

PLANNING COMMITTEE

21 June 2018

Minutes of the Planning Committee meeting held at the Town Hall, Bexhill-on-Sea on Thursday 21 June 2018 at 9:30am.

Committee Members present: B. Kentfield (Chairman), Mrs M.L. Barnes (Vice-Chairman), G.C. Curtis, P.R. Douart (in part), Mrs D.C. Earl-Williams, R.V. Elliston, A.E. Ganly, Mrs B.A. Hollingsworth, Mrs J.M. Hughes, Mrs S.M. Prochak, G.F. Stevens and M.R. Watson.

Other Member Present: Councillor G.S. Browne (in part).

Advisory Officers in attendance: Head of Service Strategy and Planning, Development Manager, DM & Strategy Principal Planning Officer, Senior Planning Officer and Democratic Services Officer.

Also Present: 18 members of public.

PL18/09. MINUTES

Subject to the following addition in respect of RR/2017/2493/P – Rabetts Farm, Battle Road, Dallington, the Chairman was authorised to sign the Minutes of the meeting held on 31 May 2018:

To clarify Dallington Parish Council's objection to the application, the words "the Committee considered objections submitted by Dallington Parish Council, as well as advice from the County Highway Authority. The Highway Authority had no objection to the scheme, subject to conditions securing visibility splays and including the removal of vegetation to improve visibility to the access" be added to the third paragraph of the summary.

PL18/10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A.K. Azad and J.M. Johnson, the Chairman of the Council.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL18/11. PLANNING APPLICATIONS
(6)

Outline planning permissions are granted subject to approval by the Council of reserved matters before any development is commenced, which are layout, scale, appearance, access and landscaping. Unless otherwise stated, every planning permission or outline planning permission is granted subject to the development beginning within three years from the date of the permission. In regard to outline

permissions, reserved matters application for approval must be made within three years from the date of the grant of outline permission; and the development to which the permission relates must begin no later than whichever is the later of the following dates: the expiration of three years from the date of the grant of outline permission or, the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matters to be approved.

In certain circumstances the Planning Committee will indicate that it is only prepared to grant or refuse planning permission if, or unless, certain amendments to a proposal are undertaken or subject to completion of outstanding consultations. In these circumstances the Head of Service Strategy and Planning can be given delegated 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 are not satisfactorily concluded, then the application will have to be reported back to the Planning Committee or reported via the internal-only electronic Notified 'D' system by 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. Any applications which are considered prior to the expiry of the consultation reply period are automatically delegated for a decision.

RESOLVED: That the Planning Applications be determined as shown in Appendix A, attached.

PL18/12. **APPEALS**
(7.1)

Members noted the report on Appeals that had been started, allowed or dismissed since the Committee's last meeting, together with the list of forthcoming Hearings and Inquiries.

RESOLVED: That the report be noted.

PL18/13. **DATE FOR SITE INSPECTIONS** – Tuesday 17 July 2018 at 8:30am departing from the Town Hall, Bexhill.

CHAIRMAN

The meeting closed at 12:50pm

pl180621jh

RR/2017/1629/P

SALEHURST/ROBERTSBRIDGE Grove Farm – land at, George Hill

Erection of 24 no. residential dwellings, car parking, landscaping and associated development with all matters reserved except for layout and access.

Statutory 13 week date: 18 October 2017

Extension of time agreed to: 26 June 2018

This application was subject to public speaking.

DECISION: GRANT (OUTLINE PLANNING) DELEGATED (SUBJECT TO:

A AMENDED PLAN IN RELATION TO PEDESTRIAN ACCESSES ONTO GEORGE HILL AND PROVISION OF ADDITIONAL PARKING ON SITE.

