

Report to	-	Planning Committee
Date	-	11 October 2018
Report of the	-	Executive Director
Subject	-	Planning Applications

---

**Head of Service: Tim Hickling**

---

## **Planning Committee Procedures**

### **Background Papers**

These are planning applications, forms and plans as presented in the agenda, pertinent correspondence between the applicant, agents, consultees and other representatives in respect of the application, previous planning applications and correspondence where relevant, reports to Committee, decision notices and appeal decisions which are specifically referred to in the reports. Planning applications can be viewed on the planning website <http://www.rother.gov.uk/planning>

### **Planning Committee Reports**

If you are viewing the electronic copy of the Planning Applications report to Planning Committee then you can access individual reported applications by clicking on the link ([View application/correspondence](#)) at the end of each report.

### **Consultations**

Relevant statutory and non-statutory consultation replies that have been received after the report has been printed and before the Committee meeting will normally be reported orally in a summary form.

### **Late Representations**

Unless representations relate to an item which is still subject to further consultation (and appears on the agenda as a matter to be delegated subject to the expiry of the consultation period) any further 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.

Subject to the previous reference to delegated items 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 has 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)**

None.

#### **6.2 ALL OTHER APPLICATIONS**

<b>REFERENCE</b>	<b>PAGE</b>	<b>PARISH</b>	<b>SITE ADDRESS</b>
<a href="#">RR/2017/382/P</a>	4	SALEHURST/ ROBERTSBRIDGE	Hobson's Mill, Northbridge Street.
<a href="#">RR/2017/383/L</a>	41	SALEHURST/ ROBERTSBRIDGE	Hobson's Mill, Northbridge Street.
<a href="#">RR/2018/1496/P</a>	47	BEXHILL	Chestnut Meadows Camping & Caravan Park, Ninfield Road.
<a href="#">RR/2018/480/P</a>	64	BRIGHTLING	Coldharbour Farm Estate, Battle Road.
<a href="#">RR/2018/1683/P</a>	81	HURST GREEN	Silverhill Pump House Business Unit, Bodiam Road, Silverhill.
<a href="#">RR/2018/1498/P</a>	98	CROWHURST	Breadsell Lane – Land at.
<a href="#">RR/2018/1897/P</a>	106	BATTLE	Marbat, Marley Lane.
<a href="#">RR/2018/2047/P</a>	116	BEXHILL	Cranleigh Close – Land to west of.
<a href="#">RR/2018/1838/P</a>	129	BEXHILL	Rafati Way – Land off.
<a href="#">RR/2018/2072/O</a>	141	WESTFIELD	Little Westbrook Farm, Westbrook Lane.
<a href="#">RR/2018/2076/O</a>	145	WESTFIELD	The Lodge, Little Westbrook Farm, Westbrook Lane.
<a href="#">RR/2018/2067/T</a>	149	EWHURST	18 Weald View, Oak Cup.

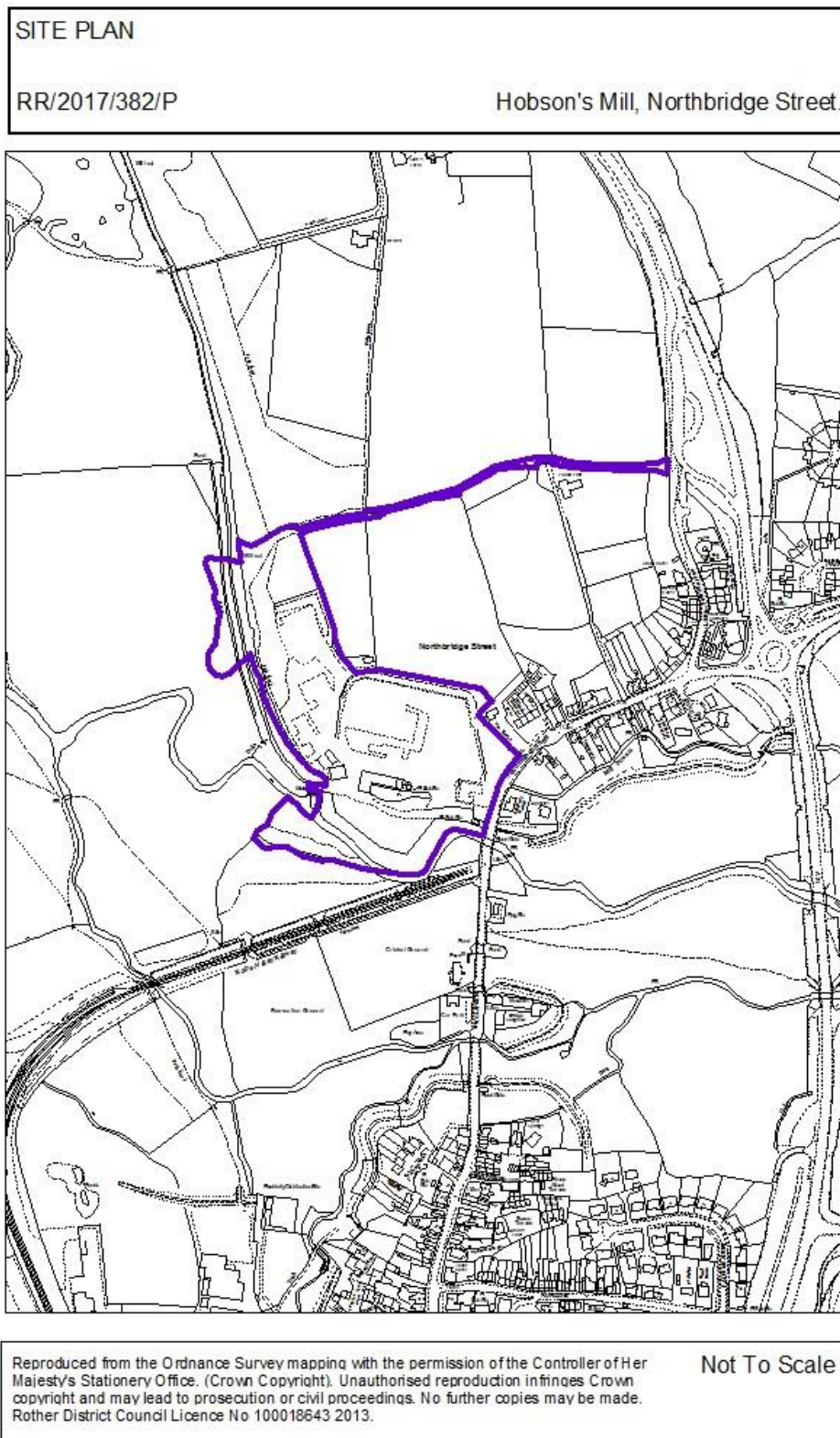
## APPLICATIONS ATTRACTING A PETITION

Agenda item: **6.1**

None.

## ALL OTHER APPLICATIONS

Agenda Item: **6.2**



RR/2017/382/P

**ROBERTSBRIDGE & SALEHURST**  
**Hodson's Mill, Northbridge Street, Robertsbridge**

**Erection of 96 No. residential dwellings (Use Class C3), non-residential floorspace comprising 280sqm (Use Class A3) and 920sqm (Use Class B1), and associated access, car/cycle parking, open amenity space, strategic landscaping and green infrastructure and including restoration works to the Mill Building and Oast House**

**Applicant:** Mr Max Meyer (Hodson's Mill Limited)  
**Agent:** N/A  
**Case Officer:** Mr M. Cathcart (Email: [mark.cathcart@rother.gov.uk](mailto:mark.cathcart@rother.gov.uk))  
**Parish:** SALEHURST & ROBERTSBRIDGE  
**Ward Members:** Councillors G.S. Browne and Mrs S.M. Prochak

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

**Extension of time agreed to: 16 October 2018**

This application is included in the Committee site inspection list.

## **1.0 POLICIES**

1.1 The following policies of the 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.
- RA4: Traditional historic farm buildings.
- LHN1: Achieving mixed and balanced communities.
- LHN2: Affordable housing.
- EC2: Business land and premises.
- EC3: Existing employment sites.
- EN1: Landscape stewardship.
- EN2: Stewardship of the historic built environment.
- EN3: Design quality.
- EN5: Biodiversity and green space.
- TR4: Car parking.

1.2 The Salehurst and Robertsbridge Neighbourhood Development Plan (SRNDP) is 'made' and is now in force as a material consideration when determining planning applications and guiding development in the Parish.

1.2.1 The following policies of the SRNDP (summarised) are relevant to this application:

*Economy:*

- EC3: Employment retention: states that proposals for the use of land or buildings on existing employment sites (as shown on Map 8) for uses other than employment purposes will not be permitted unless:
  - It can be demonstrated that the on-going use of the premises or land for employment purposes is no longer viable; and
  - it has not been in active use for a minimum of 24 months and active steps have been taken throughout to obtain suitable alternative occupation for employment purposes.
  - the alternative proposal would make effective use of the site for employment alongside other enabling uses or, if not viable, provide other community uses for which a need has been identified.
- EC7: Encouraging employment: sets out that business development in the parish will be encouraged where:
  - it is in keeping with the character of the area and the amenities of neighbouring properties and minimises visual impact through sensitive siting and design;
  - it minimises the impact of the proposal on the wider character of the Area of Outstanding Natural Beauty (AONB) landscape and;
  - and
  - it will not cause or exacerbate any severe traffic problems and will promote sustainable transport.

*Environment:*

- EN3: requires that development will be considered with regard to the need to protect the landscape character of the Parish within the AONB countryside; conserves or enhances the natural beauty of the Parish and has regard to the High Weald AONB Management Plan; including respecting the settlement pattern, use of local materials, relating well to historic route ways and not damaging their rural character by loss of banks, hedgerows, verges or other important features.
- EN4 covers the conservation of landscape and natural resources: including the retention of well-established features of the landscape, including mature trees, species-rich hedgerows, watercourses and other ecological networks together with the habitats alongside them and ponds.
- EN5 sets out that designated historic heritage assets in the Parish and their settings, including listed buildings, historic public realm, sites of archaeological significance and scheduled ancient monuments or conservation areas will be preserved and enhanced for their historic significance, including the contribution made by their settings.
- EN7: locally important historic buildings and other structures: indicates that buildings listed in Schedule 3 and identified on Map 13 or otherwise identified by Rother District Council (RDC) as non-designated heritage assets together with other key buildings, or structures which are of significant local architectural and historic interest and contribute to the Parish's distinctiveness will be conserved in a manner appropriate to their significance. Development proposals will be expected to retain and enhance the local distinctiveness of such buildings and structures and their setting.

- EN8: is concerned with locally important trees and hedgerows outside the Conservation Area and states that permission will not be granted where development would result in an unacceptable loss, or damage, to existing trees or woodlands or hedgerows.

#### *Housing:*

- HO1: designates a development boundary as shown on the proposals map 4 and states that any development outside the development boundary will be regarded as lying within the countryside as defined in paragraph 12.47 of the Core Strategy to which RDC Policies RA2 and RA3 relate, and therefore will only be permitted provided it complies with provisions of other relevant policies in this Plan and RDC policy documents.
- HO2: allocates sites for development as shown on Map 4 subject to compliance with other relevant policies in the development plan, including:  
Mill Site – for a mixed-use development including residential development and at least 1200sqm of employment space, including the conversion of the Mill building and the conversion and refurbishment of the listed buildings on the site subject to the prior provision and retention of an alternative access from the site to the A21 that will provide vehicular access in times of flooding, as an alternative route to the access from Northbridge Street which lies within Flood Zone 3.
- HO4: requires that proposals for housing developments within the development boundary shall include a range of house types, and normally include a high proportion of one, two and three bedroom dwellings; also, they will be expected to include an element of single level dwellings and, where practicable, sheltered accommodation to meet the needs of the elderly and people with disabilities.
- HO5: deals with design, requiring that all forms of new development must plan positively for the achievement of high quality and inclusive design, at the same time demonstrating they have sought to conserve local distinctiveness and the aesthetic qualities of traditional rural settlements and buildings found in the AONB.
- HO6: relates to sites within and adjacent to conservation areas; stating that development proposals will be required to preserve or enhance the character or appearance of those areas. Specifically, new developments will be expected to be suitably designed for the context within which they are set; ensure that the scale and massing of buildings relate sympathetically to the surrounding area; and use traditional and vernacular building materials to respect the context of the development concerned.

#### *Infrastructure:*

- IN1: states that development proposals that would result in the overall net loss of existing on-street and/or off-street car parking will generally not be supported.
- IN3: promotes: walking, cycling and the use of public transport, including making proper provision for those with mobility impairment; and measures to improve, protect, maintain and extend the local footpath, cycle and bridle path and public transport network.
- IN4: requires that all new housing developments must provide safe pedestrian access to link up with existing or proposed wider footpath networks, ensuring that residents can walk safely to public transport

services, schools and other key village services, including retail and medical facilities.

- 1.3 The following 'saved' policies of the adopted Rother District Local Plan 2006, whilst related to the proposal, are now to be superseded by policies contained within the SRNDP which is now in force:
- DS3: Use of development boundaries.
  - DS6: Managing housing land release.
- 1.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. The following parts of the National Planning Policy Framework are particularly relevant to the development proposal:
- Paragraph 11: the presumption in favour of sustainable development.
  - Paragraph 38: decision-making.
  - Paragraph 47: determining applications.
  - Section 15: conserving and enhancing the natural environment.
  - Paragraph 63: to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.
  - Paragraphs 73, 74: maintaining supply and delivery of housing (including maintaining a five-year supply of deliverable housing sites).
  - Paragraphs 77-79: rural housing.
  - Paragraphs 117 – 118: require that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses.
  - Section 12: achieving well-designed places.
  - Paragraphs 155 - 165: planning and flood risk.
  - Section 16: 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 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. Section 72 sets out the general duty as respects conservation areas in exercise of planning functions and states that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.
- 

## **2.0 SITE**

- 2.1 The application relates to a former business premises and adjacent land (approximately 4.38 ha) formerly occupied by SCATS and more recently by Grampian Country Food Group Ltd. The premises were involved in the production of animal foods and associated agricultural supplies until they closed in 2005. The commercial site is now disused. Historically, the land in part comprised a corn mill in the 1800s (Mill Farm). One building on the site (the former Oast House to Mill Farm) is listed in Grade II and is also the subject of Application No. RR/2017/383/L. Additionally, there is a later substantial four storey, Victorian, former Flour Mill Building on the site, known as Hodson's Mill (a brick building, built between 1873 and 1898). The site also contained a number of rather substantial modern buildings, which were



removed a few years ago. Extensive areas of hard-standing and a concrete access road and former car park still remain, however. Ground levels fall in a series of flat terraces from the north-west (high ground) to the south east.

