtilage enclosure, again undermining the character of the streetscene. In this respect, car-parking has not been well-integrated into the design approach to support the character of the streetscene.

- 6.4.8 Officers have made the applicant aware of these outstanding concerns. Nevertheless, since the application is in outline with the details of access only to be considered at this stage, detailed design matters of the scheme relating to layout and scale, along with external appearance and landscaping, would fall to be considered at any subsequent reserved matters stage. The indicative site layout has demonstrated that the proposed 'up to 24 dwellings' can be accommodated on the site, the eventual quantum to be determined as a function of the design of the detailed layout as to be considered at reserved matters design stage, in parallel along with other design considerations; building scale and appearance, treatment of public/private space and so forth, and would be considered at any subsequent reserved matters application.

## 6.5 Highways

- 6.5.1 Policy TR3 states new development should minimise the need to travel and support good access to employment, services and communities facilities, as well as ensure adequate, safe access arrangements. Development will be permitted where mitigation against transport impacts which may arise from that development or cumulatively with other proposals is provided. This will be achieved through the submission of a transport assessment, transport statement or travel plan, and where it is appropriate through:

- (i) *ensuring that new development in their design and layout prioritise the needs of pedestrians, cyclists and minimise the distance to local public transport nodes;*
- (ii) *working with the relevant agencies to seek funding for contributions for improvements to local infrastructure needed to facilitate highway capacity and safety and/or public transport accessibility and capacity, where this is necessary to serve the new development; and*
- (iii) *provision of electric vehicles charging infrastructure.*

- 6.5.2 Policy TR4 states planning permission will be granted for development where the provision for parking accords with the following principles which will be elaborated upon in the form of Supplementary Planning Document. Proposed development shall:
- (i) meet the residual needs of the development for off-street parking having taking into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street;*
  - (ii) provide for reduced parking provision where a high level of accessibility to jobs, services and facilities exists, or will be provided as a result of the development, including any offsite measures;*
  - (iii) ensure that the approved parking provision is retained for the future where that would be necessary to prevent harm to the safety or free-flow of the highway;*
  - (iv) include a number of parking spaces designed and signed for disabled people; and*
  - (v) provide for commuted payments towards providing and/or managing off-site parking, including on-street parking, where this is justified to meet the needs of the development.*
- 6.5.3 Policy CO6 states a safe physical environment will be facilitated by: *(ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.*
- 6.5.4 The site is located on the southern side of New England Lane, in close proximity to the New England Lane/A268 junction. The site would be accessed via the existing vehicular access off New England Lane which will be upgraded as part of the proposal. The carriageway at the junction of New England Lane with the A268 is centrally split into two routes by a grass island; both of these carriageways are too narrow to accommodate two-way traffic. As a result of this the junction is to be realigned as part of the proposal to create a standard junction arrangement with the grass island removed.
- 6.5.5 ESCC Highway Authority has been formerly consulted and has no major concerns regarding the proposal and therefore does not wish to raise an objection; however, this is subject to the imposition of conditions on any permission (a summary of the highway authority's comments can be found in paragraph 5.5 above).
- 6.5.6 Adequate visibility splays can be achieved along New England Lane from the proposed site access and also along the A268 at the junction of New England Lane. In terms of access the Highway Authority concludes that, *"Overall I have no major concerns regarding the proposed access arrangement and the alterations to the New England Lane/Rye Road junction from a highway safety perspective. However, this is subject to the outcome of a Stage 2 Road Safety Audit which will be required as part of the section 278 Legal Agreement needed to construct the access and the off-site works."*
- 6.5.7 Traffic surveys were carried out on Rye Road (A268) and on New England Lane to determine existing traffic flows, these surveys were submitted as part of a Transport Report with the application. This report was assessed by

the Highway Authority concluding that, *“Overall I have no major concerns regarding the level of traffic generated by the development and its impact on the site access, the New England Lane/A268 junction or the surrounding highway network.”* In reaching this view, they took into consideration the proposed new Day Care Centre a short distance to the north of the application site.

- 6.5.8 The width of the access road, parking provision/layout and maneuverability of vehicles (within the site) are details that can be secured as part of the layout details at Reserved Matters stage. Based on the highway authority's comments, the site appears to have adequate capacity to accommodate up to 24 dwellings with sufficient parking and servicing provision.
- 6.5.9 The National Planning Policy Framework advises at paragraph 32 (bullet point 3) that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. That cannot be considered to be the case here.
- 6.6 Impact on adjacent properties
- 6.6.1 Policy OSS4 (ii) requires that all development should not unreasonably harm the amenities of adjoining properties.
- 6.6.2 The properties most likely to be affected by the proposal are those immediately adjacent to the south in Saltcote Lane – Llanberis, Windmill Cottage, Sefton, The Stocks – and Saltcote Cottage to the north-east in New England Lane. The properties in Saltcote Lane have rather restricted depth to their rear gardens and many currently have low level boundary treatments. As such it is acknowledged that the current open aspect afforded to the rear of these properties will inevitably alter and views of properties will be afforded. Saltcote Cottage currently has an open boundary fence and is set at a lower ground level than the site.
- 6.6.3 The indicative layout plan for the proposed development shows separation distances to all common boundaries in excess of 15m, with back-to-back distances of 20m plus. Notwithstanding these distances, which are not in any way uncommon – given that the neighbouring properties in Saltcote Lane are bungalows or chalet bungalows – an increase in this distances (which can be achieved) would be of further benefit to these neighbouring properties. Moreover, the two detached garage buildings shown to serve the two most eastern properties would be unacceptable in the positions shown indicatively at this stage.
- 6.6.4 The indicative layout plan for the proposed development demonstrates that sufficient separation can be achieved to avoid adversely impacting on the living conditions of neighbouring properties by way of direct overlooking, being overbearing or causing unacceptable loss of light. It is appreciated that views over an open field from the rear of properties in Saltcote Lane would be lost. However, this is not a material planning consideration and the application could not be refused for this reason.
- 6.6.5 Overall, subject to design detail and orientation, the site appears capable of accommodating up to 24 dwellings without adversely impacting upon the living conditions of the occupants of neighbouring properties.

## 6.7 Trees and Biodiversity

- 6.7.1 Policy EN5 states biodiversity, geodiversity and green space will be protected and enhanced, by multi-agency working where appropriate to: (ii) protect and enhance the international, national and locally designated sites, having due regard to their status; and (ix) require developers to integrate biodiversity into development schemes by avoiding adverse impacts from development on biodiversity or habitat, or where wholly unavoidable, provide appropriate mitigation against or compensation for any losses. In any event, developers will also be expected to consider and promote opportunities for the creation and/or restoration of habitats appropriate to local context.
- 6.7.2 The site has been the subject of both a tree survey and ecological survey. The development would not impact on any internationally designated sites, non-statutory sites of nature conservation interest or any areas of ancient woodland, mainly due to the distance that these are located from the application site.
- 6.7.3 The ecological appraisal comments that the site has low habitat diversity due to the dominance of managed grassland. Similarly, the site has relatively low species diversity, owing to the dominance of managed, amenity grassland, with buildings and hard-standing. The ecological survey did identify the presence of bats within the existing residential property (Shellfield), but overall assessed this building as having low suitability to roosting bats. It also found that two mature oaks on site have potential roosting features. The survey also identifies that breeding birds could utilise the mature trees, shrubs and hedgerows found within the site. Mammal paths were recorded on site; however, no direct signs of badgers were noted on site, the survey therefore concludes that the site appears to form part of the foraging territory for a local badger population.
- 6.7.4 In the event that outline permission is granted, the ecological appraisal recommends further bat surveys are carried out, the protection of mature trees and hedgerows throughout the construction period and pre-works checks/surveys in regard to badgers. The Appraisal also recommends a number of biodiversity enhancement recommendations. It is considered the site does not possess any significant ecological constraints which cannot be mitigated or avoided and therefore biodiversity should not be adversely affected as a result of the development. The recommendations of the Ecological Appraisal are necessary and can be secured by conditions.
- 6.7.5 Trees proposed to be felled are primarily within the current garden area of Shellfield, whereas the mature trees found along the northern and eastern boundaries of the site are indicated to be retained in the main. The indicative layout sets development generally away from the main areas of public boundary trees, but it will be necessary to provide protective fencing and other measures of protection to ensure they are not unduly compromised during the construction period. This can be secured by condition.

## 6.8 Drainage

- 6.8.1 Policy SRM2 states effective management of water resources will be supported by: (i) ensuring that the relevant water companies are aware of and have capacity to meet demands for water, wastewater and sewerage



arising from new development; and (iii) the promotion of sustainable drainage systems to control the quantity and rate of run-off as well as to improve water quality wherever practicable.

- 6.8.2 Although full drainage details have not been provided, a Flood Risk Assessment accompanies the application. An existing public foul water sewer runs along New England Lane and it is proposed to connect into this, subject to the agreement of Southern Water. In terms of surface water drainage, following consultation with the Lead Local Flood Authority (LLFA) at ESCC it has been established that a suitable surface water drainage scheme can be provided utilising sustainable drainage methods. Should the proposal meet with support foul and surface water conditions would be imposed.

## 6.9 Affordable housing

- 6.9.1 Policy LHN2 states on housing sites or mixed use development, the Council will expect the following percentages of affordable housing within the district:

(iv) In the rural areas:

- (a) 40% on-site affordable housing on schemes of five dwellings or more;
- Or
- (b) A financial contribution, on a sliding scale up to the equivalent of providing 40% affordable housing, in lieu of on-site provision on all residential schemes of less than five dwellings.

- 6.9.2 As set out in paragraph 5.11 of this report, the Council's Housing Officer is generally in support of the proposal subject to their suggested amendment. The applicant is committed to providing a policy compliant scheme in terms of affordable housing and has agreed to the requirements outlined by the Housing Officer (which would be required by a section 106 Planning Obligation). Subject to the design and layout of the units at reserved matters stage, the overall provision envisaged is considered to be deliverable to meet local housing need.

## 6.10 Archaeology

- 6.10.1 Policy EN2 states that development affecting the historic built environment will be required to: (iv) ensure appropriate archaeological research and investigation of both above and below-ground archaeology, and retention where required.

- 6.10.2 The site lies within an Archaeological Notification Area defining Roman and medieval activity, including settlement and industrial activity. Finds of Roman building material in the immediate vicinity of the site, strongly suggest the presence of Roman building. To the west of the site archaeological excavations have identified a significant area of medieval tile and pottery production site, with associated settlement. Historic records also indicate the site of a former medieval hospital.

- 6.10.3 In light of the potential archaeological interest of this site, it was the opinion of the County Archaeologist, that the developer should undertake an archaeological field evaluation to clarify the archaeological significance of the site and, moreover, that this evaluation should be undertaken *before* the

application for planning permission was decided. In this way the archaeological issues could be fully considered when the planning decision is made. The County Archaeologist therefore originally recommended refusal of the application due to insufficient information.

- 6.10.4 In view of these comments from the County Archaeologist the applicant commissioned an archaeological evaluation excavation, which was carried out by Surrey Council Archaeological Unit. The County Archaeologist was re-consulted following this further work. The evaluation has identified buried archaeological remains, which relate to prehistoric, Roman and medieval activity on this site, some of which is industrial in nature. Although the remains are relatively well preserved, the County Archaeologist does not consider any meet the criteria set out in section 139 of the National Planning Policy Framework, i.e. they are not of national significance and would not inhibit development of this site. However, the remains are of local archaeological interest and will be destroyed if the site was developed. Therefore following the requirements of section 141 of the National Planning Policy Framework, these remains need to be archaeologically excavated and recorded in advance of development of this site. As such, the County Archaeologist recommends that the proposal should be subject of a programme of archaeological work, in accordance with a written scheme of archaeological investigation. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. This can be secured by condition.

## 6.11 Section 106

- 6.11.1 In the event that outline planning permission is granted this would need to be subject to the satisfactory completion of a section 106 planning obligation. The Community Infrastructure Levy Regulations 2010 provide three tests for section 106 Planning Obligations. Obligation should be:

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

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

- 6.11.2 The following matters are considered at this time for inclusion within a section 106 Agreement and are considered to be related to the development, proportionate and necessary:

- Provision of affordable housing units and an associated commuted sum.
- Off-site highway works to include alterations at the junction of New England Lane and the A268.

- 6.11.3 In addition to the section 106 the off-site highway works will also require a section 278 Highway Agreement.

## 6.12 Other matters

- 6.12.1 *Impact on Ashdown Forest and Lewis Downs Special Areas of Conservation (SAC)*

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 Lewis Downs (SAC).

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.

- 6.12.2 It is noted that the application has been subject to two amendments (both subject to public consultation) and that the determination process has been protracted; some objectors have raised concerns about the length of the process. However, it is a clear requirement as set out within the Town and Country Planning (Development Management Procedures) (England) Order 2015, and within paragraph 187 of the National Planning Policy Framework that the Council should look for solution rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible: moreover, that local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
- 6.12.3 Shellfield is an attractive well designed building; however, it is not of an age or of significant architectural merit to be considered as a heritage asset worthy of retention. As such, its loss cannot be resisted.

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## **7.0 CONCLUSION AND THE PLANNING BALANCE**

- 7.1 The site lies outside of any current defined town or village development boundary. However, it is recognised within the Core Strategy that in order for the district to meet its housing requirement over the plan period that development boundaries will need to be reviewed and that certain town and villages will need to accommodate some of that housing growth, although Playden village has not been allocated any additional housing provision.
- 7.2 The National Planning Policy Framework and Policy PC1 of the Core Strategy require that planning decisions are made in accordance with a presumption in favour of sustainable development. Paragraph 7 identifies three dimensions to sustainable development: economic, social and environmental. Paragraph 8 confirms that these should not be pursued in isolation but sought jointly and simultaneously. Paragraph 49 of the National Planning Policy Framework says that where a Local Planning Authority cannot provide a five year supply of deliverable housing sites, including appropriate buffer, that its policies for housing supply must be considered out of date. Decisions in that case should be made in accordance with paragraph 14 which requires that proposals for sustainable development are permitted unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework taken as a whole; or specific policies in the Framework indicated development should be restricted.*

- 7.3 The development would offer a number of potential benefits. In terms of the social dimension of sustainable development, it would increase the supply and choice of housing by up to 23 units, including nine affordable homes on site plus a contribution to support further affordable provision. The built and living environment would also be good for residents, fostering mixed communities, with good access to services, including public transport. Under the social dimension of sustainable development, the contribution that the development would bring to boosting housing supply must be given significant weight.
- 7.4 The development would also contribute towards economic growth during the construction phase including in terms of employment and potentially an increase in local spending. In the longer term, the additional population would be likely to increase local spending power, for instance in local shops, and help support the sustainability of local services.
- 7.5 Regarding the environmental dimension, the site is reasonably accessible thereby offering alternatives to use of the private car both locally and further afield. However, the introduction of housing on this undeveloped field would alter its character. Notwithstanding this, subject to the details that would be negotiated and agreed, as reserved matters, the development of this site can be achieved, whilst protecting and enhancing the tree lines that bound the site and its biodiversity value. For these reasons it is found that the development of this site would have limited adverse impact on the countryside landscape in both more immediately and longer views.
- 7.6 The collective weight of the social and economic benefits would be significant and while some environmental harm is identified and this does also carry weight, on balance the harms are regarded as limited. It is therefore considered that, on balance, they are not so great or significant as to warrant refusal.
- 7.7 In respect of other considerations, there has been local opposition to the highway impact of the proposal. However, the Highway Authority has not raised an objection and there appears to be sufficient capacity on the surrounding highway network to accommodate this development. The highway and traffic impact is not considered to be severe.
- 7.8 All other issues such as drainage, biodiversity, impact on trees, archaeology and affordable housing could be satisfactorily managed by condition or secured through a section 106 Planning Obligation.
- 7.9 In summary, for the reasons outlined above, the balancing exercise required under paragraph 14 of the Framework is favourable to the proposal. Consequently, given the absence of a five-year supply of housing land, outline permission should be granted as the proposal would represent sustainable development.
- Overall conclusion*
- 7.10 This is a finely balanced case. However, it is considered that the collective weight of the benefits of the development outweigh the limited level of harm that would occur to the countryside landscape and the immediate area's character and appearance. Therefore, as the balancing exercise is favourable to the proposal in the terms of paragraph 14 of the Framework, the proposal represents sustainable development.

- 7.11 Therefore, for the reasons explained, it is recommended that outline planning permission should be granted subject to conditions and a section 106 Planning Obligation.

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

- 8.1 The proposal is development where CIL will be chargeable. CIL is, however, calculated at the Reserved Matters (rather than the outline) stage, as where CIL is chargeable the amount can only be calculated when precise floor areas of properties are known. In the event that outline planning consent is granted this would therefore need to be assessed at the detailed application stage.

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### **RECOMMENDATION: GRANT (OUTLINE PLANNING) DELEGATED (S106 PLANNING OBLIGATION TO SECURE AFFORDABLE HOUSING ON SITE AND AN ASSOCIATED COMMUTED SUM AND OFF-SITE HIGHWAY WORKS RELATED TO THE NEW ENGLAND LANE/A268 JUNCTION)**

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#### **CONDITIONS:**

1. Before any part of the approved development is commenced approval of the details of the appearance, layout, scale and landscaping of the development, (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 number of dwellings permitted within the site as defined by this outline planning permission shall not exceed 24.  
Reason: The site's capacity has been assessed on the basis of the indicative layout and taking particular account of the characteristics of the site in accordance with Policies EN1, EN3 and OSS4 (ii) (iii) of the Rother District Local Plan Core Strategy.

5. The development hereby permitted shall be carried out in accordance with the approved Proposed Access Arrangements plan (Drawing No. 2017/3631/002 Revision C, dated October 2017). For the avoidance of doubt, drawing no 16/051 PL002 entitled Indicative Site Layout has been considered as being for illustrative proposes only and therefore is not approved.  
Reason: For the avoidance of doubt and in the interests of planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID:21a-022-20140306.
6. The site access point and the realigned New England Lane/S268 junction shall be as shown on Drawing No. 2017/3631/002 Revision C, hereby approved and be laid out and constructed in accordance with details agreed through reserved matters and secured through a section 106/278 agreement and the construction shall be executed and completed by the developer to the satisfaction of the Local Planning Authority in consultation with the Highway Authority to a timetable to be agreed with the Local Planning Authority.  
Reason: To ensure the safety of persons and vehicles entering and leaving the access point and proceeding along the highway in accordance with Policy TR3 and CO6 of the Rother Local Plan Core Strategy.
7. Schemes for the proposed means of foul water and surface water disposal which shall provide for sustainable drainage arrangements, including their future maintenance and management, shall be submitted at the same time as the submission for approval of the reserved matters required pursuant to condition 1. Construction of the development shall not commence until the foul and surface water drainage schemes have been approved in writing by the Local Planning Authority in consultation with Southern Water and the Local Lead Flood Authority. Thereafter the approved schemes are to be provided before any occupation of the site and development shall only be carried out in accordance with the approved details.  
Reason: A pre-commencement condition is required because these details will influence the layout and design of the development and to ensure that the drainage infrastructure carried out in the initial stages of the development will not increase the risk of flooding, will improve and protect water quality, and ensure future maintenance of the sustainable surface water drainage system in accordance with Policy SRM2 of the Rother District Local Plan Core Strategy.
8. As part of condition 1 above details shall be submitted for the parking and turning of vehicles in accordance with the East Sussex Residential Parking Demand Calculator and the provision of cycle parking areas and all those areas shall be provided before any occupation of the development or in accordance with a programme to be agreed in writing by the Local Planning Authority and thereafter retained for those uses only.  
Reason: To ensure the provision of adequate on-site parking and turning facilities that do not prejudice the free flow of traffic or conditions of general safety along the highway and in order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with Policies CO6, TR4 and TR3 of the Rother District Local Plan Core Strategy.
9. No development shall commence, including any ground works, until a Construction Management Plan has been submitted to and approved in

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

- a) the anticipated number, frequency and types of vehicles used during construction;
- b) the method of access and egress and routing of vehicles during construction;
- c) the parking within the site of vehicles by site operatives and visitors;
- d) the loading and unloading of plant, materials and waste within the site;
- e) the storage of plant and materials used in construction of the development within the site;
- 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) and to otherwise control dust;
- h) unless alternative times are specifically agreed in writing construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 08:00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank and Public Holidays;
- i) details of public engagement both prior to and during construction works; and
- j) detailed measures to manage flood risk, both on and off the site, during the construction phase.

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

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

Reason: A pre-commencement condition is required to ensure that any archaeological remains are identified, and preserved in situ or otherwise recorded before any development commences that could destroy them to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the Rother District Local Plan Core Strategy Policy EN2 (vi) and paragraph 141 of the National Planning Policy Framework.

11. No works shall be carried out until the following details have been submitted to and approved in writing by the Local Planning Authority and the works thereafter shall be carried out in accordance with approved details.

- a) A bat emergence/re-entry survey of building B1 (Shellfield) and on the two mature trees identified as having suitability to roosting bats, as outlined in the Recommendations section of Ecological Appraisal by David Archer Associates, dated June 2017.
- b) A pre-work badger survey to ascertain presence/likely absence of badgers as outlined in the Recommendations section of Ecological Appraisal by David Archer Associates, dated June 2017.

If bats or badgers are found to be present no further works shall be carried out on those areas of the site until a mitigation licence has been obtained from Natural England and details of the required mitigation/compensation has been submitted to and approved in writing by the Local Planning Authority.

Reason: These details are required prior to commencement of works to ensure the protection of rare and protected species and to provide appropriate protection and mitigation to protected species in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy.

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

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

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

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

13. No development shall commence until details for the protection of all existing trees and hedgerows around the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme for fencing shall be put in place prior to the commencement of any development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

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

14. No above ground works shall commence until details of the following have been submitted and approved by the Local Planning Authority, and the



development shall thereafter be completed in accordance with the approved details:

- a) 1:200 scale streetscene drawings, accurately reflecting site topography, showing proposed buildings in context.
- b) 1:50 drawings of all proposed buildings including details of all fenestration, eaves details, porches, dormers, rooflights chimneystacks, pipes, vents and utility meters and boxes.
- c) Samples of the materials to be used in the construction of all external faces of the buildings.
- d) The proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps).

Reason: To ensure a high building appearance and architectural quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

15. No above ground works shall commence until the following public realm and hard landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

- a) Proposed finished levels or contours.
- b) design of other vehicle and pedestrian access and circulation areas, (including street widths, pavements and other strategic public realm).
- c) Hard surfacing materials (including road surfaces, footpaths, parking spaces and other areas of hardstandings, kerbs and tactile paving).
- d) Street furniture, signage and lighting, including proposed locations.

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

16. The details of layout pursuant to Condition 1 shall include details of the siting and form of bins for the storage and recycling of refuse within the site (internally or externally), and collection points and the approved details shall be implemented before the occupation of the relevant dwelling(s) and thereafter continued, with all bins and containers available for use, maintained and replaced as need be.

Reason: To safeguard the visual amenities of the locality and in the interests of providing a sustainable development in accordance with Policy OSS4 (iii) of the Rother District Local Plan Core Strategy.

17. The details of layout pursuant to Condition 1 shall include details of the positions, design, height, materials and type of boundary treatment to be erected on all plots. The boundary treatments shall be completed before the building to which they relate are occupied. Development shall be carried out in accordance with the approved details.

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

18. In respect of the soft landscaping details submitted pursuant to Condition 1 the development shall be carried out as approved and in accordance with the following implementation programme.

- a) indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development;
- b) design, layout and appearance of structural and amenity green space, including verges;
- c) planting plans, including landscape and ecological mitigation (buffer planting and green buffers);
- d) written specifications (including cultivation and other operations associated with plant and grass establishment);
- e) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- f) details for implementation.

Reason: To ensure the creation of a high quality public realm and landscape setting in accordance with Policies EN1 and EN3 of the Rother District Local Plan Core Strategy.

19. No dwelling or other building shall be occupied 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 10 to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

Reason: To ensure that the archaeological and historic interest of the site is safeguarded and recorded in accordance with Policy EN2 of the Rother Local Plan Core Strategy (vi) and paragraph 141 of the National Planning Policy Framework.

20. Prior to the first occupation of any dwelling evidence (including photographs) should be submitted to the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: To ensure that the drainage infrastructure for the development will not increase the risk of flooding, will improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.

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

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

22. If within a period of 10 years from the date of the planting of any tree, shrub or hedge approved in the soft landscaping scheme that tree, shrub or hedge, or any replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree, plant or 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: To enhance the appearance of the development and the landscape setting in accordance with Policies EN1 and EN3 of the Rother District Local Plan Core Strategy.

23. The new estate road shall be designed and constructed to an adoptable highway standard prior to the occupation of the dwellings in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large in accordance with Policy TR3 of the Rother District Local Plan Core Strategy.

24. No units shall be occupied until the developer has first entered into an agreement with the County Council as Highway Authority to secure the off-site highway works in accordance with a timetable to be agreed:

Reason: The development is only acceptable if these measures are agreed and implemented to ensure the safety of persons and vehicles entering and leaving the access point and proceeding along the highway in accordance with Policy TR3 and CO6 of the Rother Local Plan Core Strategy.

## Notes

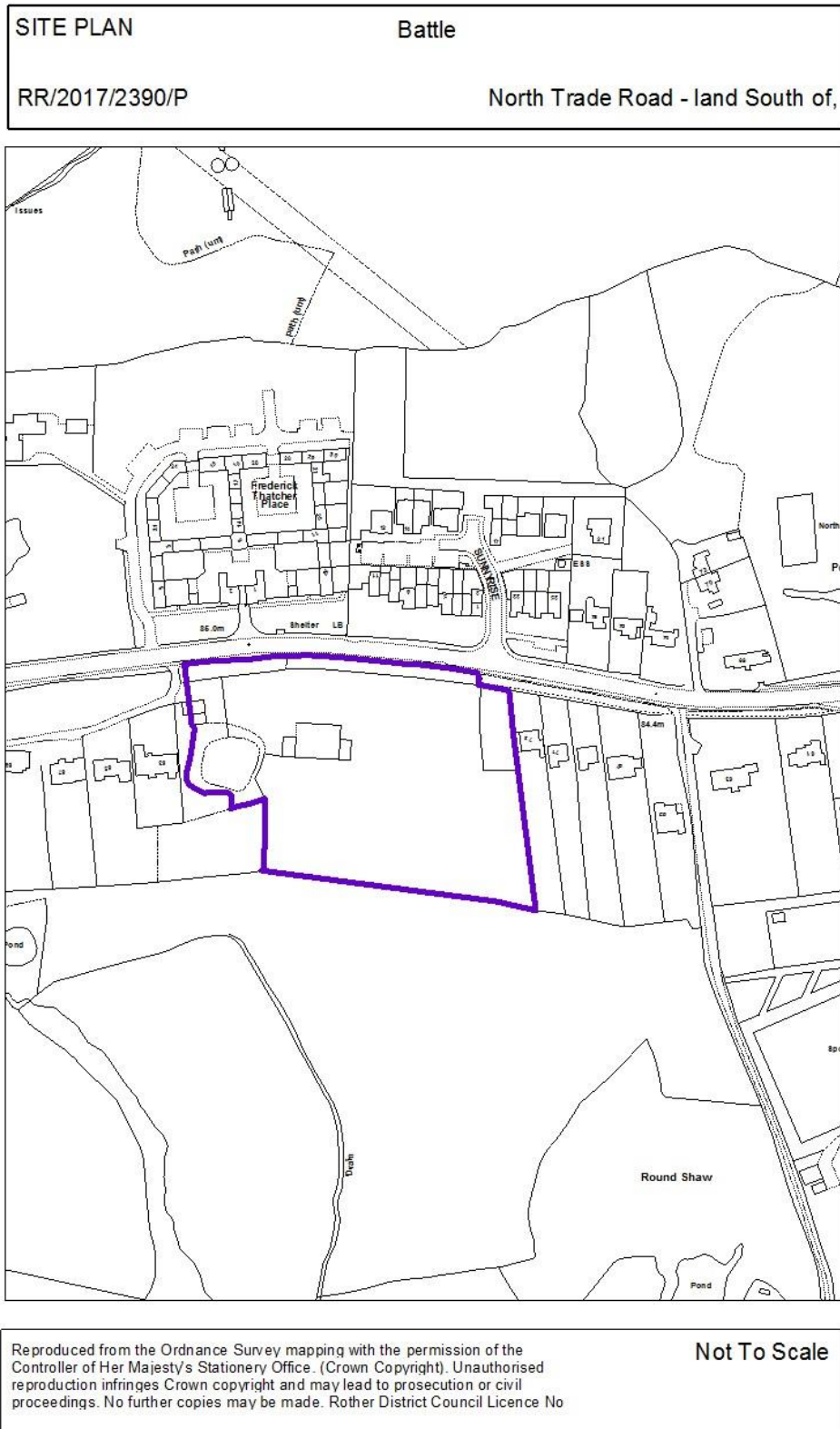
1. This permission is the subject of an obligation under section 106 of the Town and Country Planning Act 1990.
2. The indicative site layout drawing no. 16/051 PL002 submitted to accompany the application is not approved as part of the outline permission.
3. The developer is reminded of the need to enter into section 38 and section 278 Agreements with the ESCC Highway Authority.
4. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
5. This development will be subject to the Community Infrastructure Levy (CIL) and all interested parties are referred to [www.rother.gov.uk/CIL](http://www.rother.gov.uk/CIL) for further information and the charging schedule.
6. Pursuant to condition 7 of this permission, the SUDS scheme shall have regard to the ESCC Lead Local Flood Authority comments of 4 August 2017.
7. The ESCC 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.
8. The developer is advised to contact the ESCC Transport Development Control Team (01273 482254) to commence the process associated with the proposed Traffic Regulation Order. The developer would be responsible for meeting all costs associated with this process which is a minimum of £5,000. The developer should note that the outcome of this process cannot be guaranteed as it is open to public objection.