B THE COMPLETION OF A S106 PLANNING OBLIGATION DEALING WITH:

- THE PROVISION OF AFFORDABLE HOUSING UNITS;
 - THE PROVISION AND MANAGEMENT OF PUBLIC OPEN SPACE;
 - THE PROVISION AND MANAGEMENT OF A CHILDREN'S PLAY AREA;
 - PROVISION OF HIGHWAY WORKS INCLUDING OFF-SITE WORKS REQUIRED BY THE HIGHWAY AUTHORITY
-

CONDITIONS:

1. Approval of the details of 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:
Site location plan: Drawing No. 1159-S-002
Block plan: Drawing No. 1159-S-003
Parking allocation plan: Drawing No. 1159-S-101 rev C
Unit allocation & amenity space plan: Drawing No. 1159-S-102 rev B
Affordable housing plan: Drawing No. 1159-S-103 rev C
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 and vents.
 - 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).
 - e) 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, and in respect of d) to ensure a satisfactory relationship with adjoining dwellings in accordance with Policy OSS4(ii) of the Rother District Local Plan Core Strategy.
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-standings, 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 Area of Outstanding Natural Beauty in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.
9. The existing hedgerows and trees on the site shall be retained in accordance with the tree and hedgerow retention plan (Drawing Mo. 003 Rev A) submitted as part of the Arboricultural Impact Assessment (Appendix 4). The hedgerows shall be retained to a height not less than 1.5m above ground level, unless otherwise given consent in writing by the Local Planning Authority for any removal of plants or other works to the hedges.
- Reason: To ensure the creation of a high quality public realm and landscape setting that enhances the landscape and scenic quality of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.
10. 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 Area of Outstanding Natural Beauty in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.
11. 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 Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

12. The new access shall be in the position shown on the submitted plan (Drawing No. 17/0309/SK06) and laid out and constructed in accordance with the approved construction details, form HT401, attached to this permission, and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to the occupation of the development hereby permitted.
Reason: In the interests of road safety in accordance with Policy TR3 of the Rother Local Plan Core Strategy.
13. The access shall not be used until the appropriate visibility splays are provided in each direction (2.4m x 59m to the north and 2.4m x 56m to the south). The visibility splays should be cleared of all obstructions exceeding 600mm in height and kept clear thereafter.
Reason: In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
14. Pursuant to Condition 1, no dwelling shall be occupied until the car parking spaces serving that dwelling 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.
15. Pursuant to Condition 1, no dwelling shall be occupied until covered and secure cycle parking spaces serving that dwelling 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.
16. Prior to the commencement of development a Construction Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This should include details for an onsite compound for contractors' vehicles and plant machinery and materials.
Reason: In the interests of highway safety and for the benefit and convenience of the public at large in accordance with Policies TR3 and OSS4 (ii) of the CS. A pre-commencement condition is necessary because initial ground works may impact on highway safety and public amenity.
17. The new estate road shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to its possible adoption as a publicly maintained highway.
Reason: In the interest of highway safety and for this benefit and convenience of the public at large in accordance with Policies TR3 and OSS4 (ii) of the Rother Local Plan Core Strategy.
18. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed

site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: In the interests of highway safety. A pre-commencement condition is necessary because initial ground works during the construction phase may impact on highway safety and public amenity.

19. Prior to the commencement of above ground works, detailed drawings, including levels, sections and constructional details of the proposed roads, surface water drainage, outfall disposal and details of any street lighting that may be proposed, shall be submitted to the Local Planning Authority and be subject to its approval, in consultation with this Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large in accordance with Policies TR3 and OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy.

20. Before house building commences, the new estate roads shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Local Planning Authority in consultation with this Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

21. During any forms of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Local Planning Authority, to prevent contamination and damage to the adjacent roads.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

22. Pursuant to Condition 1, the proposed new road linking the site to the development on the northern Grove Farm site and indicated on Drawing No. 1159-S-100 rev F shall be surfaced in a porous resin bound gravel finish and shall be completed as such prior to the commencement of the final dwelling, or at such a time as shall have been agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the road is in keeping with the rural character of the village in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

23. 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 Lead Local Flood Authority (LLFA), and the development shall thereafter be completed and maintained in accordance with the approved details prior to the occupation of the dwellings:

- a) The principles of the Herrington Consulting's FRA (dated July 2017) should be taken forward to detailed design. The surface water drainage design should consider the capacity of the downstream development (application ref. RR/2017/1642/P). Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
- b) The detailed design should include how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

The surface water drainage design should show the route and details of the connection from the development site to the public Southern Water sewer or the watercourse if connection is directly to the watercourse.