- 2.2 There is an existing vehicular access to the northern side of Northbridge Street. Public footpaths follow the eastern/south eastern boundary of the site alongside the River Rother and mill race. Much of the site boundary contains belts of trees.
  - 2.3 The southern part of the site, including the access, is identified by the Environment Agency as being within river Flood Zones 2 and 3.
  - 2.4 The listed former Oast House, the Hodson's mill building, and the areas of low-lying land adjacent to the River Rother in the southern part of the site are within the designated conservation area.
  - 2.5 The southern part of the site is also an archaeological notification area.
  - 2.6 The site, with the exception of the high ground in its northern-most part and small, wooded, pockets of land to the western side of the stream/mill race, is within the Development Boundary (Policy HO1) for Robertsbridge, Northbridge Street, as identified on Neighbourhood Plan Proposals Map 4 and Development Boundary Map 11. The village (including the application site) lies within the designated High Weald AONB.
- 

### **3.0 HISTORY**

- 3.1 The site has a long and extensive planning history in connection with its past commercial uses although none is particularly relevant to the current application proposals. The following residential applications are of more recent relevance:
- 3.2 RR/2007/2576/P Outline: construction of up to 1,301sqm of class B1 business use buildings, construction of up to 66 residential units, construction of surgery premises up to 557.4sqm, construction of cafe up to 92.9sqm, together with associated open spaces, landscaping, infrastructure, access roads, and revised junction with Northbridge Street and associated footpaths – Refused – Appeal Dismissed.
- 3.3 RR/2007/2696/P Change of use and conversion of redundant mill building, listed building and abutting building to form 13 residential units including alteration to an existing vehicular access, construction of new road and provision of parking spaces – Refused – Appeal Dismissed.
- 3.4 RR/2007/2560/L Conversion and works to existing listed building and adjoining building into two residential units – Refused – Appeal Allowed (not implemented)
- 3.5 The above planning appeals were dismissed by the Inspector for the reasons (briefly): that a case has not been made for the loss of employment-providing land contrary to the requirements of the development plan; that at the time



there was not an overriding need for housing and the need for affordable housing did not outweigh the advantages of retaining commercial use on the site due to its location, topographical and economic advantages; that the layout, which proposed placing replacement commercial buildings in front of the main Hodson's Mill building would cause harm to the character and appearance of the area. The use of the Hodson's Mill building for residential purposes was refused principally due to the uncertainties over the use and configuration of the rest of the site. Finally, the proposed works to the listed former Oast building was judged to be acceptable by the Inspector.

### 3.6 Planning circumstances have materially changed since the appeals.

---

## 4.0 PROPOSAL

4.1 The application has been submitted in full with all details to be considered for approval at this stage. Since being submitted revisions to the scheme have been made; this is largely as a consequence of responses received from consultees, on-going discussions with planning officers, and in response to the findings of the Examiner at the Neighbourhood Plan Examination Public Hearing. The revisions have included an extension to the red line around the application site and a slight reduction in the number of residential units proposed (from 98 to 96).

4.2 The proposed development is as follows:

#### Residential:

- 58 No. new dwelling houses.
- The conversion, change of use and extension to the Victorian (Hodson's Mill) building to provide 26 No. one and two bed retirement flats.
- The construction of three new, blocks of flats (Ockham Court and Rother Court West and Rother Court East each containing four flats) – 12 No. flats in total.

The residential housing mix would be as follows:

- 22 No. one bed units.
- 16 No. two bed units.
- 8 No. two/three bed houses.
- 29 No. three bed houses.
- 17 No. four bed houses.
- 4 No. five bed houses.

#### Commercial:

- The construction of a new block of flexible commercial space (Wealden Hall House) containing under-croft parking and commercial units on two full floors and within the roof space (520sqm).
- The change of use and conversion of the ground floor of the Hodson's Mill building to two commercial units (total 280sqm).
- The change of use and conversion of the listed Oast house building to commercial space (400sqm).

The total amount of commercial floor-space proposed is 1,200sqm. Parking would be a combination of under-croft parking and a number of small outside

parking areas. The total number of residential parking spaces in the development is 168. Other commercial and visitor parking provision across the whole of the site is shown to be an additional 107 spaces.

- 4.3 The proposed development utilises a modified access to Northbridge Street in approximately to same location as the existing. The proposed spine road ('The Avenue') passes behind the main Hodson's Mill building and extends through the site to the northern-most high ground. The central part of the site (behind the Hodson's Mill building and set around 'The Stray' (a secondary link road off The Avenue), would be characterised by high density development of closely-knit, terraced and semi-detached housing units. Fronting either side of The Avenue and extending towards the northern-most part of the site would be lower density of larger, detached and semi-detached houses. The proposal includes adding a fifth floor and new roof accommodation to part of the Hodson's Mill building and the construction of a new attached block to its rear. The latter reflects similar height, form and proportions to the existing building but incorporates a modern design and use of external materials. The layout plan for the whole site proposes the formation of a 'riverside park' in front of the Hodson's Mill building and (unlike the 2007 application) no new building development is proposed in this part of the site.
- 4.4 A new emergency access (some 350m in length) is now proposed linking the northernmost part of the site (adjacent to unit 96) to the A21 lay-by at Northbridge Street. This follows the route of an existing public footpath for a short distance and from then on passes between open fields to skirt the northern boundary of Pound Platt (an isolated dwelling), following field boundaries/hedges before emerging out on to the A21 lay-by.
- 4.5 External materials are described as a mix of mainly brick and timber finishes for the walls and either natural slates, plain clay tiles and grey metal for the roofs.
- 4.6 Accompanying documents have been submitted with the planning application. These include: Supporting Planning Statement (February 2017), Design and Access Statement (February 2017), Heritage Statement (February 2017), Report on Financial Viability for Planning (March 2017), CIL Required information form, Employment Land Report (February 2016), Report on Landscape and Visual Impact Assessment (February 2017), Transport Assessment (January 2017), Flood Risk Assessment & Surface Water Drainage Strategy (February 2017), Archaeological Evaluation Report (December 2016) Ecology Assessment (February 2017), Arboricultural Survey (February 2017) Phase 1 Geo-Environmental Assessment Report (land contamination) (February 2017): and Statement of Community Involvement (February 2017).
- 4.7 A separate listed building consent application RR/2017/383/L has been submitted for the proposed works to the Oast House (also reported at this meeting).

---

## 5.0 CONSULTATIONS

### 5.1 Parish Council:

#### 5.1.1 Comments in response to re-consultation on the amended application:

The Parish Council (PC) supports the application. It welcomes development of the site, in accordance with Policy HO2 (Site Allocations) of the Salehurst and Robertsbridge Neighbourhood Plan (SRNP).

1. Parking: Whilst parking provision may fall short of the East Sussex parking guidance in relation to garages, to provide more could affect the viability of the site.
2. Pedestrian access: The PC wishes to see the bridleway link to the station and village, shown as 'potential link to Railway Station and Robertsbridge' on site layout plan G, incorporated as a planning condition of the development.
3. Affordable housing: It is recognised that the site does not provide any affordable housing. However, the Independent Examiner for the SRNP recognised this but stated that the preference for the Mill Site was a "legitimate expression of local views which is at the heart of neighbourhood planning". He proposed the additional inclusion of the Grove Farm site (not previously included). Following explicit confirmation at the Public Hearing that the Grove Farm site would offer full compliance with affordable housing policy, he stated that it "would go some way to offset the shortfall in affordable housing arising from the Plan's choice of allocating such a significant amount of housing to the Mill Site." The Grove Farm application has subsequently been delegated for approval by RDC, with the full 40% affordable housing provision. The PC considers that the lack of affordable housing on this site (due to viability) has been mitigated and is therefore acceptable.
4. Emergency access gates: It is recognised that Highways England has expressed concern about the proposed gates for the emergency access (at the lay-by at the A21). The PC does not object to the principle of gates at this location, as the gates/access are only to be used temporarily in the rare event that a major flood prevents use of the normal access from Northbridge Street.

#### 5.1.2 The comments made by the PC in response to consultations on the original application are set out below for completeness:

*The PC supports approval of this application in principle; in consideration of the emerging Salehurst & Robertsbridge Neighbourhood Plan (SRNP), it is felt the application is in accordance with the general sentiment. As a brownfield site, long overdue for re-use in some way, it is the preferred site for development in the parish. The number of dwellings and proposed mix of housing is considered appropriate (SRNP Policy HO5). Whilst we recognise that proposed parking provision does not comply with SRNP Policy IN1, we feel that this could be mitigated in part on this site by utilisation outside working hours (for example after 6pm and at weekends) of the parking provision for the commercial buildings. The PC is very pleased to see 1,200sqm of employment space proposed as part of this application. However, there are some matters of concern which need to be addressed. With regard to affordable housing, SRNP Policy HO6 requires a minimum of 40% (unless 'a robust justification for a different percentage' is demonstrated). The Planning Statement for this application is non-committal*

*and vague on the proportion of affordable housing proposed. Whilst we understand the reasons for the confidentiality of the Financial Viability Study (submitted to RDC separately by the applicant), the fact that no resulting percentage is openly stated is of concern. As the main SRNP site for development, providing for a substantial quantity of our total Core Strategy requirement, it is hoped that a reasonable percentage of on-site affordable housing can be achieved for the benefit of the parish. The PC acknowledges the comments submitted by East Sussex County Council as the Lead Local Flood Authority, and we recognise that at the time of making this comment, the application contains inadequate detail concerning flood risk and mitigation. The PC therefore looks forward to the further reports promised by the applicant, with satisfactory sequential and exception testing. To fully support this application, the PC would wish SRNP Policy IN8 (Reducing Flood Risk) to be complied with.'*

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

5.2.1 Original comments were made on 31/07/17. However, revised comments have now been made (02/06/17) in response to additional information that was provided by the applicant. The only highway objection relates to parking provision.

5.2.2 *"Summarising, the outstanding matter is parking provision. The applicant is requested to reconsider garaging spaces, especially as there are no on-street unallocated spaces close to the dwellings with garages and potential street obstruction for service and emergency vehicles could occur. Currently, there are 21 dwellings with three beds and only have one open space on plot. These garages only count as six spaces, and represent a 15 space shortfall for those housing units. The overall parking provision made is 255 spaces which include 43 garages (13 spaces). This works out to be an overall provision of 225 spaces for the entire development, and is only 10 spaces for commercial and café buildings".*

*"In my earlier response I had set out that the housing would require a minimum of 215 spaces and the commercial to have 65 spaces. The commercial and café uses may have a more flexible parking area with residential visitor parking, but not for unallocated resident parking. I can therefore offer some flexibility and accept 50 spaces for commercial/café use which offsets the unallocated visitor parking quantum".*

*"I am unable to accept the proposed parking provision and this now remains the only reason for highway objection"*

5.2.3 Other points from the Highway Authority are summarised as follows:

- 1) Modelling for A3 (café/hot food use) – the applicant's sensitivity test provided in the addendum satisfactorily sets out the impact of the development when modelled against the surveyed flows in the village. There is sufficient capacity on the network to accommodate the development traffic proposed. What would also need to be taken into account is that the site is brownfield and would have generated commercial, staff and heavy vehicle movements when operational.
- 2) Speed survey Northbridge Street – during application discussions and a further site visit, it was considered that a speed survey was not required

for a site already in a 30 mph speed limit and achieving driver sightlines to the recommended standard [2.4m x 43m]. It is noted that the driver sightline distances had not been raised as a safety problem in the Road Safety Audit.

- 3) Parking provision – garages count as 0.3 parking spaces, and so for the houses with integral garages, the calculation for parking provision will need to be recalculated. There are 255 spaces provided for the whole site, and garages have been counted as a space when they are seldom used for parking, hence the ESCC standards consider them as 0.3 pf a space. P101 rev F showing the site layout and parking has been provided attached to the addendum, but is not formally submitted to the Local Planning Authority to correspond to the submitted floor plans for house types. Therefore I cannot correctly comment on the parking provision but will recommend that if garages are replaced with car barns or open spaces they will be counted as a full space and the quantum indicated can be accepted.
- 4) A Road Safety Audit 1 and Non-Motorised user audit has been provided, the content of which is accepted. There are a number of problems that have been raised by the audit team, and from reading the designer's response there is confidence that the problems can be overcome at detailed design stage for on street highway works (S2785).
- 5) New bus stop infrastructure: as previously stated, it is strongly recommended that the Developer funds the provision of two new bus stops south of the proposed development. The stops will require:
  - Clearways.
  - Raised kerbs.
  - Bus shelters.
  - Pedestrian routes including safe pedestrian crossing arrangements.

New bus stop infrastructure is shown on the highway, immediately to the south of the proposed access (northbound Hawkhurst) and immediately to the north (southbound Battle/Hastings), which is welcomed.

In addition, the developer should be asked to fund free bus travel for residents/staff for say a minimum period of six months. This would be through purchasing season tickets from the operator of the bus service (Stagecoach). Such an arrangement would align with the proposals they have made in their Travel Plan.

### 5.3 Highways England (HE):

#### 5.3.1 Comments in response to re-consultation on the amended application:

An outstanding concern is in connection with the emergency access link track that has been introduced.