9. In relation to Conditions 10 and 19, the written scheme of investigation, ensuring works and production of reports should accord with the relevant portions of the ESCC document “Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation in East Sussex” (2008), including Annexe B, and should be undertaken only by a suitably qualified archaeologist. For assistance and advice in seeking compliance with the requirements of the conditions, please contact the County Archaeologist at ESCC, Transport & Environment, County Hall, Lewis, BN7 1UE, telephone 01273 481608 or email [County.Archaeology@eastsussex.gov.uk](mailto:County.Archaeology@eastsussex.gov.uk).
10. The proposed development will be subject to the Community Infrastructure Levy (CIL) at the reserved matters stage.

**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 discussing, with the applicant, potential amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant outline planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

[View application/correspondence](#)



RR/2017/2390/P

**BATTLE North Trade Road – land south of**

**Outline: Erection of up to 25 dwellings including affordable housing, parking, cycle parking, sustainable drainage, associated landscaping and creation of new access off North Trade Road.**

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<b>Applicant:</b>	<b>Saxon Hill Estates Ltd., G.P. and B. Cartwright and J. Bailey</b>
<b>Agent:</b>	<b>Dandara Ltd. (Mr John Richards)</b>
<b>Case Officer:</b>	<b>Mr M Cathcart (Email: mark.cathcart@rother.gov.uk)</b>
<b>Parish:</b>	<b>BATTLE</b>
<b>Ward Members:</b>	<b>Councillors K.P. Dixon and K.M. Field</b>

**Reason for Committee consideration: Head of Service – Strategy and Planning referral: Strategic housing issues; also, major residential development in the Area of Outstanding Natural Beauty.**

**Statutory 13 week date: 30 January 2018**  
**Extension of time agreed to: 21 June 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 Rother District Local Plan 2006 are relevant:
- Policy DS3 – Development boundaries.
- 1.2 The following policies of the Rother Local Plan Core Strategy (2014) are relevant:
- Policy OSS2 – Development boundaries.
  - Policy OSS3 – Location of development.
  - Policy OSS4 – General development consideration.
  - Policy RA2 – General strategy for maintaining/protecting the countryside.
  - Policy RA3 – Indicates at (iii) that new dwellings in the countryside will only be allowed in extremely limited circumstances.
  - Policy BA1 – sets out the policy framework for Battle and includes the requirement that proposals for development and change in Battle will (i) maintain the essential physical form, local distinctiveness, character and setting of the town, particularly in and adjacent to the Conservation Area.
  - Policy LHN1 – seeks to achieve mixed and balanced communities and states that (i) housing developments should be of a size, type and mix which reflect both current and projected housing needs.

- Policy LHN2 – covers the provision of affordable housing and at (iii) states that in Battle 35% on-site affordable housing will be expected to be provided on schemes of 10 or more dwellings (or 0.3 hectares or more).
  - Policy EN1 – states that the management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (inter alia):
    - (i) The distinctive identified landscape character, ecological features and settlement pattern of the Area of Outstanding Natural Beauty (AONB);
    - (v) Open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes;
    - (viii) Other key landscape features across the district, including native hedgerows, copses, field patterns, ancient route-ways, ditches and barrows, and ponds and water courses.
  - Policy EN3 – sets the design quality standards that all new development will be expected to meet.
  - Policy EN5 – covers biodiversity and green space.
  - Policy TR3 requires new development to minimise the need to travel and support good access to employment, services and community facilities.
  - Policy TR4 – deals with car parking, which should normally be provided in accordance with the County Highway Authority's parking standards (the level of parking should be assessed using the on-line calculator on the ESCC website).
  - Policy SRM2 deals with the effective management of water resources.
- 1.3 Battle has resolved to undertake a Neighbourhood Plan (NP). Battle Civil Parish was designated by the District Council by resolution CB14/80 on the 13 April 2015; the NP area is that of the Parish boundary. Whilst Battle NP is in the early stages, it means that housing allocations for the Battle neighbourhood area will be made in the NP and not the Council's Development and Site Allocations (DaSA) document.
- 1.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. The following National Planning Policy Framework policies are particularly relevant to the proposal:
- Paragraph 7-14, 17 core planning principles for sustainable development.
  - Paragraphs 17, 32, 35, and 58 transport and parking.
  - Paragraph 47 delivering a wide choice of high quality homes via 'deliverable and developable' sites.
  - Paragraph 49 five-year supply of deliverable housing sites.
  - Paragraph 115 protection of the AONB.
  - Paragraph 118 conservation and enhancement of biodiversity.
  - Section 12 Conserving and enhancing the historic environment.
- 1.5 Legislation contained within the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant to the proposal. At section 66 this states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 1.6 The High Weald AONB Management Plan 2014-2019 is also a material consideration.
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## **2.0 SITE**

- 2.1 The application relates to agricultural land to the south side of North Trade Road (NTR) opposite Frederick Thatcher Place (the former historic workhouse and Battle Hospital site). The site (approximately 1.44 hectares/3.5 acres) has a frontage to NTR and comprises mainly agricultural pasture. Land levels fall to the south from NTR. The road frontage contains a mature tree belt and ground levels within the site are set lower than the road. There is also a wooded pond area in the north western part of the site. On either side of the site is a ribbon of detached dwellings fronting the road – each with long rear gardens.
- 2.2.1 The application site is outside and abuts the existing development boundary for this part of Battle. Frederick Thatcher Place is a Grade II listed building. The whole of Battle and its environs lies within the High Weald AONB.
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## **3.0 HISTORY**

- 3.1 There is no relevant planning history.
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## **4.0 PROPOSAL**

- 4.1 The application is in outline. However, detailed matters relating to the proposed means of access fall to be determined at this stage.
- 4.2 The application as originally submitted has been amended; originally it sought planning permission for up to 29 new dwellings but this has now been revised and the application now seeks permission for up to 25 dwellings. to be served by a new vehicular access to NTR. The net density of the development through the whole of the development site would equate to approximately 17.5 dwellings per hectare. Whilst, as stated, the application is in outline the proposed mix of dwelling types (as revised) is as follows:

5	4 bed houses
5	3 bed houses
9	2 bed houses
6	1 bed houses

Approximately 35% of the units would be affordable. This would equate to nine units. The applicant has said that the exact mix and tenure would be for consideration at any reserved matters stage. The delivery of the affordable units would be secured through a section 106 legal agreement.

- 4.3 A new vehicular access is proposed off NTR in approximately the middle of the frontage. This would necessitate removing some trees and creating a



break in the existing tree-belt. As the site levels are lower than the highway the new access road would have to be built-up and graded down into the site.

- 4.4 The illustrative layout plan shows the proposed dwellings to be set back from the NTR frontage to allow for the retention of the remainder of the tree-belt to either side of the new access. Although the supporting information is indicative it is explained that a mix of housing types is proposed, comprising dwellings at a higher density in the northern part of the site with larger, family sized dwellings adjacent to the southern boundary. It is stated that the boundary with the AONB in the southern part would be reinforced with additional planting and the siting of SuDs (sustainable drainage solutions).
- 4.5 Accompanying documents have been submitted with the planning application. These include: a Planning Statement (October 2017); A Design and Access Statement, Heritage Statement (October 2017), Landscape Appraisal (August 2017), Transport Statement (October 2017) Flood Risk Assessment and Drainage Strategy (October 2017), Ground Conditions Desk Study (October 2017), Archaeological Desk-Based Assessment (October 2017), Ecology Appraisal (October 2017), Aboricultural Assessment (October 2017), Affordable Housing Statement (October 2017), Statement of Community Involvement (October 2017), and an Energy & Sustainability Statement (October 2017).

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## 5.0 CONSULTATIONS

### 5.1 Town Council:

Provided a 'General Comment' on the original submission: "*No objection to this application.*"

The Town Council were re- consulted on the amended application and responded that they have no further comments to make.

### 5.2 Highway Authority:

No objection subject to the imposition of conditions. Additional highway comments can be summarised as follows:

#### Access:

- 5.2.1 Vehicular access to the development site is proposed via a new priority junction from the south side of NTR. The access has a width of 5.5m with 10m radii.

North Trade Road, due to its wide carriageway and lack of frontage development, does not share the characteristics of a residential street and therefore (greater) visibility splays in accordance with Design Manual for Roads and Bridges (DMRB) are required. The revised plan indicates visibility splays increased to 2.4m x 70m either side of the new access. The splays are in accordance with DMRB standards at one step below the desirable minimum distance and are considered to be appropriate in this instance.

Tracking drawings have been provided to demonstrate that the access can accommodate a large refuse vehicle (11.2m long) and confirm that the

access will not result in vehicles waiting on NTR whilst other vehicles are exiting.

The submitted plan indicates that a footway into the site is provided on the eastern side of the access and this will connect to the existing pedestrian facilities on the south side of NTR. As the bus stops are to the west of the site the provision of footways on both sides of the access would be appropriate. In order to better serve the bus stops the footway on the south side of NTR to the west of the access should also be upgraded with an appropriate width. A pedestrian crossing with dropped kerb and tactile paving should also be provided on NTR. The footway on the west side of the access need only continue into the site for a short distance.

The new access will require the removal of the existing traffic calming build out and hatch markings on NTR. The central lane marking will also need to be moved northwards to narrow eastbound lane to 3.0m to reduce vehicle speeds. The removal of the existing build outs as indicated on the submitted plan is acceptable in principle; however, the replacement road markings etc. will need to be investigated further and agreed at a later stage.

The site access has been subject to a Road Safety Audit and this has raised no major issues.

Overall there are no major concerns regarding the proposed access arrangement; however, this is subject to the off-site works detailed above (pedestrian crossings, road markings etc.) being agreed at detail stage.

#### 5.2.2 *Trip Generation and Highway Impact:*

Based on the submitted Transport Report and the above assessment there are no major concerns regarding the access from a capacity perspective. Due to the size of the development and the level of traffic that will be generated the Highway Authority is also satisfied that no assessment of junctions further afield are required.

With the traffic assessments and observations in mind and taking into account paragraph 32 in the National Planning Policy Framework which states “developments should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe” a recommendation for refusal based on the impact of the development on the highway network could not be justified.

#### *Internal Layout:*

- 5.2.3 In principle there are no major concerns regarding the internal layout as proposed; however, as this is an outline application the details of the internal layout and parking provision would be confirmed at any Reserved Matters stage.

#### *Parking:*

- 5.2.4 The Highway Authority’s use of East Sussex Residential Parking Demand Calculator indicates that a housing mix of eight x four bed houses, nine x three bed houses, nine x two bed houses and three x one bed houses requires 60 parking spaces (46 allocated and 14 unallocated). This presumes that three and four bed houses will have two allocated spaces and one and two bed houses will have one allocated space (*NB. The proposed*

*number of dwellings has been revised down from the Highway Authority's assessment of 29 units).*

It would be preferred for all allocated parking spaces to be provided within the curtilage of the dwellings whilst visitor spaces should be appropriately distributed throughout the site.

Cycle Parking – Safe, secure and covered cycle parking facilities need to be provided at new developments.

*Parking:*

- 5.2.5 *Accessibility:* In summary: the site location offers travel choice other than the private car, especially for reaching town centre services and when making local journeys.

*Construction Traffic Management Plan:*

- 5.2.6 In the event that planning permission is granted it is requested that a condition is imposed requiring a Construction Traffic Management Plan to be submitted for the consideration and approval of the Local Planning Authority in conjunction with East Sussex County Council (ESCC) prior to the commencement of development. This would include a construction traffic routing agreement, hours of working, wheel washing, and secured compounds for materials storage, machinery and contractor parking.

*Conclusion:*

- 5.2.7 Subject to the recommendation of the Highway Authority being taken into account there are no major concerns regarding the site access from a highway safety or capacity perspective.

- 5.3 Lead Local Flood Authority (LLFA) (Comments on original submission):

No objection: *'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 this response.'*

- 5.4 Southern Water (Comments on original submission):

Sewer records show that a foul sewer crosses the site. No new development or tree planting should take place within 3m either side of the foul sewer. It may be possible for the developer to divert the foul sewer at their expense provided this would result in no unacceptable loss of hydraulic capacity. Alternatively the applicant may wish to amend the site layout to avoid any impingement on the foul sewer.

Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development.

Initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development would be required. This should not involve disposal to the public foul sewer.

The planning application makes reference to drainage using Sustainable Urban Drainage (SuDS). Southern Water requests that should this

application receive planning approval, a condition is imposed requiring the proposed means of foul and surface water drainage to be submitted for the consideration and approval of the Local Planning Authority in consultation with South Water.

5.5 Historic England (Comments on original submission):

On the basis of the information available to date, Historic England does not wish to offer any comments other than to suggest that the Council seeks the views of its specialist conservation and archaeological advisers, as relevant.

5.6 County Archaeologist (Comments on original submission):

5.6.1 Further to the receipt of additional information, the ESCC Archaeological Section has confirmed that on the basis of draft report and the results, they would be happy for the testing of these results through trenching to be carried out under an appropriate planning condition(s).

5.6.2 In the circumstances the Archaeological Section would wish to impose conditions in the event that the application is to be approved.

5.7 ESCC Environment Team – Landscape Architect (Comments on original submission):

5.7.1 Recommend refusal. The application documentation has not met the requirements of Sections 58, 59, 61 and 64 of the National Planning Policy Framework with regard to the need for high quality design which responds to local character, sense of place and distinctiveness. The application documentation has not met the requirements of section 109 of the National Planning Policy Framework with regard to the need to protect and enhance valued landscapes. (Further to this the proposal would not meet the requirements of section 115 of the National Planning Policy Framework which requires great weight to be given to conserving landscape and scenic beauty in AONB/National Parks).

Reasons (Landscape and Visual Context and potential impacts summarized):

- The ridge top location of this site and open aspect are physical attributes which need to be given proper consideration in this context and which would be sensitive to change. Any proposals for this site would need to be sensitive to these attributes and not detract from local landscape character.
- The NTR is an ancient routeway and is therefore a key component of the AONB. The mature trees associated with the routeway probably define an ancient boundary and are an integral part of the history and character of this routeway.
- LVA viewpoint one demonstrates that long views across the AONB countryside can be gained from the footpath adjacent to NTR looking between the trees. It is not disputed that public views into the site are restricted; however the open character of this landscape does make it sensitive to change.
- The built up area along NTR on the approach to the town is typical of the ridge top ribbon development which is characteristic of many settlements in the AONB. On the part of the ridge where the site is located the

existing development is typically large houses with long gardens extending down the slope. There is a clear built development line which extends westwards from Claverham Community College along NTR to the Squirrel Inn.

- There could be some scope for limited development on this site if the houses are close to NTR and on the more level area of the site. The proposed houses would extend further south than the existing line and would not be in character with the existing settlement pattern. The southern boundary would need to be defined with tree and hedge planting to provide a defined boundary between the development and the wider AONB countryside.
- The proposed access is across a steep bank which slopes down from NTR. This would require considerable engineering works and the creation of a ramp and side banks into the site. These would be alien features in this sensitive location and would impact on the character of the ancient routeway. The loss of at least five mature trees, some of which are ancient boundary oaks would be required to achieve this access.
- The development would introduce suburban development and features into the open farmed landscape extending these impacts further into the countryside than the existing building line. The rear garden fences, lighting and the inevitable paraphernalia associated with private garden spaces would have a suburbanising influence on the countryside.
- Conditions should be imposed in the event the Committee is minded to approve the application.

5.7.2 Any comments on the revised layout will be reported at Committee.

5.8 Asset Development Officer (Housing) (Comments on original submission):

The main points summarised are as follows:

Housing Development supports this outline planning application subject to planning approval and subject to the following affordable housing development requirements.

Level of affordable housing provision: The total affordable housing provision required is 10.15 dwellings. This application broadly complies with policy LHN2 concerning a 35% affordable housing provision in Battle, totalling 10 dwellings on-site. The remaining part dwelling will be required in the form of a commuted sum.

Tenure: The application proposes 35% affordable rented housing (4 dwellings) and 65% intermediate housing (six dwellings).

Housing Development does NOT support this tenure mix, which is contrary to planning policy LHN1 (v) of the adopted Core Strategy (2014).

It is not accepted that intermediate housing would serve the needs of those on the housing register. In most cases housing register applicants are unable to afford private sector rents without housing benefit assistance. Intermediate housing would not serve as a suitable alternative option to the large majority of these applicants, especially once minimum income and upfront deposits required are factored in.

As of the 2 March 2017 there are 1,271 applicants on the Councils Housing Register. All eligible applicants of the register are entitled to apply for affordable rented vacancies across the district (with priority given for vacancies in rural areas to applicants within certain 'Parish Cluster' groups). Of the total need on the housing register 97 applicants (7.6% of the total housing need) has a registered need within Battle. This demonstrates a demand over and above the 35% affordable housing provision proposed on this scheme.

Affordable Housing Development would therefore, require a minimum of 65% affordable rented provision on this scheme (6.5 dwellings), rounded up to seven dwellings in total. The remaining three dwellings would be agreed as intermediate housing.

*The type and size of affordable housing units:* The applicant has proposed that the mix shall be agreed at the reserved matters stage, with priority of rented house to include one, two, and three bedroom dwellings. This approach is considered acceptable and policy compliant.

The current requirements of the register confirm the following:

No of bedrooms	Total need in Battle
One bed	44%
Two bed	36%
Three bed	14%
Four bed	5%

*The type and size of market dwellings:* It is recommended that a proportion of market housing should be allocated as smaller dwellings (primarily two beds) to ensure that the scheme is policy compliant with paragraph 15.7 of the Core Strategy

*Pepper-potting:* The scheme will need to comply with Policy LHN1 (vi) and paragraph 15.30 of the Core Strategy. This will be a mandatory requirement to be agreed at the reserved matters stage.

*Special needs:* In view of the accessible location and mobility needs of the housing register. The Affordable Housing Development team would expect to include provision of one wheel chair dwelling to be built in accordance with M4 (3) wheel chair accessible standards, to be secured as part of the section 106 affordable housing provision.

*Overview* – the proposed affordable housing mix required:

Property type	Affordable Rent	Shared Ownership	Total
1 bedroom flat	2	0	
2 bedroom house	4	1	

3 bedroom house	1	2	
4 bedroom house	0	0	
Total	7	3	10

#### 5.9 High Weald AONB Unit: (Comments on original submission):

General comments (summarised):

Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to ‘the purpose of conserving and enhancing the natural beauty of AONBs’ in making decisions that affect the designated area.

The High Weald AONB Management Plan has been adopted by all the relevant local authorities, including Rother District Council, as their policy for the management of the area and for the carrying out of their functions in relation to it. Applicants should be required to demonstrate whether their proposal conserves and enhances the AONB by contributing to meeting the objectives of the Management Plan. These are:

- *Geology, landform, water systems and climate:*  
In this case care should be taken to protect the existing water bodies on the site and control drainage into the nearby River Line and River Brede.
- *Settlement:*  
In this case the settlement pattern in this area of Battle is generally development facing on to the routeways.
- *Routeways:*  
Relevant Management Plan objectives would include R1 “To maintain the historic pattern and features of routeways”, which here would include NTR.
- *Woodland:*  
Relevant Management Plan objectives would include W1 “To maintain existing extent of woodland and particularly ancient woodland”; and W2: “To enhance the ecological functioning of woodland at a landscape scale”. There is some undesignated woodland on the site and ancient woodland to the south and opportunities should be taken to connect these areas with wildlife corridors.
- *Field and Heath:*  
Relevant Management Plan objectives include FH2 “To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands”; and FH3: “To enhance the ecological function of field and heath as part of the complex mosaic of High Weald habitats”. This site is part of a late post medieval (1600-1700) regular piecemeal enclosure.

#### 5.10 Sussex Police (Comments on original submission):

No objection in principle from a ‘Secure by Design’ point of view. The application is, however, in outline, and less general comments could be put forward at any reserved matters stage in the event the outline application is to be approved.

#### 5.11 Planning Notice (Comments on original submission):

5.11.1 Objections: (12 in total) have been received from local residents and Thatcher Place Estate Company Ltd. Board (grounds summarised):

*Policy:*

- The site is outside the Development Boundary for Battle.
- There are opportunities for developing alternative site within the Development Boundary.
- Land at 'Blackfriars' should first be developed.
- The recent approval for 63 dwellings at Tollgates (RR/2017/1259/P) should not be regarded as a precedent.
- Battle is in the process of preparing a Neighbourhood Plan: this should not be allowed to be circumvented by the application.
- The Strategic Housing Land Availability Assessment (SHLAA) only recognised this as an 'amber' site and not a 'green' site; and only for a maximum of 20-25 dwellings.
- The proposal would not accord with Policies OSS2(v) and BA1(viii).

*Character of the area:*

- Substantial building on a main artery road into the town would undermine the historic character and rural nature of the town for locals and visitors alike.
- Declared objectives in previous local plans are to maintain Battle's small town nature, its distinct and rural character and the close relationship that it has to landscape setting – the development would undermine these aims.
- Would extend existing ribbon development.
- Loss of farmland.
- This development would be built on a green-field site; and not within available brown-field sites or those within the development boundary
- Site is within the AONB which should be conserved rather than used for large scale building projects.
- Contrary to the National Planning Policy Framework which states that great weight should be given to conserving AONBs, which have the highest status of protection in relation to scenic beauty.
- Would impact upon the setting and historic significant of the former Battle Hospital and workhouse (a Grade II listed building).

*Residential amenity:*

- Loss of view over attractive countryside.
- Would add to traffic pollution – including increased noise.

*Highway issues:*

- Would result in a significant increase in cross-town traffic.
- Increased traffic congestion.
- Exacerbate existing traffic problems in the area.
- Proximity of Clavering College would pose additional potential dangers for school children.
- Site is over one mile from the town centre and as such it is not in a sustainable location.

*Infrastructure:*

- Local doctor surgeries, dentist surgeries and schools are at capacity.
- Sewerage treatment plants are at capacity.



- Local electricity supply frequently fails and internet service is already inadequate.

*Other.*

- Saxon Farm supports a variety of wildlife including bats, birds (tawny owls, barn owls, hawks), mammals (badgers, rural foxes), and reptiles (lizards, grass snakes); along with the accompanying diverse flora (e.g. autumn lady's tresses orchid); habitats would be impacted upon if the development is allowed to proceed.
- The site is part of a working tenanted farm that has been farmed by the same family for many years; the continued economic and productive needs for agriculture are too important to be ignored.
- The current tenant farmer has a lease with still seven or eight years to run.
- The public exhibition held by the applicant confirmed the possible subsequent proposal to erect a further 10 dwellings on the site of current farm buildings (to the east).
- Several of the supporting documents detail the attributes of adjacent farmland to the south and west of the site, which could indicate the future intention to expand development into these areas.
- A proposal (B40) to build 220 properties on several fields at Saxon Farm was submitted as submissions in respect of the Neighbourhood Plan.
- If the site is to be developed it should be for a maximum of ten houses.
- Planning application RR/2016/2613 for the erection of one dwelling at Kingsland, NTR was relatively recently refused planning permission. Among the reasons for this was that the development would cause harm to the character of Battle "by the intensification of ribbon development on the outskirts of the town, resulting in the erosion of the transition between settlement and countryside" – surely the Saxon Hill development should be refused on this ground alone, let alone the others listed in the objections.

5.11.2 Wealden District Council: In a letter received dated 11 January WDC objected to the development on the grounds that at this stage it is unproven that in combination with other development, that impacts on the Ashdown Forest and Lewes Downs SACs (Special Areas of Conservation) will not arise from the proposed development with specific reference to the Conservation of Habitats and Species Regulations 2010. It specifically advises that a likely significant effect from traffic arising from the development could not be ruled out for Lewes Downs SAC and Ashdown Forest SAC/SPA; therefore, there is a need for an 'Appropriate Assessment' under the Regulations. The full letter is available to read online.

5.11.3 Letters of general comment (two in number) have been received. One from Sunny Rise Management Company Ltd comments:

- A planning condition should be imposed to provide a pavement on our side (north side of NTR) going towards Battle town centre. The pavement currently stops just before No.73 NTR and restarts further on necessitating pedestrians to cross the road.

A general letter from the Neighbourhood Plan Steering Committee refers to development proposal B40 which was put forward for the proposed development of 220 dwellings on land on the south side of NTR and sets out a number of constraints that were identified at the time.

5.12 Planning Notice (comments on the re-advertised amended application):

5.12.1 A further three objections have been received. Additional comments are summarised as follows:

- The amended application does not make it clear how many dwellings are proposed; specifically, it states the proposal is for up to 25 dwellings, however, both illustrative plans 'Options 1 & 2' clearly state that 25 dwellings are intended.
- The newly submitted access plan shows that a large number of existing trees would need to be removed, which would be harmful to the existing character and appearance of the locality.
- This row of trees and their predecessors have been in existence for some 170 years; vagrants in Victorian England used to hide their valuables in these trees before going into the workhouse: this is the history you intend to destroy.
- The removal of the existing traffic calming measures on NTR will increase traffic speeds.
- The impact of the proposed development on the Grade II listed former workhouse and Battle Hospital (now Fredrick Thatcher Place) has been understated by the developer; this was one of the first workhouses and the national importance of workhouses in terms of historical heritage, has been recognised by conservation bodies, including the national trust.
- The site is much less sustainable in terms of access to town centre services and the railway station than suggested in the application.
- With the Blackfriars area now opened up for development through Government infrastructure grant, there is the opportunity to rethink the disposition of extra housing in the Battle area.

## **6.0 APPRAISAL**

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

6.2 The site lies outside of the Development Boundary for Battle as defined by the Rother District Local Plan 2006 and shown on the Proposals Map (Inset Map No. 2). The current boundary on the south side of NTR follows the western side boundary of no. 73, which flanks the eastern side boundary of the application site. The site therefore abuts the existing development boundary. The boundary continues to follow the bottom of the long rear garden of No. 73 and the existing neighbouring properties to the east. However, the need for additional housing in the district and in the Town specifically is recognised by the Core Strategy; moreover it is accepted that there is insufficient land within existing development boundaries to accommodate the amount of new housing required and consequently development boundaries will need to be reviewed.

6.3 Development boundaries within the district are being reviewed in the forthcoming Development and Site Allocations (DaSA) and NPs where these are being made. Battle has resolved to undertake a NP. Battle Civil Parish was designated by the District Council by resolution CB14/80 on the 13 April 2015; The NP area is that of the Parish boundary. Whilst Battle NP is in the early stages, it does mean that allocations for housing and employment land etc. for the Battle neighbourhood area will be made in the NP and not the Council's DaSA Local Plan. Because the NP is at a very early stage it can

only be given minimum weight in planning decisions. In the meantime, it is appropriate, taking development plan policies as the starting point, and also having regard to the Council's present lack of a five year's housing supply and the presumption in favour of sustainable development in the National Planning Policy Framework and the Core Strategy, to consider the specific impacts of proposals such as this one that are brought forward for sites adjacent to existing settlements.

- 6.4 The principal issues for consideration in this application are the impact of the proposed development on the setting of the town in this location and on the landscape and natural beauty of this part of the High Weald AONB, having particular regard to planning policies for the provision of new housing, including the Council's housing supply position. Other issues that will need to be considered are: Design (including density); heritage and archaeology; housing mix and affordable housing; highway safety and traffic management; drainage (including SuDS); biodiversity; impact on the living conditions of any neighbouring properties; section 106 contributions and Community Infrastructure Levy.

## 6.5 Policy Position

- 6.5.1 The Government requires that all local planning authorities identify annually a supply of specific deliverable sites sufficient to provide a five-year supply of housing against their housing requirements with an additional appropriate buffer to ensure choice and competition in the market for land. Policy OSS1 of the Core Strategy (CS) that sets out the overall spatial development strategy includes a requirement to plan for at least 5,700 additional dwellings (net) in the district over the Plan period. Policy BA1 of the CS states that proposals for development and change in Battle will (iii) provide for 475 – 500 net additional dwellings in Battle over the Plan period 2011 – 2028, by developing new housing via opportunities both within the development boundary, and modest peripheral expansion opportunities that respect the setting of Battle within the High Weald AONB and supports community facilities.

### *Allocations:*

- 6.5.2 In terms of allocations, the Blackfriars site (Policy BT2 of the Local Plan 2006) is expected to be the main component of further supply, at least 220 dwellings being allocated in the 2006 Local Plan. The eventual capacity is yet to be established (there being no NP for Battle in any form at the moment). A site at NTR (Policy BT3 of the Local Plan 2006) is expected to deliver 14 units. These two sites are expected to be delivered within the Plan period but are not expected within the next five years.