- c) The detailed design of the cellular storage tanks should be informed by findings of groundwater monitoring in winter. The following details for the cellular storage should be provided.
 - An accessible inlet manhole with an integral silt trap should be provided upstream of the proposed attenuation.
 - The design should leave at least 1m unsaturated zone between the base of the cellular storage and the highest recorded groundwater level.
 - If groundwater in winter is found to be high, measures that will be taken to prevent the ingress of groundwater into the tank together with the potential flotation and risks to the structural integrity of the tank introduced by high groundwater.
- d) A maintenance and management plan for the entire drainage system should be submitted to the Local Planning Authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate Authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.
- e) The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Environment Management Plan for the development.
- f) Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
- g) 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.

24. 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 no dwelling shall be occupied until the drainage works to serve that plot 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.

25. 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.

26. 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 25 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.

27. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The EDS shall take into account the species and habitats identified in the Ecology Assessment & Habitat Preliminary Bat Report (July 2017) together with the requirement for an additional bat survey and shall include the following:

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

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

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

28. Prior to the occupation of any of the new dwellings, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) Identify those areas / features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory (e.g. for foraging).
- b) Show how and where the external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or

prevent the above species using their territory or having access to their breeding site and resting places.

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

Reason: These details are required prior to commencement of works to safeguard protected species in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

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

Reason: These details are required prior to commencement of works to safeguard protected species in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

30. Subject to consultation with the Parish Council the existing memorial bench on George Hill located at the point of the new access shall be incorporated into the development in accordance with a scheme to be submitted for the consideration and subsequent approval of the Local Planning Authority. This shall be carried out at the time the landscaping works are carried out unless otherwise agreed in writing with the Local Planning Authority.

Reason: To conserve local amenity assets in general compliance with Policy OSS4 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 East Sussex County Council 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 East Sussex County Council 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 East Sussex County Council. The off-site works and financial contribution that the Highway Authority would wish to secure as part of this development via a section 106/278 agreement are:

Off-site works:

- A new vehicular access into the site with footways on both sides.
- Dropped kerbs and tactile paving on either side of the site access.
- Improvements to the existing footway on the east side of the George Hill extending from the northern site boundary to the southern edge.
- A pedestrian crossing on George Hill to include dropped kerbs and tactile paving is also required.

Financial contribution:

- A financial contribution to fund the Traffic Regulation Orders required to implement parking restrictions necessary either side of the site access.

5. Formal application for connection to the public sewerage system is required in order to service this development, in this regard the developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel. 0330 303 0119) of www.southernwater.co.uk.
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.

(Councillor Mrs Prochak declared a personal and prejudicial interest in this matter in so far as she lives off George Hill and in accordance with the Members' Code of Conduct left the room during the consideration thereof, after addressing the Planning Committee in accordance with the public speaking scheme).

[View application/correspondence](#)

RR/2017/1642/P

SALEHURST/ROBERTSBRIDGE Grove Farm – land at, George Hill

Proposed residential-led mixed-use development to include conversion of existing listed barn, access, parking, landscaping and associated development. Total of six dwellings and three commercial units – use class B1; and car port.

Statutory 8 week date: 4 September 2017

Extension of time agreed to: 26 June 2018

This application was subject to public speaking.

DECISION: GRANT (FULL PLANNING) DELEGATED (SUBJECT TO OUTSTANDING COMMENTS FROM THE HIGHWAY AUTHORITY OF THE AMENDED HIGHWAY DETAILS; THE COMPLETION OF A SECTION 106 PLANNING OBLIGATION DEALING WITH THE PROVISION OF AFFORDABLE HOUSING UNITS AND THE DELIVERY OF THE CONVERTED BARNs FOR COMMERCIAL USE).