*“Having examined the amended plans, we note that a new emergency vehicle access route is proposed to the north east of the site that connects to the A21 layby. This represents a new connection to the Strategic Road Network and whilst we were consulted on the principle of this and gave our advice accordingly, the details now received as part of this formal application*

*mean that our previous response is no longer valid. After consideration of the information provided, our current position is that there is insufficient information provided by the applicant on which to base an informed decision in relation to the potential impacts of the proposals on the strategic road network (SRN)".*

In particular:

- HE was previously consulted on the potential for an emergency access, to which it set out the information that it would reasonably need in order to agree such a connection to the SRN. However, we have not received the information requested.
- In addition, HE notes that the attached plan includes, "2 No. 14ft gates creating a 28ft opening and 1 No. 4ft gate. All in galvanised steel"; HE requires clarification from the applicant on the purpose of this' as the previous advice was based on the premise that the access track would be for emergency use only.

*"Until such time as the above information has been provided to enable Highways England to obtain a clear view of the impacts of this proposed access on the SRN, our informal advice is that you should not approve this application because of the potential for harm to the Strategic Road Network".*

#### 5.3.2 Other points from HE in response to consultations on the original application are summarised as follows:

Regarding our initial concerns over this application, I can now confirm that we have visited the roundabout and measured the geometric values that were causing concerns. As suspected, the geometric parameters used in the consultant's modelling of the roundabout were generous compared to those actually measured on site. HE therefore do not agree with the geometry used for modelling and the accordingly the outputs from the modelling are not accepted.

In order to assist the planning authority we have undertaken our own assessment of the roundabout and have satisfied ourselves that the traffic impacts from the proposed development can be accommodated within the existing highway infrastructure without any highway improvements. Therefore, we are satisfied that (subject to matters relating to the emergency access described above) the development will not materially affect the safety and/or operation of the SRN and accordingly offer no objections or conditional requirements relating to the proposal.

#### 5.4 Environment Agency:

##### 5.4.1 Comments in response to re-consultation on the amended application:

*"The submitted plans show an amended site boundary that includes an emergency access route to the north of the site. This access is not in the flood zone and we have no objection to the amended plan as submitted.*

*Our previous comments outlined that the sequential test had not been passed for the site. A subsequent Inspector's (Examiner's) decision on the Robertsbridge and Salehurst Neighbourhood Plan (SRNP) confirmed the inclusion of the Mill Site for residential development providing safe access*

*could be secured. The SRNP was adopted in July 2018 and therefore we are satisfied the sequential test for this site is passed.*

*Note: We expect to see an updated Flood Risk Assessment for the above proposal, detailing the risk to dwellings within the high risk zones and appropriate mitigation, including finished floor levels and safe access and egress (although the latter is a matter for the Local Planning Authority). The exception test will need to be shown to have been passed for those dwellings in the high risk flood zone."*

## 5.5 ESCC – Lead Local Flood Authority (LLFA):

- 5.5.1 The LLFA originally issued an objection on the grounds of insufficient information. However, it has now confirmed that the additional information documentation received, and whilst not meeting all ESCC's requirements, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions which are outlined in this. The LLFA would however wish to see conditions attached to any planning approval.

## 5.6 Southern Water Services:

### 5.6.1 Comments summarised:

- The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional infrastructure.
- Alternatively, the developer could discharge foul flow no greater than existing levels if it can be demonstrated that there would be no overall increase in flows to the foul system.
- In the event that the Local Planning Authority is minded to approve the application, it is requested that a condition is imposed requiring that no development is commenced until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted for consideration and approval.

## 5.7 ESCC – Rights of Way Team:

- 5.7.1 Comments summarised: indicate that the development would result in the re-alignment of footpath 8a (Salehurst & Robertsbridge) and this would need to be subject to a diversion order under section 257 of the Town and Country Planning Act. The rights of way team would also wish to seek developer improvements to footpath 8b and footpath 28, which are likely to experience increased use as a result of the residential/commercial development. It is requested that this is covered by planning condition in the event that the application is approved.

- 5.7.2 Any further comments received prior to the meeting in response to the amended plan will be reported.

## 5.8 County Archaeologist: (summarised)

- 5.8.1 No objection 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 which are outlined in this response.'*

5.9 Historic England:

- 5.9.1 Comments summarised: indicate that the proposals were the subject of pre-application consultations with Historic England. A report by Archaeology South East has been submitted and provides a good basis for understanding the significance of the listed building. The main concerns from a heritage perspective are the potential effects of significant development on the setting of the listed Oast House and the (non-listed) Hodson's Mill building. The proposals have been amended from those first shown to take account of these concerns but they still have a significant effect on the character of the site. The southern part of the site is in the conservation area. This is the most transitional part of the site and we welcome the suggested 'Riverside Park' in principle. The treatment of the immediate setting of the heritage assets should therefore suggest that the location of the proposed 'visitor parking' and 'mill parking' (presently shown adjacent to the access and Northbridge Street) should be reconsidered and an obvious site for the latter would be between the heritage assets – albeit in a simple un-demarcated form. This area was historically the site of a building (now demolished). We also have reservations about the proposed terrace (timber decking) hard up to the south of the mill building with its illustrative domestic clutter. We consider that the issues outlined in our advice need to be addressed in order for the application to meet the requirements of the National Planning Policy Framework.

Recommendation: Historic England has no objection to the application on heritage grounds.

5.10 Police:

- 5.10.1 There are no major concerns with the proposals.

5.11 Planning Notice:

5.11.1 Support:

Eight letters/emails of from local residents (summarised):

- RDC has already set a precedent for building within the floodplain in Robertsbridge when it approved application RR/2004/58/P for Pelham Walk.
- In RDC Development and Site Allocations document the site in Rye Harbour (RH10, Policy RHA1) is being promoted, which lies completely within the flood plain.
- The density of building is currently 98 on four hectares; this amounts to about 25 per hectare which must be acceptable.
- In Robertsbridge last year Croudace proposed 20 houses on 0.5 ha at the southern end of Grove Farm (RR/2016/1722/P); this was not given as a reason for refusal even though it is in a much more prominent and visible situation than the mill site.
- Robertsbridge has been asked to deliver the largest number of houses of all the villages, this despite the fact that in the last 30-40 years it has already accommodated 300 additional properties.

- It would appear that the benefits far outweigh the problems on the site.
- It is the most preferred site as part of the Neighbourhood Plan, with 82% of villages responding to wanting development of this site.
- The site is the only available brownfield site in the village.
- The National Planning Policy Framework encourages the use of brownfield sites.
- Photographs are provided showing the site before the buildings were cleared which give an indication of how the site looked, being of an industrial nature and surrounded by warehouses etc.; the change to housing cannot be seen as too imposing.
- A most excellent design in all aspects which takes into account the feelings and requirements of the majority who live nearby and who have children and relatives for whom there is a lack of accommodation in the village.
- The site has been a blight on our neighbourhood for far too long.
- Although I support redevelopment I regret the density of the residential units on the site which is akin to an inner city area; it will generate considerable more traffic in the vicinity which is unavoidable.
- In principle I support the development, however, I do have concerns over the density of housing, and associated traffic; also the proposed houses along the mill race would be inappropriate, encroaching onto countryside and resulting in unnecessary loss of woodland species and habitat.

#### 5.11.2 Objections:

Three letters/emails, comprising two from local residents and one from the agents acting for the promoters of the Grove Farm site in Robertsbridge (summarised):

- As the resident living closest to this proposed development, I would like to register my grave concern about the number of dwellings being proposed.
- This will increase the traffic in Northbridge Street.
- I already find it hazardous to pull out of our drive and with so many vehicles involved across the road it will be even more difficult to exit and enter our property.
- Another concern is the inadequate provision of car parking spaces. With 98 dwellings making a total of 259 bedrooms there are only 175 residential parking spaces including some unallocated at the entrance to the estate. This is a very low ratio.
- It will directly affect the quality of life in my house with traffic pulling out especially at night with headlights shining directly into my bedroom windows.
- I am also concerned about safety with so many dependent on only one entrance/exit in case of emergency like fire or flood.
- I am also concerned about the heightened risk of flooding to our property from surface run-off straight down to the entrance and into our house opposite.
- Another concern is the number of dwellings being proposed to be built within the flood plain.
- It is a pity no sheltered housing for the elderly is being proposed as this is what is desperately needed in the village.
- The site is constrained from a heritage perspective due to the existence of a Grade II listed building as well as an area of the site being within a Conservation Area. We are concerned that the dense form of housing

within close proximity of such heritage assets will likely be detrimental to their setting, character and appearance.

- The southern part of the Hodson's Mill Site is located on Flood Zones 2 and 3 (i.e. areas of medium and high flood risk respectively) and that equates to circa 36 No. residential units. We have major concerns on the need to build new homes on such flood zones. The applicant has submitted a sequential assessment but we demonstrate (in an attached letter) that its methodology is flawed and that there are sequentially preferable sites (to include the allocated Grove Farm site in the adopted development plan) in which to accommodate the 36 No. new homes.
- The emerging SRNP is flawed as it has not undertaken a sequential assessment in accordance with the National Planning Policy Framework when allocating its three sites for housing to include the Hodson's Mill Site for up to 100 No. new homes.
- As identified by the Environment Agency, the only access onto the site via Northbridge Street to the east is on Flood Zone 3, thereby posing a major threat to the safe evacuation of the site at times of flooding and preventing emergency services vehicles from being able to access the site. The applicant has provided no mitigation measures to address this issue.

5.11.3 Re-advertised application: a further letter of objection has been received (from the occupier of Salisbury House) as follows:

- *98 dwellings is excessive especially as many will be built on the flood plain. I am also concerned about the access onto Northbridge Street for so many cars. This represents a real risk of an accident as there is a corner which makes the entrance partially blind when approaching from the A21. Getting into my house which is directly opposite the entrance will be even more difficult as it will become a three way risk.*

5.11.4 The full text of all letters can be viewed on the application website.

---

## 6.0 APPRAISAL

### *Main issues:*

- 6.1 The application) is a full application, which seeks approval of all details relating to matters of: access, layout, the scale of the development, the external appearance, and the landscaping.
- 6.2 The primary issues to be considered concern that of planning policy in relation to residential development and housing supply, along with sustainability and associated highway matters; development within Flood Zones 2 and 3; the form and layout and overall character of the proposed development and any impact it may have upon the AONB and heritage assets (including the conservation area, the former Oast House as a listed buildings and the Victorian Hodson's Mill as a non-designated heritage asset); as well as the residential amenity of the occupiers of existing residential properties. Other material considerations include financial and economic viability of the development of the site having particular regard to any requirement for affordable housing provision.
- 6.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require the Local Planning Authority to have regard to:

- *The provisions of the development plan, so far as material to the application;*
- *Any local finance considerations, so far as material to the application; and*
- *Any other material considerations.*

6.4 The application proposal is for a mixed-use scheme that would provide a significant quantity of dwellings to contribute towards meeting the identified needs for Robertsbridge in the Core Strategy and the SRNDP, and would provide a quantity of new commercial uses on what is, in the main, a former employment site.

#### 6.5 Housing Policy Position:

6.5.1 Paragraph 11 of the National Planning Policy Framework requires decision-taking to approve developments that accord with the development plan. Paragraph 11 also requires that plans and decisions should apply a 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 against their housing requirements with an additional appropriate buffer (as set out in paragraph 73) to ensure choice and competition in the market for land. The requirement changes once a Neighbourhood Plan is 'made' and within the Plan area the policies for the supply of housing will be considered up-to-date so long as the Local Planning Authority can identify a *three-year supply* of housing sites (with an additional appropriate buffer). The Council's latest published Housing Land Supply document identifies a 3.44 years' supply of deliverable sites including a 20% buffer to be the position as at 1 April 2018.

#### *The Core Strategy:*

6.5.2 For the purposes of planning, Policy OSS1 of the Core Strategy (CS) sets out the overall spatial development strategy and includes a requirement to plan for at least 5,700 additional 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). Figure 12 of the Core Strategy sets out the distribution of rural housing allocations and identifies a total of 155 new houses for Robertsbridge between 2011 and 2028. The specific sites where new development will be located will be in accordance with the Development and Site Allocations DPD and/or Neighbourhood Plans where these are in place.

#### *The Neighbourhood Plan (SRNDP):*

6.5.3 Since the planning application was submitted the SRNDP has gone to referendum and residents have voted to adopt the Plan. The Neighbourhood Plan is now 'made' (adopted) and in force. For the Robertbridge neighbourhood area housing and commercial land allocations and adjustments to the development boundary have been made in the Neighbourhood Plan. As the whole village of Robertsbridge lies within the AONB this has recognised that all the housing will therefore need to be provided in the AONB.

## 6.6 The Examiner's Report into the SRNDP:

6.6.1 Some background is relevant here. Prior to the referendum, the Examiner formally appointed to conduct the examination into the Submission Version of the SRNP held a Hearing on 28 September 2017. Following this the Examiner's report was published on 23 January 2018. In respect of the allocation of new housing sites the Examiner in his report noted that, "*there was an overwhelming preference expressed during the public consultation on the plan for it to promote the redevelopment of the Mill Site*"; however, he recognised that this clear expression of public support cannot ignore important planning considerations, in terms of ensuring that the "making" of the plan has had regard to national policy, strategic policies in the Local Plan and ensuring that it delivers sustainable development. In this regard, the Examiner concluded that whilst fully accepting the community's legitimate choices in seeking to prioritise the restoration of the Mill Site, this should not be at the expense of those people in housing need, when it comes to allocating new sites for housing. In the circumstances the Examiner recommended that the Grove Farm site should be added to the three proposed new housing sites contained within the Submission Version of the Plan. The Policy HO2 text was subsequently amended to comprise the following housing allocation sites for Robertsbridge:

- Mill Site – for a mixed-use development including residential development and at least 1,200sqm of employment space, including the conversion of the Mill Building and the conversion and refurbishment of the listed building on the site subject to the prior provision and retention of an alternative access from the site to the A21 that will provide a vehicular access in times of flooding, as an alternative route to the access from Northbridge Street which lies within Flood Zone 3.
- Heathfield Gardens – for residential development.
- Vicarage Land – for residential development.
- Grove Farm – for residential development including the refurbishment and conversion of existing redundant agricultural buildings.

6.6.2 The planning application site is therefore an allocated site in the SRNDP for a mixed use development (Policy HO2). The red line of the application site does extend somewhat beyond the allocated site to incorporate some wooded areas on the opposite side of the mill race and River Rother; however, these are not substantial areas and importantly, the application does not propose any built development in those areas. This is not therefore considered to a particular matter of concern.