### *Commitments:*

- 6.5.3 As at April 2016, there was a residual requirement of 425 additional dwellings (of the 475 minimum in policy BA1), as identified in the DaSA Local Plan. Since then, the target has been reduced by:
- 50 dwellings approved on land to the west of Lillybank Farm (outline permission RR/2016/725/P and subsequent reserved matters (RR/2017/1136/P) approved in September 2017) and;
  - 63 dwellings on land at Tollgates (outline RR/2017/1259/P with all matters reserved except for means of access, approved in November 2017).

This takes the outstanding requirement down to 312 dwellings (i.e.  $425 - 50 - 63 = 312$  dwellings). In addition, completions, small site commitments or small site windfalls have increased by 14 dwellings, giving an outstanding large sites requirement of 298 dwellings. With the main component of this being met by at least 220 dwellings being allocated on the Blackfriars site the outstanding requirement for Battle during the Plan period would be **78** dwellings ( $312 - 14 - 220 = 78$ ).

*Progress:*

- 6.5.4 Whilst housing permissions have recently been made in Battle (see commitments above) neither of the extant 2006 Local Plan allocations currently have planning permission. Battle has seen the lowest levels of completions to date, with only 6% of its overall housing requirement built by 31 September 2017. The need for an additional release at this time is therefore balanced, but weight must also be given to the lack of a five-year housing land supply (currently 3.2 years) in the “planning balance”, as should the significance of any impacts on the High Weald AONB.

*Development boundaries:*

- 6.5.5 Core Strategy Policy OSS2 states that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not. The Policy goes on to state that existing development boundaries will be reviewed having regard to a number of criteria including, (i) the existing pattern, form and function of settlements; (ii) the character and settings of individual villages; (iv) the amount of land needed to fulfil development needs; (v) availability of local infrastructure and services and (vii) environmental considerations including the need to conserve designated areas of national and local landscape, archaeological, geological, ecological or historic importance.

*The SHLAA:*

- 6.5.6 The suitability of the application site for future development was previously assessed as part of the SHLAA 2010 and SHLAA Review 2013. The SHLAA is an initial assessment to support the Core Strategy and an ‘evidence base’ document. It does not allocate land for housing nor pre-empt or prejudice any Council or NP decisions about particular sites. It is an aid to plan making and not a statement of Council policy but in the context of this application is of relevance. Within the SHLAA 2010 the site was identified as an ‘amber’ site and potentially suitable and developable subject to more detailed investigations for an estimated 20-25 residential units.
- 6.5.7 Notwithstanding the SHLAA’s consideration, the wider housing need of Battle and the district as a whole and the issues raised in the subsequent paragraphs leads to the need to reconsider the site in relation to current policy considerations and national guidance.

*Five-year housing land supply*

- 6.5.8 Paragraph 49 of the National Planning Policy Framework requires that housing applications should be considered in the context of the presumption in favour of sustainable development; it goes on to say that existing local plan policies for the supply of housing should not be considered up-to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. Notwithstanding that, weight can continue to be given to those policies depending on their degree of consistency with the

National Planning Policy Framework: the weight to be given to be determined by the decision taker.

6.5.9 In respect of the five-year supply issue at October 2017, the latest date for which figures are available, the Council could only demonstrate a 3.2 year supply of available housing sites including a 20% buffer. This means that the 2006 Development Boundaries and other policies that relate to the supply of housing must be viewed at present as being 'out-of-date' for the purposes of paragraph 49 of the National Planning Policy Framework and that, as a consequence, planning applications fall to be considered in the context of paragraph 14 of the National Planning Policy Framework. However that does not mean that housing schemes which are unacceptable for other sound planning grounds must now be allowed; but it does add weight to the benefits that the contribution to boosting housing supply would bring when determining planning applications 'on balance' and that weight in the specific context of Battle would be 'significant' in view of the shortfall between existing permissions and the total of 475 – 500 net additional dwellings over the Plan period 2011 – 2028.

6.5.10 Paragraph 14 states:

*“For decision-taking this means:*

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

6.5.11 Paragraph 14 (footnote 9), however, exempts AONBs (and other protected sites where development should be restricted) from what has been described as the “tilted balance”. It is taken to mean that the “tilted balance” in the penultimate indentation does not apply where it would be contrary to the National Planning Policy Framework’s restrictive policies. This interpretation has been made by Inspectors to several appeals in the district in recent years. The key paragraph of the National Planning Policy Framework in this respect is 115 which states:

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

The impact of the development on the AONB will therefore be a main issue for consideration.

## 6.6 Town character, setting and impact on the landscape and natural beauty of the AONB

6.6.1 Section 85 of the Countryside and Rights of Way Act 2000 provides that, in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The essential

landscape character of the High Weald AONB that makes it special is described within the Statement of Significance within the AONB Management Plan 2014-2019. This document is also a necessary consideration. The Plan is focused on delivering the statutory purpose of AONB designation: conserving and enhancing natural beauty. There are a series of objectives relating to geology, landform, water systems and climate; settlement; routeways; woodland; and field and heath. Objective S2 aims to protect the historic pattern of settlement. The rationale behind this is to protect the distinctive character of towns, villages, hamlets and farmsteads and to maintain the hinterlands and other relationships (including separation) between such settlements that contribute to local identity. The objective of FH2 is to maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands.

- 6.6.2 Policy OSS2 of the Core Strategy states that development boundaries around settlements will be reviewed including taking account of (i) the existing pattern, form and function of settlements, including of closely 'linked' settlements and important 'gaps' of countryside between them, and (ii) the character and setting of individual towns and villages.
- 6.6.3 Policy OSS3 of the Core Strategy states that development proposals will be assessed in the context of (i) the spatial strategy for the particular settlement; and (vi) the character and qualities of the landscape.
- 6.6.4 OSS4 (iii) of the Core Strategy requires that all development respects and does not detract from the character and appearance of the locality.
- 6.6.5 RA1 (i) seeks to protect the locally distinctive character of villages.
- 6.6.6 Policy RA2 sets out the overarching strategy for the countryside outside the main confines of villages, including: (viii) generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.
- 6.6.7 Policy EN1 provides for the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features including (i) the distinctive identified landscape character, ecological features and settlement pattern of the AONB and (v) open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes.
- 6.6.8 In addition to paragraph 115 of the National Planning Policy Framework, paragraph 109 requires that the planning system should contribute to and enhance valued landscapes.
- 6.6.9 The impact of a development proposal on these policy objectives needs to be balanced against the identified need within the Core Strategy to significantly increase the supply and delivery of additional housing across the district, including within the AONB and notably within Battle itself. 'Great weight' is to be given to conserving the landscape and scenic beauty of the AONB within that balancing exercise.

*Character and setting:*

- 6.6.10 The town of Battle is situated astride one of the principal High Weald east-west ridges. The land either side of the ridge falls away sharply and so development has extended over time along this ridge and the spurs. The topography of the landscape surrounding Battle is important in creating its setting, with the open valley to the northeast and southwest of the town retained, heightening awareness of the town standing on the higher ridge, with no foreground development to detract, although the mid C20 housing development to the south of NTR, extend away from the ridge top to some extent. The NTR Battle ridge separates the Combe Haven Valley landscape to the south from the Brede Valley landscape to the north. The application site is associated with the Combe Haven Valley. Its characteristics are described in the ESCC Market Towns and Villages Landscape Assessment (August 2009) under the Saxon Hill Farm/Claverham area (ref:B1) assessment, as having a strong sense of place; a typically heavily wooded rolling rural landscape; with few detractors apart from the busy road into Battle and distant pylons on the opposite ridge; it adds that it features open pastures divided by neat hedges and extensive deciduous woodland, and there is a remote countryside experience as one moves further away from the road.

*Landscape and Visual Assessment:*

- 6.6.11 The initial Landscape Appraisal accompanying the application found that the overall impact of the proposal on the landscape character of the site itself would result in limited harm. It states that the rolling landscape of ridges and valleys, in combination with the abundance of ancient woodland, hedges and tree blocks, visually contain the site from all orientations to the north, south, east and west. It assesses that the site itself does not contribute to the character of the town but the trees which line the road do, giving a wooded character to the road. These would be largely retained apart from the creation of the new access. The trees partially screen the site from NTR and only glimpses of the site are available from the road. It goes on to state that the development approach is sensitive to landscape character and visual impact by maintaining a green corridor along NTR, by largely retaining roadside trees and setting the development back from the road, by providing a view corridor from NTR through the development towards the rural landscape beyond, and introducing further mitigation, comprising new woodland blocks to the south of the proposed buildings to create a softer development edge.

*ESCC Landscape Architect*

- 6.6.12 The ESCC Landscape Architect has commented on the proposal, raising an overall objection to the scheme. The comments relate to the original submission. As previously stated, the housing numbers have been reduced and an amended illustrative layout plan has been received. The ESCC Landscape Architect has been re-consulted on the amendments and any further comments received prior to the committee meeting will be reported. The amendments that have been negotiated seek to address concerns raised in respect of the original illustrative layout plan, particularly in regard of the amount the proposed development extends to the south. The ESCC Landscape comments note that there may be some scope for some limited development on the site if the houses are closer to NTR and on the more level area of the site. This is explored further below in the context of the original illustrative layout plan and the amended illustrative plans that have been received.

- 6.6.13 Whilst the application is in outline and layout is a reserved matter, it is nevertheless important that the application demonstrates that a reasonable layout for the number of housing units proposed is capable of being accommodated on the site. In this regard an illustrative layout plan has been provided with the application submission.

*The original illustrative layout plan:*

- 6.6.14 The application site is a gap within existing residential ribbon development fronting the southern side of NTR which, to an extent, is contained in long views by existing woodland. The existing residential dwellings on either side of the site have long rear gardens which extend to the south. Beyond the southern limits of the gardens is countryside. The existing houses form a 'staggered' building line with some set back further from the road than others.

- 6.6.15 A particular concern in respect of the original proposal and the original illustrative layout plan was the intention to develop the site at depth (i.e. further down the slope to the south and away from the road). This form of development would extend further south than the existing built development on adjoining land and as such, would be a departure from the existing pattern of development in the locality. Moreover, the application proposal set out on the original illustrative plan indicated an access road leading to open fields and a row of built development on the southern boundary of the application site, which would have resulted in an abrupt and visually hard-edge to the settlement that would have an unacceptable impact on the character and appearance of the AONB countryside. This was recognised in the consultation response received from the ESCC Landscape Architect that noted in particular, "*the development would introduce suburban features into the open farmed landscape extending these impacts further into the countryside than the existing building line.*" This reflected similar concerns identified in the Council's SHLAA assessment of the site (ref BA40), which commented that, "*the southern sections of the site are unlikely to be suitable for built development so as to avoid overly compromising the prevailing built form morphology on the southern side of NTR.*" The SHLAA assessment also found that, "*boundary planting would be necessary at (the) southern boundary to limit landscape impact*".

*The amended plans:*

- 6.6.16 Following negotiations with the applicant (on a without prejudice basis) amended plans have been received. These include an amended 'Development Parameters Plan', which is used to set-out the geographical extent of any proposed building development within the application site (as represented by the red line on the outline application plan).
- 6.6.17 This plan shows the proposed building development to extend significantly less into the countryside to the south than originally proposed. It is now shown to equate to the indicative rear (staggered) building line drawn between existing properties to each side of the application site. Also, submitted are two amended illustrative layout plans (referred to as 'option 1' and 'option 2'); these show alternative indicative layout strategies capable of delivering 'up to 25 units'. These have also been revised to correspond with the 'Development Parameters Plan' and show building development restricted to the upper part of the site (closer to the road) with less encroachment into countryside to the south.



- 6.6.18 Of the two 'options' plans, 'option 1' would be rather more acceptable than 'option 2'. As far as 'option 2' is concerned there would still be concerns about the extent of what is described as 'ancillary residential infrastructure' (as represented by the beige shaded area on the Development Parameters Plan) to the south of the existing indicative rear building line (in the south part of the site). As well as presenting a more abrupt edge to the development, the 'option 2' plan shows this beige shaded area to include a new east/west southern access road encroaching into the southern part of the site. 'Option 1' on the other hand, shows the southern strip of buildings switched such that they front north, with gardens extending southwards, thereby removing the need for the southern access road (a footpath still appears to be proposed but this is unnecessary and could readily be deleted as the layout design develops). The 'option 1' arrangement would also allow the built development to sit even slightly further northwards within the site than 'option 1' plan presently shows, subject to the design of the central parking areas and the configuration/quantum of any central development (2 being shown on the indicative layout plan).
- 6.6.19 These matters would all be considered in the design development work for a subsequent reserved matters application. There would be no objection in principle to the rear gardens of the southernmost properties extending below (further south) existing indicative rear building line as denoted by the red dashed line shown on the 'Development Parameters Plan'. This arrangement is the preferred approach of the High Weald AONB Unit too. In principle it would provide a more gradual transition and visually softer edge (subject to the treatment of the southern boundaries) to the development and constitute an area of development (buildings and built infrastructure/hard landscaping) which it is considered would sit more comfortably within the AONB.

## 6.7 Design issues (including density)

- 6.7.1 The application is in outline with the details of access only to be considered at this stage. This means that detailed design matters of the scheme relating to layout, scale, external appearance and landscaping, would fall to be considered at any subsequent reserved matters stage. The applicants are, however, seeking to establish the principle of constructing up to 25 residential units on the site. This equates to approximately 17.5 dwellings per hectare. Whilst this is somewhat higher than residential densities comprising the adjacent existing ribbon development to the south of NTR, it is considered reasonable and acceptable given other policy objectives to achieve the efficient use of land. Notably development opposite on the north side of the road at Frederick Thatcher Place and Sunnyside is at a significant higher density.
- 6.7.2 Whilst layout is also a reserved matter the issue of the amended illustrative layout plans has been covered at length above. Negotiations on the scheme have resulted in an amended illustrative layout being submitted that restricts new built development to the upper part of the site and avoids undue encroachment into the countryside. This has demonstrated that the proposed 'up to 25 dwellings' can be accommodated on the site, the eventual quantum to be determined as a function of the design of the detailed layout and the exact positioning of dwellings within the site, as to be considered at reserved matters design stage; the applicant has suggested that the eventual quantum may therefore end up at 23 or 24 dwellings. The eventual actual layout would need to be designed and considered in parallel along with other

design considerations; proposed site/development sections and elevations, building design and scale and so forth, and would be considered at any subsequent reserved matters application.

## 6.8 Highway considerations (including access)

6.8.1 The development proposal includes the formation of a new vehicular access to the south side of NTR to serve the proposed residential development. Whilst the application is in outline only the proposed access arrangement is a detail that the applicant wishes to be considered for determination at this stage. The Highway Authority has been consulted on the planning application and has raised no overall objection subject to the imposition of conditions.

6.8.2 The highway response is summarised in section 5.2 above and can be viewed in full on the planning website. In addition to access, the Highway Authority has considered the proposed development in terms of parking, and the indicative internal road arrangement. These matters overlap with layout and other design details, however, and accordingly it is acknowledged they can only be fully considered at any reserved matters stage. Potential traffic generation has also been assessed; there are no major concerns regarding the proposed access from a capacity perspective, and the level of traffic that will be generated would not be such, so as to require an assessment of junctions further afield. Finally, the site is not remote from a range of services and from a sustainability perspective, the Highway Authority recognises the site location offers travel choice other than the private car, especially for reaching town centre services and when making local journeys.

## 6.9 Heritage and archaeology

6.9.1 The former Battle Hospital (and workhouse) – now Frederick Thatcher Place – fronts the northern side of NTR opposite the application site. This is a designated heritage asset, being a Grade II listed building. It is a relatively large institutional complex that has been converted to residential use a number of years ago. Further residential development was carried as part of the redevelopment of the adjacent former Sunny Rise Nurseries site. The Planning (Listed Buildings and Conservation Areas) Act 1990 at section 66 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this regard a 'Heritage Statement' has been submitted with the application; which includes an assessment of impact of the proposed development on the former Battle Hospital. This states that the road side trees would provide a degree of screening to soften views of the development. These would also offer a degree of separation between the former Hospital and the proposed new residential development. The proposed development, being built to a height of two-storeys, would be visible from certain points at Battle Hospital, namely the front element. Moreover, the development of the site for housing would reduce the sense of rural isolation once experienced. This, however, has already been affected by the degree of development already seen along NTR, and principally the former Sunny Rise Nurseries site immediately to the east of the heritage asset. When viewed along the NTR approaching from east or west, the Hospital would largely remain as seen. Overall, the report concludes, the

proposed development would result in a negligible degree of harm, at the very most, on account of the further loss of to the nearby rural surroundings. The report notes that this harm is the very lowest degree of *less than substantial* in degree and as such, paragraph 134 of the National Planning Policy Framework is engaged requiring the harm to be set against the public benefits of the proposal. In this regard the assessment of the degree of any harm on the setting of the listed building as being *less than substantial* is accepted, and in this regard it would not outweigh the significant benefits of contribution to boosting housing supply give the shortfall in the Council's five-year housing supply position.

- 6.9.2 With respect to below ground archaeology: The County Archaeologist has received further survey information for the applicant's archaeological consultant and has now confirmed that there would be no objection planning permission being granted subject to conditions.

## 6.10 Biodiversity

- 6.10.1 Policy BA1 (ix) and EN5 of the CS provides that proposals for development and change will seek opportunities for habitat protection and enhancement. The site contains a Biodiversity Action Plan (BAP) habitat standard pond in the north western corner, as well as grazed semi-improved grassland field with boundary features including hedgerow and trees and dense shrub. In terms of potential habitat there is also a hay barn within the site. The application is accompanied by an Ecological Appraisal report. The ecological information states that site specific surveys were carried out in respect of protected species. The illustrative plan shows an indicative development layout that avoids impinging on higher value habitats such as the pond, and is tailored towards the retention of features such as the tree belt (with the exception of some tree removal at the proposed access and visibility splays). The supporting information indicates that the built development would be restricted to the lower value semi-improved grassland areas where there would be less impact on higher value habitats. The application also states that mitigation would be provided in the form of additional planting and wetland habitat creation in the southern part of the site.

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

- 6.10.2 With regard to the impact of the proposal on the air quality of Ashdown Forest and Lewes Down SAC, and hence on the sites' principal interests: having regard to the conclusions of the Habitat Regulation Assessments (HRAs) undertaken for the adopted Core Strategy, supplemented by available evidence of commuting data for this locality, it is found that there is no discernible prospect of additional traffic from the proposed development impacting on the Ashdown Forest or Lewes Downs SACs in particular. The application proposal has been assessed having regard to the Wealden District Council objection.
- 6.10.3 This is based on consideration of the likely level of non-local (i.e. commuting) trips that can be estimated to be generated by the proposed development and the likely distribution of those trips, having regard to recorded commuting flows from this locality. Assuming two trips from a single vehicle to any destination, the proposal is found likely to generate less than one quarter of a single daily vehicle movement that would have the potential to have impact on the Ashdown Forest SAC. Similarly, the likely trip generation

close to the Lewes Downs SAC is less than one half of a single daily vehicle movement.

- 6.10.4 It is accepted that the current trip distribution does not necessarily equate to that which will occur in the future. A significant factor affecting future trips will be the availability of employment opportunities locally. In this respect, it is anticipated that there will be a relative increase in jobs locally, particularly in the “A21 Corridor”, as a consequence of on-going major business development schemes, and associated road access improvements which should lead to a lesser level of net out-commuting from the area for work. 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.

6.11 Impact on the living conditions of neighbouring properties

- 6.11.1 Policy OSS4 (ii) states that all development should not unreasonably harm the amenities of adjoining properties. Existing properties adjoining the site essentially comprise the houses fronting the southern side of NTR on each side of the application site (73 is immediately to the east and 83 to the west) and the properties opposite - facing the northern side of North Trade Road (the former Battle Hospital site (Fredrick Thatcher Place) and the development immediately next to this that was carried out on the former Sunny Rise Nurseries site – now Sunny Rise). With regard to the occupiers of the residential properties on the northern side of the road, there would be some impact on existing countryside views arising from built development in the field opposite. Whilst loss of view is not a material planning consideration and carries little weight in the determination of the application, the mature trees themselves would largely be retained (apart from the formation of the access) to act as a foil to soften the visual impact new built development. No 83 to the west is separated from the proposed built development by the pond and surrounding trees and it is also not considered that the development would unreasonably harm the amenities of the occupier of this property. There is less vegetation cover separating No. 73 on the eastern side and this is rather more open. The amended illustrative plan that has been submitted has been amended to take into account the need to avoid loss of amenity for the occupier of this property having regard to material considerations such as: overlooking, overshadowing, loss of outlook, and potential noise disturbance, and the relationship shown on the indicative layout would not be unreasonable. However, as layout is a reserved matter this would fall to be determined at a subsequent stage, in the event the outline application was approved. In summary it is considered that the site could reasonably develop without resulting in unreasonable loss of amenity for the occupiers of an adjoining property.

6.12 Drainage

- 6.12.1 Policy SRM2 of the CS states that effective management of water resources will be supported by (iii) the promotion of sustainable drainage systems to

control the quantity and rate of run-off as well as to improve water quality wherever practicable. A Flood Risk Assessment and Drainage Strategy has been submitted with the application. The site is located in Flood Zone 1 and as such, it is not at risk of flooding. The proposed means of draining the proposed development, however, is to adopt form of sustainable urban drainage (Suds). It is stated that the hard surfaces (new roads, access drives and parking bays) are proposed to be designed using lined permeable paving. The drainage from this and the roofs etc. would be drained using a new below ground surface water network prior to being discharged into a new swale system in the southern (lower) part of the site with an additional system of cellular storage. ESCC as LLFA has been consulted on the application and has raised no objection.

- 6.12.2 Foul sewerage would be dealt with via the main sewer. Southern Water has been consulted on the application and has confirmed that initial investigations indicated that Southern Water can provide foul sewage disposal to service the proposed development. The applicant has indicated that the existing sewer which crosses the site would be diverted.

6.13 Housing mix and affordable housing

- 6.13.1 Whilst amendments have been made to the originally submitted application the applicant has stated that the proposed level of affordable housing remains policy compliant at 35% (9 units); the exact mix and tenure would however be for any reserved matters stage.

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## 7.0 CONCLUSION AND THE PLANNING BALANCE

- 7.1 The site lies outside of the current development boundary of Battle and within the High Weald AONB. Development boundaries have to be considered out-of-date and can only be given limited weight in view of the Council's lack of five-year housing supply. In any event, it is recognised within the Rother Local Plan Core Strategy that in order for the district to meet its housing requirement over the plan period that development boundaries will need to be reviewed and that certain settlements, including Battle will need to accommodate some of that housing growth.
- 7.2 As at April 2016, for Battle, there was a residual requirement of 425 additional dwellings, (of the 475 minimum in policy BA1), as identified in the DaSA Local Plan. Since then, the target has been reduced by 50 homes following approval of a scheme at Lillybank Farm and a further 63 dwellings by the Tollgates approval. This takes the outstanding requirement down to 312 dwellings (i.e.  $425 - 50 - 63 = 312$  dwellings). In addition, completions, small site commitments or small site windfalls have increased by 14 dwellings, giving an outstanding large sites requirement of 298 dwellings. It is recognised, of course, that the Blackfriars site is expected to be the main component of further supply, with at least 220 dwellings being allocated in the 2006 Local Plan. However, the eventual capacity is yet to be established (there being no Neighbourhood Plan for Battle in any form at the moment), but on the basis of this saved Local Plan figure, the outstanding requirement for Battle would be 78 dwellings ( $312 - 14 - 220 = 78$ ).
- 7.3 Most of the housing requirement for the plan period for Battle has therefore been already identified. However, set against this, it is significant that Battle

has seen the lowest levels of completions to date, with only 6% of its overall housing requirement built by September 2017. The need for an additional release at this time is therefore balanced, but weight must also be given to the lack of a five-year housing land supply (currently 3.2 years) in the “planning balance”, as should the significance of any impacts on the High Weald AONB.

- 7.4 The National Planning Policy Framework and Policy PC1 of the Core Strategy require that planning decisions are made in accordance with a presumption in favour of sustainable development. Paragraph 7 identifies three dimensions to sustainable development: economic, social and environmental. Paragraph 8 confirms that these should not be pursued in isolation but sought jointly and simultaneously. Paragraph 49 of the National Planning Policy Framework says that where a Local Planning Authority cannot a five-year supply of deliverable housing sites including appropriate buffer that its policies for housing supply must be considered out-of-date. Decisions in that case should be made in accordance with paragraph 14 which requires that proposals for sustainable development are permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole unless, or in accordance with footnote 9, other policies of the National Planning Policy Framework such as paragraph 115 concerning AONBs suggests that development should be restricted. Within the AONB the principal consideration in the planning balance to be made is that great weight should be given to conserving the landscape and natural beauty of the AONB, which has the highest status of protection in relation to landscape and scenic beauty.
- 7.5 The whole of Battle is within the designated AONB. As previously stated, there will be a need to adjust development boundaries in Battle to accommodate further housing need and this will result in the development of green-field land at the edge of the town – within the AONB. The proposed development would introduce built development on a green-field site and in this regard would have some impact on the AONB landscape. In this case however it is considered that the impact would be limited – and a significant factor in arriving at that judgement is the requirement that built housing development should not extend further south than the staggered building line formed by the adjacent development on either side of the site. Subject to this, and further details that would be negotiated and agreed as reserved matters, it is considered that the proposed development would cause limited harm to the landscape of the AONB or the setting or character of the village within it.
- 7.6 In terms of the location of the site and access to services and community facilities, this offers travel choice other than the private car, especially for reaching town centre services and when making local journeys. In this regard the sustainability requirement is also met.
- 7.7 The proposal by providing up to 25 dwellings would make a significant contribution towards the additional 78 dwellings that the Rother Local Plan Core Strategy requires are delivered in Battle over the plan period and therefore meets the economic dimension. In light of the Council not currently being able to demonstrate a five year supply of deliverable housing sites this consideration weighs heavily in favour of the proposal within the planning balance to be made. The development would result in some limited harm to the AONB. However, the proposal would also increase the supply of housing

land by providing up to 25 dwellings and this can be given significant weight. In exercising the planning balance therefore it is considered that the material planning consideration weigh in favour of granting the planning application.

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## **8.0 S106 CONTRIBUTIONS AND COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 8.1 It is considered that a section 106 planning obligation would be required to cover, at this stage, the provision of affordable housing, the management of any public open space, and any highway works (including off-site works within NTR. The Council has adopted CIL and this is a development for which CIL would be charged. Details of the Council's charging schedule are on the website.
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### **RECOMMENDATION: GRANT (OUTLINE PLANNING) DELEGATED (SUBJECT TO A SECTION 106 PLANNING OBLIGATION RELATING TO:**

- **Provision of 35% affordable housing units and nomination rights (including 65% affordable rented).**
  - **A new vehicular access into the site.**
  - **The footway upgraded on the south side of North Trade Road, a pedestrian crossing with dropped kerb and tactile paving on North Trade Road.**
  - **The removal of the existing traffic calming build out and hatch markings on North Trade Road, with replacement road markings.)**
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### **CONDITIONS:**

1. Approval of the details of layout, appearance, landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development commences on each phase of the development.  
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
2. Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason: In accordance with section 92 of the Town and Country Planning

Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

5. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Development Parameters Plan: Drawing No. DE294\_001 Rev C:  
Proposed site access arrangements: drawing no. ITL12424-SK-010:  
subject to, in the case of the Development Parameters Plan, no dwellings, ancillary buildings, roads, or parking areas are hereby approved within the area below the dashed red line coloured beige and identified with the legend as 'ancillary residential infrastructure'. For the avoidance of doubt this would not prevent the area being used as part of the rear gardens of properties, as part of a SuDS drainage scheme, or landscaping/planting, or a combination of these uses.'  
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
6. Pursuant to Condition 1; no above ground works shall commence until details of the following have been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details:  
a) 1:200 scale street-scene drawings, accurately reflecting site topography, and showing proposed buildings in context.  
b) 1:50 drawings of all proposed buildings including details of all fenestration, eaves details, porches, dormers, roof-lights, chimneystacks, pipes, vents and utility meters and boxes.  
c) Samples of the materials to be used in the construction of all external faces of the buildings.  
d) The proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps).  
Reason: To ensure a high building appearance and architectural quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
7. Pursuant to condition 1; no above ground works shall commence until the following public realm and hard landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme:  
a) Proposed finished levels or contours.  
b) Boundary treatments and other means of enclosure (fences, railings and walls) indicating the locations, design, height, materials of such  
c) Car-parking layouts.  
d) Design of other vehicle and pedestrian access and circulation areas, (including street widths, pavements and cycle-ways where relevant, and other strategic public realm).  
e) Hard surfacing materials (including road surfaces, cycle-ways, footpaths, parking spaces and other areas of hard-standing, kerbs and tactile paving).  
f) Street furniture, signage and lighting (if proposed), including proposed locations.  
Reason: To ensure the creation of a high quality public realm, landscape setting, minimal impact upon retained trees and architectural quality in



accordance with Policy EN3 and EN1 of the Rother District Local Plan Core Strategy.

8. The soft landscaping details to be submitted pursuant to Condition 1 shall include the following:
- a) Indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development.
  - b) Design, layout and appearance of structural and amenity green space, including verges.
  - c) Planting plans, including landscape and ecological mitigation (buffer planting and green buffers).
  - d) Written specifications (including cultivation and other operations associated with plant and grass establishment).
  - e) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - f) Details for implementation.