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:
Existing site layout plan: Drawing No. 1159-N-001.
Site location plan: Drawing No. 1159-N-002.
Block plan: Drawing No. 1159-N-003.
Illustrative master-plan: Drawing No. 1159-N-100 rev. D.
Parking allocation plan: Drawing No. 1159-N-101 rev. C.
Unit allocation & amenity space plan: Drawing No. 1159-N-102 rev. B.
Affordable housing plan: Drawing No. 1159-N-103 rev. C.
Building height plan: Drawing No. 1159-N-104 rev. C.
Drawing section N1 views N1 & N2: Drawing No. 1159-N-300 rev. E.
Units N1, N2 & N3: proposed plans, elevations & sections: Drawing No. 1159-410.
Unit N4: proposed plans, elevations & sections: Drawing No. 1159-N-420 rev A.
Unit N5: proposed plans, elevations & sections: Drawing No. 1159-N-425 rev A.
Unit N6: proposed elevations: Drawing No. 1159-N-431 rev A.
Unit N6: proposed plans: Drawing No. 1159-N-430 rev A.
Unit N8: (class B1 use) proposed plans: Drawing No. 1159-N-600 rev. A.
Unit N8: (class B1 use) proposed elevations: Drawing No. 1159-N-601 rev. A.
Unit N8: (class B1 use) proposed elevations & section: Drawing No. 1159-N-602 rev. A.
Unit N8: (class B1 use) proposed ground floor plan: Drawing No. 1159-N-603 rev A.
Unit N8: (class B1 use) proposed first floor plan: Drawing No. 1159-N-604 rev. A.
Unit N8: (class B1 use) proposed section A: Drawing No. 1159-N-605 rev. A.
Unit N8: (class B1 use) proposed north elevation: Drawing No. 1159-N-606 rev. A.
Unit N7: (class B1 use) proposed floor plan & section: Drawing No. 1159-N-610.
Unit N7: (class B1 use) proposed elevations: Drawing No. 1159-N-610.
Unit N9: (class B1 use) proposed floor plans & elevations: Drawing No. 1159-N-620.
Unit N10 (car port) proposed floor plan & section: Drawing No. 1159-N-630.

Unit N10 (car port) proposed elevations: Drawing No. 1159-N-631.

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. Vehicular access to the site shall only be via the proposed new vehicular access to George Hill approved under the outline application RR/2017/1629/P and the new buildings shall not be occupied until such a time as that access has been put in place together with a link road, in accordance with a detailed scheme that shall have been submitted for the consideration and approval of the Local Planning Authority in consultation with the Highway Authority. The development shall only be carried out in accordance with the approved details.

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

4. In the event that the site is served by a new southern access, a detail scheme shall be submitted for the consideration and approval of the Local Planning Authority for the closure of the existing farm track (northern access) to general vehicular traffic. This shall be used for pedestrian and cycle access only and the closure shall be implemented before the buildings are occupied for the uses hereby permitted.

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

5. 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) 1:50 scale plans and elevations of all the proposed dwellings on the site and details of all fenestration, eaves details, any porches and chimneystacks.
- b) A plan indicating the positions, design, height, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied and the development shall be carried out in accordance with the approved details. The submitted boundary details shall take into account measures to retain and incorporate any existing hedgerows.
- 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 development of high quality urban design, building appearance and architectural quality in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

6. 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) Details of any other means of enclosure within the site (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).

The hard surfacing materials (including road surfaces, cycle-ways, footpaths, parking spaces and other areas of hard-standings, shall be in accordance with the details described on the approved Drawing No. 1159-N-100 rev D unless otherwise agreed in writing with the Local Planning Authority.

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 Local Plan Core Strategy.

7. Prior to the occupation of the buildings soft landscaping details shall have been submitted for the consideration and approval of the Local Planning Authority. The submitted details shall include:
 - a) Indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development.
 - b) Planting plans, including landscape and ecological mitigation.
 - c) Schedules of plants, noting species, plant sizes and proposed numbers / densities where appropriate.
 - d) 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 Area of Outstanding Natural Beauty in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.

8. 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 Area of Outstanding Natural Beauty in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.

9. The existing hedgerows and trees on the site shall be retained in accordance with the tree and hedgerow retention plan – full application (Drawing No. 003 Rev A) submitted as part of the Arboricultural Impact Assessment (Appendix 4). The hedgerows shall be retained to a height not less than 1.5m above ground level, unless otherwise given consent in writing by the Local Planning Authority for any removal of plants or other works to the hedges.

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

10. No business unit or dwelling shall be occupied until the car parking spaces serving that business unit or dwelling 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.

11. No business unit or dwelling shall be occupied until covered and secure cycle parking spaces serving that business unit or dwelling 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.

12. 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.

13. No business unit or dwelling shall be occupied until the road(s), footways and parking areas serving that plot have been constructed, surfaced, and 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.