6.6.3 Regarding the Grove Farm allocation, at the June Committee two applications for development of that site (RR/2017/1629/P and RR/2017/1642/P) were considered for a combined total of 27 dwellings and three commercial units. It was resolved to delegate authority to the Head of Service Strategy and Planning to grant planning permission subject to conditions and the completion of legal agreements (section 106).

6.6.4 Further reference will be made to the Examiner's comments elsewhere in this report in relation to the key issues for consideration.

## 6.7 Employment Land:

- 6.7.1 The previously dismissed 2007 appeals (RR/2007/2576/P and RR/2007/2696/P) recognised the Mill Site as an employment site. The last authorised use was for a feed mill with storage, offices and workshops. The Examiner at the SRNDP Hearing considered the issue of loss of employment space and in this regard, concluded that as employment activity ceased a number of years ago it could be argued that the employment use would not be a realistic long term possible use and as such the reuse of the land and buildings on the site for residential purposes would be covered by the provisions of the National Planning Policy Framework. However, it was also noted by the Examiner that this planning application does provide for the inclusion of 1,200sqm of employment floor-space including an A3 unit in the Mill once extended. Further, as this would be a mixed-use development, it was considered by the Examiner that an element of commercial floor-space should be part of a residential / employment allocation, recognising that it is one of only a few opportunities to get new employment floor-space provided within the Plan area. The principle of the quantum of new business / employment floor-space (1,200sqm) to residential development proposed in the planning application is in accordance with the mixed-use allocation contained in the SRNDP and can be accepted.

## 6.8 Village character, setting and impact on the landscape and natural beauty of the AONB:

- 6.8.1 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; route-ways; 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.
- 6.8.2 Paragraph 172 of the National Planning Policy Framework states that, *“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”*. Policy EN3 of the SRNDP applies and states that development will only be permitted where it conserves or enhances the natural beauty of the Parish and has regard to the High Weald AONB Management Plan.
- 6.8.3 A substantial part of the application site is previously developed (brown-field) land, much of this is still covered by concrete terraces (hard-standings and roadways), which until they were removed a few years ago contained a number of very large modern storage sheds. The proposed new buildings

would in the main be located on the previously developed land. This part of the site comprises the land to the rear of the Victorian mill building. The area in front of the Victorian mill would be left undeveloped and is identified on the layout plan as a 'Riverside Park' (public open space). This means that much of the new built development would be screened in some long views from The Clappers, the recreation ground and the pocket park and equally, long views of the Victorian mill building from these public vantage points would be un-interrupted thereby safeguarding vistas and the setting of this heritage asset in the landscape. The development would not be wholly concealed however and there would be views of the new buildings in the wider landscape, particularly where the ground levels rise in the northern part of the site). Existing trees adjacent to the mill race would act a foil to soften the visual impacts of the development in this part of the site to some degree. Additionally the development proposes new tree planting, which would complement the existing trees in the vicinity of the Riverside Park and the mill race.

6.8.4 There would be close views of the development from the public footpath that follows the course of the mill race, particularly where the rear gardens of the new dwellings (in the Avenue) back on to the path. The design of the development proposal has evolved following negotiations with officers with a view towards avoiding an overly hard-edge to development in this area and the impacts have been mitigated by reducing the density of development and the quantity of hard surfacing. Additionally, the applicant proposes introducing post and wire (deer) fencing in this location where the proposed rear gardens follow the line of the footpath, to avoid the suburban impacts of close boarded fencing or a similar solid boundary treatment.

6.8.5 Over 80% of the district lies within the designated High Weald AONB and this includes the whole of Robertsbridge village and surrounding landscape. As such, any development around the edges of the village will have some impact on its countryside setting and may affect the landscape character and quality of the AONB to a degree. Any impacts of the development on the appearance and character of the area have to be considered against the recognised need expressed in the adopted Core Strategy and the SRNDP allocation to meet the housing requirements for Robertsbridge. As a SRNDP land use allocation it satisfies the principles for sustainable development. It is a major allocation in respect of meeting the greater part of Robertsbridge's housing numbers. The proposed development utilises, in the main, a brownfield site that until recently contained large sheds and other industrial infrastructure, which in itself, had an impact on the AONB. In conclusion it is considered that the development would have an acceptable impact in terms of the environmental role of sustainable development including the impact on the character and appearance of the AONB.

## 6.9 Development in the Flood Zone and flood risk considerations:

6.9.1 The southern part of the application site falls within Flood Zones 2 and 3 (identified as having a medium and high probability of flooding respectively). Whilst the large majority of the Mill Site is not within an area at risk of flooding, the layout in the planning application includes placing some of the proposed new residential development in Flood Zones (FZ) 2 and 3. The proposed site access serving the whole development is within FZ3. A measure of acceptability of risk in the PPG (table 2: paragraph 7-066) defines residential development as a "more vulnerable" land use; (the application



also includes proposed new commercial development in FZ's 2 and 3, defined as "less vulnerable").

- 6.9.2 To minimise flood risk, 'The Sequential Test' ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The aim is to steer new development to Flood Zone 1 (areas with a low probability of river flooding in this case). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required. The Examiner's report into the SRNP considered the sequential test as part of his deliberations regarding the appropriateness of including the Mill Site as a mixed land use allocation (including residential); this concludes that the basic requirement of the test is met but only if the additional land for the escape route is secured and provided within the development.

*The escape route:*

- 6.9.3 Because the proposed means of vehicular access serving the site and the proposed developments is within the Flood Zone 3 in the case of an extreme flood event this could be underwater, together with parts of the residential development, which would put the emergency services at risk by having to access the site through floodwater, at least 1m deep. The Examiner accepted if an additional safe access could be delivered, as part of any development proposals for the site for use only in time of emergency this would be a satisfactory solution and would allow the proposed site allocation to pass the basic requirements for the 'Sequential Test'. This is now shown as part of the amended application and has required the applicant to serve the statutory notice on a third-party landowner. The emergency access route extends from the high ground in the northernmost part of the site (outside the areas of flooding) to the layby adjacent to the A21. The Examiner stated that this would be conditional on the route being available in perpetuity for the lifetime of the development. It is also noted that the Environment Agency is now satisfied that the requirements of the 'Sequential Test' have been satisfied in this case.

6.10 The design of the development (layout, scale, and external appearance etc.):

- 6.10.1 The design of the development proposal has evolved both at the pre-application stage and post-submission of the application, following a series of negotiations with officers.
- 6.10.2 The planning application proposes placing the new buildings (houses, flats, and business unit) mainly on the previously developed parts of the site area allocated under SRNDP Policy HO2, leaving that part of the site in front of the Victorian mill building undeveloped and identified as a future riverside park. This protects the most environmentally sensitive part of the allocated site – allowing unrestricted views of the heritage asset. This also gives protection to an archaeologically sensitive part of the site and an area closest to the river and mill race identified as being subject to flooding.

- 6.10.3 The proposals incorporate a mix of dwelling types. Whilst almost 40% of the units would be one and two bedroom properties there would only be partial compliance with CS Policy LHN1, which requires most of these to be two bedroom units (22 No. would be one bed and 16 No. would be two bed). The development would, however, comply with SRNDP Policy HO4 which requires a 'high proportion of one, two and three bed houses'.

There are broadly three character areas to the development proposal:

(i) *The Victorian mill building (Hodson's Mill):*

- 6.10.4 This large brick building is an undesignated heritage asset. It has been left unused for the past ten years or so. This would be converted to flats and commercial use. The proposals involve adding an additional 5<sup>th</sup> floor to part of the building. Documentary evidence reveals that historically this previously existed but was destroyed during a fire. The proposals also include building a new extension on the rear of the building incorporating a contemporary architectural design approach. Negotiated amendment to the scheme have resulted in the dimensions of the extension being reduced which addresses concerns about the dominance of the originally proposed larger extension in relation to the heritage asset. Both the proposed re-use of the building and the architectural approach to the conversion would preserve the character of the building are satisfactory and would assist the future preservation of the heritage asset.
- 6.10.5 The building to the west is a former Oasthouse. This is a considerably smaller building. It is a designated heritage asset – being listed within Grade II. The proposed re-use of the disused building would secure its retention as a designated heritage asset. Moreover, consideration has been given to the proposed works to the building and its relationship with the surrounding development. There would be some impacts on the significance of the heritage asset, particularly by the introduction of the adjacent new housing; however, this would be less than substantial harm. When weighed against the benefits of securing a re-use for the building and also, meeting the housing needs of Robertsbridge, the less than substantial harm would be acceptable in relation to the public benefits of the scheme. This development satisfies paragraph 196 of the National Planning Policy Framework.

*The Stray*

- 6.10.6 'The Stray' is the name given to the part of the development immediately behind the Victorian mill building and the associated new roadway. In past discussions/negotiations with the applicant officers have raised concerns in relation to the density and volume of development in this part of the site. Whilst some charges have been introduced by the applicant to mitigate these impacts it remains the case that this part of the site displays closely-knit properties, displaying extensive areas of brickwork and hard landscaping, which together give the public realm a rather over-engineered impression; in this regard the, the resultant environment is rather 'urban' in character and appearance. Clearly a balanced judgement has to be made as to whether the aforementioned concerns associated with this part of the site are sufficiently harmful as to justify refusal of the planning application. In this regard it is recognised that there is an argument for part of the development having its own local character, associated with the 'industrial' character of the historic mill. In the circumstances it is not considered that an overall objection the general character of the development could reasonable be sustained.

*The Avenue:*

- 6.10.7 'The Avenue' is the name given to the northern arm of the site and the proposed new houses fronting either side of the access road (The Avenue). Here, the proposed density of development is less intense than at 'The Stray'. The houses themselves, again, are based upon a contemporary design approach. The scale of the individual houses are 1½, two and three storey in this part of the site and being higher ground the upper parts of the development would be visible in the wider landscape. Following negotiations some amendments have been carried out in this part of the site to mitigate against some of the impacts of the development – particularly the views from the public footpath that follows the mill race.

6.11 Affordable Housing:

- 6.11.1 Whilst Core Strategy Policy LHN2 requires the provision of 40% affordable housing to be provided on major schemes in the rural area no affordable housing is being proposed in this case. This lack of any affordable housing relating to the development of the Mill Site was acknowledged by the Examiner at the Hearing into the SRNDP.

*"At the hearing, Hodson's Mill Ltd indicated, that for viability reasons, the Mill Site would only be able to provide a nominal contribution to affordable Housing."*

- 6.11.2 Confidential viability evidence has been submitted with the application and Council has employed the District Valuer Service (DVS) to assess the veracity of the information. The DVS has agreed with the findings of the evidence. Whilst the Examiner himself was not able to comment on the evidence, the reasons put forward by Hodson's Mill Ltd for being unable to comply with the affordable housing provision was largely accepted by the Examiner:

*"I consider it highly unlikely, due to the uncertainties surrounding the actual condition of the Mill Building once work commences and the high development costs associated with the restoration and conversion of the historic buildings, plus the possibility of having to remediate contaminated land, that full compliance with the normal affordable housing policy will be possible."*

- 6.11.3 It was on this basis that the Examiner added the additional housing allocation of the Grove Farm site to the SRNDP, as that site would be expected to deliver the affordable housing required by the village.

- 6.11.4 Nevertheless as on other schemes where viability is accepted it is desirable for this position to be reviewed at a later stage when true costs are known. This is dealt with through the section 106 Agreement.

6.12 Highway Issues:

- 6.12.1 Both Highways England and the Highway Authority (ESCC) have been consulted on the development of the site. Highways England deal with matters relating to the strategic road network (in this case the A21 trunk road); the Highway Authority have responsibility for the majority of the remaining highway network within the district.

*Highways England:*

- 6.12.2 Highways England, understands that the emergency link is unlikely to be used regularly but considers that it is nevertheless a new connection to the Strategic Road Network and as such there are strict procedures that HE say that it cannot deviate from in this respect. Additional information from the applicant has therefore been requested by HE including a Stage 1 Road Safety Audit. The applicant has indicated that this work is being put in place; however, as re-consultation would be necessary with HE it is not expected that the additional work would be completed in time for the Committee meeting.

*The Highway Authority:*

- 6.12.3 The Highway Authority has been consulted on the amended details and has now confirmed that the proposed level of parking provision is the only reason for the Highway Authority objecting to the development.
- 6.12.4 The overall parking provision made in the development is now 255 spaces which includes 43 garages. Under published ESCC parking guidance (October 2017), it is held that a garage should only be counted as 0.3 of a normal parking space. This means that under ESCC guidance the provision made in the scheme for 255 spaces only counts as 225 spaces. ESCC are seeking a total of 265 spaces (215 for the residential element and 50 for the commercial element).
- 6.12.5 The applicant has commented upon the ESCC parking requirement indicating that the substitution of the garages for open parking spaces impact upon the architectural quality of the scheme but they have been able to make minor revisions to the house types to increase the size of the garages and thereby make them more readily available to accommodate a modern car. Additionally a new un-allocated resident/visitor car park has been provided adjacent to the access to the site to provide an additional 20 spaces. This would still represent a shortfall of 20 spaces throughout the scheme (with ESCC's reduced tally attached to garage provision applied). The means of addressing this remaining shortfall would probably be either the loss of the integral garages in lieu of providing open parking spaces or reducing the number of residential units – both of which the applicant has indicated would not be favourable options.
- 6.12.6 The application therefore falls to be determined on the basis of the submitted scheme. Whilst the shortfall in parking provision might be seen as regrettable, the latest Government advice in the National Planning Policy Framework at paragraph 109 is perhaps relevant; this states that, *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. In the circumstances, the shortfall in parking spaces identified, as a proportion of the whole, would be unlikely to be so severe as to justify a refusal of planning permission for the whole development. It is also noted that the parking provision is supported by the PC. A condition requiring the retention of the approved garages is recommended.

6.13 Heritage: the setting of Heritage Assets and the Conservation Area:

- 6.13.1 Hodson's Mill is a disused Victorian mill building and is considered to be a non-designated heritage asset. The adjacent building to the west is a former

Oasthouse (a stowage building and Oast) and is a designated heritage asset – being listed within grade II. Both buildings would be retained and converted as part of the scheme. A separate application for listed building consent has been submitted under RR/2017/383/L.