The development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

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

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

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

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

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

11. No other development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing no ITL12424-SK-010 and construction details, form HT401, attached to this permission.

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

12. No part of the development shall be first occupied until visibility splays of 2.4m by 70m have been provided at the proposed site vehicular access onto NTR in accordance with the approved plans. Once provided the splays shall

thereafter be maintained and kept free of all obstructions over a height of 600mm.

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

13. Pursuant to condition 1, no part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with plans and details to be submitted for consideration and subsequent approval in writing by the Local Planning Authority. The parking areas, once approved, shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

14. Pursuant to Condition 1, no part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted for consideration and subsequent approval in writing by the Local Planning Authority. The approved areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

15. Pursuant to Condition 1, no part of the development shall be occupied until the vehicle turning space 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 in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

16. Pursuant to Condition 1, no part of the development shall be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced, drained in accordance with plans to be submitted for consideration and approval in writing by the Local Planning Authority. The submitted details shall also include details of any street lighting, in the event that this is proposed. The development shall only be carried out in accordance with the approved details.

Reason: To secure satisfactory standards of access for the proposed Development in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

17. 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 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); 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 in accordance with Policies OSS4 (ii) and TR3 of the Rother Local Plan Core Strategy.

18. 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 necessary to avoid disturbance and damage to any below-ground archaeology during initial groundwork.

19. 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 18 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.

20. Prior to commencement of any below ground works in association with the development hereby approved, the following details in respect of a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA, and the development shall thereafter be completed and maintained in accordance with the approved details:

- a) The surface water drainage strategy in the supporting FRA should be detailed and implemented. Surface water run-off from the proposed development should be limited to the determined green-field run-off rates for all rainfall events including those with a 1 in 100 year (plus climate change) annual probability occurrence).
- b) Detailed hydraulic calculations are required to support the surface water management proposals. Calculations should take into account the connectivity of different drainage features.
- c) The condition and capacity of the receiving watercourse to accommodate surface water run-off from the development should be investigated as part of the detailed design.
- d) The detailed design of the cellular storage tanks should be informed by the findings of additional groundwater monitoring in winter.
- e) A maintenance and management plan for the entire drainage system.
- f) Details measures to manage flood risk, both on and off the site, during the construction phase.

- g) Prior to the occupation of the development, provide evidence (including photographs) showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: A pre-commencement condition is required as the very nature of surface water drainage schemes can require works to be put in place prior to any other above ground development being undertaken. To control the quality and rate of run-off in relation to surface water drainage thereby protecting water quality and reducing local flood risks in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 100 and 103 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

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

Reason: These details are integral to the whole development and are therefore required prior to commencement of works to prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 100 and 103 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

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

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

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

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

23. Within the details required under Condition 1, proposals for the siting and form of bins for the storage and recycling of refuse within the site (internally or externally), and a collection point, shall be submitted for the consideration and subsequent approval of the Local Planning Authority. The approved details shall be implemented prior to the occupation of any dwellings and

thereafter continued, with all bins and containers available for use, maintained and replaced as need be.

Reason: In the interests of providing sustainable development and protect and safeguard the residential and visual amenities of the locality in accordance with Policy OSS4 (i), (ii) and (iii) of the Rother Local Plan Core Strategy.

## Notes

1. This permission is the subject of an obligation under section 106 of the Town and Country Planning Act 1990.
2. Southern Water has indicated that a foul sewer crosses the site. This needs to be protected during the course of development and a 3m clearance either side of the sewer would be required to protect it from construction works and allow access for future maintenance. No development or tree planting should be located within 3m of the sewer and no soakaways should be constructed within 5m of the sewer. Alternatively, the developer may seek to divert the sewer, which may be possible provided this resulted in no unacceptable loss of hydraulic capacity, and work was carried out at the developer's expense to the satisfaction of southern Water under the relevant statutory provisions. The developer should contact Southern Water in this regard.
3. The ESCC 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
4. The ESCC Highway Authority's requirements associated with this development proposal will need to be secured through a section 106/278 Legal Agreement between the applicant and ESCC.
5. With respect to the proposed soft landscaping details, the details to be submitted should include further low level within the tree belt to bolster planting at a lower level below the canopies of the trees along the northern boundary and substantial new planting (including trees) to soften the edge of the development at the southern boundary and merge the transition with countryside.
6. The proposed development will be subject to the Community Infrastructure Levy (CIL) at the reserved matters stage.

**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.

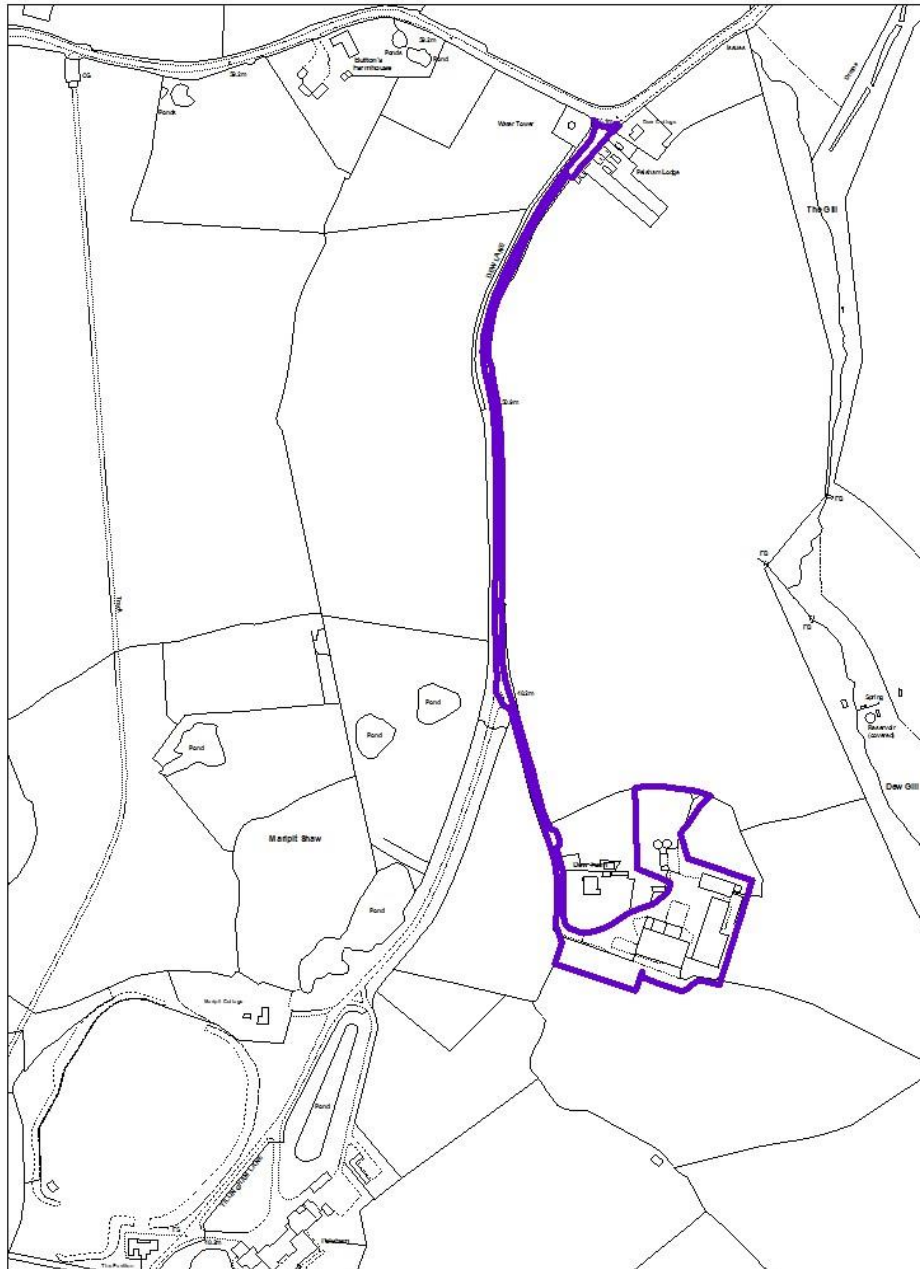
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SITE PLAN Peasmarsh

Peasmarsh

RR/2017/2255/P

Dew Farm, Dew Lane



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Not To Scale

RR/2017/2255/P

PEASMARSH Dew Farm, Dew Lane

Alterations to agricultural buildings to create winery. Change of use from, and alterations to, industrial buildings to form on-site holiday accommodation. Educational space, cafe and associated facilities. Change of use and alterations to agricultural building to form farm shop for local produce. Seasonal siting of 3 no. bell tents for holiday use. Car parking and landscaping associated with the whole enterprise.

**Applicant:** Tillingham Wines Ltd  
**Agent:** Speer Dade Planning Consultants  
**Case Officer:** Mr E Corke (Email: edwin.corke@rother.gov.uk)  
**Parish:** PEASMARSH  
**Ward Members:** Councillors I.G.F. Jenkins and M. Mooney

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

**Statutory 8 week date:** 3 January 2018  
**Extension of time agreed to:** 5 June 2018

This application is included in the Committee site inspection list.

## 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 RA4 – (Traditional Historic Farm Buildings)
  - Policy SRM1 – (Towards a Low Carbon Future)
  - Policy SRM2 – (Water Supply and Wastewater Management)
  - Policy CO6 – (Community Safety)

- Policy EC6 – (Tourism Activities and Facilities)
- Policy EN1 – (Landscape Stewardship)
- 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 TR2 – (Integrated Transport)
- Policy TR3 – (Access and New Development)
- 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 Dew Farm is part of the wider Peasmarsh Place Estate. It is situated in a tranquil and remote part of the High Weald (AONB) on the northern fringe of the Tillingham Valley. Access is from the private Dew Lane, also a bridleway (Peasmarsh 30 a,b,c), which runs in a southerly direction from the junction with Starvecrow Lane. Properties in the hamlet of Pelsham are also served by the lane.
- 2.2 The large concrete farmyard sits on a relatively level site, with the ground falling away to the north-east through to the south-east. There are seven agricultural/light industrial buildings of mainly 20<sup>th</sup> century construction (e.g. precast concrete portals and steel frames with various infill materials and claddings), which have little architectural or historic merit. However, one of the buildings is of solid brick wall construction with a slate roof and is the remnant of a larger 19<sup>th</sup> century building. Both this building and the redundant oasthouse to the north of the farmyard first appear on the 1872 Ordnance Survey map and are traditional historic farm buildings. All of the buildings are situated within an Archaeological Notification Area that covers the medieval and post-medieval Dew Farm complex.
- 2.3 The farmhouse itself lies just outside of the application site, to the west of the farmyard. It is a Grade II listed building described as follows on the National Heritage List for England:
- “L-shaped. C18 house. Two storeys. Three windows. Red brick and grey headers. Tiled roof. Casement windows.”*
- 2.4 The High Weald AONB in the vicinity of the application site is characterised by attractive rolling countryside used for agriculture, interspersed with mature vegetation and trees. There are a number of ponds in the surrounding area including one immediately to the west of the farmyard.

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## 3.0 HISTORY

- |     |           |                                |
|-----|-----------|--------------------------------|
| 3.1 | A/49/270  | Dutch barn – Granted.          |
| 3.2 | A/73/0803 | Lean-to cattle yard – Granted. |



- |     |                 |  |
|-----|-----------------|--|
| 3.3 | RR/87/3035      | Conversion of existing oasthouse into four workshops – Granted.  |
| 3.4 | RR/88/1862      | Change of use from agricultural to light industrial – Granted.   |
| 3.5 | RR/89/2608/P    | Retention and use of building and machinery without complying with conditions 5 & 6 imposed on RR/88/1862 – Granted. |
| 3.6 | RR/2014/1567/FN | Construction of road – Details not required.   |
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## 4.0 PROPOSAL

- 4.1 The applicant is seeking to establish a vineyard on the land and proposes to create an integral winery with associated visitor facilities and holiday accommodation. Six of the existing farmyard buildings would be converted to provide, amongst other things, a farm shop, wine store, café, teaching space and 12 double-bed rooms. The large Dutch barn in the centre of the farmyard would be demolished to provide a courtyard space and a parking area for 36 cars is proposed in the adjacent field to the south-west.
- 4.2 The proposed conversion works seek to retain the functional form and appearance of the buildings. Externally it is proposed to retain existing materials (e.g. brickwork and blockwork) in places, as well as applying new finishes to identify the different uses of the buildings. This includes vertical hit and miss timber cladding to the main wine production building, a mixture of vertical and horizontal timber cladding to the shop/café building and profiled cement cladding to the holiday accommodation building. Black and grey are the main colour finishes proposed. New windows and doors are also proposed, particularly in the shop/café and holiday accommodation buildings. No external cladding is proposed to the walls of the traditional historic farm building within the farmyard.
- 4.3 It is also proposed to provide 3 No. bell tents on land to the north of the oast house in a ‘free-form’ camping layout. Each tent measures 4m x 4m x 2.5m in height and would be mounted on a 250mm high raised timber platform with a 2m x 4m front deck. The tents would be positioned on the land from 1 April to 30 September each year. At the end of each camping season the tents would be removed from the land and stored in one of the existing buildings. The raised timber platforms and decks would remain. Each tent could accommodate two to four people.
- 4.4 The Tourism Business Plan submitted with the application states that the following types of consumer experience would be on offer:
- Wine tourism – vineyard tours and wine tasting;
  - Accommodation – rooms and glamping options;
  - Educational courses – craft courses, organic farming, cookery school, foraging;
  - Café – adapted to seasonal footfall, to provide catering for vineyard visitors and accommodation customers;
  - Farm shop/retail – for wines and other products grown on the farm and complementary local products (non-perishable); and

- Events – music, food or drink themed (twice per annum).
- 4.5 The applicant has confirmed that there is no intention to hold weddings at the property and the provision of holiday lodges does not form part of the current proposal.
- 4.6 Estimated visitor numbers are forecast to be circa 7000 in year 1 and circa 16,500 in year 3 and beyond. The application form indicates that the development would create 14 full-time jobs.
- 4.7 The application was submitted with the following supporting documents:
- Planning Statement;
  - Design and Access Statement;
  - Business Plan;
  - Tourism Business Plan;
  - Traffic Report;
  - Archaeological Desk Based Assessment;
  - Assessment of Significance;
  - Extended Phase 1 Ecological Habitat Survey Report;
  - Bat Roost Emergence Survey Report;
  - Great Crested Newt Survey Report;
  - Structural Engineer's Report; and
  - Preliminary Ground Contamination Risk Assessment Report.
- 4.8 Subsequently a Transport Assessment, Travel Plan Statement and Signage Plan have been submitted in response to initial comments from the Highway Authority and Rights of Way Officer. Additionally, the red edge of the application site has been extended up to the public highway and has also been extended to include an enlarged parking area (initially only 18 parking spaces were proposed but this has now doubled to 36). Following discussions, the amount of glazing in the holiday accommodation building has been reduced to address concern regarding light pollution.

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## 5.0 CONSULTATIONS

### 5.1 Peasmarsh Parish Council

#### 5.1.1 Support.

### 5.2 ESCC Highway Authority

#### 5.2.1 No objection subject to the concerns raised by the Rights of Way Officer being addressed, clarification regarding parking provision within the site during one-off food events, and the imposition of conditions. Recommends that the access layout and visibility splays are provided in accordance with the submitted plans and the number of food events is limited to 3 per year, at least for the first year of opening. Detailed comments are available to view online.

### 5.3 ESCC Rights of Way Officer

#### 5.3.1 Objects based on the potential for conflict between vehicles and bridleway users. Detailed comments are available to view online.

5.3.2 Further comments are awaited in relation to the submitted Signage Plan.

#### 5.4 ESCC Archaeologist

5.4.1 Recommend for approval in principle subject to the imposition of conditions. Detailed comments are available to view online.

#### 5.5 Environmental Services and Licensing

5.5.1 No objection subject to the imposition of conditions and notes. Detailed comments are available to view online.

#### 5.6 Community and Economy – Tourism

5.6.1 Support providing the application meets all the necessary planning regulations. Detailed comments are available to view online.

#### 5.7 Planning Notice

5.7.1 Eight letters of support from seven individual addresses and one on behalf of 1066 Country Marketing, which highlight the benefits of the proposal to the area (e.g. employment, tourism and improved highway safety).

5.7.2 Two general comments from two individual addresses summarised as follows:

- The project will rejuvenate Dew Farm and bring a boost to the local economy; and
- In the event that planning permission is approved, steps need to be taken to protect a high bank on the west side of Dew Lane from damage during the construction period.

5.7.3 13 letters of objection from nine individual addresses. The reasons for objecting are summarised as follows:

- Dew Lane and surrounding approach roads are not suitable for the additional traffic that would be generated;
- Inadequate access;
- Detrimental to highway safety;
- Detrimental to users of the bridleway;
- Insufficient information submitted to fully assess the proposal;
- Inadequate parking provision;
- ESCC Highway Authority should carry out its own assessment of Church Lane;
- There was an accident in Dew lane earlier this year;
- Noise and light pollution;
- Inappropriate commercial development in an exceptionally beautiful and peaceful rural place;
- Harmful to this countryside and AONB location;
- Substantial commercial tourist attraction, not just a winery;
- Harm to biodiversity;
- Signage would cause visual clutter and detract from the rural character of the surrounding lanes;
- Does not comply with Core Strategy policies;

- A proposal for a wedding venue at the nearby Pelsham House was dismissed at appeal (APP/U1430/C/09/2094464) in 2009 because of the impact of noise from the weddings on neighbouring properties;
- The argument that the proposal would bring much needed employment to Peasmarsh is questionable and not quantifiable;
- Difficult to understand how a development of this size and scale and impact could have planning granted;
- The red line of the application site does not extend up to the public highway;
- The red line on the revised plan only covers half of the road;
- It will not be possible to impose conditions to deal with future works that may fall outside of the red line area;
- It is not clear if a parking space will be required for a coach before it reaches the farm access. One would logically assume it will be required;
- There is currently no space available for a passing place for a coach;
- The actual amounts of visitor traffic generated by the proposal could be significantly greater than suggested within the application documents, which would harm the rural character of the area and be detrimental to the quiet surroundings that local residents could reasonably expect to enjoy;
- Additional use of the private Dew Lane is likely to result in significant increases in repair costs;
- It is unclear whether four lodges are proposed under this application;
- Additional work on traffic trip generation should be carried out;
- Full details of the access arrangements, visibility splays, passing places and any bridleway relocations need to be considered as part of the application process. As such, the application should be deferred for further information or refused on the basis that insufficient details have been provided to enable the application to be properly considered;
- The site lacks any form of public transport links and is in a remote and unsustainable location; and
- Comments have also been received, which specifically relate to the information provided in the traffic reports (e.g. highlighting errors in the submissions).

5.7.4 Ramblers East Sussex Area – Does not object to the proposal specifically. However, would wish to see a planning condition for signage showing the shared use of the bridleway with motorised vehicles. Further concerned to ensure that this application has High Weald AONB scrutiny to assess that there is no detriment to landscape character and quality of the AONB.

5.7.5 The British Horse Society – Objects to the proposal with specific reference to the impact of the additional traffic on the bridleway, unless a number of suggestions can be met (e.g. the provision of clearly visible signage informing traffic that they need to keep their speed limit to 15mph and always give way to equestrians).

5.7.6 All of the above comments are available to view in full online.

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## 6.0 APPRAISAL

6.1 The main issues 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 existing residents in the locality;
- Significance and setting of the traditional historic farm buildings and the Grade II listed Dew Farmhouse;
- Highway issues including parking provision and impact on the bridleway;
- Impact on archaeology;
- Impact on wildlife; and
- Contamination.

## 6.2 Principle

6.2.1 Paragraph 28 of the National Planning Policy Framework and Policies RA2 and RA3 of the Core Strategy look to support proposals that aid economic growth in rural areas. Policy EC6 specifically encourages tourism activities and facilities. The proposal represents an agriculturally based farm diversification scheme with complementary tourist and visitor facilities that makes effective use of existing buildings and has the potential to provide additional local employment, as well as utilising local suppliers for other goods and services. As such, the proposal accords with national and local policy.

6.2.2 The proposed development would contribute to the national and local aim of securing a strong rural economy and this weighs significantly in favour of the proposal. However, at the same time the economic benefits of the scheme must be carefully balanced against the effect on the environment.

## 6.3 Design and impact on the landscape and scenic beauty of the High Weald AONB

6.3.1 Paragraphs 57 and 58 of the National Planning Policy Framework and Policy EN3 of the Core Strategy 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.

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 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 At present the existing buildings and immediate surroundings are not overly inviting and do not help to enhance the character or appearance of the landscape (some disrepair and untidy rubbish is visible on the site). The proposal would enhance the appearance of the site through the removal of one building and the appropriate re-use of and alterations to the remaining buildings. The palette of new materials is in keeping with the vernacular of the rural area.
- 6.3.5 The proposed parking area and three seasonal bell tents would extend beyond the farmyard, but would still be closely related to it and the buildings therein. The parking area would be relatively compact and closely aligned with the access drive into the site. It would also be positioned immediately adjacent to an area of land that has historically been used for open storage of crops and machinery. The location is flat, and while elevated, would be screened by vines planted to the south-east and south-west. The existing hedge and trees on the field boundary to the north-west, which denotes the extent of the parking area in this direction, can be strengthened by additional planting secured by condition. Turning to the three bell tents, these would be located on land to the north of the oasthouse in a 'free-form' camping layout amongst existing trees. They would be visible in some views from the wider landscape (e.g. from Dew Lane to the north). However, only a small number of tents are proposed and they would be closely related to the oasthouse. Furthermore, the tents themselves would be removed from the land from October to March and so would not be permanent year-round features in the landscape.
- 6.3.6 The proposal is likely to result in additional light pollution, which will be evident at times in views from the surrounding countryside particularly against the dark night sky. However, this would be mainly confined to the holiday accommodation building where a majority of windows serve bedrooms. These windows are likely to have curtains or blinds, thereby reducing light spillage. 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 Currently, Dew Lane is a quiet rural lane, which experiences relatively low vehicles movements. However, this quiet rural character would be altered by the proposal, as the new mixed-use would generate more traffic.
- 6.3.8 The proposal would result in some harm to the landscape and scenic beauty of the High Weald AONB. However, this harm would be minimised through the use of appropriate conditions and ultimately would be outweighed by the enhancements to the appearance of the farmyard and the positive contribution the proposal would make to securing a strong rural economy.

#### 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 existing dwelling to the west of the farmyard is in the same ownership and it is intended that this will be occupied by the Managing Director of the vineyard. Regardless of occupancy, the farmhouse adjoins a complex of agricultural/light industrial buildings where some disturbance from noise is to

be expected. Notwithstanding this, the potential for noise from the day-to-day activities to give rise to significant adverse impacts on the health and quality of life of existing residents in the locality is considered to be very low, as it is expected that a suitable environment for holiday guests would be essential to the overall business success. The Council's Environmental Health Service has recommended a condition to restrict the level of noise emitted from the commercial activities and external plant, but for the above reasons this is not considered to be necessary in this case.

- 6.4.3 Compared to existing operations at the site, the Highway Authority has confirmed that the proposal has the potential to generate in the order of 112 additional two-way vehicular movements over the course of a typical weekday/weekend, which equates to an additional nine two-way vehicular movements per hour on a typical day. This increase in traffic is not insignificant and in practice, traffic generated by the site is likely to be concentrated to certain periods of the day (e.g. lunch and tea time). As such, traffic related noise is likely to be more noticeable at these times and some disturbance would be caused to existing residents in the locality during these periods of the day in particular. However, it is not considered that noise from the additional vehicle movements would cause undue disturbance to existing residents in the locality, as these movements would mainly take place during the daytime. The Council's Environmental Health Service has recommended a condition to restrict the hours of deliveries to and despatches from the site. However, the existing agricultural/light industrial buildings have no such restriction in place and so it is not considered reasonable to impose this condition, particularly as some of these buildings would continue to be used for agricultural purposes.
- 6.4.4 The potential for the development to result in light pollution to the detriment of residential amenity is considered to be very low for the reasons set out in section 6.3.6 above.
- 6.4.5 The proposal includes two themed (music, food or drink) events per annum, with estimated visitor numbers of circa 150 per event. Compared to existing operations at the site, the Highway Authority has confirmed that these events would have the potential to generate in the order of 212 additional two-way vehicular movements, which equates to an additional 17 to 18 two-way vehicular movements per hour when these events are being held. Again, in practice, these movements would be concentrated to certain periods of the day (e.g. at the end of the event) causing more disturbance at these times. Traffic and people generated noise and amplified music associated with these events is likely to cause disturbance to existing residents in the locality, as this is a quiet countryside rural area where noise travels, particularly at night. However, the events would be limited to two days of the year only and as such it is not considered that this element of the proposal would impinge significantly on existing residents. Objectors have referred to an enforcement appeal decision (APP/U1430/C/09/2094464), dated 17 August 2009, relating to the use of a nearby dwellinghouse for holding civil ceremonies and receptions on a scale of up to six events per year with up to 150 guests per event. The appeal was dismissed on the basis that the use on the scale intended would have been harmful to the living conditions of neighbouring residents by reason of noise. The key differences between that scheme and the current proposal are that only two events per annum are proposed and there is a greater distance to the closest private dwelling.

- 6.4.6 The proposal would result in some harm to the living conditions of existing residents in the locality. However, this harm would be minimised through the use of appropriate conditions and ultimately would be outweighed by the enhancements to the appearance of the farmyard and the positive contribution the proposal would make to securing a strong rural economy.
- 6.5 Significance and setting of the traditional historic farm buildings and the Grade II listed Dew Farmhouse
- 6.5.1 The proposal would not result in physical alterations to the listed farmhouse or the 19<sup>th</sup> century oasthouse. The small 19<sup>th</sup> century brick building with a slate roof would be converted to an office, which is an appropriate use for this currently redundant heritage asset. In terms of alterations to this building, a new slate roof covering will probably be required and an internal partition is proposed. However, existing window and door openings would be retained and the external brickwork would be left exposed, which would preserve its heritage interest.
- 6.5.2 The proposed parking area and parked cars therein would be situated within the rural setting of the listed farmhouse, oasthouse and small brick building, which would result in harm to the significance of these buildings. However, this harm would be less than substantial and would be outweighed by the enhancements to the appearance of the farmyard and the positive contribution the proposal would make to securing a strong rural economy.
- 6.6 Highway issues including parking provision and impact on the bridleway
- 6.6.1 Concerns have been raised by various parties (including ESCC Rights of Way Officer, Ramblers East Sussex Area and The British Horse Society) regarding the impact of the proposal on highway and traffic conditions and the safety and public amenity of the bridleway, which runs along the private section of the narrow Dew Lane. At the request of ESCC Highway Authority a Transport Assessment and Travel Plan Statement have been submitted.
- 6.6.2 Potential additional traffic movements that would be generated by the proposal are referred to in sections 6.4.3 and 6.4.5 above. The Highway Authority has provided detailed comments regarding, amongst other things, access, traffic generation and highway impact, parking and accessibility.
- 6.6.3 In terms of access, the Highway Authority has no objection subject to appropriate measures being agreed with ESCC Rights of Way Officer to mitigate the potential for conflict between vehicles and bridleway users along the private section of Dew Lane. In this respect, the applicant has submitted a signage plan, which has been forwarded to the Rights of Way Officer for comment. At this stage no other mitigation measures have been proposed. Subject to the provision of signage being an acceptable mitigation measure, the existing access arrangement would be acceptable and details of the signage could be secured by condition. The Highway Authority has recommended that visibility splays be provided at the private Dew Lane/Tillingham Lane junction. However, the existing visibility splays are considered to be adequate, particularly as this is a narrow private road where vehicle speeds are likely to be relatively low. As such, a condition is not required in this instance.



- 6.6.4 In relation to traffic generation and highway impact, the Highway Authority has no major concerns regarding the impact of the additional traffic on the road serving the site or the surrounding highway network. It has been recommended that the number of themed events held per year is limited to three, at least for the first year of opening. At this stage, only two one day events per year would be allowed, secured by condition. Any proposal to increase the number or duration of themed events would require a separate planning permission.
- 6.6.5 A total of 36 parking spaces are proposed, which the Highway Authority considers to be sufficient to satisfy the demands associated with the business on a day-to-day basis. Concern has been raised that there is insufficient space within the site to meet the parking demands of the two themed events when circa 150 people are estimated to be on site. An additional overspill parking area with an all-weather surface has therefore been recommended. However, this is considered to be an onerous requirement given that only two events would be held per year. Dew Farm is part of the wider Peasmarch Place Estate and so it is likely that a temporary overspill parking area could be provided in a nearby field. It is not envisaged that cars would be parked along Dew Lane.
- 6.6.6 In terms of accessibility, the site is located in a rural location with limited accessibility to public transport infrastructure and services, and as a consequence staff and visitors to the site would be largely dependent on travelling by private car. This is not an ideal situation. However, the Highway Authority is satisfied that the measures and initiatives contained in the Travel Plan Statement to encourage the use of alternatives to the private car would be appropriate in this case. Implementation of the measures and initiatives can be secured by condition.
- 6.6.7 In addition to the above, standard highway conditions are recommended, including the requirement for a Construction Management Plan.
- 6.6.8 Provided the ESCC Rights of Way Officer agrees to the provision of signage along the private section of Dew Lane to mitigate the potential for conflict between vehicles and the bridleway users, the proposal would not give rise to unacceptable highway and traffic conditions.