14. Construction Management Plan – no development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

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

15. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework. A pre-commencement condition is necessary to avoid disturbance and damage to any below-ground archaeology during initial groundwork.
16. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 14 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.
17. Prior to commencement of any below ground works in association with the development hereby approved a surface water drainage scheme shall be submitted for the consideration of the Local Planning Authority, in consultation with the Lead Local Flood Authority (LLFA), and shall be subject to its subsequent approval in writing. The development shall thereafter be completed and maintained in accordance with the approved details prior to the occupation of the buildings. The submitted scheme shall include details in respect of the following:
- a) Surface water runoff from the proposed development should be limited to 3 l/s, which is the available capacity confirmed by Southern Water, for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
 - b) The detailed design should include how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. The surface water drainage design should show the route and details of the connection from the development site to the public Southern Water sewer or the watercourse if connection is directly to the watercourse.
 - c) The detailed design of the cellular storage tanks should be informed by findings of groundwater monitoring in winter. The following details for the cellular storage should be provided:
 - i. An accessible inlet manhole with an integral silt trap should be provided upstream of the proposed attenuation.
 - ii. The design should leave at least 1m unsaturated zone between the base of the cellular storage and the highest recorded groundwater level.
 - iii. If groundwater in winter is found to be high, measures that will be taken to prevent the ingress of groundwater into the tank together with the potential flotation and risks to the structural integrity of the tank introduced by high groundwater.
 - d) A maintenance and management plan for the entire drainage system shall be submitted to the Local Planning Authority before any construction

commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

- e) Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

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.

- 18. 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 take account of the species and habitats identified in the Ecology Assessment - Habitat and Preliminary Bat Report (July 2017) together with the requirement for an additional bat survey and shall include the following:

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

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

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory (e.g. for foraging).
- b) Show how and where any external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or

prevent the above species using their territory or having access to their breeding site and resting places.

Reason: 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.

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

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

Reason: 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.

21. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

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

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure the development does not pose a risk to the underlying secondary aquifer and controlled waters.

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing

how this unsuspected contamination shall be dealt with. Any visibly contaminated or odorous material encountered on the site, during the development work, must be investigated. The Local Planning Authority must be informed immediately of the nature and degree of contamination present.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

23. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Potential contaminants present on site may be mobilised by piling acting as a pathway to underlying groundwater.

24. 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. Bin and recycling provision shall be in place for each dwelling prior to its occupation in accordance with the approved details. The approved details shall be implemented prior to the occupation of any dwellings and shall thereafter be 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.

25. Prior to the occupation of the buildings the existing farm track to George Hill shall be closed-off to general vehicular traffic in accordance with a scheme that shall have been submitted for the consideration and subsequent approval of the Local Planning Authority. It shall be retained as such thereafter and the development shall only be carried out in accordance with the approved details.

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

NOTES:

1. This permission is the subject of an obligation under section 106 of the Town and Country Planning Act 1990.
2. The proposed development will be subject to the Community Infrastructure Levy (CIL).
3. A formal application for connection to the public sewerage system is required in order to service this development; the developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk.

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.

(Councillor Mrs Prochak declared a personal and prejudicial interest in this matter in so far as she lives off George Hill and in accordance with the Members' Code of Conduct left the room during the consideration thereof, after addressing the Planning Committee in accordance with the public speaking scheme).

[View application/correspondence](#)

RR/2017/1643/L

SALEHURST/ROBERTSBRIDGE Grove Farm – land at, George Hill

Proposed works associated with conversion of listed barn and former cow shed out building to commercial use.

Statutory 8 week date: 4 September 2017

Extension of time agreed to: 26 June 2018

This application was subject to public speaking.

DECISION: GRANT (LISTED BUILDING CONSENT)

CONDITIONS:

1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.
Reason: In accordance with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Site location plan: Drawing No. 1159-N-002.
Unit N8 (class B1 use) proposed plans: Drawing No. 1159-600 rev A.
Unit N8 (class B1 use) proposed elevations: Drawing No. 1159-601 rev A.
Unit N8 (class B1 use) proposed elevations & section: Drawing No. 1159-602 rev A.
Unit N8 (class B1 use) proposed ground floor plan: Drawing No. 1159-603 rev A.
Unit N8 (class B1 use) proposed first floor plan: Drawing No. 1159-604 rev A.
Unit N8 (class B1 use) proposed section 'A': Drawing No. 1159-605 rev A.
Unit N8 (class B1 use) proposed north elevation: Drawing No. 1159-606 rev A.
Unit N9 (class B1 use) proposed floor plan & elevations: Drawing No. 1159-N-620.