6.13.2 Section 66 of the T&CP (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when considering whether to grant planning permission, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. This is reflected in government guidance in the National Planning Policy Framework, which gives support to the conservation and enhancement of a significant heritage asset in a development, as well as Policy EN2 of the Council's CS, and Policies EN5 and EN6 of the SRNDP, which sets out that designated historic heritage assets will be preserved and enhanced for their historic significance, including the contribution made by their settings. The proposed alterations to the Oasthouse and the proposed extension the create roofs to the square kilns would be in keeping with the character and appearance of the building. The application site is land allocated for major housing development site in the SRNDP and in this regard, it is the case that if development goes ahead there will be some impact on the industrial setting of the Oasthouse. Having regard to paragraph 196 of the National Planning Policy Framework, however, the development would lead to less than substantial harm to the significance the designated heritage asset; and the limited impact needs to be balanced against the public benefits of securing the optimum viable use of the listed building to secure its preservation and also, the requirement to provide new housing in the village. Moreover, the limited impact on the designated heritage asset – including its setting – would be mitigated by the use of appropriate key design principles, including sympathetic layout, the preservation of open views across the riverside park, landscaping, and appropriate surface treatment of the adjacent car parking area.

6.13.3 The impact on the significance of the Hodson's Mill building as a non-designated heritage asset is also a material consideration (paragraph 197 of the National Planning Policy Framework). In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. It is considered that the proposed extensions to the building (as amended) would now be acceptable. There would be some impacts to the appearance and character of the building arising from the conversion works (such as the requirement for a fire-escape and raised terracing); these would however facilitate the reuse of the building, which should secure its preservation. Any impacts on the building and its setting would be proportionate when assessed against the requirements of paragraph 197 of the National Planning Policy Framework.

6.13.4 Section 72 of the T&CP (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty on local planning authorities in the exercise of their planning functions to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation area. The Robertsbridge – Northbridge Street Conservation Area includes the aforementioned buildings, the mill pond, the land in front of the buildings (identified on the plans as a proposed riverside park, and a separate small pocket of wooded land fronting Northbridge Street in the eastern end of the site. The Council's Conservation Area Appraisal: Robertsbridge &

Northbridge Street states that, ‘a low-lying expanse of green fields, pasture and playing fields is a key part of the setting of Robertsbridge village, as well as providing a clear distinction between that settlement and that of Northbridge Street and the Mill’. The Mill itself is described as, “...though not listed, it is of considerable intrinsic architectural and historic interest, and is a highly visual and tangible reminder of the village’s industrial heritage. Also of interest and historic value on the site is a former Oasthouse, and a Grade II listed store building.” The application proposal would preserve views of the mill building across the low-lying land from The Clappers and the recreation ground.

- 6.13.5 Historic England has been consulted on the application and whilst recommending that there is no objection to the application on heritage grounds, the consultation response nevertheless identifies that the proposals will still have a significant impact on the character of the site. The comments from HE are summarised in the consultation part of this report and can be viewed in full on the website. HE has raised two areas of concern: (i) the proposed parking areas adjacent to the access and the riverside park, which it is indicated impact on the setting of the Mill building and the conservation area and HE suggests could alternatively be repositioned between the two heritage asset buildings. In this regard, the parking areas as proposed would have some (less than substantial) impact on setting of the Mill and the conservation area: however, this would also apply if alternatively, the area between the two heritage assets was to be used for parking. Moreover, it is unlikely that the area between the buildings is large enough to accommodate all the parking and other areas would still need to be provided elsewhere. The second area of concern (ii) is the proximity of the proposed terrace of new housing to the rear of the Hodson’s Mill building and the impact on the setting of the heritage asset. In this regard it is relevant that this land is presently derelict, and moreover it is not prominent in public views. Additionally, it is proposed to construct a three storey extension along the full length of the rear of the Mill building, which would clearly sit between the new terrace and the original Mill building. In the circumstances, it is considered that any impacts to setting in this location would not be so significant, so as to justify a requirement for fundamental amendments to the development proposed or indeed, alternatively, a refusal of planning permission.
- 6.13.6 If the Mill Site is to be used to accommodate the greater part of the housing allocation for Robertsbridge this will inevitably have some impact on the existing character of the site. This needs to be balanced against the benefits of the scheme, including the provision of additional dwellings in the district and the future preservation of the heritage assets themselves by putting them to a viable alternative use. In the circumstances, it is considered that the amendments to the scheme that have been secured through a series of negotiations with the applicant have led to an acceptable scheme that will deliver new development whilst providing a satisfactory degree of protection to heritage assets and the conservation area.
- 6.13.7 The application responds to the statutory duty to preserve or enhance the conservation area and also, have special regard to the desirability of preserving the listed building or its setting.

#### 6.14 Nature conservation and biodiversity:

- 6.14.1 The nature conservation and bio-diversity issues are a material planning consideration in the determination of the application. Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The site comprises derelict buildings, substantial areas of concrete remnant hard-standings, a small area of self-seeded trees, and a riverside environment with associated woodland and grassland areas.
- 6.14.2 An Ecological Assessment Report (February 2017) has been submitted with the application. This concludes that there are not considered to be any significant adverse effects on any statutory or non-statutory sites of nature conservation interest as a result of the proposal. The findings in the Assessment Report conclude the Hodson's Mill building is an occasionally used day roost of individual/small numbers of brown long-eared bats that would be affected by the proposals. Accordingly a Natural England licence would be necessary before development work can commence on this building. As mitigation it is proposed that bat boxes would be provided in suitable locations. The presence of dormice was also detected in the surveys and again, a Natural England licence would be required before any habitat could be interfered with in conjunction with a mitigation strategy. Additionally, the Report identifies low populations of slow worms, common lizards and grass snakes within the site. A translocation exercise would be carried out together with habitat enhancement within the site. The ecological survey findings indicate that the majority of the site is of relatively low bio-diversity value; however, in addition to licence applications to Natural England, recommendations have also been made to achieve ecological enhancements for such protected/notable species wherever possible. In this regard if the Committee is minded to grant planning permission an appropriate condition should be imposed to provide for mitigation measures and also, provide some wildlife enhancement.

#### 6.15 Impact on the living conditions of neighbouring properties:

- 6.15.1 Policy OSS4 (ii) states that all development should not unreasonably harm the amenities of adjoining properties. Existing properties adjoining the site essentially comprise the house fronting the access (Salisbury House) and the (mainly) ribbon of residential properties fronting either side of Northbridge site to the east. Any assessment of the impact on the living conditions of neighbouring properties has to be viewed in relation to the activity, noise, smells and vehicle movement associated with the use of the site when it was used as a commercial site (SCATS and Grampian Foods). The site has since been allocated via the Neighbourhood Plan process for a mixed use development. There would be some impacts for neighbours, principally from increased vehicle movements at the access and on the High Street and Northbridge Street; however it is not considered that any impacts arising from the proposal would result in unreasonable harm to the amenities of an adjoining property.



## **7.0 SUMMARY**

- 7.1 The SRNDP has been made and the application site is allocated in the plan for a mixed use development comprising residential and commercial uses).
- 7.2 It is a derelict industrial site and as such, the proposal would re-use 'brown-field' land, as supported by the National Planning Policy Framework.
- 7.3 The application site contains two buildings, which are recognised as heritage assets. The proposed development makes provision for the re-use and preservation of the buildings as part of the scheme.
- 7.4 Parts of the application site, including the proposed access serving the development are within the flood plain and susceptible to flooding. To satisfy the basic requirements of the 'Sequential Test' an emergency access route is proposed on the higher land for use by the emergency services during an extreme flood event.
- 7.5 The details of the development including the layout, scale density, and appearance have been the subject of negotiations with officers and the submission has evolved and moved forward from the original submission. Whilst, notwithstanding this, there remains some concerns, in particular with parts of the development where the architectural approach to the density of development and abundance of brickwork result in the environment having a rather 'urban' character and appearance, a balanced judgement has to be made and it is recognised that there is an argument for part of the development having its own local character, associated with the 'industrial' character of the historic mill.
- 7.6 No affordable housing is proposed as part of the development. The reasons put forward for this are viability grounds, particularly relating to high development costs associated with the restoration and conversion of the historic buildings, plus having to remediate contaminated land.
- 7.7 There are outstanding highway concerns with the development. The first is Highways England's requirement for a Stage 1 Road Safety Audit in respect of the emergency access; the applicant has indicated that this work is being put in place, however, it is not expected that the additional work would be completed in time for the Committee meeting. The second concern is raised by the Highway Authority and concerns a shortfall in the level of parking provision. The applicant has indicated that he wishes the Planning Committee to consider the application on the basis of the submission, arguing that the guidance from ESSC has been introduced at a late stage in the application process and the already demanding parking requirements would provide an acceptable level of provision across the site.
- 7.8 The proposals for the development of the site would contribute significantly to the number of new dwellings that are required in the Neighbourhood Plan area, as well as providing new employment development
- 7.9 Being mindful of the recognised need for new housing the proposals for the development of the site would not have an unreasonable impact on the AONB and would recognise the statutory duty to preserve or enhance the conservation area and also, have special regard to the desirability of preserving the listed building or its setting.

- 7.10 The planning application for the development of the site is supported by the Parish Council.
- 

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

- 8.1 The Council has adopted CIL and this is a development for which CIL would be charged.
- 

### **RECOMMENDATION: GRANT (FULL PLANNING) DELEGATED SUBJECT TO:**

- (I) CONFIRMATION FROM HIGHWAYS ENGLAND THAT THE ROAD SAFETY AUDIT INFORMATION REQUIRED IN RESPECT OF THE EMERGENCY ACCESS IS SATISFACTORY; AND:**
  - (II) SATISFACTORY COMPLETION OF A SECTION 106 PLANNING OBLIGATION TO ENSURE:**
    - (i) THE CONVERSION OF THE TWO HERITAGE ASSET BUILDINGS AND THE PROPOSED NEW BUSINESS UNITS (WEALDEN HALL HOUSE) ARE DELIVERED AT THE SAME TIME AS THE HOUSING DEVELOPMENT;**
    - (ii) MANAGEMENT AND FUTURE MAINTENANCE PROPOSAL ARE IN PLACE FOR THE PROPOSED RIVERSIDE PARK;**
    - (iii) THE PROVISION TWO NEW BUS STOPS SOUTH OF THE PROPOSED DEVELOPMENT (INCLUDING: CLEARWAYS, RAISED KERBS, BUS SHELTERS, AND PEDESTRIAN ROUTES, INCLUDING SAFE PEDESTRIAN CROSSING ARRANGEMENTS); AND**
    - (iv) A REVIEW MECHANISM IN RESPECT OF THE AFFORDABLE HOUSING REQUIREMENT.**
- 

### **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:  
Existing Site Survey 1228-P-100 Rev C  
Site Layout Plan 1228-P-101 Rev G  
Mill Ground and First Floor 1228-P-102 Rev C  
Mill Second and Third Floor 1228-P-103 Rev C  
Mill Fourth, Fifth and Roof 1228-P-104 Rev C  
Mill Elevations 1228-P-105 Rev C  
Mill Elevations 1228-P-106 Rev D  
Ockham Court 1228-P-107 Rev B  
Rother Court East 1228-P-108 Rev C  
Wealden Hall Floorplans 1228-P-109 Rev C  
Wealden Hall Elevations 1228-P-110 Rev B  
Oast House Existing 1228-P-111 Rev B  
Oast House Proposed 1228-P-112 Rev B  
House Type A 1228-P-121 Rev C

House Type B 1228-P-122 Rev D  
House Type C 1228-P-123 Rev C  
House Type J 1228-P-128 Rev C  
House Type K 1228-P-129 Rev C  
House Type L 1228-P-130 Rev C  
House Type M 1228-P-131 Rev C  
House Type P 1228-P-132 Rev C  
Site Sections and Elevations AA/BB 1228-P-141 Rev C  
Site Sections and Elevations CC/NN 1228-P-142 Rev D  
Site Sections and Elevations DD/EE 1228-P-143 Rev D  
Site Sections and Elevations FF/GG/HH 1228-P-144 Rev B  
Site Sections and Elevations JJ/KK 1228-P-145 Rev D  
Rother Court West 1228-P-181  
House Type D 1228-P-182 Rev A  
House Type E 1228-P-183  
Red Line Boundary Plan 1228-P-201 Rev C  
Site Layout Plan 1228-P-202 Rev E  
Site Layout Plan 1228-P-203 Rev E  
Site Layout Plan 1228-P-204 Rev E  
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.

#### *Pre-commencement conditions*

3. 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 two buildings proposed for conversion (Oast and Mill) 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 RDC. 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.
4. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval and all works shall be completed in accordance with the approved details.
  - a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall include the history of the site's uses and a walk-over survey. It shall, if necessary, propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.
  - b) The site investigation, including relevant soil, soil gas, surface and ground water sampling, in accordance with a quality assured sampling and analysis methodology.

- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment (including any controlled waters).
- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination should be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for approval.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: Previous uses of the site may have left the land contaminated and in order to avoid risks to health or the environment investigation and mitigation may be required in accordance with Paragraphs 118, 170 and 178 of the National Planning Policy Framework and Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

- 5. 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: To prevent pollution of the water environment in accordance with Policy Paragraphs 118, 170 and 178 of the National Planning Policy Framework and Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

- 6. Prior to the commencement of development an updated Flood Risk Assessment (FRA) shall be submitted for the consideration of the Local Planning Authority and its subsequent approval. This should provide details of the flood risk to dwellings within the high risk zones and provide appropriate mitigation, including finished floor levels and safe access and egress. The details should demonstrate that the exception test is shown to have been passed for those dwellings in a high risk flood zone. The development shall be carried out only in accordance with the approved details.

Reason: In the interests of health and safety and to protect more vulnerable development, in the event of a 1 in 100-year event throughout the lifetime of the development, in accordance with Paragraphs 159-163 of the National Planning Policy Framework.

7. No development shall commence until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted for the consideration and approval of the Local Planning Authority in consultation with Southern Water services. The development shall be carried out in accordance with the approved scheme and timetable.  
Reason: To ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.

8. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. This shall incorporate the following details:

- (i) An integrated 2D hydraulic model of the proposed surface water drainage system and the river should be undertaken to support the surface water drainage design prior to commencement on site. The integrated model should clearly show the following:
  - a) The expected flooding extent from both the river levels, when defences have been overtopped, and the flooding surface water drainage network during a events with a 1 in 100 (plus climate change) annual probability of occurrence
  - b) How the flood waters will be managed safely without endangering property or people. This should take into account the expected flood depths and hazard
- (ii) A detailed surface water drainage system [based upon (i)] for the entire site should be submitted for the consideration and approval of the Local Planning Authority in consultation with (ESCC) as Lead Local Flood Authority, prior to commencement of development. This design should address the following:
  - a) Any proposals to use permeable pavement with depths in excess of 1m should be supported by evidence from a qualified geotechnical engineer that the system will be structurally sound for the lifetime of the development.
  - b) Groundwater monitoring covering autumn to spring months as a minimum should inform the design of all drainage structures serving the development. Measures to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage structures should be provided.
  - c) The time it will take the drainage system to empty following rainfall events which occur when river levels are high.

The scheme shall subsequently be implemented in accordance with the approved details before the occupation of the development. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

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 163 and 165 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

9. No development shall take place until the details of the design of the escape route for use by the emergency services, including surfacing, fencing and

gates, has been submitted to and approved in writing by the Local Planning Authority. The details shall show that the design of the escape route – including any gates – will not interfere with the public footpath. The escape route shall be constructed only in accordance with the approved details, before any part of the residential development is first occupied, and agreements with all landowners involved shall be put in place to the written satisfaction of the Local Planning Authority before such first occupation to ensure that the escape remains open and available for use for the lifetime of the development.

Reason: the provision of the escape route is fundamental to the requirements of protecting more vulnerable development, in the event of a 1 in 100-year event and needs to remain in place in the interests of health and safety throughout the lifetime of the development. Moreover, it needs to be designed in a manner that is sympathetic to the AONB to accord with the requirements of 157-158 and 172 of the National Planning Policy Framework and Policy EN7 of the Rother Local Plan Core Strategy.

*Other conditions:*

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

Reason: To ensure that the development reflects the character and/or appearance of the existing building and to preserve the visual amenities of the area in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

11. No above ground works shall commence until the following public realm and hard landscaping details have been submitted for that part of the site and have been 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 Policies EN3 and EN1 of the Rother Local Plan Core Strategy.

Note: In order to preserve the setting of the heritage asset buildings and the conservation area, the visitor parking areas adjacent to the site entrance, the mill parking immediately to the east, and the Oasthouse carpark shall be laid out in an informal, un-demarcated form and shall have a bonded gravel finish,

or a similar alternative surface treatment that shall have been approved in writing by the Local Planning Authority.

12. In respect of condition 11, the boundary fencing details comprising the garden boundaries to the rear of plots nos. 75-85 shall only comprise open (post and wire) fencing, as detailed in the application. This shall be retained thereafter and no solid fencing shall be erected in this location.  
Reason: To ensure appropriate development of the site, the preservation of the rural character of the footpath which passes between the mill race and the rear gardens of those properties and protect the quality of the AONB in this part of the site, in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy and 172 of the National Planning Policy Framework.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), no extensions, buildings or structures as defined within classes A and E of Part 1 of the Schedule 2 of the order, shall be erected to the rear of the properties occupying plots no's 75-85, otherwise than in accordance with a planning permission granted by the Local Planning Authority.  
Reason: To ensure appropriate development of the site, the preservation of the rural character of the footpath which passes between the mill race and the rear gardens of those properties and protect the quality of the AONB in this part of the site, in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy and 172 of the National Planning Policy Framework.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), the garages hereby approved and associated with the individual dwellings, shall be retained for such use and shall not be altered internally or externally for use as habitable accommodation.  
Reason: To ensure a satisfactory level of off-road parking facilities so as not to prejudice the free flow of traffic and conditions of general safety along the highway and to accord with Policy TR4 of the Rother Local Plan Core Strategy.
15. Protective fencing in accordance with BS 5837:2012 shall be erected to protect those trees and hedgerows identified in the application as to be retained during and after the course of the development. The protective fencing shall be kept in place until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.  
Reason: The site contains trees and hedgerows which contribute to the character of the area and should be conserved to ensure that the development integrates within the landscape in accordance with Policy OSS4 (iii) of the Core Strategy and paragraph 172 of the National Planning Policy Framework.
16. 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) planting plans, including landscape and ecological mitigation.



b) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

c) 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 Local Plan Core Strategy.

17. 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.

18. Prior to the occupation of the buildings for the purposes hereby approved a vehicular access serving the development shall have been constructed in accordance with the approved drawing no 1228-P-101 Revision G and in accordance with construction details that shall have been submitted for the consideration of the Local Planning Authority in consultation with the Highway Authority.

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

19. 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.

20. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details 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.

21. 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 to and approved in writing by 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.

22. No development affecting the statutory route or alignment of public footpath alignment of footpath 8a (Salehurst & Robertsbridge) shall be carried out unless a diversion order under section 257 of the Town and Country Planning Act has been made and has been subsequently granted.

Reason: This planning permission does not authorise any interference with, or disturbance of, the public right of way, which crosses the site.

23. 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.

24. During any form of earthwork, excavations and/or building construction work that are carried out as part of the development, suitable vehicle 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 and to accord with Policies OSS4 (ii) (iii) and TR3 of the Core Strategy.

25. The proposals contained within the submitted Travel Plan Framework (Green Travel Plan) detailing the provision of alternative transport arrangements to enable access to and from the site other than by car, shall be implemented in accordance with the timetable set out in the document. The proposals for the monitoring and review of the Plan, in conjunction with the Local Planning Authority and ESCC, to ensure ongoing compliance shall be carried out in accordance with that set out in the document.

Reason: In the interests of providing a sustainable development and to reduce the harmful effects of traffic upon the character, amenities and highway safety for the surrounding area, in accordance with Policy TR2 of the Rother Local Plan Core Strategy.

26. All works shall be carried out and completed in accordance with the advice and mitigation measures contained within the Ecology Solutions Ltd. 'Ecological Assessment' dated February 2017. The development hereby approved shall not be occupied for residential purposes until bird boxes and bat boxes have been provided on site in accordance with the recommendations.

Reason: 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 (v) (viii) & (ix) of the Rother Local Plan Core Strategy.

**NOTES:**

1. Southern Water Services has asked that it be brought to the developer's attention that the detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development potential flooding.
2. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
3. This permission is the subject of an obligation under section 106 of the Town and Country Planning Act 1990.
4. This planning permission does not authorise any interference with, or disturbance of, the public right of way, which crosses the site. If a diversion or stopping-up order of this public right of way is desired a further application should be made to the relevant authority.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the Framework (paragraph 38) 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.

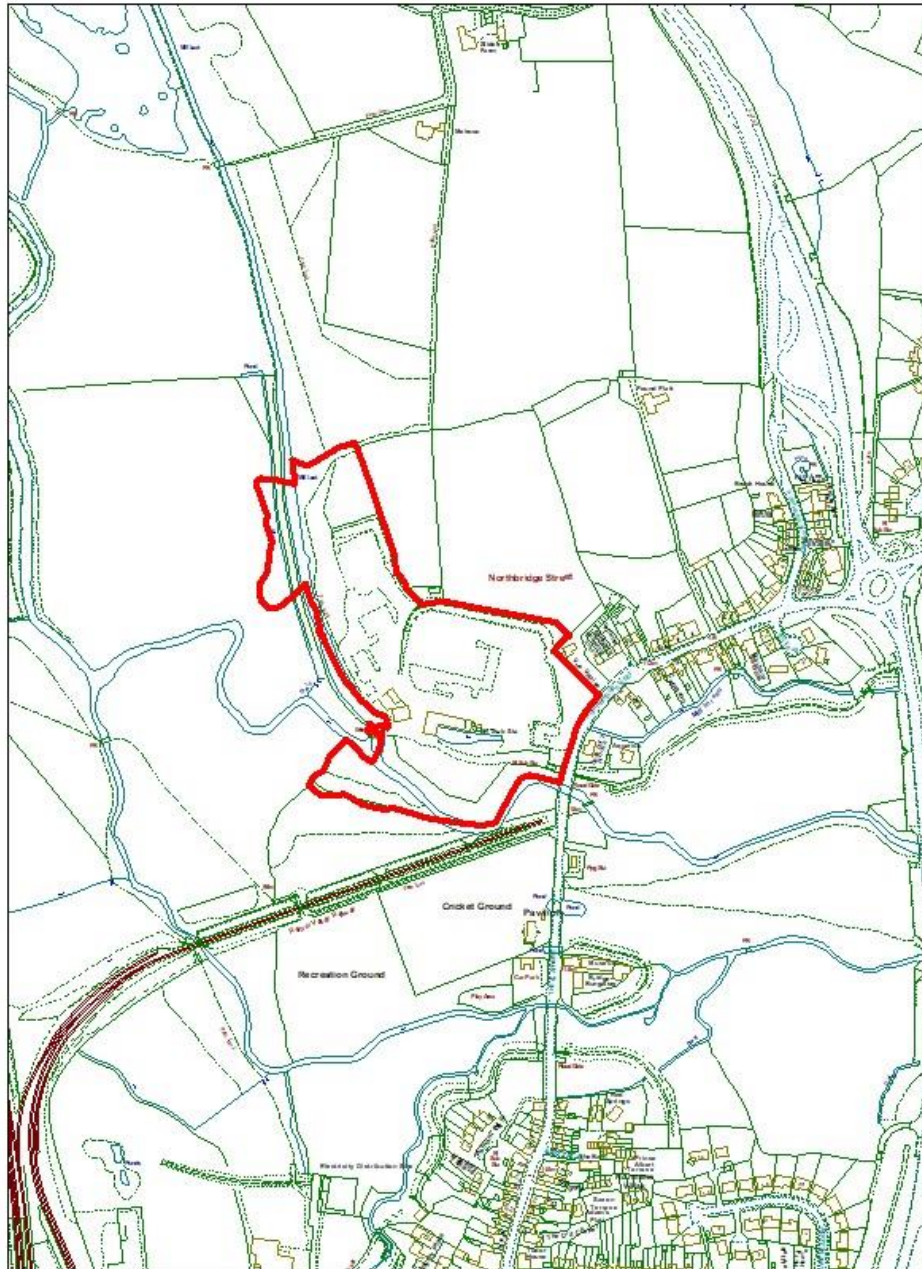
[View application/correspondence](#)

SITE PLAN

SALEHURST

RR/2017/383/L

HODSON'S MILL, NORTHBRIDGE STREET



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No 100018643 2013.

Not To Scale

RR/2017/383/L

**Salehurst/Robertsbridge: Hodson's Mill, Northbridge Street****Restoration works to the Oasthouse**

**Applicant:** Mr Max Meyer (Hodson's Mill Limited)  
**Agent:** N/A  
**Case Officer:** Mr M. Cathcart (Email: [mark.cathcart@rother.gov.uk](mailto:mark.cathcart@rother.gov.uk))  
**Parish:** SALEHURST & ROBERTSBRIDGE  
**Ward Members:** Councillors G.S. Browne and Mrs S.M. Prochak

**Reason for Committee consideration:** Head of Service Strategy and Planning referral: associated planning application is a strategic housing site.

**Extension of time agreed to: 16 October 2018**

This application is included in the Committee site inspection list.

---

**1.0 POLICIES**

- 1.1 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- RA4: Traditional historic farm buildings.
  - EN2: Stewardship of the historic built environment.
  - EN3: Design quality.

- 1.2 Salehurst and Robertsbridge Neighbourhood Development Plan (SRNDP) has now been made and is in full force. The following policies of the SRNDP (summarised) are relevant to this application:

*Historic Environment:*

- EN5 sets out that designated historic heritage assets in the Parish and their settings, including listed buildings, historic public realm, sites of archaeological significance and scheduled ancient monuments or conservation areas will be preserved and enhanced for their historic significance, including the contribution made by their settings.
  - EN6 says that development that would result in the loss of listed buildings and scheduled ancient monument will not be supported.
- 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:
- Section 16: Conserving the historic environment.
- 1.5 Legislation contained within the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant to the proposal. At section 16 this states that in considering whether to listed building consent for any works 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.

---

## **2.0 SITE**

- 2.1 The application relates to the Grade II listed Stowage Barn and Oast (Oasthouse) within the Robertsbridge Mill Site. The commercial site is now disused. Historically, the land in part comprised a corn mill in the 1800s (Mill Farm). This building was the original farm Oast. It stands next to a later and more substantial, Victorian, former flour mill building on the site, known as Hodson's Mill (a brick building, built between 1873 and 1898). The latter is an undesignated heritage asset.
- 

## **3.0 HISTORY**

- 3.1 There is an associated planning application on this agenda relating to development at the Robertsbridge Mill Site:

RR/2017/382/P: Erection of 96 No. residential dwellings (Use Class C3), non-residential floorspace comprising 280sqm (Use Class A3) and 920sqm (Use Class B1), and associated access, car/cycle parking, open amenity space, strategic landscaping and green infrastructure and including restoration works to the Mill Building and Oast House.

- 3.2 RR/2007/2560/L Conversion and works to existing listed building and adjoining building into two residential units. Refused. Appeal allowed (not implemented)
- 

## **4.0 PROPOSAL**

- 4.1 The proposal is for the works associated with its conversion and change of use to offices. The works include the construction of two new twin Oast roofs with cowls, to replace a modern pitched roof, new metal framed 'frameless' glazing to the existing openings, and a new frameless glass and lead topped dormer behind the new roof windows.
- 4.2 In addition to the plans and drawings an Archaeological Evaluation Report, a Heritage Statement, and a Structural Survey have been provided with the application.
- 

## **5.0 CONSULTATIONS**

- 5.1 Parish Council: has no objections to the application.