## 6.7 Archaeology

- 6.7.1 The applicant has undertaken an Archaeological Desk Based Assessment, which has been assessed by the County Archaeologist (CA). The CA concludes that any groundworks that take place at the site may reveal buried and archaeological deposits, features and artefacts associated with medieval origins and subsequent post-medieval development of the Dew Farm complex, including buried structural remains. As such, a programme of archaeological works has been recommended, which can be secured by condition.

## 6.8 Wildlife

- 6.8.1 An Extended Phase 1 Ecological Habitat Survey, Bat Roost Emergence Survey and Great Crested Newt Survey were carried out in 2017. In terms of protected species, the results are as follows:

- Bats – One of the buildings affected by the proposal supports a maximum of four roosting brown long eared bats and 1 common pipistrelle.
- Badgers – The site should be considered to have a negligible potential to support badgers.
- Great Crested Newts – The pond immediately to the west of the farmyard and outside of the site contains four great crested newts. This represents a low population of great crested newt. The pond was not found to be a breeding pond.
- Reptiles – The site should be considered to have a low potential to support common reptile species.
- Dormouse – The site should be considered to have a negligible potential to support dormice.
- Barn owls – The site should be considered to have a low potential to support barn owls.
- Breeding birds – The site should be regarded as having high potential to support breeding birds.

6.8.2 The surveys have recommended mitigation measures in respect of those protected species present in and around the site, which can be secured by condition.

## 6.9 Contamination

6.9.1 The Preliminary Ground Contamination Risk Assessment Report submitted with the application has identified some potential sources of contamination and recommends that an intrusive ground investigation and asbestos survey are carried out. These can be secured by condition.

## 6.10 Other matters

6.10.1 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). Having regard to the conclusions of the HRAs undertaken for the adopted Core Strategy, supplemented by available evidence of visitor/tourism patterns, there is no indication that this proposal would draw traffic from locations that would involve additional traffic passing through or adjacent to the Ashdown Forest or Lewes Downs SACs, in particular. Hence, it is concluded that any likely significant effects upon European sites, even in combination with other relevant plans and projects, can reasonably be screened out.

6.10.2 The applicant proposes a package treatment plant to deal with foul sewage and a soakaway to deal with surface water. The Council's Environmental Health Service has recommended a condition to deal with the drainage details. However, in relation to the planning regime there is no reason to suggest that a package treatment plant and soakaway would be inappropriate in this location. Approval of the drainage systems would be dealt with under the Building Regulations and so there is no need to duplicate a matter controlled under a separate regime here.

6.10.3 A local resident is concerned that the additional use of the private Dew Lane is likely to result in significant increases in repair costs. However, this is a private issue, which is not a determining matter.

- 6.10.4 A local resident has stated that any proposal to widen Dew Lane or redirect the bridleway should be considered as part of the application process. This is acknowledged. However, neither option has been proposed by the applicant.
- 6.10.5 A local resident has stated that the red edge of the application site only covers half of Dew Lane. However, this has been checked and according to the Council's mapping system, the red edge of the site covers the whole of the lane.
- 6.10.6 A local resident is concerned that signage would cause visual clutter and detract from the rural character of the surrounding lanes. However, any signage agreed by the Rights of Way Officer would be limited to Dew Lane only, and while it would cause some harm to the rural character of the lane, it would be necessary to mitigate the potential for conflict between vehicles and the bridleway users.
- 

## **7.0 CONCLUSION AND THE PLANNING BALANCE**

- 7.1 The proposal represents an agriculturally based farm diversification scheme with complementary tourist and visitor facilities that makes effective use of existing buildings and has the potential to provide additional local employment, as well as utilising local suppliers for other goods and services. As such, the proposal accords with national and local policy in terms of supporting a prosperous rural economy. While some harm would be caused to the natural and historic environment, including to the landscape and scenic beauty of the High Weald AONB and the living conditions of existing residents in the locality, this harm would be minimised through the use of appropriate conditions and ultimately would be outweighed by the enhancements to the appearance of the farmyard and the positive contribution the proposal would make to securing a strong rural economy. The impacts of the development on local wildlife and archaeology can be dealt with by condition, as can the presence of any contaminants on the site. Provided the ESCC Rights of Way Officer agrees to the provision of signage along the private section of Dew Lane to mitigate the potential for conflict between vehicles and the bridleway users, the proposal would not give rise to unacceptable highway and traffic conditions. If this is agreed, planning permission should be granted for the proposed development.
- 

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

- 8.1 The proposed development is not liable for CIL.
- 

**RECOMMENDATION: GRANT (PLANNING PERMISSION) DELEGATED (SUBJECT TO THE EAST SUSSEX COUNTY COUNCIL RIGHTS OF WAY OFFICER AGREEING TO THE PROVISION OF SIGNAGE ALONG THE PRIVATE SECTION OF DEW LANE TO MITIGATE THE POTENTIAL FOR CONFLICT BETWEEN VEHICLES AND BRIDLEWAY USERS)**

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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 documents and drawings:  
Hone Ecology Extended Phase 1 Ecological Habitat Survey Report dated 12 August 2017;  
Hone Ecology Bat Roost Emergence Survey Report dated 16 August 2017;  
Hone Ecology Great Crested Newt Survey Report dated 4 June 2017;  
Milestone Transport Planning Travel Plan Statement dated 20 February 2018;  
Drawing No. 01117-101 (EXISTING EXTENDED SITE PLAN) dated JANUARY 2018 (Amended – received on 22-02-18);  
Drawing No. 01117-225 (PROPOSED GROUND PLAN) dated JANUARY 2018 (Amended – received on 22-02-18);  
Drawing No. 01117-226 (PROPOSED FIRST FLOOR PLAN) dated JAN 2018 (Amended – received on 22-02-18);  
Drawing No. 01117-350 (Proposed Site Elevations) dated JANUARY 2018 (Amended – received on 31-01-18);  
Drawing No. 01117-350 (Building D) dated SEPTEMBER 2017;  
Drawing No. 01117-351 (Proposed Courtyard Elevations) dated SEPTEMBER 2017;  
Drawing No. 01117-360 (Revised Building A) dated JANUARY 2018 (Amended – received on 31-01-18);  
Drawing No. 01117-361 (Building B), dated SEPTEMBER 2017;  
Drawing No. 01117-362 (Building C), dated SEPTEMBER 2017; and  
Drawing No. 01117-400 (BELL TENT), 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 approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval and all works shall be completed in accordance with the approved details.
  - a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall include the history of the site's uses and a walk-over survey. It shall, if necessary, propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.
  - b) The site investigation, including relevant soil, soil gas, surface and ground water sampling, in accordance with a quality assured sampling and analysis methodology.
  - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve

such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment (including any controlled waters).

- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination should be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for approval.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

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

- 4. 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 may have left the land contaminated and in order to avoid risks to health or the environment mitigation may be required, in accordance with Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

- 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); and
- h) Details of public engagement both prior to and during construction works.

Reason: These details are required prior to commencement of any works to maintain the safety of all road users and to protect the amenities of adjoining residents during construction, in accordance with Policies OSS4 (ii) and CO6 (ii) of the Rother Local Plan Core Strategy.

- 6. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing 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.

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

- a) Samples of the materials to be used in the construction of the hard surfaces;
- b) A planting plan with schedule of plants/trees, noting species, plant sizes and positions; and
- c) An implementation programme.

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

- 9. No external alterations to any building shall take place until samples of the materials and finishes to be used in the construction of the external surfaces of that building 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 the development is appropriate to the High Weald AONB and countryside landscape, and in the interests of conserving the significance of the heritage assets in and around the site, in accordance with Policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (v), RA4 (iii), EN1 (i), EN2 (iii) and EN3 of the Rother Local Plan Core Strategy.

10. The development shall be carried out in accordance with the recommendations specified in the approved Hone Ecology Survey Reports.  
Reason: To avoid any adverse impacts on wildlife during the development, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy.
11. No part of the development shall be occupied until parking and turning areas for that part of the development have been provided in accordance with approved Drawing No. 01117-225 (PROPOSED GROUND PLAN), dated JANUARY 2018 (Amended – received on 22-02-18), 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.
12. No part of the development shall be occupied until 10 covered and secure cycle parking spaces for that part of the development have been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces 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.
13. Upon commencement of the new uses hereby permitted, the applicant shall implement the measures incorporated within the approved Travel Plan Statement. The applicant shall thereafter monitor, report and subsequently revise the Travel Plan Statement as specified within the approved document.  
Reason: To encourage and promote sustainable transport, in accordance with Policy TR2 of the Rother Local Plan Core Strategy.
14. The approved holiday accommodation within building A shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.  
Reason: To ensure that the approved holiday accommodation is retained for holiday purposes in accordance with Policy EC6 (vi) of the Rother Local Plan Core Strategy, and to preclude the creation of a new dwelling in the countryside, which should be separately assessed in accordance with Policy RA3 (iii) of the Rother Local Plan Core Strategy.
15. The owners/operators of the approved holiday accommodation within building A shall maintain an up-to-date register of the names of all owners and/or occupiers of the holiday unit on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.  
Reason: To ensure that the approved holiday accommodation is retained for holiday purposes in accordance with Policy EC6 (vi) of the Rother Local Plan Core Strategy, and to preclude the creation of a new dwelling in the

countryside, which should be separately assessed in accordance with Policy RA3 (iii) of the Rother Local Plan Core Strategy.

16. The approved holiday accommodation within building A shall not be occupied for more than 56 days in total in any calendar year by any one person.  
Reason: To ensure that the approved holiday accommodation is retained for holiday purposes in accordance with Policy EC6 (vi) of the Rother Local Plan Core Strategy, and to preclude the creation of a new dwelling in the countryside, which should be separately assessed in accordance with Policy RA3 (iii) of the Rother Local Plan Core Strategy.
17. At no time from 1 October to 31 March the following year in any year shall the bell tents hereby permitted be erected within the red edge of the site shown on approved Drawing No. 01117-101 (EXISTING EXTENDED SITE PLAN), dated JANUARY 2018 (Amended – received on 22-02-18).  
Reason: To protect the character and appearance of the High Weald AONB and countryside out of season, in accordance with Policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (v) and EN1 (i) of the Rother Local Plan Core Strategy.
18. The number of themed events (music, food or drink) shall not exceed two one-day events in total in any one calendar year. On such events the café, kitchen, wine retail space, artisan space and teaching space, as defined on the approved drawings, shall not be open to customers or any persons and no employee including a proprietor shall carry out any food preparation, cooking, and/or sales or serving to customers or any persons on the premises outside the hours of 0800 to 2300 Mondays to Saturdays and 0900 to 2230 on Sundays and Bank Holidays, and all clearing, cleaning and any other work associated with the approved uses shall not continue and no employee including the proprietor or other persons shall be on the premises to carry out such work outside the hours of 0800 to 2330 Mondays to Saturdays and 0900 to 2300 on Sundays and Bank Holidays.  
Reason: To ensure an appropriate use of the site in its rural location to preserve the landscape character and scenic beauty of the High Weald AONB and the residential amenities of the locality, in accordance with Policies OSS3 (vi), OSS4 (ii and iii), RA2 (viii), RA3 (v) and EN1 (i) of the Rother Local Plan Core Strategy.
19. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting this Order) the café, kitchen, wine retail space and artisan space, as defined on the submitted drawings, shall be used for those purposes only and not otherwise. The café, kitchen, wine retail space and artisan space shall only be used in conjunction with the vineyard and winery and shall not be used for any purpose that is not associated therewith.  
Reason: To ensure an appropriate use of the site in its rural location to preserve the landscape character and scenic beauty of the High Weald AONB and the residential amenities of the locality, in accordance with Policies OSS3 (vi), OSS4 (ii and iii), RA2 (viii), RA3 (v) and EN1 (i) of the Rother Local Plan Core Strategy.
20. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting this Order) building A, as defined on the submitted drawings, shall be used for holiday accommodation and teaching space only and not otherwise. The holiday accommodation and teaching space shall only be used in conjunction with



the vineyard and winery and shall not be used for any purpose that is not associated therewith.

Reason: To ensure an appropriate use of the site in its rural location to preserve the landscape character and scenic beauty of the High Weald AONB and the residential amenities of the locality, in accordance with Policies OSS3 (vi), OSS4 (ii and iii), RA2 (viii), RA3 (v) and EN1 (i) of the Rother Local Plan Core Strategy.

21. No external lighting shall be provided on the site unless a scheme is first submitted to and approved in writing by the Local Planning Authority. Any approved lighting shall be installed in accordance with the approved details only and retained as such thereafter. Any lighting scheme, including internal lighting, should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011(or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Illuminated area m <sup>2</sup>	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1000
Over 10.00	n/a	300	600	600

Environmental Zones			
Zone	Surrounding	Lighting Environment	Examples
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc.
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

The guidance advises that, where an area to be lit lies on the boundary of two zones or can be observed from another zone, the limits used should be those applicable to the most rigorous zone.

Reason: To protect the character and appearance of the High Weald AONB and countryside, residential amenities of the locality and wildlife from light pollution/overspill/obtrusive lighting, 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 applicant is advised that in relation to condition 3(b), an asbestos survey of the buildings and their surrounds should also be undertaken.
2. The written scheme of investigation, ensuing works and production of reports required in respect of condition 6 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).
3. The applicant should consider opportunities for ecological enhancement of the site, as detailed in the approved Hone Ecology Survey Reports.
4. The applicant’s attention is drawn to the Council’s Environmental Health Service advice note relating to campsite licensing, food safety & hygiene and health & safety at work, which accompanies this decision notice.

**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.

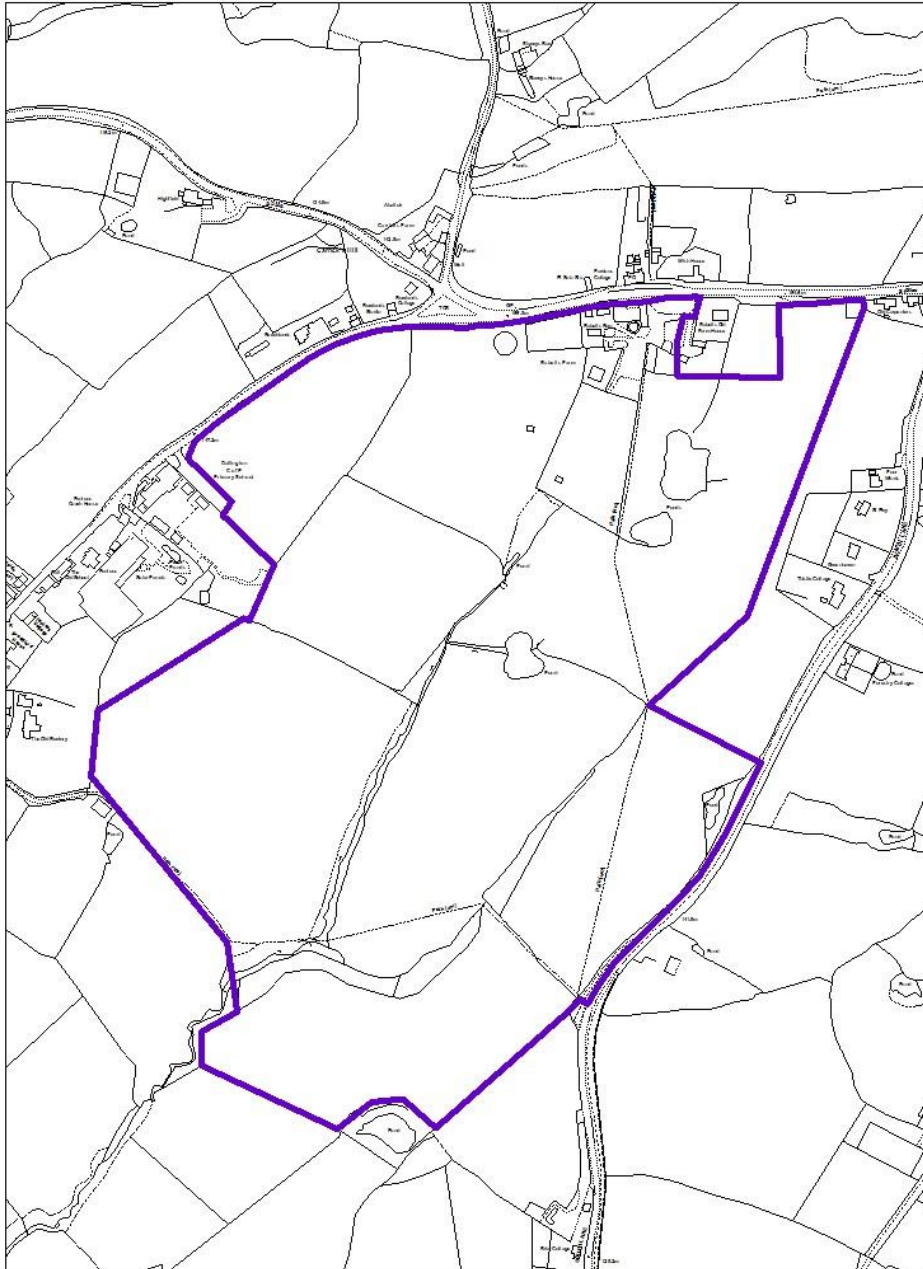
[View application/correspondence](#)

SITE PLAN

Dallington

RR/2017/2493/P

Rabett's Farm, Battle Road



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Not To Scale

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RR/2017/2493/P

DALLINGTON Rabetts Farm, Battle Road, Dallington

**Proposed glamping facility – site 3 mobile shepherd huts in varying locations and alteration of existing access.**

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**Applicant:** Mr Richard Goring  
**Agent:** Mr Richard Goring  
**Case Officer:** Miss Andrea Ingram  
(Email:andrea.ingram@rother.gov.uk)

**Parish:** DALLINGTON  
**Ward Member(s):** Councillors J. Barnes and Mrs E.M. Kirby-Green

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

**Extension of time agreed to: 6 June 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 The following ‘saved’ policies of the adopted Rother District Local Plan 2006 are relevant to the proposal:

- EM10 – Chalet, caravan and camping accommodation

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

- DC1 – Presumption in favour of sustainable development
- OSS4 – General development considerations
- RA1 – Villages
- RA2 – General strategy for the countryside
- RA3 – Development in the countryside
- CO6 – Community Safety
- EC6 – Tourism activities and facilities
- EN1 – Landscape stewardship
- EN5 – Biodiversity and green space
- TR3 – Access and new development

1.3 The National Planning Policy and Planning Policy Guidance are also material considerations. Section 3 (paragraph 28), Supporting a prosperous rural economy, and paragraph 115 protecting the landscape of the Area of Outstanding Natural Beauty (AONB) are of particular relevance.

1.4 Section 85 of the Countryside and Rights of Way Act 2000.

- 1.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 

## **2.0 SITE**

- 2.1 Rabetts Farm is situated within the countryside of the High Weald AONB and outside of any defined development boundary. The property lies on the south side of Battle Road. To the west is the junction to Dallington village and beyond Dallington Primary School which borders Rabetts Farm. A neighbouring property to the east is Rabetts Old Farm House, a grade II Listed Building, which shares the access with Rabetts Farm. Further to the east are the properties in South Lane which overlook the site. The application site is currently used as an equine livery yard and the land used for haylage crop and horse and sheep grazing.
- 2.2 The site comprises open pastureland which slopes towards the south with views of the sea in the long distance. Footpaths cross the land north south from Rabetts Farm to South Lane and east west across the southern part of the site. Small strips of woodland, hedges and ponds are present on the land.
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## **3.0 HISTORY**

- 3.1 The more recent planning history comprises:-

RR/2015/2668/FN Erection of agricultural barn. Details not required.

RR/2003/2168/P Reconstruction of open fronted cart shed to provide ancillary accommodation for personal assistant/yard manager. Refused.

RR/2002/2896/P. Demolition of byre and construction of replacement buildings with matching external dimensions to provide staff accommodation. Refused.

RR/2002/2110/P. Installation of horse exerciser. Approved.

RR/2001/823/P. Change of use of agricultural land to animal menage. Approved.

RR/2000/2768/P Three loose boxes. Approved.

RR/94/2046/O Lawful occupation of dwelling without compliance with agricultural occupancy condition imposed on a/73/0293. Approved.

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## **4.0 PROPOSAL**

- 4.1 Permission is sought for two shepherd's huts grouped together with one shower/toilet hut. Three possible locations are indicated whereby the huts could be moved around the farm.

- 4.2 As initially submitted the application sought to place four shepherd's huts and two shower/toilet huts in six locations. In view of the number of objections to the initial proposal the applicant held a public meeting on the 5 February 2018. Subsequently the proposal was reduced to its current scale. The revised proposal was re-advertised inviting any further comments in the light of these changes.
- 4.3 The walls and roof of huts would be constructed with plastic coated steel sheets. The shepherd huts would be coloured olive drab and would now be centrally positioned within the farm. Each accommodation hut would contain one double bed. The toilet hut would be divided into two parts and containing a shower and a compost toilet to serve each hut. The toilet hut would measure 3.66m in length by 1.83m wide, with a height of just over 3m. The accommodation huts measure 4.27m by 2.13m with a height of just over 3m. The huts are mobile to be towed between the three different locations.
- 4.4 The proposed access would now make use of the existing farm access on to Battle Road (B2096). This access is shared with Rabetts Old Farm House. The access location was originally proposed at a position to the west of the farm buildings on to The Street. However this would have required the loss of historic hedgerow in order to create visibility splays.
- 

## **5.0 CONSULTATIONS**

### **5.1 Parish Council**

#### **5.1.1 In summary the comments received to the original application:**

- The site is conspicuous in this important unspoilt area of the AONB.
- The area is site is a high point with uninterrupted views.
- It is in the vicinity of Listed buildings.
- The grazing of sheep and glamping are not compatible and the site will change from agriculture to tourism.
- An access off the B2096 is dangerous.
- The soil would get very muddy in the wetter winter months and the sites for the Shepherd huts is distant from the car park so access tracks as well as hard standings for the shepherd's huts would be required.
- The new access will result in the removal of historic hedgerow.
- A green lane to the south of the site could be used as an access.
- The sites will be seen from the footpath and surrounding properties.
- External lighting will cause disturbance particularly if movement sensitive.
- The adequacy and siting of solar panels is a concern.
- Disposal of human waste will cause contamination.
- How will rubbish bins be collected and stored.
- Where will shepherd huts be stored.
- Site 3 is very close to adjacent property.
- There will be disturbance from visitors siting outside creating noise, cooking and playing music.
- Concern about closeness to the school.

## 5.2 Highway Authority

5.2.1 The Highway Authority has no objection to the scheme subject to conditions.

## 5.3 Planning Notice

5.3.1 30 objections have been received, the main points are:

- The access is poor as the road is very busy and dangerous, particularly near to the school.
- In this quiet location there will be too much noise from people and cars particularly close to surrounding properties.
- Concern about strangers wandering about in view of recent presence of hunt saboteurs and security to nearby properties.
- Harm to the unspoilt landscape of the AONB and Dallington village.
- Light pollution harmful which could be seen at a distance.
- Taking land away from food production.
- Ground very muddy ground necessitating building of hard standings and paths. Use of a 4WD buggy would destroy the soil.
- Solar panels unsightly.
- Contamination to water bodies and streams generated from human waste.
- Emergency access difficult.
- Disturbance to wildlife.
- Harm to setting of listed buildings.
- Safeguarding issues because of proximity to school.
- Errors and omissions in submitted plans.
- Design of huts poor.
- Clients unlikely to be restricted to middle aged couples.
- Not practical to be driving clients to huts by 4WD buggy.
- Income from huts unlikely to contribute much to farm income also as farming may have to be scaled back and income from hay may be lost due to trampling and contamination.
- The application may result in a change of use to amenity land.
- The mobility of the huts will be hindered by solar panels electricity cables and water supply.

5.3.2 16 objections submitted following the reduction in the number of shepherd's huts, sites and change to the access:

- Original objections still stand.
- The existing access is shared with Old Rabetts Farm and is dangerous.
- Impact on AONB still stands.
- Disturbance of wildlife.
- There is not enough cover to screen huts.
- Security.
- This is a foothold for further development.
- The access is still dangerous.
- The setting of the listed building.
- Use of vehicles to transport visitors would be disturbing and damaging to the environment.
- Cannot presume a certain type of visitor.
- General noise and disturbance.
- The site plan is not accurate.
- Given the number of objections the application should be refused.

- The Council is giving the applicant too much help.
- Crossing the road to shop is dangerous for pedestrians.
- Lack of consultation with community.
- Loss of agricultural land.
- There is no environmental survey.
- No Travel Plan.
- The field boundaries should be maintained.
- The application does not comply with the objectives of the AONB Management Plan.

5.3.3 An objection letter has been received on behalf of 36 local residents. This specifically suggests that an Environmental Impact Assessment (EIA) would be required.

5.3.4 Other issues referred to include:

- The proposal should be confined to three sites rather than three.
- The safety of the access
- Whether the site plans adequately show the site and surrounding properties.
- Existing buildings should be used.
- Whether the application is in accordance with national and local policy including RA2 and National Planning Policy Framework paragraphs 28 and 6 to 17 (inc)
- Loss of grazing.
- Restrictive conditions should be applied to control timing of use of hut in year, car parking, designated pedestrian routes to sites, timing of vehicular and pedestrian access, cooking times, pets, noise and lighting.
- Proximity of Dallington Primary School.
- Impact on protected flora and fauna.
- Impact on listed buildings
- Action applicant is expected to take:
- EIA should be required as the proposal takes three fields out of agricultural production.
- The huts are not mobile.
- A full traffic survey should be produced to assess the access.
- Can the applicant get access to third party land to provide visibility splays.

5.3.5 Wealden District Council (WDC) - in a letter received dated 11 January 2018, WDC objected to the development on the grounds that at this stage it is unproven that in combination with other development that impacts on the Ashdown Forest (Special Area of Conservation) will not arise from the proposed development with specific reference to the Conservation of Habitats and Species Regulations 2010. It specifically advises that the effect of traffic arising from the development crossing the Ashdown Forest should be considered and consequently a screening opinion is required as to the need for an Appropriate Assessment under the Regulations.

5.3.6 One letter of support received:

- Small farms need an alternative source of income to keep viable.
- No environmental impact or on neighbours.
- Type of scheme vital for survival of rural Sussex.



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## 6.0 APPRAISAL

6.1 The main issues to be taken in to consideration are:

- The principle of camping provision.
- Access and highway safety.
- Impacts on the High Weald AONB.
- Impact on Listed Buildings.
- Impact on neighbouring properties.
- Habitat Regulations objection from WDC.
- The need for an EIA.
- Impact on Wildlife.

### 6.2 The Principle

6.2.1 Policy EM10 of the 2006 adopted local plan policy is in two parts dealing first with restricting additional static caravan and chalet accommodation (unless the proposal would result in significant improvements to the appearance of the site or it is essential in association with a rural enterprise) and secondly, setting out a slightly more permissive view of additional touring caravan and tented camping facilities subject to a number of criteria:

- In the countryside, proposals for additional static caravan and chalet accommodation for holiday purposes will not be permitted unless it would result in a significant improvement in the appearance of an existing site or is essential in association with a rural enterprise and otherwise meets the policies of the Plan.*
- The provision of additional touring caravan and tented camping facilities will be considered against the other policies in this Plan and the following criteria:-*
- new sites shall be restricted to those areas where they have an acceptable environmental impact, and the value of inland sites as a counter attraction to the coast will be considered when determining applications. Ideally the site shall not be visible from public roads, open spaces or footpaths;*
- the proposal should not significantly detract from the needs of agriculture;*
- the proposal should not adversely affect the amenities of residents in nearby dwellings;*
- applications for new pitches should be accompanied by comprehensive landscaping proposals in all cases;*
- suitable residential accommodation that is operationally necessary for site management may be permitted with appropriate conditions and safeguards;*
- occupancy accords with Policy EM11 below; and*
- essential services should be readily available and of sufficient capacity, i.e. water, power, sewerage/sewage disposal, refuse disposal.*

6.2.2 Policy RA2 (vii) of the Core Strategy supports tourism facilities, including touring caravan and camp sites, which respond to identified local needs and are of a scale and location in keeping with the rural character of the countryside. Policy RA3 (ii) supports suitable employment and tourism opportunities in the countryside, including by the conversion, for employment use, of farm buildings.