Main Entrance Glazing Details Drawing No. 1159-N-652 dated Jul 2017.
Ground Floor Fixed Glazing Details Drawing No. 1159-N-653 dated Jul 2017.
The repairs and alterations contained in the Structural Survey are not hereby approved.
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. Prior to the commencement of works, the following details to be submitted for the consideration of the Local Planning Authority and its subsequent approval in writing:
 - a) A schedule and specification of any proposed repairs to existing timbers. (N.B. No sandblasting or other abrasive method is to be used to clean any timbers).
 - b) A method statement detailing repairs to and underpinning of the brick plinth, including the making safe of the historic timber frame during such works.
 - c) A method statement detailing the rebuilding of the west wall of the cart shed, including the safeguarding of the roof structure to this wing during the works, and any alterations / realignment / repairs proposed to the roof structure following the rebuilding of the wall. (N.B. the rebuilt wall shall match exactly in terms of bricks, bond, and mortar mix and style of pointing, the wall which it replaces, constitutes repairs to, and underpinning of, the brick plinth, including the making safe of the historic timber frame during such works.
 - d) Samples of any proposed supplementary or replacement external materials.

The works shall be carried out wholly in accordance with the approved details.
Reason: To ensure that special regard is paid in the interests of protecting special architectural and historic character and detailing of the listed building in accordance with Policy EN2 of the Rother Local Plan Core Strategy and Policies EN6 & EN7 of the Salehurst and Robertsbridge Neighbourhood Development Plan.

4. No works shall commence on site until an appropriate programme of building assessment and recording (including architectural / historical analysis) has been secured in respect of the building concerned, which is in accordance with a Written Scheme of Investigation that has first been agreed in writing with the Local Planning Authority. This record shall be carried out by an archaeologist / building recorder or an organisation with acknowledged experience in the recording of standing buildings to professional standards and guidance, which is acceptable to Rother District Council. Once approved, the development shall only be undertaken in full accordance with the approved written scheme of investigation and the findings presented in the format and timetable agreed.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

(Councillor Mrs Prochak declared a personal and prejudicial interest in this matter in so far as she lives off George Hill and in accordance with the Members' Code of Conduct left the room during the consideration thereof).

[View application/correspondence](#)

Variation of condition 2 (approved drawings) imposed on RR/2015/1051/P to reflect amendments to approved scheme including increase in height & depth of dwelling, changes to fenestration and repositioning & reduced size of detached garage (part retrospective).

Statutory 8 week date: 19 April 2018

Extension of time agreed to: 26 June 2018

This application was subject to public speaking.

DECISION: GRANT (PLANNING PERMISSION) DELEGATED (CONFIRMATION OF GARAGE PLAN DIMENSIONS)

CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the following approved drawings:
Drawing No. 0140/00 (LOCATION PLAN), dated 24 April 2014.
Drawing No. 0140/1 Rev: E (SITE PLAN), dated 10/5/18.
Drawing No. 0140/2 Rev: E (FLOOR PLANS), dated 10/5/18.
Drawing No. 0140/3 Rev: E (ELEVATIONS), dated 10/5/18.
Drawing No. 0140/4 Rev: D (GARAGE ELEVATIONS), dated 10/5/18.
Drawing No. 0140/5, Rev: E (SECTIONS), dated 10/5/18.
Drawing No. 0140/6 Rev: D (BOUNDARY VIEWS), dated 10/5/18.
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
2. The dwelling hereby permitted shall not be occupied until the hard and soft landscaping details for the site, including details of any new gate, fence or wall, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of the dwelling or in accordance with the programme agreed with the Local Planning Authority and if within a period of five years from the date of the planting any tree or plant is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a high quality public realm taking account of the characteristics of the area, in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.
3. The dwelling hereby permitted shall not be occupied until the vehicular access serving the development has been constructed in accordance with approved Drawing No. 0140/1 Rev: E (SITE PLAN), dated 10/5/18, and construction details, form HT407, attached to this permission.