- 5.2 County Archaeologist: (Summarised)

- 5.2.1 No objection 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 which are outlined in this response.*

5.3 Historic England:

5.3.1 Recommendation: Historic England has no objection to the application on heritage grounds.

5.3.2 Comments summarised: indicate that the proposals were the subject of pre-application consultations with Historic England. A report by Archaeology South East has been submitted and provides a good basis for understanding the significance of the listed building. The main concerns from a heritage perspective are the potential effects of significant development on the setting of the listed Oasthouse and the (non-listed) Hodson's Mill building. The proposals have been amended from those first shown to take account of these concerns but they still have a significant effect on the character of the site. The southern part of the site is in the conservation area. This is the most transitional part of the site and we welcome the suggested 'Riverside Park' in principle. The treatment of the immediate setting of the heritage assets should therefore suggest that the location of the proposed 'visitor parking' and 'mill parking' (presently shown adjacent to the access and Northbridge Street) should be reconsidered and an obvious site for the latter would be between the heritage assets – albeit in a simple un-demarcated form. This area was historically the site of a building (now demolished). We also have reservations about the proposed terrace (timber decking) hard up to the south of the mill building with its illustrative domestic clutter. We consider that the issues outlined in our advice need to be addressed in order for the application to meet the requirements of the National Planning Policy Framework.

5.4 Planning Notice:

5.4.1 No comments received.

---

**6.0 APPRAISAL**

6.1 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when considering whether to grant listed building consent, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

6.2 This is reflected in government guidance in the National Planning Policy Framework, which gives support to the conservation and enhancement of a significant heritage asset in a development, as well as Policy EN2 of the Council's Core Strategy, and Policies EN5 and EN6 of the SRNDP, which sets out that designated historic heritage assets will be preserved and enhanced for their historic significance, including the contribution made by their settings. The proposed alterations to the Oasthouse and the proposed extension to create roofs to the square kilns would be in keeping with the character and appearance of the building.

6.3 The application site forms part of a parcel of land allocated for major housing development site in the SRNDP and in this regard, it is the case that if



development goes ahead there will be some impact on the industrial setting of the Oasthouse. Having regard to paragraph 196 of the National Planning Policy Framework, however, the development would lead to less than substantial harm to the significance the designated heritage asset; and the limited impact needs to be balanced against the public benefits of securing the optimum viable use of the listed building to secure its preservation and also, the requirement to provide new housing in the village. Moreover, the limited impact on the designated heritage asset – including its setting – would be mitigated by the use of appropriate key design principles, including sympathetic layout, the preservation of open views across the riverside park, landscaping, and appropriate surface treatment of the adjacent car parking area.

---

## **7.0 SUMMARY**

- 7.1 The proposed restoration works to the Oasthouse would be in keeping with the character of the listed building and its setting which is required to be preserved in accordance with section 16 of the Planning (Listed Buildings and Conservation Areas Act) Act 1990.
- 

## **RECOMMENDATION: GRANT (LISTED BUILDING CONSENT)**

---

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 No. 477/58/1\_SLP01  
Validation: OS Block Plan: Drawing No. 1228-P-201 Revision B  
Oast House Existing Plans and elevations Drawing no. 1228-P-111 Revision B  
Oast House: Proposed Plans and Elevations Drawing no. 1228-P Revision B.  
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 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 the approved details:
  - a) 1:50 scale survey drawings for all existing timber framing to wall and roofs including studs and rafters showing which are to be retained, replaced, removed or repaired and including methods of repair where applicable.
  - b) 1:50 scale survey drawings showing all areas of brickwork or other masonry which it is proposed to repair, demolish and/or rebuild, including methods of repair where applicable.
  - c) 1:20 scale plan sections and elevations of all proposed new internal first and second floor structures, floor supporting structures, including the



- proposed 6 No. new supporting columns, including details of their relationship to the historic structure, and junctions with historic fabric.
- d) 1:20 scale plan sections and elevations of the proposed roof dormer, including details of its relationship to the historic structure, and junctions with the historic fabric.
  - e) 1:10 scale section through all external walls (masonry or timber framed), where it is proposed to alter the existing details to achieve better insulation and/or weatherproofing or for other purposes.
  - f) 1:20 scale drawings of all existing retained or reconstructed stowage barn or other external doors where these are to be retained fixed shut, or allowed to remain capable of being open.
  - g) 1:10 scale drawings illustrating proposed eaves and ridge detailing, indicating the provision of eaves and ridge level ventilation and the specification of any roofing felt and insulation where proposed.
  - h) details of all proposed external flues and vents, including their method of fixing and interface with the existing structure, and external colour treatment.
  - i) Details of all rainwater goods and other external pipework, indicating section sizes and profiles.
  - j) details of all new joinery, including doors and partitions, with elevations at a scale of 1:10 and with full size sections through cills, frames and opening lights, including glazing bars and mullions, and showing the relationship to the existing structure.
  - k) details of all new metal windows, with elevations at a scale of 1:10 and with full size sections through cills, frames and opening lights, including glazing bars and mullions, and showing the relationship to the existing structure.
  - l) details of any new external materials (including bricks, weatherboarding and roof tiles).

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 Policies RA4(iii), EN2 (iii), (vi), and section 16 of the National Planning Policy Framework.

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 conversion of the stowage barn and Oast) 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.

[View application/correspondence](#)



---

RR/2018/1496/P**BEXHILL Chestnut Meadow Camping & Caravan Park, Ninfield Road****Extension to existing caravan park for the siting of static caravans (for holiday purposes) and formation of new access road, landscaping and associated infrastructure**

---

**Applicant:****Mr A. Skilton****Agent:****RPS Group plc****Case Officer:****Mr M. Worsley****(Email: [matthew.worsley@rother.gov.uk](mailto:matthew.worsley@rother.gov.uk))****Ward Members:****Councillors J.J. Carroll and M.R. Watson****Reason for Committee consideration: Member referral: Councillor M.R. Watson****Statutory 13 week date: 11 September 2018****Extension of time agreed to: 18 October 2018**

---

This application is included in the Committee site inspection list.

---

## **2.0 POLICIES**

- 1.1 The following policies of the Rother Local Plan Core Strategy are relevant to the proposal:
- OSS4: General development considerations.
  - RA2: General strategy for the countryside.
  - RA3: Development within the countryside.
  - EC6: Tourism activities and facilities.
  - CO6: Community safety.
  - EN1: Landscape stewardship.
  - EN2: Stewardship of the historic built environment.
  - EN3: Design quality.
  - EN5: Biodiversity and green space.
  - EN7: Flood risk and development.
  - TR4: Car parking.
- 1.2 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
- 

## **2.0 SITE**

- 2.1 Chestnut Meadow Camping and Caravan Park is located to the southeast side of Ninfield Road, behind residential development along Thorne Crescent. The applicant also owns other fields and woodland which adjoin the camping and caravan site.

- 2.2 The application site consists of two fields to the north of the existing camping and caravan site and which are to the west of Thorne Crescent. An area of ancient woodland immediately adjoins the application site to the west. There are a number of mature trees along the field boundary with Ninfield Road which are subject to a Tree Preservation Order (TPO).
- 

### **3.0 HISTORY**

- 3.1 RR/2018/537/P Extension to existing caravan park for the siting of static caravans (for holiday purposes) and formation of new access road, landscaping and associated infrastructure – Refused.

In summary, the reasons for refusal related to:

- 1) the adverse impact of the access road and footpath on the rural character of the area.
- 2) the adverse impact on ancient woodland.
- 3) the fact that it had not been satisfactorily demonstrated that surface water runoff from the proposed development could be managed without increasing flood risk off site.
- 4) the fact that no archaeological research or investigation was carried out for the proposed development and therefore it was not satisfactorily demonstrated that the proposed development would not adversely impact on archaeological remains.

- 3.2 RR/2017/1265/P New access track – Withdrawn.
- 3.3 RR/2014/2896/P Retention of mobile home for administrative and security purposes. Approved Conditional.
- 3.4 RR/2011/1866/P Temporary planning permission for mobile home for site manager's accommodation. Approved (temporary).
- 3.5 RR/2010/1799/P New site manager's bungalow. Withdrawn.
- 3.6 RR/2009/2174/P Works to existing infrastructure buildings on camping and caravan park with existing and current use. No change of extension of use proposed. Approved Conditional.
- 3.7 RR/2006/517/P Variation of Condition 1 imposed upon B/63/65 to alter opening season from 1 March – 30 October to mid-March to mid-January. Approved Conditional.
- 3.8 B/63/65 Camp for 75 tents. Approved Conditional.
- 

### **4.0 PROPOSAL**

- 4.1 Following the refusal of RR/2018/537/P, a revised scheme for the extension of the camping and caravan park is now proposed.
- 4.2 Permission is sought to place a total of 18 No. twin unit static caravans, to be used as holiday accommodation, within the same field immediately adjacent to the ancient woodland with associated access roads and parking spaces.

- 4.3 A drainage scheme has been incorporated into the design which includes an attenuation pond in the field to the north.
- 4.4 It is also proposed to construct a new vehicular access and footpath onto Ninfield Road with a hard surfaced internal road which would lead to the proposed mobile home development and the existing camping and caravan site in the field to the south. The existing access track to the southeast of Thorne Crescent would be stopped up.
- 4.5 The application is accompanied by a flood risk assessment, a drainage report, a transport statement, an ecology report, a reptile survey, a dormouse survey, a bat activity survey, a tree survey report, an arboricultural impact assessment and method statement and a landscape and visual impact assessment.
- 

## **5.0 CONSULTATIONS**

### **5.1 Highway Authority:**

- 5.1.1 No objection subject to the imposition of conditions. Comment that the proposed access offers significant safety improvements over the existing access.

### **5.2 Sussex Police:**

- 5.2.1 No objection.

### **5.3 County Archaeologist:**

- 5.3.1 No objection subject to the imposition of conditions.

### **5.4 Executive Director – Environmental Health:**

- 5.4.1 In the event that planning permission is granted a caravan site application will need to be submitted.

### **5.5 Lead Local Flood Authority:**

- 5.5.1 6 July 2018: Objection due to insufficient information.
- 5.5.2 6 September 2018: The additional information submitted by the applicant has addressed their initial concerns. No objection subject to the imposition of conditions.

### **5.6 Forestry Commission:**

- 5.6.1 No comments received.

### **5.7 Planning Notice:**

- 5.7.1 40 objections received (summarised):
- Adverse impact on rural character.
  - Density, layout and orientation does not relate to the character of the area.

- Caravans would be unsightly.
- Light pollution at night.
- Views will be ruined.
- Increased noise and activity, including barbeques, which will adversely impact on neighbouring properties.
- Privacy of neighbouring properties would be reduced.
- Value of nearby properties would be reduced.
- Increased pollution.
- Increased flood risk.
- Overload of existing sewage and utility arrangements.
- Increased risk to highway safety.
- Increased volume of traffic.
- Position of access is poor with poor visibility.
- Trees on frontage have TPO.
- Adverse impact on wildlife.
- Damage to flora and fauna.
- Loss of habitat.
- Caravans would be adjacent to ancient woodland.
- There are no amenities or services in the local area.
- Nominal tourism benefits.
- Security concerns.
- Individuals could stay in the caravans 50-52 weeks per year.
- Site was not a preferred site for development within the Development and Site Allocations.

---

## 6.0 APPRAISAL

6.1 The main issues to consider in the determination of this application include:

- The principle.
- The character and appearance of the locality.
- Highway safety.
- Ancient woodland, veteran trees, trees subject to TPO and hedgerows.
- Protected species.
- Drainage.
- Living conditions of occupants of neighbouring properties.
- Archaeology.

6.2 Principle of development:

6.2.1 Policies RA3 and EC6 together with paragraph 83 of the National Planning Policy Framework are generally supportive of the enhancement of existing tourism facilities and the increased supply of quality self-catering accommodation, subject to other policy considerations. The proposal is for 18 no. good quality units of tourist accommodation which would bring economic benefits to the area. In principle the proposal is acceptable subject to other policy considerations.

6.3 Character and appearance of the area:

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

- 6.3.2 Policy RA2 provides that the general strategy for the countryside is to (viii) generally conserve the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.
- 6.3.3 Policy RA3 states that proposals for development in the countryside will be determined on the basis (v) ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management.
- 6.3.4 Whilst policy EC6 is generally supportive of tourism uses, criterion (vii) requires proposals to be compatible with other Core Strategy policies.
- 6.3.5 Policy EN1 provides 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) (v) open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes; (vi) ancient woodland; and (vii) other key landscape features across the district, including native hedgerows, copses, field patterns, ancient routeways, ditches and barrows, and ponds and water courses.
- 6.3.6 Policy EN3 requires all development to be of a high quality design.
- 6.3.7 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). This concludes that the development would have very limited effects on local views and would directly impact upon a very small and contained part of the South Slopes of the High Weald (Landscape Character Area 5). Landscape mitigation measures are detailed.
- 6.3.8 The two fields which make up the application site are undeveloped and are surrounded by hedgerow and trees. They contribute positively to the rural character of the area.
- 6.3.9 The static caravans would be positioned in the field set back from the road. The field is surrounded by hedges and trees, including an area of ancient woodland immediately to the west and north. For these reasons the static caravans would be relatively well contained and would not be overly prominent in the wider landscape. Whilst the undeveloped field would become developed, there is policy support for the enhancement and increased supply of tourism accommodation in countryside locations.
- 6.3.10 The new access and footpath is proposed in the field to the northwest of Thorne Crescent properties, opposite 'Fyfield' and 'Penybryn' along Ninfield Road. The field occupies a higher ground level than the road and therefore excavation works would be required to achieve an acceptable gradient. From Ninfield Road the access road and footpath would cut across the field in a southwest direction until it meets the hedge. It would then turn towards the southeast and would continue parallel to the boundary, before turning to the southwest and cutting through the boundary hedgerow to link in with the new access road circling the field with the proposed mobile homes in. A road link is also proposed through the boundary hedge to join the existing camping and caravan site with the new mobile home site.

6.3.11 The new access and footpath onto Ninfield Road would result in a significant length of the boundary hedge being removed which currently contributes positively to the rural character of the area on the approach to the town of Bexhill. Some excavation works would also be required. This element of the development, together with the new access road cutting across the field and through boundary hedges, would read as an encroachment into open countryside and would have a negative impact on the rural approach to Bexhill. This aspect of the scheme would weigh against the proposal to some extent, although it is acknowledged that there are a number of residential properties and associated accesses adjacent and opposite to the site, which the proposed access and footpath would be seen in the context of. It is also the case that the access road would serve development that would enhance and increase the supply of tourism accommodation in a countryside location, which is supported by planning policies.