- 6.2.3 Policy EC6 states that proposals relating to tourism activities and facilities will be encouraged where they accord with certain considerations, including, (v) *it increases the supply of quality serviced and self-catering accommodation;* (vi) *appropriate controls are in place that restrict occupancy to that for holiday purposes;* and (vii) *the proposal is compatible with other Core Strategy policies.*
- 6.2.4 It has been recognised by the Council that holiday patterns are changing. Work undertaken on behalf of the Council – resulting in the Rother Hotel & Visitor Accommodation Futures Study (2013) which includes reference to a growing demand for glamping and more luxury camping – has informed Policy EC6 of the later adopted 2014 Core Strategy.
- 6.2.5 More recently the Development and Site Allocations Local Plan (DaSA), published for consultation in December 2016, has set out the Council's intentions to expand Policy EC6 in more detail setting out criteria for assessing new proposals. It includes a reference to support – subject to other criteria- in respect of, *“a proposal of a modest scale for low key, high quality self-catering accommodation that requires only limited ancillary facilities and can be accommodated within the natural environment...”* However the DaSA is not yet adopted policy and, while there has been limited comment on the proposed policy during the public consultation period, it can be given only limited weight.
- 6.2.6 Additionally section 3 of the National Planning Policy Framework, paragraph 28, also gives some weight to the proposal on the basis of supporting a prosperous rural economy, stating, inter alia, that policies should, inter alia:
- “- promote the development and diversification of agricultural and other land-based rural businesses*  
*- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.”*
- 6.2.7 The above policies and guidance give weight to the proposal which is proposed as part of farm diversity and will provide additional tourism facilities.
- 6.2.8 At present the land is used for grazing and cut for hay. The enterprise also includes livery stables. Concerns have been raised about the loss of agricultural land. With the current use for hay production and grazing there is no reason why the applicant would need to take the land out of agricultural production as the huts only take up a small amount of land and their siting can be rotated. The agricultural land classification is grade 4 defined as poor quality land. This small farm alone is not a viable enterprise and it is understood that it is supported by private income; as such the proposal is intended to support the farm.
- 6.3 Highway safety
- 6.3.1 Access to the site is a critical issue. The application has been amended so that the access would now be via the existing entrance to the farm. The objection letters refer to the access as being inadequate because of the visibility splays and that a full traffic survey should be produced address the risk of accidents occurring. In addition it is suggested that third party land would be required to create the visibility splays to create a safe access.

- 6.3.2 In the light of the existing access now serving only traffic generated by two shepherds huts the latest comments from the Highways Authority are:

*“The glamping facilities will also now be served via the main farm access off Battle Road rather than a second access from The Street. Having visited the site I note that the visibility either side of the existing access is restricted by the adjacent hedgerow and foliage overhanging the highway verge. Due to the sub-standard visibility I would not wish to see any intensification in use of the access as existing; however, there is scope to improve the visibility in each direction by cutting back the hedgerow to the west of the access and the overhanging foliage to the east. I would therefore recommend that any grant of consent includes a condition to provide visibility splays measuring 2.4m x 120m either side of the site access prior to occupation. These splays would be appropriate for the 40mph speed limit on the road serving the site. The site access will also require reconstructing with a minimum width of 4.5m for a minimum distance of 6.0m into the site. This is to enable the access to accommodate two-way traffic. The alterations to the access will require carrying out in accordance with East Sussex County Council specifications with all works within the highway carried out by an approved contractor and under the appropriate license (sic).”*

- 6.3.3 As such the Highways Authority supports the access given the scale of the proposal. However this is subject to improvements being possible. The degree of cutting back of vegetation to the west is still to be determined to properly assess the impact on the landscape, as any wholesale removal of vegetation to improve the access is unlikely to be supported. It has been established that the verge to the east is highway land and therefore any overhanging branches could be taken back on the eastern side of the access but it is not certain whether third party land is involved to secure visibility. Thus further work is required to confirm these issues.

#### 6.4 Impact on the High Weald AONB and its character

- 6.4.1 Section 85 of the Countryside and Rights of Way Act 2000 provides that, in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The essential landscape character of the High Weald AONB that makes it special is described within the Statement of Significance within the AONB Management Plan 2014-2019. The plan also sets objectives for the management of the AONB that include: S2 – to protect the historic pattern of development and FH2 to maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands.
- 6.4.2 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.
- 6.4.3 Policies of the Core Strategy at OSS4, RA1, RA2, RA3 and EN1 are consistent with the advice of the National Planning Policy Framework seeking 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. (The emerging DaSa Policy DEN2, while not yet adopted, does likewise.) The policies referred to in Section 6.2 above are therefore to be assessed and the proposal weighed in the context of these policies affording protection to the character of the area and to neighbouring properties.

- 6.4.4 The three sites now selected to site the two shepherd huts with the one shower/toilet hut would be in locations more centrally placed within the holding. Objectors have commented that the shepherds hut have been sited in open agricultural land rather than making use of or close to existing buildings. An assessment of each of the sites is given below:

#### Site 1

The shepherd's huts in this position would be largely screened from the north by a 3m high hedge and to the east are the trees of the southern tip of Pig Wood and hedgerow. Further hedgerows lie south of Site 1 on the far side of the field although as the land slopes down towards the south Site 1 would be in a more elevated location and would be visible across the fields from the footpath that runs across the southern part of the holding. The school is visible at a distance to the south west across the field. Tall hedges surround the holding and views are limited from public vantage points along The Street, and South Lane. However there are limited views of this site from South Lane through gateways within the hedgerow along the lane.

#### Site 2

This site is situated in a slightly elevated position to the west of the pond. Hedges and trees lie to the west of the site and a hedge to the north. It would be possible to see the huts, for a short time, when approaching them from the north along the footpath, but as the path passes the site to the east it goes down into a dip and would also pass behind a hedge to the east. There would be distant views from Old Rabetts Farm and Rabetts Farm to the north, although other properties along South Lane are largely screened by trees. There would be distant views of this site from the footpath across the south of the holding which is interrupted by hedges and undulations in the ground levels. There would also be glimpses of the site from gateways through the hedge along South Lane.

#### Site 3

This site is largely screened by trees and a tall hedge (approximately 3m in height) on its north and east sides. There would be distant views of this site, with the shepherd's huts seen against the backdrop of the hedge from the footpath to the south. Some more distant views of this site would be possible through gateways in South Lane.

- 6.4.5 With their olive colouring the huts would be less obvious in the landscape from outside of the site and would not impact on the setting of the village. They would however be partially visible from the public footpaths that traverse the land, but views of the chosen sites would be limited by small woodland copses or hedges and the undulating ground. As such it is considered that there would be no unreasonable harm to the rural character of the area and it complies with the Council's policies.
- 6.4.6 The car park would make use of an existing hard standing next to the farm buildings which would not impact unduly on the character of the AONB.

- 6.4.7 The use of the shepherd's huts is proposed to be all year round including at times when the leaves would not be on the trees; however the use is expected to be more sporadic in winter and given the distance and the proposed locations of the shepherd huts this would only have minor impacts in terms of the landscape character and appearance of the site within the AONB. Concern has been raised about the ground conditions in winter when it is likely to be very muddy. The construction of paths and hard standings can be controlled by condition. Also muddy ground is likely to be a limiting factor in attracting tourists to use this accommodation.
- 6.4.8 The use of external lighting would be controlled to maintain the dark skies within this rural part of the High Weald AONB and therefore if permission is granted then a condition requiring this should be imposed.
- 6.5 Impact on listed buildings
- 6.5.1 There are a number of listed buildings in the area which contribute to the local character. The impact of the proposal on the setting of the listed buildings has also been assessed. The shepherd's huts would be sited some distance from Rabetts Old Farm House on Battle Road – the listed building most closely related to the application site as a whole. However, at around 300 metres to the nearest shepherd's hut site indicated, the scheme would not, in this context, impact on the setting of the listed building. This would also apply to other listed buildings in the vicinity both on Battle Road and on The Street, some of which are a little nearer to the identified sites of the shepherd's huts, though all over 250m distant.
- 6.6 Impact on neighbours.
- 6.6.1 The Core Strategy OSS4 (ii) requires that development should not harm the amenities of neighbouring properties although the extent of these concerns, and whether the degree of change justifies refusing permission on these grounds might be judged to be more limited by the small scale of the proposal and the relative seclusion of the sites. The size of the two units themselves would limit the number of persons on site at any one time.
- 6.6.2 The locations of properties which overlook the site are on South Lane and Rabetts Old Farm House next to Rabetts Farm and on The Street to the east. The three sites proposed for the shepherd huts are distant from neighbouring properties by approximately a minimum of 250m. Although the huts might be partially visible from these properties, because of the distance and screening there would be no direct loss of privacy. It is possible that noise can sometimes travel in a quieter rural area and comments have been made regarding noise. The applicant has stated that noise would be monitored to prevent disturbance to neighbours. Such arrangements are not uncommon on smaller scale camp sites in the countryside. Any increase in traffic noise would not be considered as significant given existing traffic use.
- 6.6.3 The use of conditions to restrict the times of use of the shepherd huts has been considered. Unlike other recent applications for new 'glamping' activities in the AONB considered by the Council (e.g. Wattle Hill Oast at Staplecross or The Walled Garden at Ticehurst) this application is not made on a seasonal basis but is proposed as an all year round use. While a year-long use might be supported, in view of the uncertainty regarding the impact on amenities of adjoining properties and the general impact within the AONB,

a temporary permission in order to monitor the impact, as has also been used in other similar applications, would be appropriate.

- 6.6.4 In this context local residents, as well as suggesting a limited summer usage, have raised other possible conditions including, limiting vehicular use to certain times, defining pedestrian use to the three locations, control of waste and waste disposal, the exclusion of dogs and cats, restrictions on music and lighting. A control on lighting has already been suggested (see 6.4.9) but the limited camping use does not require exceptional controls on the other matters. In view of the scale of the proposal it is not considered that disturbance from noise traffic will be significantly greater than exists already in the area. Pedestrian access routes to the shepherd hut sites are restricted by the existing gateways. Facilities have been provided within the site for disposal of waste from the compost toilets. The licences obtained from the Council's Environmental Health would ensure that sanitary and other facilities, services and equipment such as rubbish collection are supplied and maintained.

#### 6.7 Issue raised under the Habitat Regulations

- 6.7.1 The representation from Wealden District Council has been considered. Having regard to the conclusions of the Habitat Regulations Assessment undertaken for the adopted Core Strategy, supplemented by available evidence of traffic generation information provided by the applicant, there is no discernable prospect of additional traffic from the proposed development impacting on either the Ashdown Forest or Lewes Downs SACs in particular.
- 6.7.2 Specific consideration has been given to the likely level of non-local trips that can be estimated to be generated by the proposed development and the likely distribution of those trips, having regard to the anticipated occupancy rates of the shepherd's huts and where visitors are likely to come from based on the marketing of the huts. The Ashdown Forest is not going to be promoted as somewhere to visit, as it is too distant (aside from the predisposition of visitors not to drive much). Given an average length of stay of some three days the total number of car trips, coming and departing would be 12 per week. Given that 40% of visitors are local and those from further afield would be directed via, either, the A21 or A27, then effectively no visitor traffic would affect either the Ashdown Forest or Lewes Downs SACs.
- 6.7.3 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.

#### 6.8 Issues raised under the Environmental Impact Regulations

- 6.8.1 The development was considered in the light of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and has been assessed under category 12 'Tourism and leisure' (e) 'Permanent camp sites and caravan sites'. Whilst the Rabetts Farm holding is greater than the threshold size of 1 ha the area of the development (three shepherd's huts and car park) alone falls below the threshold size set out in Column 2 of Schedule 2. Irrespective of that issue, by reason of the size and siting in the AONB, the development has been assessed using the criteria set out under Schedule 3 of the Regulations. It is considered that the proposed development is unlikely to have significant effects on the environment having

regard to the characteristics of the development, its location and the potential impacts of the development.

- 6.8.2 In summary: the development will not have unusually complex or potentially hazardous environmental effects; the development is not considered to have more than local importance, and there are no cumulative impacts with existing and/or approved development.

#### 6.9 Impact on wildlife

- 6.9.1 The land is not recognised as a protected ecological site nor are there any records of protected species being present on or in the vicinity of the site. There is no likely link between the proposal and harm to bird species which have been identified by other objectors. It is expected that the land would support the usual wildlife likely to be found within the Wealden landscape. However, the development given its scale would have a limited impact on wildlife having regard to the existing activities on the site. Given the nature of the proposal and potential for wildlife to be impacted a detailed ecological survey was not considered necessary.

#### 6.10 Other Issues

- 6.10.1 Comments are made below on other relevant concerns that have been raised, and not addressed thus far.

##### *Permanence of the huts*

- 6.10.2 The issue of the permanence of the shepherd's huts has been raised suggesting that the applicant should have only one site not three because the shepherds huts are not mobile. However the shepherd's huts are designed to be mobile and can be towed to different locations. The movement of the huts to different locations allows the ground to recover and would enable them to fit in with the operations carried out on the farm.

##### *Production of a business plan*

- 6.10.3 It is suggested that the applicant should have provided a business plan with the application with details of income expected by the development. However submission of a business plan would not be normally be an essential requirement for this scale of proposal.

##### *Information shown on submitted plans*

- 6.10.4 Concerns have been raised regarding the submitted plans failing to show the surrounding residential properties, amenity land, Listed buildings and the impact on the AONB. These issues have been assessed by officers in considering the application and the Members will be able to see the context of the application when they make their site visit.

##### *Proximity to school*

- 6.10.5 Objectors have expressed concern about safeguarding issues because of the close proximity of the local school. This is not a proposal that raises any especial issues in considering the planning application.

##### *Procedural issues*

- 6.10.6 Concerns have also been raised by objectors regarding the Council giving advice to the applicant. However as a matter of fact under article 35 (2) of the The Town and Country Planning (Development Management Procedure)

(England) Order 2015 when an application is determined, “...*the notice must also include a statement explaining, whether, and if so how, in dealing with the application, the Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.*”

- 6.10.7 When the application was amended from four shepherd’s huts and two shower/toilet huts in six locations to the lesser current scheme the application was re-advertised to allow for further comments.
- 

## **7.0 CONCLUSION AND THE PLANNING BALANCE**

- 7.1 The proposal is to provide low key self-catering tourist accommodation in a rural area within the High Weald AONB. The more positive approach to tourism provision in the adopted Core Strategy (Policy EC6), informed by the Rother Hotel & Visitor Accommodation Futures Study, lends weight to this relatively low key use now proposed bringing some economic benefits to the area.
- 7.2 However, in coming to any decision the Local Planning Authority must give great weight to conserving the landscape and scenic beauty in the High Weald AONB. Given the small scale of the proposal, as now amended, it is concluded that the harm to the landscape and scenic beauty is limited and that as such the scheme would not materially conflict with Policy EN1 of the Core Strategy or paragraph 115 of the National Planning Policy Framework.
- 7.3 The access to the site has been found acceptable by the Highway Authority given the size of the development, but only subject to the widening of the access and adequate visibility splays being provided. There remains some uncertainty regarding the impact this would have on trees and hedges either side of the access and definitively whether the eastward visibility splay can be provided over the highway verge alone. Further details would therefore be required on these matters. As such, if it is to proceed, the application should at this stage be delegated for approval subject to these details being submitted and determined to be acceptable approved. It is noted that any expansion of the use may be limited by this access.
- 7.4 The other impacts relate to the effect on the amenities of neighbouring residents. The shepherd’s huts have a good degree of separation from the surrounding residential properties. However, it is difficult to predict the precise impact of two shepherd’s huts and the associated tourist activity on local residents even for a small site. As such it would be an option to grant a temporary permission on the basis of a trial period as has been the practice on other sites. The temporary use could be for what is left of this and the next two seasons (up to October 2020) after which time the matter might be reviewed on the basis of actual usage.
- 7.5 In view of the Council’s tourism policies and the limited scale of the proposal the planning balance weighs in favour of the revised limited proposal subject to a temporary period, and conditions but subject first to the approval of the access details.
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**RECOMMENDATION: GRANT (TEMPORARY PERMISSION) DELEGATED**  
**(FURTHER DETAILS BEING SUBMITTED FOR THE ACCESS ARRANGEMENTS)**

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**CONDITIONS:**

1. This permission is for a temporary period only and the three shepherd's huts hereby permitted and all associated equipment and other structures shall be removed on or before 31 October 2020. The land shall be restored for agricultural use on or before that date in accordance with a scheme of work submitted to and approved by the Local Planning Authority.  
Reason: The huts and their use are potentially detrimental to the amenities of the surrounding properties and this permission is granted temporarily to enable the Local Planning Authority to monitor and assess the effects of the proposal, having regard to the criteria set out in Policy OSS4 (ii) of the Rother Local Plan Core Strategy.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
Amended site plan and hut group locations layout plan, submitted on the 12 April 2018  
Location block plans sites 1, 2 and 3 (aerial photographs), submitted 7 February 2018.  
Location plan dated 7/2/2018.  
Shepherd hut layout plan dated 6 January 2018.  
Application *statement* submitted 7 February 2018  
Overview submitted 7 February 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 more than two shepherd huts and one ancillary shower/toilet hut shall be placed on the site as defined by the red line of the application at any one time and the huts hereby permitted shall only be used as tourist accommodation and occupied for that purpose only and none of the huts shall be occupied as a person's sole or main place of residence.  
Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies OSS4 (iii) EC6 and RA3 (v) of the Rother Local Plan Core Strategy
4. The owners/operators shall maintain an up-to-date register of the names of all owners and/or occupiers of the two shepherd huts on the site, and of their main home addresses, and shall make this information available at all reasonable time to the Local Planning Authority.  
Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies OSS4 (iii) EC6 and RA3 (v) of the Rother Local Plan Core Strategy.
5. 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 and retained as such thereafter.  
Reason: To protect the character, appearance and ecology of the countryside and the living conditions of local residents from light pollution, having regard to Policies OSS4 (iii), RA1 (i), RA2 (viii), RA3 (v), EN5 (viii) of the Rother

Local Plan Core Strategy, Policy EM10 (iii) of the Rother District Local Plan (2006).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no other ancillary buildings/structures shall be erected on the site, and nor shall any other hardstanding or roadway be laid without a further planning permission.

Reason: To safeguard the character of the rural area in accordance with Policy OSS4 (iii) RA1 (i) and RA3 (v) of the Rother Local Plan Core Strategy and having regard to the limited terms of the planning application.

**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 discussing with the applicant, 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 having full regard to the duty to give great weight to conserving the landscape and scenic beauty of the High Weald AONB, as set out within the National Planning Policy Framework.

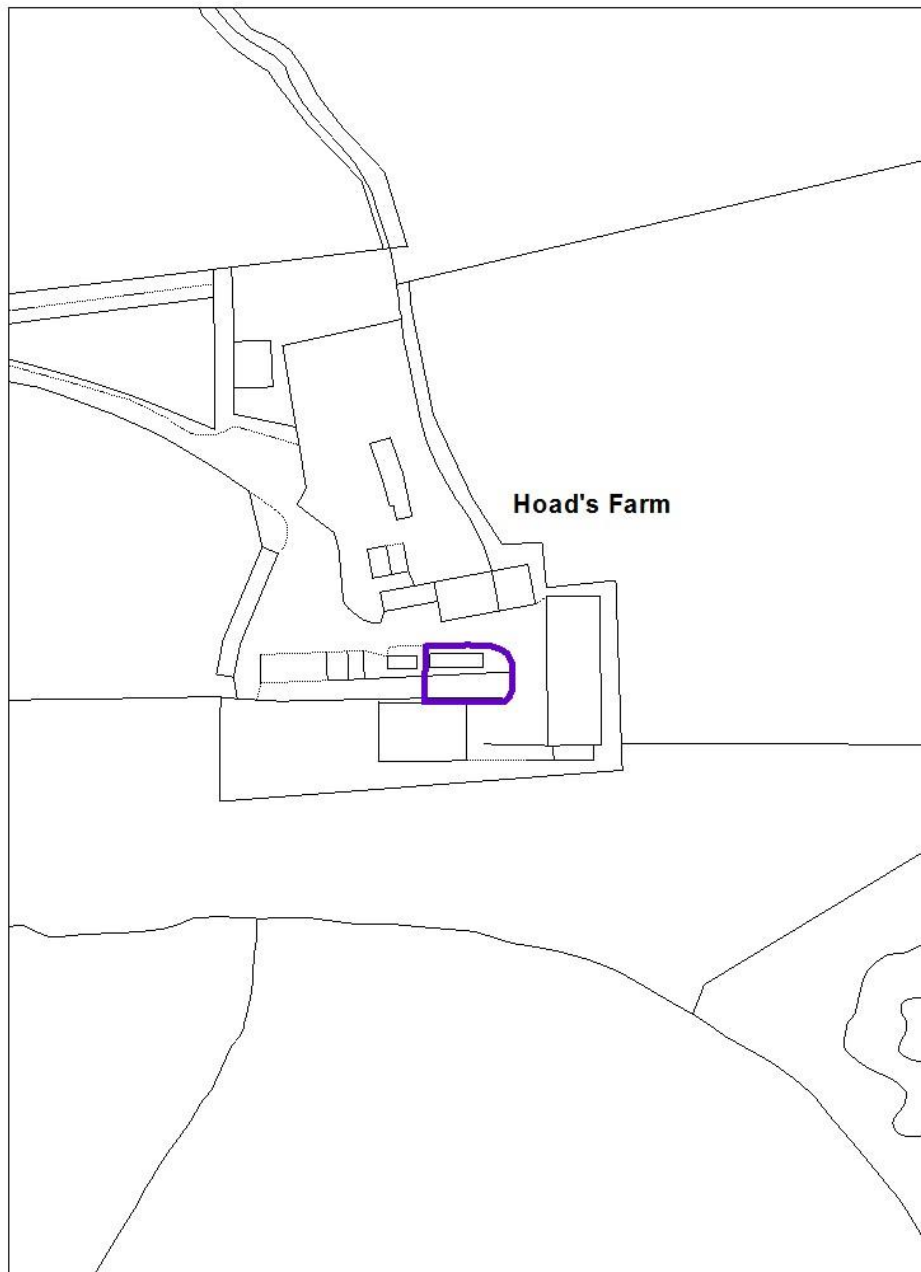
[View application/correspondence](#)

SITE PLAN

Westfield

RR/2018/929/P

Hoads Farm - Mobile Unit 1, Moat Lane



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**Not To Scale**

RR/2018/929/P

**WESTFIELD Hoads Farm – Mobile Unit 1, Moat Lane****Removal of mobile home and the erection of a single residential dwelling incorporating existing summerhouse structure.**

**Applicant:** Mr P Martin  
**Agent:** Pump House Designs  
**Case Officer:** Mr E Corke (Email: edwin.corke@rother.gov.uk)  
**Parish:** WESTFIELD  
**Ward Members:** Councillors J.M. Johnson and C.R. Maynard

**Reason for Committee consideration: Referred by Councillor C.R. Maynard****Statutory 8 week date: 23 May 2018****Extension of time agreed to: 05 June 2018**

This application is included in the Committee site inspection list.

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## **1.0 POLICIES**

- 1.1 No 'saved' policies of the adopted Rother District Local Plan 2006 are relevant to the proposal.
- 1.2 The following policies of the Rother Local Plan Core Strategy 2014 (Core Strategy) are relevant to the proposal:
- 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 RA2 – (General Strategy for the Countryside);
  - Policy RA3 – (Development in the Countryside);
  - Policy CO6 – (Community Safety);
  - Policy EN1 – (Landscape Stewardship); 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 relates to one of two mobile homes and an adjacent unauthorised summerhouse structure located within a group of buildings of various agricultural, commercial and residential uses. Vehicular access is from Moat Lane via a long narrow track.

- 2.2 The site is located in the countryside and is within the High Weald Area of Outstanding Natural Beauty (AONB).
- 

### **3.0 HISTORY (relevant)**

- 3.1 RR/2015/2169/O Use of the land for the stationing of two mobile homes for residential accommodation – Granted.
- 3.2 RR/2017/2157/P Removal of a mobile home and the erection of a single residential dwelling – Granted.
- 

### **4.0 PROPOSAL**

- 4.1 In 2015 a Lawful Development Certificate (application ref: RR/2015/2169/O) was granted for use of the application site and the adjacent parcel of land for the stationing of two mobile homes for residential accommodation. There are no restrictions relating to the occupancy of the mobile homes.
- 4.2 In 2017 planning permission (application ref: RR/2017/2157/P) was granted for removal of the western mobile home and the erection of a single-storey two-bedroom dwelling. That permission has not yet been implemented.
- 4.3 The current proposal is for removal of the eastern mobile home and the erection of a single-storey one-bedroom dwelling incorporating the unauthorised summerhouse structure, which is currently being used as ancillary accommodation to the mobile home. The scheme includes the provision of an outside decking area.
- 4.4 The replacement structure measures 11.4m (length) x 4.4m (width) x 3.2m (maximum height to ridge). It would have a brick plinth with timber cladding to the elevations and slate to the low pitched roof. The existing summerhouse has a floor area of 39sqm and is of timber construction with a felt pitched roof.
- 

### **5.0 CONSULTATIONS**

#### **5.1 Westfield Parish Council**

##### **5.1.1 Objects:**

*“Council made the following comments: 1. The summerhouse has been subject to an Enforcement Notice 2. The summerhouse is already being used as a separate dwelling 3. There are two separate dwellings and occupancies of this site 4. Council would recommend refusal of this application on the grounds of over development of the site.”*

#### **5.2 UK Power Networks**

##### **5.2.1 No objection.**

### 5.3 Scotia Gas Networks Limited (SGN)

#### 5.3.1 No objection.

### 5.4 Planning Notice

#### 5.4.1 One objection from a local resident:

*“Permission has already been granted for a dwelling to be built. Another dwelling is over-development of this land. The so called “public footpath” is already virtually unusable due to the amount of traffic coming up and down there. I would also add that the planning notice placed at the end of the drive is dated as 13 April but this notice has only actually been up for a few days (I drive past at least four times a day) not allowing residents sufficient time to comment or consider this application.”*

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## 6.0 APPRAISAL

### 6.1 The main issues are:

- The principle of a new dwelling in this countryside location;
- The effect of the proposal on the landscape and scenic beauty of the High Weald AONB;
- The effect of the proposal on the living conditions of neighbouring occupiers; and
- The effect of the proposal on road and pedestrian safety.

### 6.2 Principle/landscape impact

#### 6.2.1 The application site is located in the countryside for policy purposes. In this respect, Policy RA3 (iii) of the Core Strategy is specific to the formation of new dwellings in the countryside. This states that there are four extremely limited circumstances in which new dwellings are allowed. These are:

- Dwellings to support farming and other land-based industries;
- The conversion of traditional historic farm buildings in accordance with Policy RA4;
- The one-to-one replacement of an existing dwelling of similar landscape impact; and
- As a ‘rural exception site’ to meet an identified local affordable housing need.

#### 6.2.2 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 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.

- 6.2.3 The existing mobile home is effectively a dwelling, as it is lawfully used for residential accommodation with no restrictions on occupancy. The proposal is therefore considered against the third criterion of Policy RA3 (iii) – i.e. whether it is for the one-to-one replacement of an existing dwelling of similar landscape impact. In this respect, the design of the proposed dwelling, which incorporates the summerhouse structure, is considered to be acceptable having regard to the mixture of agricultural and commercial buildings to which it would relate. Whilst the new dwelling would be larger than the existing mobile home, it would sit within the existing group of buildings, where it would have a limited and acceptable impact in the landscape.
- 6.2.4 The site itself is small and is contained within the existing group of buildings and associated areas of vehicle hardstanding. As such, the creation of a formal garden would not be harmful to the character and appearance of this countryside and AONB location.
- 6.2.5 A condition restricting ‘permitted development’ rights would be necessary to ensure that the dwelling would not have a significantly different landscape impact. It would also be necessary to prevent the site from becoming overdeveloped with domestic buildings to ensure the character and appearance of this countryside and High Weald AONB location would not be compromised.
- 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 In terms of outlook, the current relationship with the adjoining mobile home to the west is acceptable and this would not significantly change as a result of the proposal. There is potential for overlooking of the neighbouring site from a bathroom window and the proposed decking, but these issues can be addressed by the use of obscure glazing and the erection of a privacy screen respectively.
- 6.4 Road and pedestrian safety
- 6.4.1 Policy CO6 (ii) of the Core Strategy seeks to avoid prejudice to road and/or pedestrian safety.
- 6.4.2 It is not considered that replacement of the existing residential mobile home with a one-bedroom dwelling would generate an increase in traffic using the vehicular access. As such, the proposal would not prejudice road and pedestrian safety.
- 6.5 Other matters
- 6.5.1 The Parish Council states that the summerhouse has been subject to an enforcement notice, but this is not the case.
- 6.5.2 A local resident is concerned that the application has not been properly publicised. However, the Council has fulfilled its statutory duty in relation to publicising the application with two planning notices displayed (one in Moat Lane at the vehicular access and one in front of the mobile home itself).

These were both displayed on 13 April 2018 and there is photographic evidence to support this.

- 6.5.3 SGN and UK Power Networks have advised that there are gas and electricity lines within the vicinity of the site, which could potentially be affected by the development. Detailed information has been provided for the applicant, which can be drawn to his attention by way of a note attached to the decision notice.

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## **7.0 CONCLUSION AND THE PLANNING BALANCE**

- 7.1 The proposal would result in the replacement of a mobile home used for residential accommodation with a larger dwelling incorporating a currently unauthorised summerhouse structure. It would also result in the creation of a formal garden. Whilst the new dwelling would be larger than the existing mobile home, the development would sit within the existing group of buildings, where it would have a limited and acceptable impact in the landscape. The proposal would also have an acceptable impact on the living conditions of neighbouring occupiers and would not prejudice road and pedestrian safety. 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:  
Drawing No. 5766/LBP (LOCATION BLOCK PLAN) dated MARCH 2018  
Drawing No. 5766/1 (PROPOSED EXTENSION) 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. Before commencement of any above ground works, samples of the materials and finishes to be used in the construction of the external surfaces of the dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.