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

4. The dwelling hereby permitted shall not be occupied until the visibility splay shown hatched red on approved Drawing No. 0140/1 Rev: E (SITE PLAN), dated 10/5/18, has been cleared of all obstructions exceeding 600mm in height. The said splay shall be maintained at all times thereafter such that no obstruction within it exceeds 600mm in height.

Reason: To ensure that the development and associated works provides for sufficient visibility and does not prejudice the free flow of traffic or conditions of general safety along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy.

5. The dwelling hereby permitted shall not be occupied until parking and turning areas have been provided in accordance with approved Drawing No. 0140/1 Rev: E (SITE PLAN), dated 10/5/18, and the parking and turning areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.

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

6. At the time of construction and prior to occupation of the dwelling hereby permitted, the three rooflights in the rear, east roofslope above the landing / staircase, as shown on approved Drawing Nos. 0140/2 Rev: E (FLOOR PLANS) and 0140/3 Rev: E (ELEVATIONS), dated 10/5/18, shall be wholly covered with glass obscuring window film of obscurity level equivalent to scale 5 on the Pilkington Glass Scale and the rooflights shall thereafter be retained in that condition.

Reason: To prevent harmful overlooking of the adjoining building plot to the east, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

7. At the time of construction and prior to occupation of the dwelling hereby permitted, the rooflights in the rear, east roofslope above bedroom one and bathroom two, as shown on approved Drawing Nos. 0140/2 Rev: E (FLOOR PLANS) and 0140/3 Rev: E (ELEVATIONS), dated 10/5/18, shall be wholly covered with glass obscuring window film of obscurity level equivalent to scale 5 on the Pilkington Glass Scale, and shall be fixed shut, and the rooflights shall thereafter be retained in that condition.

Reason: To prevent harmful overlooking of the adjoining building plot to the east, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

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

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

9. 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 windows or other openings shall be inserted in the rear, north roofslope of the garage hereby permitted.
Reason: To preclude overlooking of the adjoining property Greenwood House to the north, in accordance with Policy OSS4 (ii) 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. Any proposed works on or abutting the existing highway will require a Section 184 Licence with the County Council, prior to the commencement of works. Details of construction, surface water drainage, gradients and potential traffic management requirements can all be discussed with East Sussex County Council through the section 184 Licence process. Any temporary access would also be subject to the section 184 Licence process prior to any commencement of work.

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](#)

RR/2018/513/P

TICEHURST Berners Hill Poultry Farm, Berners Hill, Flimwell

Outline: Erection of nine detached dwellings.

Statutory 8 week date: 31 May 2018

Extension of time agreed to: 28 June 2018

DECISION: REFUSE (OUTLINE PLANNING)

REASONS FOR REFUSAL:

1. The application site lies within the High Weald Area of Outstanding Natural Beauty where, in accordance with paragraph 115 of the National Planning Policy Framework, great weight is to be given to conserving its landscape and scenic beauty. Notwithstanding that, the Council cannot currently demonstrate

a five year supply of housing land with 20% buffer, and this weighs substantially in favour of permitting the development, in accordance with paragraph 14, the proposal represents an undesirable form of isolated development within the Area of Outstanding Natural Beauty countryside that would:

- i. fail to have regard to the character and historic settlement pattern of Flimwell and Ticehurst villages and the green gap between them within the Area of Outstanding Natural Beauty;
- ii. have an unacceptable adverse impact on the landscape character of the site and the local area within the Area of Outstanding Natural Beauty, including both nearby and long distance views towards the site; and
- iii. be unsustainable due to its separation and distance from local services and facilities and a lack of non-car means of accessing those services and facilities.

As such it is considered that the development would represent a socially and environmentally unsustainable form of development that would fail to accord with paragraph 115 of the National Planning Policy Framework as well as paragraphs 7, 17 and 109 of the National Planning Policy Framework and Policies OSS2 (i) and (ii), OSS3 (i), (vi) and (vii), OSS4 (iii), RA2 (viii), CO6 (i) and EN1 (i) and (v) of the Rother Local Plan Core Strategy.