Reason: To ensure the satisfactory appearance of the dwelling in this countryside and High Weald AONB location, in accordance with Policies OSS4 (iii), RA2 (viii), RA3 (v) and EN1 (i) of the Rother Local Plan Core Strategy.

4. The dwelling hereby permitted shall not be occupied until a privacy screen has been erected on the west side of the decking shown on approved Drawing No. 5766/1 (PROPOSED EXTENSION) dated MARCH 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 the neighbouring property (Caravan 2) by way of overlooking, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

5. At the time of construction and prior to the first occupation or use of the dwelling hereby permitted, the bathroom window within the rear (west) elevation, as shown on approved Drawing No. 5766/1 (PROPOSED EXTENSION) dated MARCH 2018, shall be glazed with obscure glass of obscurity level equivalent to scale 5 on the Pilkington Glass Scale, and shall be fixed shut (except for in the event of an emergency as a means of entry/escape).

Reason: To prevent the development from having any adverse impact upon the amenities of the neighbouring property (Caravan 2) by way of overlooking, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

6. 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 extensions, alterations, buildings, structures or installations, as defined within Classes A, B, C, D 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: The proposal involves the replacement of a mobile home with a larger dwelling at this site within the countryside, and it is necessary to restrict permitted development rights in order to ensure that the dwelling does not have a significantly different landscape impact, in accordance with Policy RA3 (iii) (c) of the Rother Local Plan Core Strategy. It is also necessary to prevent the site from becoming overdeveloped with domestic buildings to ensure the character and appearance of this countryside and High Weald AONB location is not compromised, prevent the development from having any adverse impact upon the amenities of the neighbouring property (Caravan 2), and to retain adequate outdoor amenity space for future occupiers, in accordance with Policies OSS4 (i, ii and iii), RA2 (viii), RA3 (iv and v) and EN1 (i) 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 applicant's attention is drawn to the detailed information provided by SGN and UK Power Networks regarding gas and electricity services within the

vicinity of the site, which should be read prior to the commencement of any works. This information is available to view on the “Viewing Applications, Decisions and Appeals Online” page of Rother District Council’s Planning Website (<http://www.rother.gov.uk/planning>) under planning application reference RR/2018/929/P.

**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 may have been received and subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

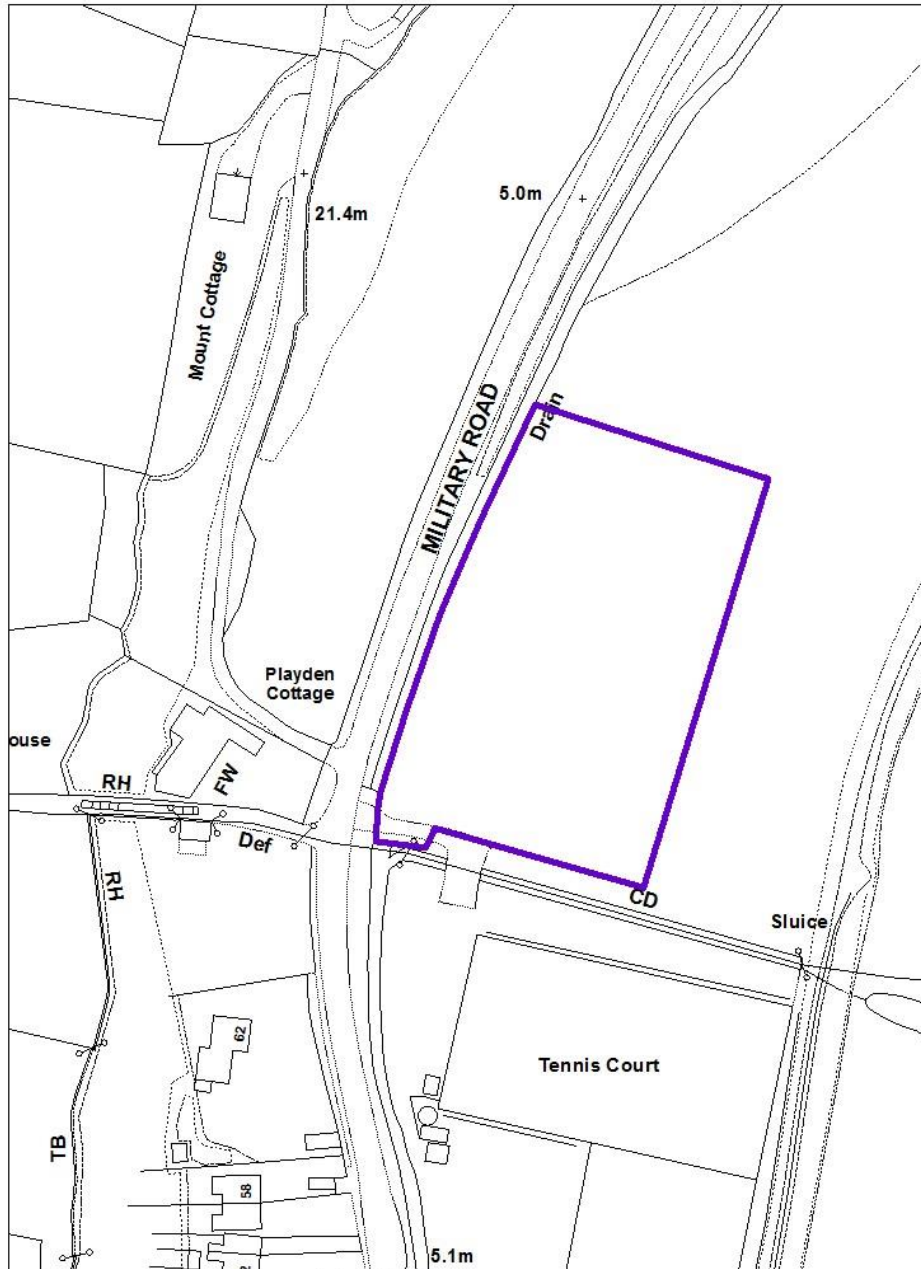
[View application/correspondence](#)

SITE PLAN

Playden

RR/2016/3026/P

115 Military Road



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Not To Scale

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RR/2016/3026/P

PLAYDEN 115 Military Road

**Outline: New covered structure to provide three new indoor tennis courts.**

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**Applicant:** Rother Meads Tennis and Games Club  
**Agent:** Mr Michael Gradon  
**Case Officer:** Mr John McSweeney  
(Email: [john.mcsweeney@rother.gov.uk](mailto:john.mcsweeney@rother.gov.uk))  
**Parish:** PLAYDEN  
**Ward Members:** Councillors Mrs S. Hart and P.N. Osborne

**Reason for Committee consideration: Previous decision at Committee to defer.**

**Statutory 13 week date: 10 May 2017**

**Extension of time agreed to: 6 June 2018**

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## **BACKGROUND**

This application was previously discussed by the Planning Committee at the meeting on 22 June 2017, when it was resolved that a decision be deferred for further discussions and negotiations to include clarity on design, ecological information for appropriate assessment, landscaping information, drainage details and details of public access. Members visited site on 20 June 2017.

The applicant has now submitted an updated Planning Statement, including reference to community access; an ecology update outlining the surveys which have been undertaken; three dimensional images of the structure in its context that also illustrates an indicative design, materials and landscaping; and, long views of the site from public vantage points.

This new information has been attached in full as Appendix A to this agenda report. This new information has also been subject to a further public consultation period.

The report below from Section 1.0 is the same as that previously reported to Members on 22 June 2017 including your officers' initial recommendation.

Comments in respect of the additional information have been received from Playden Parish Council and from local residents, these have been summarised below. Natural England has also been re-consulted, as their input is especially important in regard to ecology issues. At the time of preparing this agenda report their comments are still awaited; however, comments should be received in time to update Members at the meeting.

The issue remains whether the benefits that an additional sports/recreational facility may provide would outweigh the harm that a large scale extension of the existing tennis club into the surrounding countryside, including the building of a permanent structure would have on the rural character of the area and on ecological interests in the locality.

Further comments following consultation of the new information:

### Parish Council

#### General comment

*“The Parish Council still has concerns regarding the scale and bulk of the proposed building on the landscape and its proximity to protected countryside, the provision of sufficient parking, the extended hours of use the effect of the lighting of the courts on the immediate environment.”*

### Planning Notice

Six further letters of objection have been received following the public consultation period advertising the additional information; their concerns have been summarised below;

- Scale of building.
- Highly visible from the south of the river.
- Considerable light pollution across the marsh.
- Generate more traffic.
- Additional noise.
- Impact on wildlife found within the field.
- Industrial sized building.
- Destroy setting of Rye.
- Outside Rye’s development boundary.
- Would adversely affect sensitive ecology of Ramsar, Special Protection Area and SSSI.
- Encroach into countryside.
- Design completely out of keeping.
- Existing vegetation is ill-maintained and would do little to mask the building.
- Doubts over integrity of community involvement/statement.

### **RECOMMENDATION:**

Having regard to the position taken originally by the Committee to pursue the application further by requesting additional work to be undertaken, and specifically in light of the additional information received and other comments Committee’s instructions are requested.

The additional information submitted should allow Members to reach a conclusion in principle on this matter. Should Members conclude that the principle of this extension/building is acceptable, then a delegated approval to clarify highway, drainage and ecology matters and to impose appropriate conditions should be made; if not, in the alternative, Members may wish to revert to the previous recommendation for refusal.

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## **1.0 POLICIES**

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

- OSS2 – Use of development boundaries.
- OSS4 – General development considerations.
- RY1 – Policy Framework for Rye and Rye Harbour.

- RA2 – General strategy for the countryside.
- RA3 – Development in the countryside.
- CO3 – Improving sports and recreation provision.
- CO6 – Community safety.
- EN1 – Landscape stewardship.
- EN3 – Design.
- EN5 – Biodiversity and green space.
- EN6 – Flood risk management.
- EN7 – Flood risk and development.

1.2 The National Planning Policy Framework and Planning Policy Guidance are also material considerations, especially the following paragraphs from the National Planning Policy Framework;

- Paragraph 73 – access to opportunities for sports and recreation.
- Paragraph 103 – flood risk.
- Paragraph 117 and 118 – impact on biodiversity.

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## **2.0 SITE**

2.1 The Rother Meads Tennis and Games Club is a well-established private sports facility located on the east side of Military Road about 0.4km from its junction with A268 at the foot of Rye Hill. The site is located outside the Development Boundary for Rye as defined within the Local Plan (2006).

2.2 The application site relates to an area of land immediately adjoining to the north of the established tennis club's land, on former agricultural land. It is a relatively flat site at the same level as the existing tennis courts (to the south). It sits below the level of the earth bank flood defence of the River Rother to the east of the site.

2.3 The site itself falls within Flood Zone 3a, while the land immediately adjoining the site to the east falls within the Dungeness, Romney Marsh and Rye Bay Special Protection Area and Ramsar (wetland of international importance) and SSSI. With land to the west side of Military Road falls within Archaeological Notification and Sensitive Areas.

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## **3.0 HISTORY**

3.1 There is no relevant planning history relating to the specific application site; however the established tennis club site has been subject to planning permissions relating to new hard tennis courts, squash court and short tennis courts and works to existing buildings and new pavilion buildings.

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## **4.0 PROPOSAL**

4.1 This application seeks outline permission with all matters reserved for the erection of a covered structure to provide three new indoor tennis courts. The application includes an indicative site layout and graphic images of the building. The indicative details suggest that the existing field access from Military Road will be utilised to access the site with an area of new car parking created to run parallel to the ditch which crosses the site from west to

east. The details also suggest that the footprint of the building would be some 37m by 57m in area, with the greater length to run parallel with Military Road. The photomontages indicate that the building would be of a metal frame and tensile membrane construction with a number of openings to the east and west elevations.

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## 5.0 CONSULTATIONS

### 5.1 Parish/Town Councils

#### 5.1.1 Playden Parish Council:

##### General Comment

*“It has been noted that there are strong objections on a number of issues and as such the Councillors would like to request that more information is obtained on hours of use, light and noise pollution, parking, traffic and congestion.”*

#### 5.1.2 Rye Town Council (adjoining):

##### General Comment

*“In order to avoid compromise to Rye’s distinctive townscape and setting, it is a fundamental principle within the evolving Rye Neighbourhood Plan that development should not ‘creep’ beyond the Rye Parish Boundary into ‘green area’. Whilst proposals for improved sports facilities – particularly for younger people – are to be commended these should not be at the expense of other core local planning principles. The Tennis Club’s proposal for an extended development beyond the Parish boundary into Playden Parish, on the scale show, conflicts with the views of the Rye community in respect of future development in and around the Rye Parish boundary.”*

### 5.2 Environment Agency

#### 5.2.1 “The site lies in Flood Zone 3a but given the less vulnerable nature of the proposal we have **no objection** to the principle of development. We note that the FRA highlights that there is a risk of surface water flooding and we would expect that the Local Planning Authority and the Romney Marshes Internal Drainage Board are satisfied with the proposed surface water drainage strategy prior to grant of permission.

*Any work in, under, over or within 16m of the banks of the designated tidal main river or the toe of a flood defence requires a Flood Risk Activity Permit. ... It is therefore important the applicant ensures all development is a minimum of 16m from the toe of the embankment.”*

### 5.3 Natural England

#### 5.3.1 Objects and advises that the Council should not grant planning permission at this time, including the following.

**Internationally and nationally designated sites:**

The application site is in close proximity to European designated sites (other commonly referred to as Natura 2000 sites), and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulation 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Ramsar site. The application site is also in close proximity to a site notified at a national level as Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises us, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

**Further information required:**

The consultation documents provided do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. Your authority should determine whether the proposal is likely to have a significant effect on a European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out.

On the basis of the information provided, Natural England advises that there is currently not enough information to determine if there will be an adverse impact on the interest features for which the Dungeness, Romney Marsh and Rye Bay SSSI has been notified.

Recommend that the following information is obtained:

- Details of proposed surface water drainage, so as to demonstrate that no water pollution of the nearby designated sites will result from the proposal.
- Given the bird sensitivities in the area, details need to be submitted demonstrating the avoidance of disturbance by noise, to over wintering birds using the nearby SPA/Ramsar site.
- An ecological survey, to include an assessment of the potential impact on the international sites.
- Details of how any proposed external lighting shall be designed, located and operated, so as to avoid negative impact on the nearby designated sites.
- Details relating to storage of materials and constructor operations.

**Protected Species**

We have not assessed this application and associated documents for impacts on protected species and refer you to our standard advice.

**5.4 Highway Authority**

- 5.4.1 Requires further information in regard to visibility splays and transport report before they can assess the proposal fully.



5.5 East Sussex County Council – Lead Local Flood Authority (LLFA)

5.5.1 Additional information requested in respect to drainage strategy drawings and Calculations.

5.6 County Archaeology (summarised)

5.6.1 The proposed development is of archaeological interest due to its location on the Walland Marsh wetlands, which contain areas of well-preserved prehistoric landscape (including peat deposits), buried beneath later alluvial deposits. The peat deposits have a high potential of containing nationally significant organic remains such as timber trackways. The location of the site in close proximity to “dry land” raises the potential for this area being utilised during the prehistoric periods.

In light of the potential for impacts to heritage assets with archaeological interest resulting from the development, the area affected by the proposals should be subject of a programme of archaeological works.

5.7 Romney Marshes Internal Drainage Board (summarised)

5.7.1 The Board's consent under S23 Land Drainage Act 1999 will be required for the outfall into the Ordinary Watercourse from the pond. The Board would wish to see further information regarding the design of the attenuation pond including drawings to explain the principle behind its design.

5.8 Sports Development Officer (RDC) (summarised)

5.8.1 Supports areas in the application:

- Corporate Plan supports residents having the opportunity of being pro-active in sport as well as cultural activities leading to greater community spirit and healthy lifestyle for everyone.
- Supported by a letter from the LTA.
- Indoor facilities would increase the court hours throughout the year when tennis could be played.
- Increase number of participants.
- Upgraded facilities provide better opportunities for players to progress locally.
- Encouraging new players and groups onto site, this includes the potential for schools, disabled players.

5.9 Planning Notice

5.9.1 Eighteen letters of objection have been received from 17 addresses, their concerns have been summarised below:

- Building of the scale proposed would sit at odds with the established character and appearance of the street scene.
- Proposed structure by virtue of its height and position in front of Playden House would have an unacceptable relationship with that property, being both overbearing and resulting in loss of outlook.
- Not compatible with the rural character of the area.
- Noise pollution.
- Light pollution.
- Visible from the AONB.

- Highway safety issue – the proposed entrance is on a blind bend.
- Eyesore in beautiful landscape.
- Area prone to flooding.
- Noise from plant i.e. air condition.
- More suited to an industrial estate.
- Tennis Club could use alternative initiatives to encourage greater participation.
- Existing trees will not provide a significant screen.
- Insufficient parking.
- Urban sprawl.
- Clearly visible from the east, including on public footpaths.
- Vehicles using Military Road constantly break the speed limit.
- Hours of use.
- Is this tennis facility for the community or the elite?
- Impact on environment.
- The Tennis Club have not looked to engage with the local young community before this application.
- On clearing the site the Tennis Club destroyed vegetation and habitat with little regard to any nesting birds.
- The photographs provided with the application are not a true representation of how the building will be seen.
- Suggest that supportive letters (submitted with the application) are discounted and proper investigation must take place as to what exactly the applicant plans in the way of activities for the local community.
- Falls within Flood Zone 3 and further reduces available drainage.

5.9.2 Campaign to Protect Rural England (Rother) object to the application for the following reasons (summarised);

- Location for this development is neither necessary nor appropriate (contrary to Policy OSS1).
- Located outside of the development boundary, lack of transport infrastructure and the long distance visual impact (contrary to Policy OSS2).
- Fails to seek a site for this development in a more appropriate built-up location (contrary to OSS3).
- Appropriate location for this facility is within the urban hub of Rye.
- Design not in keeping.
- Light pollution.
- Access from Military Road in dangerous position.
- Plot on the landscape from Sussex Border Path.
- No environmental or ecological information provided given the sensitivities of the site.
- Flood possibility of the site – reduction in the area of natural drainage.

5.9.3 Rye Conservation Society objects to the application for the following reasons (summarised);

- Outside the current Rye Development Boundary and also outside that proposed in the emerging Rye Neighbourhood Plan.
- Industrial scale building in a rural landscape.
- Serious and detrimental effect on the landscape.
- Would additional facilities be required i.e. toilets, changing rooms etc.
- Flood risk.
- Light pollution.

- Building visible from Camber Road, railway line and public footpaths.
- Road side trees are deciduous.
- Sites forms the setting of Rye when approached from the east, it also forms the setting of the AONB, which starts of the ridge line above the site.
- Insufficient parking provision.
- Poor visibility from the vehicular entrance.
- Financial impact on the long term viability of the Club of not proceeding with the proposed scheme is not a planning issue.
- What is proposed at the moment appears to be an extension to private club for use by its members only.

- 5.9.4 One letter of support has been received;
- We need indoor tennis courts in Rye taking into account our inclement weather here in the northern hemisphere.

- 5.9.5 A letter has been received from Rt. Hon. Amber Rudd MP, an extract of which is provided below;

*“Currently the Rye Tennis Club only has outdoor lawn courts, which prevents play all year-round due to inclement weather, and the costs of up-keeping the courts are proving costly to the Club due to a diminishing membership. The creation of an indoor tennis court would provide the local community and further an opportunity to engage with tennis 365-days a year. The project will enable greater social cohesion as local school children will have the opportunity to play on the courts and the overall membership of the Club would inevitably increase as there is availability to play every day of the year.*

*This project will sustain the future of the Rye Lawn Tennis and Squash Club for generations to come, and the lawn courts will be protected as further revenue would be generated through increased membership.”*

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## 6.0 APPRAISAL

### 6.1 Issues for consideration

- 6.1.1 The main issues for consideration are:
- Sports and recreation provision.
  - Impact upon character and appearance of locality.
  - Impact upon neighbouring amenities.
  - Highway implications.
  - Ecology/biodiversity implication.
  - Flood risk/drainage.
  - Archaeological implications.

### 6.2 Sports and recreation provision

- 6.2.1 The site is located outside the Development Boundary as identified in the Rother District Local Plan (2006), where development is generally strictly controlled. Policy RA2 of the Local Plan Core Strategy details the overarching strategy for the countryside, which includes to (iii) strictly limit new development to that which support local agriculture, economic and tourism needs and maintains or improves the rural character; and (vi) support

enjoyment of the countryside and coast through improving access and supporting recreational and leisure facilities that cannot reasonably be located within development boundaries.

- 6.2.2 Policy RA3 of the Local Plan Core Strategy gives further detail to how proposals for development in the countryside will be determined. Part (ii) supports suitable employment and tourism opportunities in the countryside including through the sensitive, normally small scale growth of existing business sites and premises.
- 6.2.3 Policy CO3 of the Local Plan Core Strategy relates to sports and recreation provision, and seeks to safeguard existing facilities while also supporting proposals for the improvement of existing or provision of new facilities, in localities where deficits in facilities are identified. Regard should be had to the Council's Open Space, Sports and Recreation Study, which has identified a need for indoor sports facilities within the District.
- 6.2.4 Paragraph 73 of the National Planning Policy Framework states, *"Access to high quality open space and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessment should identify specific needs and quantitative or qualitative deficits or surplus of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required."*
- 6.2.5 There is planning policy support for improved sports facilities as a general principle and in this regard it is acknowledged that indoor facilities would increase the court hours throughout the year when tennis could be played. This, in turn, may increase the number of participants who could play. Moreover, generally increasing the opportunity of local residents to be proactive in sport can lead to a greater community spirit and a healthier lifestyle for everyone. On a more specific basis, the proposed new tennis facilities could provide better opportunities for players to progress locally and not have to travel long distances to further their talents. The applicant has provided a number of letters of support to the proposal from local schools, existing members as well as Kent Tennis, all whom welcome this facility. (This support can be viewed on the website.)
- 6.2.6 The benefits that the proposed facilities can offer to the local community are acknowledged. However in this case these benefits have to be balanced against the impact such a development would have on the character and appearance of the locality, the impact upon neighbours residential amenities, any impact upon the protected ecological/nature areas adjoining to the east, as well as highway implications and drainage.

### 6.3 Impact upon character and appearance of the locality

- 6.3.1 Policy RA2 details the overarching strategy for the countryside, which includes to, (iii) strictly limit new development to that which support local agriculture, economic and tourism needs and maintains or improves the rural character; and (vi) support enjoyment of the countryside and coast through

improving access and supporting recreational and leisure facilities that cannot reasonably be located within development boundaries.

- 6.3.2 Policy RA3 gives further detail as to how proposals for development in the countryside will be determined. Part (ii) supports suitable employment and tourism opportunities in the countryside including through the sensitive, normally small scale growth of existing business sites and premises, and part (v) requires all development in the countryside to be of an appropriate scale and not adversely impact on the landscape character or natural resources of the countryside.
- 6.3.3 Policy EN1 states the management of the high quality natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (ii) the distinctive low-lying levels to the east of the district with particular regard to the landscape setting of Rye and Winchelsea. Policy OSS4 (iii) goes on to state that development should respect and not detract from the character and appearance of the locality.
- 6.3.4 Although the entire tennis club and surrounding land (including residential properties on Military Road) is located outside the identified Development Boundary, the land specifically identified for the new structure would also be visibly separate from the existing built-up area. The main buildings of the existing tennis club, form part of the established built development on Military Road located at the southern end of the site, closest to other development including residential properties opposite. The character of the area changes just north of the existing tennis club, between the road and the river (where the speed limit of Military Road also changes), and the town gives way to open countryside.
- 6.3.5 While the existing club buildings are associated with other buildings the courts beyond, visually, mark a transition from town to countryside. The proposed building would be sited beyond the open courts and would therefore introduce an isolated building north of the current boundary of the club in the open countryside. The permanent structure proposed to enclose the courts is substantial in scale and would appear prominent and have a significant intrusive impact on the rural character, being visible across a wide area, including from public footpaths (1a, 1b, 2, 13a and 20) and in longer views from the A259, all to the east of the site. Whilst noting that the design of the structure is only indicative, there are concerns in respect to illumination and visual impact and the impact these aspects will have in the landscape given the general low level nature of the surrounding landscape.
- 6.3.6 The applicants have stated in their supporting documentations that they have investigated the option to build the indoor courts on existing courts and then re-site the grass courts within the application field. However, due to the following they have not pursued this option: the existing grass courts are acknowledged to be amongst the best in the UK which creates a draw to the club; to build new grass courts to the existing standard would cost £75,000 per court, this added to the cost of the indoor courts which make the scheme unviable; would create impractical division of the club courts if there are grass courts either side of the indoor facility; and, the new field has less issue with overlooking neighbouring properties.

#### 6.4 Impact on neighbouring amenities

- 6.4.1 Policy OSS4 (ii) states development should not unreasonably harm the amenities of adjoining properties.
- 6.4.2 The proposed indoor facilities are likely to result in the increase in activities (both vehicular movements and human) and the duration of these activities throughout the day, but this does not necessarily mean that it would have an unreasonably impact of adjacent neighbours in Military Road.
- 6.4.3 This is a well-established tennis club and noise and activities generated from the use of the existing facilities are likely to have some impact upon residential properties on the opposite side of Military Road, therefore the issue is whether the activities likely to be generated from an additional three indoor courts would be significant to cause demonstrable harm to their amenities.
- 6.4.4 Whilst a structure of the scale indicated will be visible to neighbouring properties the separation distance afforded is sufficient to ensure that it is unlikely to be physically overbearing. Moreover, any right to a private view is not a material planning consideration and cannot be considered as such.
- 6.4.5 While a transport assessment has not been submitted it is unlikely that the vehicular movements generated from an additional three courts will be such that it would cause significant disturbance to neighbouring residential properties from an amenity perspective.
- 6.4.6 The design/construction of the structure is only indicative at this outline stage, and therefore a true assessment cannot be made in regard to potential noise being audible from within the building to the nearest neighbours at Playden House, Swiss Cottage, Tollgate Cottage and Tollgate. However, it is likely that construction techniques/measures can be utilised to ensure minimal noise is audible outside of the building; this should be informed by acoustic modelling in any future applications.

#### 6.5 Highway implications

- 6.5.1 Policy CO6 states a safe physical environment will be facilitated by: (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.
- 6.5.2 While access is a reserved matter, given the nature of the proposal the Highway Authority was formally consulted at this stage. However, to enable them to assess the proposal fully the authority requested additional information in respect of the visibility splays from the proposed access as well as a transport report.
- 6.5.3 The visibility at the access is restricted in both directions by the alignment of the road and the overhanging hedgerows within the roadside verge, and although the access is within the 30mph speed limit it is noted that this increases to the national speed limit, 60mph a short distance to the north. As such a plan has been requested from the applicants indicating that appropriate visibility splays can be achieved, taking into account the higher vehicle speeds that are likely in this stretch of road. A transport report is also

required detailing the level of traffic that the tennis courts are likely to generate and which periods of the day are likely to be the busiest.

- 6.5.4 Whilst this information has been requested, it is still outstanding and Members will be updated at the meeting. However, at the time of preparing the agenda report it has not been demonstrated to the satisfaction of the Highway Authority that this access is suitable to serve the development and that it will not cause interference with the free flow and safety of traffic on Military Road.

## 6.6 Ecological issues

- 6.6.1 Policy RA2 states the overarching strategy for the countryside is to: (viii) generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.
- 6.6.2 Policy EN5 states biodiversity, geodiversity and green space will be protected and enhanced, to (ii) protect and enhance the international, national and locally designated sites, having due regard to their status.
- 6.6.3 Policy EN6 states that an integrated approach to flood risk management will be achieved by working with the relevant agencies and strategic partners to ensure that: (iv) proposed flood protection measures should have full regard to sensitive areas designated with specific nature conservation and biodiversity interests such as RAMSAR, SAC, SPC, LNR or SSSI.
- 6.6.4 Paragraph 118 of the National Planning Policy Framework states that local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- *If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*
  - *Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest.*
  - *The following wildlife sites should be given the same protection as European sites:*
  - *Potential Special Protection Areas and possible Special Areas of Conservation;*
  - *Listed or proposed Ramsar sites, and*
  - *Sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

6.6.5 The application site is in close proximity to European designated sites, and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Ramsar site, and the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI) which all immediately adjoin the site to the east.

6.6.6 As a competent authority the Local Planning Authority under the provisions of the Habitats Regulations has to have regard to any potential impacts that the proposal may have on the European sites and on the SSSI. However, there is not enough information submitted with the application to determine whether the likelihood of significant effects on the European sites can be ruled out, nor whether there will be an adverse impact on the interest features for which the Dungeness, Romney Marsh and Rye Bay SSSI has been notified. As such additional information is required, which the applicant is aware of, but at this stage given that potential harm cannot be ruled out, Natural England objects to the proposal and there is no reason in this instance to disagree with their recommendation.

## 6.7 Flood risk drainage

6.7.1 Policy EN7 states development will be permitted providing the following criteria are met (i) where development is proposed in an area identified as at flood risk, the applicant will be required to submit a site-specific Flood Risk Assessment which demonstrates that the development will be safe, will not increase flood risk elsewhere, and, where possible, will reduce flooding.