2. The proposed development will introduce an intensive form of urban development in a countryside location resulting in a significant change to the rural backdrop, and therefore the setting, of a number of designated and non-designated heritage assets including, Fernbank, Rosedene and Montrose (all Grade II listed buildings) and Berners Hill Farm, 39 Berners Hill, Berners Hill House and Rock Cottages (all non-designated heritage assets). The significance of these assets is drawn from the linear pattern of development against a rural countryside setting and this proposal would result in less than substantial harm to that setting. The limited public benefits of the proposal would be outweighed by the harm identified. The proposal would be contrary to Policy EN2 of the Rother Local Plan Core Strategy and paragraph 134 of the National Planning Policy Framework. The proposal would also conflict with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. The proposal will result in development being elevated above the level of Berners Hill House with the access to the new development only capable of being accommodated in a position opposite the garden of this property. Such an elevated and open access orientated towards Berners Hill House will result in a sense of constantly being overlooked which will impact on the reasonable enjoyment of the private amenity space of this dwellinghouse due to the overwhelming loss of privacy. The proposed development would therefore be contrary to Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
4. The proposal lacks information with regard to the impact of the development on protected species. Given the location of the development and the condition of the buildings (all proposed to be demolished) Natural England standing advice indicates a possibility of bats, breeding birds or barn owls. Without any information to explain otherwise it is not known whether the buildings are occupied by protected species and whether their demolition will cause harm to such species. The proposed development would therefore be contrary to Policy EN5 of the Rother Local Plan Core Strategy.

NOTES:

1. The drawings and documents subject of this refusal comprise:
Design Access Statement.
Location Plan (by Backwells, dated 08 February 2018).
Drawing Nos. 586.02.01A, 586.03.01A and 586.03.03A.

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 discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

[View application/correspondence](#)

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.

Statutory 8 week date: 23 May 2018

Extension of time agreed to: 26 June 2018

DECISION: GRANT (PLANNING PERMISSION)

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:
No. 5766/LBP (LOCATION BLOCK PLAN), dated MARCH 2018.
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 Area of Outstanding Natural Beauty 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 Area of Outstanding Natural Beauty 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](#)

RR/2018/1238/P

WESTFIELD Five Acres, Brede Road

Change of use of land from agriculture to land for exercising dogs (Retrospective)

Statutory 8 week date: 25 June 2018

This application was subject to public speaking.

DECISION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
CP/Five Acres Supporting Statement dated 30 April 2018.
Drawing No. TT1 dated April 2018.
Drawing No. TT2 dated April 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. Notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), no fences, gates or walls – other than the timber post and wire mesh fencing and the parking enclosure gates already in situ – or structures of any kind shall be erected within the red site area as indicated on Drawing No. TT1 dated April 2018.

Reason: To safeguard the rural character and appearance of the development and area in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

4. The field shall only be used by paying customers for the activity of dog walking, and not for any other recreational use including picnicking or sports activity.

Reason: To safeguard the rural character and appearance of the development and area in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

5. The field shall not be available to rent for dog walkers outside the hours of 0800 and 1900 on any day.

Reason: To protect the residential amenities and character of the rural area in accordance with Policy OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy and paragraph 123 of the National Planning Policy Framework.

6. The number of dogs using the field at any one time shall not exceed six.

Reason: To protect the residential amenities and character of the rural area in accordance with Policy OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy and paragraph 123 of the National Planning Policy Framework.

NOTES:

1. The applicant is reminded that it is the responsibility of any dog walkers who rent the field to remove and dispose of dog faeces from the site prior to leaving.
2. The applicant is reminded that it is the responsibility of any dog walkers who rent the field to ensure they have control over the behaviour of their dogs.

NATIONAL PLANNING POLICY FRAMEWORK:

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

[View application/correspondence](#)

RR/2018/1318/P

CATSFIELD Covertside, Powdermill Lane

Variation of Condition 2 imposed on RR/2016/160/P to allow slate roof tiles.

Statutory 8 week date: 5 July 2018

DECISION: REFUSE (FULL PLANNING)

REASON:

1. The use of natural slate tiles in place of clay tiles would be uncharacteristic of the locality and would adversely impact on the rural character and landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty contrary to Policies OSS4 (iii), RA3 (iii) (v), EN1 (i) and EN3 of the Rother Local Plan Core Strategy.

NOTE:

1. This decision notice relates to the following plan Drawing No. 15.708/03 revision C (undated).

NATIONAL PLANNING POLICY FRAMEWORK:

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

[View application/correspondence](#)

-oOo-