6.7.2 The site lies within Flood Zone 3 which is identified as having a high probability of flooding. Essential infrastructure, water-compatible and less vulnerable uses, as set out in Table 3: flood risk vulnerability and flood zone 'compatibility' (Planning Practice Guidance) are appropriate in this zone. Table 2: flood risk vulnerability classification defines buildings used for leisure as *less vulnerable* and thus acceptable in this zone. This view is shared by the Environment Agency who raise no objection to the proposal.

6.7.3 However, the Flood Risk Assessment submitted with the proposal does highlight that there is a risk of surface water flooding and in this regard the Lead Local Flood Authority (LLFA) and the Romney Marshes Area Internal Drainage Board have been formally consulted. Both of these authorities have requested additional information in respect to drainage strategy drawings, calculation and design of the attenuation pond.

6.7.4 Whilst this information has been requested, it is still outstanding and Members will be updated at the meeting. However, at the time of preparing the agenda report it has not been demonstrated the development as outlined on this field will not increase surface water flood risk to this and surrounding sites.

## 6.8 Archaeological implications

6.8.1 Policy EN2 states that development affecting the historic built environment will be required to: (iv) ensure appropriate archaeological research and



investigation of both above and below-ground archaeology, and retention where required.

- 6.8.2 The proposed development is of archaeological interest due to its location on the Walland Marsh wetlands, which contain areas of well-preserved prehistoric landscape (including peat deposits), buried beneath later alluvial deposits. The peat deposits have a high potential of containing nationally significant organic remains such as timber track ways. The location of the site in close proximity to “dry land” raises the potential for this area being utilised during the prehistoric periods.
- 6.8.3 The County Archaeologist has been consulted and concludes that in light of the potential for impacts to heritage assets with archaeological interest that should permission be granted the proposal should be the subject of a programme of archaeological works.
- 

## **7.0 SUMMARY**

- 7.1 There is general planning policy support for improved sports facilities and in this regard it is acknowledged that indoor facilities would increase the court hours throughout the year when tennis could be played, which in turn could increase the number of participants who could play. However, these benefits have to be balanced against the impact development would have on the character and appearance of the locality, the impact upon neighbours’ residential amenities, the impact upon the protected ecological/nature areas adjoining to the east, as well as highway implications and drainage.
- 7.2 The proposal would involve a large scale extension to the existing tennis club, and building a permanent structure within the site identified would in effect undesirably encroach into the surrounding countryside to the detriment of the rural character of the area. Moreover, the indicative permanent structure would be substantial in scale and would appear prominent and have a significant effect on the wider rural character, being visible across a wide area, including from public footpaths 1a, 1b, 2, 13a and 20 and in longer views from the A259, all to the east of the site.
- 7.3 The visibility at the access is restricted in both directions by the alignment of the road and the overhanging hedgerows within the roadside verge, and although the access is within the 30mph speed limit it is noted that this increases to 60mph a short distance to the north. A plan has been requested from the applicants indicating that appropriate visibility splays can be achieved, taking into account the higher vehicle speeds that are likely in this stretch of road. However, this plan is still outstanding and therefore it has not been demonstrated that the access is suitable to serve the development and that it will not cause interference with the free flow and safety of traffic using Military Road.
- 7.4 The application site is in close proximity to European designated sites, and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the ‘Habitats Regulations’). The application site is in close proximity to the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Ramsar site, and the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI) which

all immediately adjoin the site to the east. There is insufficient information submitted with the application to determine whether the likelihood of significant effects on the European sites can be ruled out, nor whether there will be an adverse impact on the interest features for which the Dungeness, Romney Marsh and Rye Bay SSSI has been notified.

- 7.5 The site lies within Flood Zone 3 but given the less vulnerable nature of the leisure proposal there is no objection in principle to its siting within this Flood Zone. However, surface water flooding is an issue in this locality and whilst the Flood Risk Assessment submitted with the application does outline how this issue can be addressed, additional information in respect to drainage strategy drawings, calculations and design of the attenuation pond is required. However, this information is still outstanding and therefore it has not been demonstrated that development as outlined on this field will not increase surface water flood risk to this and surrounding areas.
- 7.6 The harm this outline scheme will have on the character and appearance of the locality, its potential impact upon the special ecological area adjoining to the east, and highway and drainage implications outweigh the benefits that an additional sports/recreational facilities may provide to the local community. As such this outline proposal cannot be recommended for support.

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## **RECOMMENDATION: REFUSE (OUTLINE PERMISSION)**

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### **REASONS FOR REFUSAL:**

1. The proposed building would be sited beyond the open tennis courts and would introduce new isolated development north of the current boundary of the tennis club in the open countryside. As the permanent structure proposed to enclose the courts would be substantial in scale it would appear unduly prominent and have a significant intrusive impact on both the local rural character of Military Road and more widely from public footpaths 1a, 1b, 2, 13a and 20 and in longer views from the east including the A259 trunk road. As such the proposal is contrary to the objectives of Policies RA2 (ii), RA3 (ii) and (v), EN1 (ii) and OSS4 (iii) of the Rother Local Plan Core Strategy.
2. The visibility at the access is restricted in both directions by the alignment of the road and the overhanging hedgerows within the roadside verge, and although the access is within the 30mph speed limit this increases to 60mph a short distance to the north. It has not been demonstrated that appropriate visibility splays, taking into account the higher vehicle speeds that are likely in this stretch of road, can be achieved and as such the development of this site as proposed would result in the additional slowing, stopping and turning of traffic which would interfere with the free flow and safety of traffic on Military Road contrary to the objectives of Policy CO6 (ii) of the Rother Local Plan Core Strategy.
3. There is insufficient information submitted with the application to demonstrate that the scheme outlined will not have significant effects on the European sites, nor on the interest features of the Dungeness, Romney Marsh and Rye Bay SSSI which immediately adjoin the site to the east. As such the proposal is contrary to Policies RA2 (viii) and EN5 (ii) of the Rother Local Plan Core Strategy, paragraph 118 of the National Planning Policy Framework and the

requirements of the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitat Regulations').

4. It has not been demonstrated to the satisfaction of the Local Planning Authority that development on this site as outlined will not increase surface water flood risk to this and surrounding areas. As such the proposal is contrary to Policies EN6 (iv) and EN7 (i) of the Rother Local Plan Core Strategy.

**Note:**

1. This refusal of outline permission relates to the following schedule of plans; drawing titled 'proposed location plan', dated 28/11/16.

**NATIONAL PLANNING POLICY FRAMEWORK:**

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

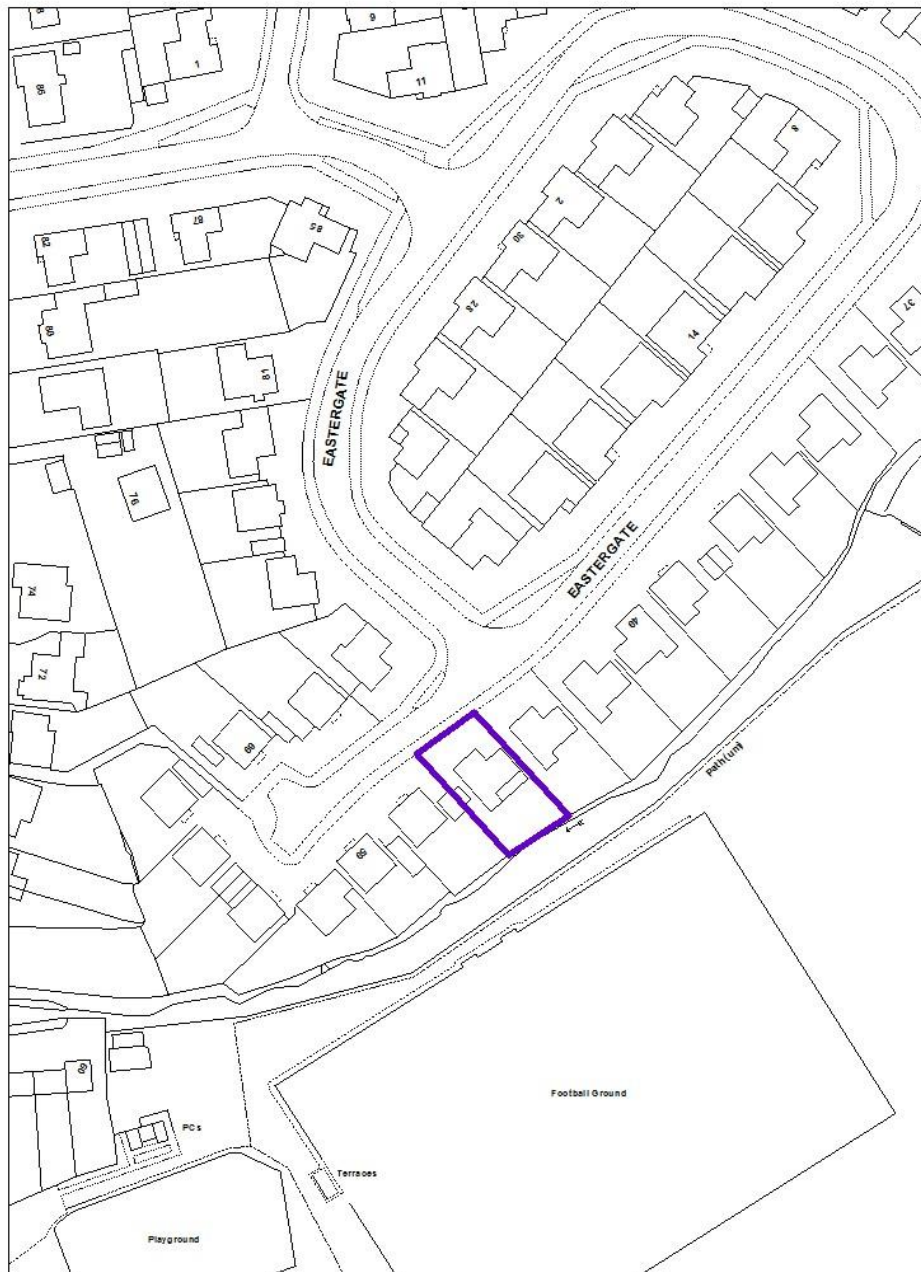
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SITE PLAN

Bexhill

RR/2018/979/P

55 Eastergate



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Not To Scale

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RR/2018/979/P

Bexhill 55 Eastergate

**Proposed demolition of existing rear extension including existing balcony, rear conservatory and construction of new two storey rear extension.**

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**Applicant:** Mr & Mrs M Harrison  
**Agent:** Mr Andrew Baker  
**Case Officer:** Miss Chelsea York  
(Email: [chelsea.york@rother.gov.uk](mailto:chelsea.york@rother.gov.uk))

**Parish:** BEXHILL

**Ward Member(s):** Councillors S.H. Earl and T.W. Graham

**Reason for Committee consideration:** Applicant related to member of staff.  
**Statutory 8 week date:** 14 June 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:
- HG8: Extensions and alterations to existing dwellings
- 1.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS4: General Development Considerations
  - EN3: Design Quality
- 1.3 The National Planning Policy and Planning Policy Guidance are also material considerations.
- 

## **2.0 SITE**

- 2.1 This application relates to a detached two storey dwelling located on the southern side of the road, within the Development Boundary for Bexhill. Eastergate has a mixture of house types which are generally grouped together within the estate.
- 2.2 The property has a conservatory to the rear and a small projection which forms part of the existing kitchen. There is a balcony area above the kitchen.
- 2.3 There are neighbouring properties to the north-east (no. 53) and south-west (no. 57). No. 53 is a two storey property that has the same design as the host dwelling. No. 57 is a bungalow that has rooms in the roof space.

- 2.4 The site is within Flood Zone 2 and there is a public footpath that runs adjacent to the football grounds to the rear
- 

### **3.0 HISTORY**

- 3.1 RR/78/0180 Erection of 10 detached dwellings. Granted
- 

### **4.0 PROPOSAL**

- 4.1 This application seeks permission for a two storey rear extension to replace the existing conservatory and the rear kitchen/balcony projection.
- 4.2 The extension would have a depth of approximately 2.5m and would span the entire width of the rear elevation.
- 4.3 Concrete tiles and facing brickwork are proposed to match the existing dwelling.
- 

### **5.0 CONSULTATIONS**

#### **5.1 Planning Notice**

- 5.1.2 One letter of objection received, summarised as follows:
- Proposed roof design is ugly and inappropriate for the area
  - Will cast a dark shadow over my property, especially during afternoon and evenings
  - Will be overbearing and cause light obstruction
  - Will cause a disturbance to the undulance of the area
- 5.2 Comments are available to view in full on the Council's website
- 

### **6.0 APPRAISAL**

#### **6.1 Issues for consideration**

- 6.1.2 The main issues for consideration are:
- The impact on the neighbouring and nearby properties; and
  - The impact on the character an appearance of the locality and the existing dwelling.

#### **6.2 The impact on neighbouring and nearby properties**

- 6.2.1 Policy OSS4 (ii) seeks to ensure that development does not unreasonably harm the amenities of adjoining properties.
- 6.2.2 The proposed extension would be set in from the boundaries of the site shared with the neighbouring properties and would have a modest depth of 2.5m.

- 6.2.3 Concerns have been raised by the neighbouring house to the north-east, No. 53, with regards to loss of light and overshadowing. No. 53 is set forward of the site and the extension would not exceed the rear balcony area of this neighbouring property. While two storeys in height, the extension is considered to be modest in size and the eaves height would match that of the existing dwelling. The roof would be hipped back which would minimise impact on No. 53. As such, it is not considered that the proposal would have an adverse impact on the residential amenities of No. 53
- 6.2.5 The extension would be set some distance away from the neighbouring property to the south-west, No. 57 which is a bungalow. The host property and No. 57 both have detached garages sited along the shared boundary which provide some separation between the dwellings. The extension would extend approximately 0.4m beyond the wall of the existing rear projection. Although No. 57 is set further forward, given the modest depth of the extension and the existing side wall of the rear projection, it is not considered that the proposal would have an adverse impact on the residential amenities of this neighbouring property.
- 6.2.6 It is noted that there is existing mutual overlooking of the rear gardens between the site and the neighbouring properties. It is noted that there are no additional side windows proposed within the extension. As such, it is not considered that the proposal would increase overlooking to an extent that would be harmful to the neighbouring properties.
- 6.3 The impact on the character and appearance of the locality and the existing dwelling
- 6.3.1 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.
- 6.3.2 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.
- 6.3.3 Although the roof of the extension would not match the style of the existing dwelling, it is considered to be acceptable in terms of design and would not have an adverse impact on the character of the existing dwelling.
- 6.3.4 The extension would be sited to the rear and would not be visible in the street scene. There is a public footpath to the rear which runs adjacent to the football grounds, however, there is vegetation along the rear boundary which would provide some screening. It is noted that materials to match the existing dwelling are proposed.
- 6.3.5 Based on the above, it is not considered that the proposal would have an adverse impact on the character or appearance of the locality or the existing dwelling.
-

## **7.0 SUMMARY**

- 7.1 The proposed extension is considered to be acceptable in terms of scale and design and is not considered to have a detrimental impact on the character and appearance of the locality or the existing dwelling. It is not considered that the residential amenities of the neighbouring properties would be adversely affected. The proposal complies with Policies OSS4 and EN3 of the Rother Local Plan Core Strategy and Policy HG8 of the Local Plan (2006).
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## **8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 8.1 The proposed development is not liable for CIL.
- 

## **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:  
Proposed plans and elevations, Drawing No. BA1811.03 dated February 2018  
Proposed block plan, Drawing No. BA1811.04 dated February 2018  
Proposed roof plan, Drawing No. BA1811.06 dated February 2018  
Site location plan and block plan, Drawing No. BA1811.06 dated February 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 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 ensure that the development is in character with its surroundings in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

**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.

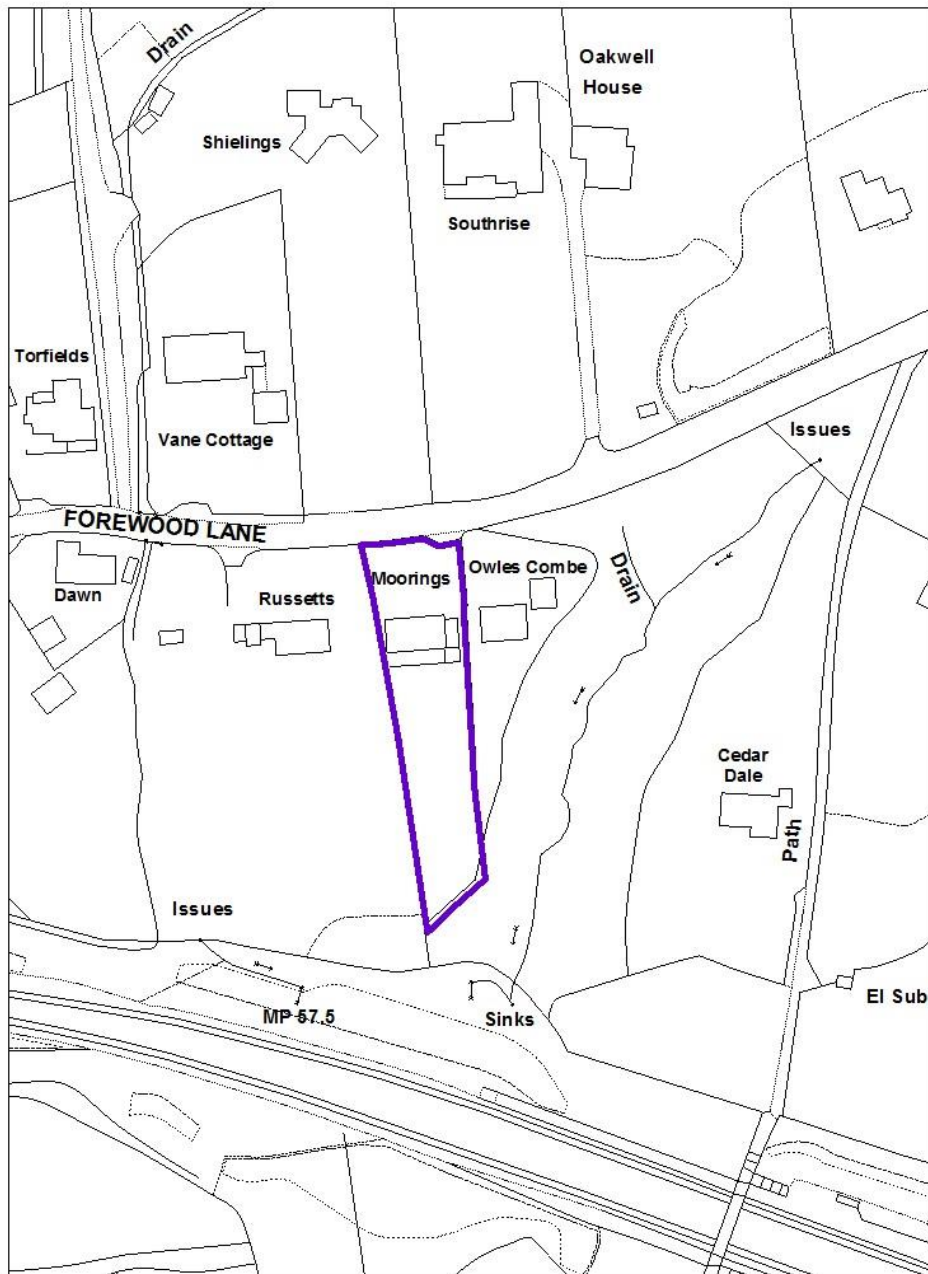
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SITE PLAN

Crowhurst

RR/2018/895/P

Moorings, Forewood Lane



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RR/2018/895/P

CROWHURST Moorings, Forewood Lane

Proposed extensions along with alterations to roof design

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**Applicant:** Mr & Mrs S Knight  
**Agent:** Elevations Design Ltd  
**Case Officer:** Mr K Deeprose  
(email: kevin.deeprose@rother.gov.uk)  
**Parish:** CROWHURST  
**Ward Member:** Councillor G.C. Curtis

**Reason for Committee consideration: Member referral: Councillor G.C. Curtis****Statutory 8 week date: 31 May 2018****Extension of time agreed to: 5 June 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 HG8: Extensions and alterations to existing dwellings.
- 1.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- Policy OSS4 – General Development Considerations;
  - Policy RA2 – General Strategy for the Countryside;
  - Policy RA3 – Development in the Countryside;
  - Policy EN1 – Landscape Stewardship.
- 1.3 The National Planning Policy and Planning Policy Guidance are also material considerations.
- 

## **2.0 SITE**

- 2.1 This property is a detached bungalow which is located on the southern side of Forewood Lane approximately 200m to the north-east of the junction with Old Forewood Lane.
- 2.2 Land levels within the site decrease from north to south. There is one adjacent property to the east (Owls Combe) and one neighbouring property (Russetts) to the west.

- 2.3 The application site falls within the High Weald Area of Outstanding Natural Beauty (AONB), outside of any recognised development boundary as defined in the Rother District Local Plan (2006).
- 

### **3.0 HISTORY**

- 3.1 RR/2017/1808/P Proposed extensions & alterations to dwelling to provide first floor accommodation. Driveway and parking improvements including detached garage – Refused.
- 3.2 RR/2017/2309/P Proposed extensions and alterations to dwelling to provide first floor accommodation. Driveway and parking improvements including detached garage – Refused.
- 

### **4.0 PROPOSAL**

- 4.1 This application seeks planning permission for proposed extensions to the property along with a new roof design. The existing dwelling would be extended at ground floor level and a new first floor created with extensions and alterations to the roof.
- 4.2 This application has been amended from what was originally submitted. This is by way of a reduction in the roof form on the eastern end of the property by increasing the hip. As a result, the dormers proposed to the front and rear elevations on this side have now been set in further and would serve a single bedroom rather than two separate bedrooms.
- 4.3 This is an alternative scheme to those previously refused under RR/2017/1808/P & RR/2017/2309/P. The main alterations to what was previously proposed comprise the following:
- Reconfiguration of roof arrangement;
  - Alternative ground floor extensions and internal layout;
  - Alterations to fenestration; and
  - New driveway and detached garage not proposed.
- 

### **5.0 CONSULTATIONS**

#### **5.1 Parish Council**

- 5.1.1 Object: *“Crowhurst Parish Council agreed at its meeting on 16th April that while this re submitted application had been scaled down from a prior application that was refused this still presents as overbearing and too large for the plot of land and will overlook neighbouring property.”*
- 5.1.2 The Parish Council has not commented on the amended plans which have been submitted.

#### **5.2 Planning Notice**

- 5.2.1 Two letters of objection have been received. Their concerns have been summarised as follows:

- Inaccuracy of drawings;
- Overbearing, dominant and intrusive;
- Inappropriate for the size of the site – overdevelopment;
- Detrimental to neighbouring amenities, including harmful overlooking, close proximity, loss of light;
- Contrary to local plan policies;
- Failed to overcome previous reasons for refusal; and
- Issues relating to foundations and excavation.

5.2.2 In response to the amended plan submitted, one further letter of objection has been received reiterating that all previous concerns stand, but also commenting that the proposed development will have unimpeded views of various parts of ‘Russetts’ (neighbour to the west) and that it contravenes the Human Rights Act.

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## 6.0 APPRAISAL

6.1 The main issues for consideration are the effect of the proposal on the character and appearance of the existing dwelling and the surrounding area, including the High Weald AONB, and the effect of the proposal on the living conditions of neighbouring residents.

### 6.2 Character and appearance

6.2.1 The two previously proposed schemes were both considered acceptable in terms of their impact on the site itself, the character and appearance of the existing dwelling and the locality, including the High Weald AONB. In this respect the current scheme is no different and if anything is considered an improvement of those previously put forward.

### 6.3 Living conditions

6.3.1 While the three neighbouring properties here sit in a row parallel with each other, the two previously proposed schemes were both refused as it was considered that in design terms-they would cause significant harm to the residential amenities of both adjacent neighbours. Taking both of the adjacent properties in turn, the following comments are made in respect of this current proposal:

#### *Russetts*

6.3.2 In terms of the impact of the proposal on ‘Russetts’, as a result of the works now proposed, the application dwelling would be set off of the common boundary with this property by a minimum of approximately 1.4m and a maximum of some 2.6m. The distance to the neighbouring dwelling itself would be around 12m.

6.3.3 This amended scheme would not only maintain the existing eaves height of the property, but would also consist of a roof pitch which would angle away considerably from the adjacent site. This type of roof design was not previously proposed under the refused schemes, which instead consisted in part of relatively high vertical walls. Despite nearing the common boundary with ‘Russetts’, given the height of the eaves and the angle of the roof slope, it is considered that the proposed development would not cause demonstrable

harm to this neighbour in terms of the proposal being overbearing or dominant; this is also taking into account the existing single storey extension serving 'Russetts' on this side.

- 6.3.4 In terms of window openings – and with particular reference to those to the rear and side elevations at first floor level – the window opening proposed to the rear would be set in from the common boundary with 'Russetts', in a central position in relation to the site itself with views directed to the rear garden of the application dwelling. Whilst there are five roof windows proposed on the side elevations, given the pitch of the roof, these are unlikely to result in any harmful overlooking. However, in light of the fact that the bottom of these window openings are at a relatively low level (some 1.4m) and that there are other windows serving the internal spaces of this part of the property, it would not be unreasonable in this instance to impose a condition on any approval which ensures that the roof windows on the side elevation are both obscure glazed and restricted in their opening.
- 6.3.5 Taking the above into account it is considered that this current scheme would not adversely impact on the residential amenities of 'Russetts' and that the revised design overcomes the Council's previous reasons for refusal in terms of the impact on this neighbouring property.

*Owls Combe*

- 6.3.6 In terms of the impact of the proposal on 'Owls Combe', as a result of the proposed works, the application dwelling would be set off of the common boundary with this property by approximately 2m. It is recognised that it would extend beyond the rear elevation of 'Owls Combe' which occupies a slightly lower land level in comparison.
- 6.3.7 As previously mentioned, this amended scheme would now maintain the existing eaves height of the property. This current application has been amended from what was originally submitted by way of a reduction in the roof form on this side of the property by increasing the hip. As a result, the dormers proposed to the front and rear elevations on this side have now been set in further and would serve a single bedroom rather than two separate bedrooms. As with the other side of the property, this roof design was not previously proposed under the refused schemes which again consisted in part of high vertical walls. Also proposed under this current application is a slight reduction in rearward projection to that previously refused. Despite the proximity to the common boundary with 'Owls Combe', the land levels and the relationship of the two dwellings themselves, given the eaves height of the proposed development and the angle of the roof slope, it is considered that the proposed development would not cause demonstrable harm to this neighbour in terms of the proposal being overbearing or dominant.
- 6.3.8 In terms of window openings, as a result of the amended roof design, the dormer proposed to the rear elevation is now set further in than originally proposed. As such it would be set away from the common boundary by some distance and with views directed towards the rear garden of the application site. Given that the dormer would be set beyond the rear elevation of 'Owls Combe', views would not be offered towards the private amenity spaces directly surrounding the rear elevation of this property: they currently are from the existing extension on this side of the property.

- 6.3.9 Taking the above into account it is considered that this current scheme as amended would not adversely impact on the residential amenities of 'Owls Combe' and overcomes the Council's previous reasons for refusal in terms of the impact on this neighbouring property.

#### 6.4 Other issues

- 6.4.1 The loss of the existing attached garage is not considered to be an issue given the level of on-site parking provision that exists and that would remain.
- 6.4.2 Comments have been received raising concerns over the excavation of the application site in close proximity to adjoining boundaries. There is a degree of separation between the application dwelling and the common boundaries of the site, however, ultimately this would be a private matter and responsibility for any damages caused to adjoining land and for securing a safe development rests with the developer and/or landowner.

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### 7.0 SUMMARY

- 7.1 Overall the proposed development as amended would not adversely impact on the character and appearance of the existing dwelling, locality or neighbouring amenities. It is considered that this amended scheme overcomes the Council's previous reasons for refusal and planning permission should therefore be granted.

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### 8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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### **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 drawings:  
Drawing No. 18.979.02 A, as amended dated May 2018, received 16 May 2018;  
Drawing No. 18/979 A, as amended, received 8 May 2018;  
Drawing No. 18/979/1 A, as amended, received 8 May 2018.  
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in the "Planning Practice Guidance – Use of Planning Conditions – Paragraph: 022 Reference ID: 21a-022-20140306."

3. The materials to be used in the construction of the development hereby permitted shall be as described within the application, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To maintain the visual amenities of the surrounding area in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy and Policy HG8 of the Rother District Local Plan (2006).
4. At the time of construction and prior to the first occupation or use of the development hereby approved, the roof windows on the west facing side elevation, as indicated on the approved drawing ref: 18/979 A, as amended, received 8 May 2018, 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 preserve the residential amenities of neighbouring properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy HG8 of the Rother District Local Plan (2006).
5. At the time of construction and prior to the first occupation or use of the development hereby approved, the roof windows on the west facing side elevation, as indicated on the approved Drawing Ref: 18/979 A, as amended, received 8 May 2018, shall be restricted in their opening to no more than 100mm and shall thereafter be retained in that condition.  
Reason: To preserve the residential amenities of neighbouring properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy HG8 of the Rother District Local Plan (2006).

**Notes:**

1. The proposed development has been assessed and it has been determined that the Community Infrastructure Levy (CIL) is payable. Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision.
2. The applicant is reminded that the responsibility for any damages caused to adjoining land and for securing a safe development rests with the developer and/or landowner.

**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 outline 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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