#### 6.4 Highway safety:

6.4.1 Policy CO6 (ii) requires all development not to prejudice road and/or pedestrian safety.

6.4.2 The existing camping and caravan site is served by a long narrow access with very poor visibility which is located to the south of nos. 28 – 48 Thorne Crescent. The track is around 230m long and has no passing places meaning that vehicles and caravans must currently wait at either end for oncoming vehicles to enter or egress. This results in vehicles having to wait on the public highway, thus creating a hazard. In addition, the visibility at the junction with Ninfield Road is extremely poor in both directions and due to the narrow width of the track, vehicles towing caravans need to pull onto the opposite side of the road to achieve the correct alignment, thus creating a further hazard.

6.4.3 The Highway Authority has provided detailed comments on the proposed development and support the proposal subject to conditions being imposed.

6.4.4 The A269 is subject to 30mph speed limit through Lunford's Cross and into Bexhill; however, approximately 130m to the north of the site access the speed limit increases to 40mph.

6.4.5 In order to establish actual vehicle speeds in the vicinity of the site a survey was carried out at the position of the proposed site access. The survey results indicate that the 85th percentile speeds of around 38mph are higher than the speed limit for the road. This is likely to be due to the character of the road and the proximity to the 40mph zone.

6.4.6 An additional speed survey was undertaken at the extent of the visibility splay to the left (for southbound vehicles) of the proposed new access. The speed survey was carried out over a single day from 10:00 to 12:00 in the AM and 14:00 to 16:00 in the PM to determine the speed of vehicles on the A269 Ninfield Road approaching the proposed site access from the north.

6.4.7 During the total survey period 885 vehicles were observed travelling southbound, with an 85th percentile speed of 34.1 mph (54.88 kph).

6.4.8 The Highway Authority expressed concerns that the second speed survey was only carried out over a short period of time and that a hand held camera



is likely to have been used (which often causes drivers to slow). However, the original speed survey was carried out during dry weather and therefore, once the wet weather correction factor of 2.5km/hr is applied, the adjusted 85th percentile southbound vehicle speed is 35.2mph. This validates well against the 34.1mph 85th percentile recorded in the second speed survey. As such, the 85<sup>th</sup> percentile vehicle speeds recorded in the southbound movement are considered representative.

- 6.4.9 Based on the recorded vehicle speeds guidance from Manual for Streets has been applied to determine the visibility splays requirements either side of the new site access.
- 6.4.10 The calculated visibility splay requirements using the original survey speeds for the proposed site access are approximately 67m to the north of the site access and 66m to the south.
- 6.4.11 Due to the character of the road it is considered appropriate in this instance to take into account guidance provided by Design Manual for Roads and Bridges (DMRB). It is acknowledged that the road serving the site is not typical of a road where DMRB would be used; however, it does not share all of the characteristics of being a street either. For speeds up to 37mph DMRB states that visibility splays measuring 2.4m x 90m are ideally required either side of a new access, or one step below at 2.4m x 70m.
- 6.4.12 The submitted plan (Drawing No. 1082-0010-006) indicates that splays measuring 2.4m x 80m to the north of the access and 2.4m x 66m to the south can be provided. Although the splay to the south falls slightly below the requirements according to DMRB, the Highway Authority do not feel the shortfall is sufficient to raise an objection, especially when considering the particularly sub-standard visibility at the existing access.
- 6.4.13 The new access would also have a 6m width and increased radii and this is sufficient to accommodate two-way traffic and to enable vehicles to turn in and out of the site in a safe and convenient manner.
- 6.4.14 The new access has also been assessed from a capacity perspective and this shows that all development traffic can be accommodated up to year 2022 with no congestion or queuing occurring.
- 6.4.15 A separate footway leading into the site will also be provided to the north of the new access. A short section of footway on the A269 will also be required to accommodate pedestrians with drop kerbs and tactile on either side of the road to enable them to cross.
- 6.4.16 Overall the Highway Authority has no major concerns regarding the new access from a highway safety or capacity perspective. The proposed new access also offers significant safety improvements over the existing access serving the site.
- 6.4.17 The layout of the new access and the visibility available at the junction with the A269 is considered to be acceptable. The new access also offers significant highway safety improvements over the access currently serving the site. With this in mind the Highway Authority has no major concerns regarding the additional traffic likely to be generated by the additional

caravans proposed. The internal layout and parking provision is also considered to be acceptable.

- 6.4.18 The proposed development would be beneficial to highway safety. This element of the proposal weighs in favour of the scheme.

6.5 Ancient woodland, veteran trees and hedgerows:

- 6.5.1 Policy EN5 states that biodiversity, geodiversity and green space will be protected and enhanced, by multi-agency working where appropriate, to (viii) ensure that development retains, protects and enhances habitats of ecological interest, including ancient woodland, water features and hedgerows, and provides for appropriate management of these features 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.

- 6.5.2 Paragraph 175 (c) of the National Planning Policy Framework states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

- 6.5.3 Standing advice produced by the Forestry Commission states that development can have a direct impact on ancient woodland and veteran trees by:

- Damaging or destroying all or part of them (including their soils, ground flora, or fungi).
- Damaging roots and understory.
- Damaging or compacting soil around the tree roots.
- Polluting the ground around them.
- Changing the water table or drainage of woodland or individual trees.
- Damaging archaeological features or heritage assets.

Nearby development can also have an indirect impact on ancient woodland and veteran trees including:

- Breaking up or destroying connections between woodlands and veteran trees.
- Reducing the amount of semi-natural habitats next to ancient woodlands.
- Increasing the amount of pollution, including dust.
- Increasing disturbance to wildlife from additional traffic and visitors.
- Increasing light pollution.
- Increasing damaging activities like fly-tipping and the impact of domestic pets.
- Changing the landscape character of the area.

- 6.5.4 The standing advice states that ways to avoid negative effects on ancient woodland or veteran trees should be identified by selecting alternative sites for development or redesigning the scheme. Mitigation is listed within the standing advice which recommends that a minimum buffer of 15m should be

provided and in respect of veteran trees, a buffer of at least 15 times larger than its diameter of 5m from the edge of its canopy, if that is greater.

- 6.5.5 The woodland to the west of the application site is designated as ancient woodland. The whole area is also identified as being within the Biodiversity Opportunity Area for Bexhill fringes.
- 6.5.6 The revised application is accompanied by a Tree Survey Report, Arboricultural Impact Assessment and Method Statement and a Preliminary Ecological Appraisal.
- 6.5.7 Compared to the scheme refused under RR/2018/537/P the number of static caravans has been reduced from 27 to 18. A substantial 15m buffer from the ancient woodland and buffer from the field boundary hedges and trees has also now been included.
- 6.5.8 Subject to appropriate tree protection measures being secured prior to, during and post development, the development should not directly adversely impact on the ancient woodland or the field boundary hedges and trees. Appropriate protection measures could be secured via condition.
- 6.5.9 Some trees along the Ninfield Road frontage are subject to a Tree Preservation Order. The proposed access road has been positioned to the southeast to this group of trees and should therefore not impact on the condition of the trees.
- 6.6 Protected Species:
  - 6.6.1 Policy EN5 requires biodiversity, geodiversity and green space to be protected and enhanced.
  - 6.6.2 The application is accompanied by a Preliminary Ecological Appraisal which states that the site provides suitable habitat for nesting birds, bat roosts, foraging and commuting bats, dormice, badgers, reptiles and amphibians. Various recommendations are made within the report to ensure that nesting birds, features suitable for bat roosts and badgers are not negatively affected by the proposals.
  - 6.6.3 A Bat Activity Survey, a Dormouse Survey and a Reptile Survey have also been carried out.
  - 6.6.4 The bat survey explains that monthly evening bat activity survey visits were carried out between July and October 2017. The surveys found the site to be of value to foraging and commuting bats. The majority of the activity was from common pipistrelle. Other bat species were also recorded. The areas most commonly utilised by bats comprised of wide strips of bracken with varying amounts of scattered scrub and mature trees. They were located along the northwest boundary, northeast boundary and along an internal field boundary running north – south through the centre of the site. Two of the areas would be affected by the proposed development – the access road would pass through them. It is explained within the report that the road has been designed to minimise any potential impact on foraging and commuting bats by minimizing the size of the gaps needed and avoiding the loss of mature trees, hedgerows and the majority of shrubs. Mitigation in the form of

hedgerow, tree and shrub planting together with the provision of a swale are proposed. Recommendations for lighting and landscaping are also detailed.

- 6.6.5 The dormouse survey work used targeted nest tube surveys. One dormouse and its nest were identified on the site in October 2017. The survey acknowledges that a license from Natural England would be required for any work affecting suitable dormouse habitat on the site.
- 6.6.6 The reptile survey identified slow worms and grass snakes to be present on the site. A maximum of eight adult slow worms and one adult grass snake were recorded during one visit. It is stated that this corresponds to a 'Good' size population of slow worms and a 'Low' sized population of grass snakes using the Froglife (1999) reptile population size classes. The majority of slow worms were recorded around the eastern most field on the site and particularly along the eastern field boundary. Low numbers were recorded in the western most field. Mitigation measures are detailed within the report to ensure reptiles would not be harmed, including the creation of a receptor area and a capture exercise to relocate reptiles into it from areas of habitat that would be affected by the proposals.
- 6.6.7 The proposal would have some impact on protected species and their habitats. In the event that permission was granted conditions could be imposed to secure adequate protection and mitigation for the protected species and their habitats. Given the loss of some habitat, it is not considered that the development could be described as beneficial or an enhancement to the habitats of protected species.
- 6.7 Drainage:
  - 6.7.1 Policy EN7 (iii) requires all drainage systems and sustainable drainage systems for all new development to be in accordance with the Flood and Water Management Act 2010.
  - 6.7.2 The Lead Local Flood Authority (LLFA) originally raised concerns over the surface water drainage design not being based on the site layout. They recommended that the drainage design reflected the proposed layout so that the discharge rates and storage volumes within the drainage strategy were those expected from and required for the area to be developed.
  - 6.7.3 The applicant subsequently submitted additional information which the LLFA were satisfied addressed their concerns relating to the layout, the detailed hydraulic calculations and the long pipe for the connection with the watercourse.
  - 6.7.4 The applicant's investigations found that the site ground conditions were not suitable for soakaways. Surface water will therefore be directed to an attenuation pond, to be sited in the field adjacent to the road, which will feed into a nearby watercourse.
  - 6.7.5 Subject to the imposition of conditions the LLFA do not object to the development.

## 6.8 Living Conditions:

- 6.8.1 Policy OSS4 (ii) requires all development not to unreasonably harm the amenities of adjoining properties.
- 6.8.2 The proposed development would have some impact on the occupants of properties backing onto the site in Thorne Crescent, together with 'Greenacres' on the south side of Ninfield Road and properties on the north side of Ninfield Road which would be opposite the proposed access.
- 6.8.3 The proposed static caravans and access track would result in increased usage of the site and thus a greater level of noise, activity and traffic movements could be anticipated. The proposed use would also introduce a new internal access road which would result in more vehicle movements and headlights, which would especially impact on the residential properties opposite the new entrance along Ninfield Road.
- 6.8.4 However, a certain level of noise, activity and vehicle movements are already produced from the existing camping and caravan site. In addition, the proposed internal access road has been set away from the rear boundaries of neighbouring residential properties by more than 15m, which would allow for a substantial planting screen to be provided. The access road is also angled away from neighbouring gardens so that it does not run parallel to them.
- 6.8.5 The outlook of some residents would change as a result of the development. Currently they have views of undeveloped fields whereas if the development were to go ahead they would be able to see the mobile holiday homes and access road, with fields beyond.
- 6.8.6 Whilst the development would have some impact on neighbouring residents it is considered that conditions could be imposed to secure a comprehensive planting screen to help alleviate any visual and noise impacts.
- 6.8.7 The two properties directly opposite the new access along Ninfield Road are bungalows. They are set back from the road by around 30m and both have substantial hedges across their frontages. These factors should mean that occupants of these properties should not be unreasonably impacted by the proposed new entrance and vehicles that would use it.
- 6.8.8 On balance it is considered that the development would not adversely impact on the living conditions of neighbouring properties.

## 6.9 Archaeology:

- 6.9.1 The County Archaeologist has advised that the proposed development is of archaeological interest due to the scale of the proposed groundwork and evidence of human activity and occupation from at least the Neolithic period. The site's location on a prominent hill top adjacent to an historic routeway, provides a characteristically good location for occupation and utilisation. Conditions are recommended to secure a programme of archaeological work.

## 6.10 Other Issues:

- 6.10.1 On some recent applications objections to new development have been raised by Wealden District Council in regard to potential cumulative impacts on the air quality at Ashdown Forest and Lewes Downs Special Areas of Conservation (SACs).
- 6.10.2 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.
- 

## 7.0 **SUMMARY AND PLANNING BALANCE**

- 7.1 The principle of extending the existing camping and caravan site and increasing the supply of quality self-catering accommodation is supported by planning policies. The acceptability of this proposal involves balancing a number of issues but also in light of the previous reasons for refusal and how these have been addressed.
- 7.2 On the positive side the proposal would bring benefits to highway safety, while issues relating to protected species and protecting the living conditions of neighbouring properties could be satisfactorily managed via conditions.
- 7.3 The previous reasons for refusal on RR/2018/537/P relating to the impact of the proposed development on the ancient woodland, drainage and archaeology have been satisfactorily overcome based both on the reduction in the number of units and on further evidence and assessments.
- 7.4 Whilst the reason for refusal on RR/2018/537/P relating to the impact of the new access, footpath and internal access road encroaching into the countryside has not been overcome, this harm is considered to be relatively limited given the proximity of the access to existing residential development and their associated vehicular accesses. Members will be able to assess this on site. Mitigation in the form of hard and soft landscaping could also be secured via condition to reduce any impact.
- 7.5 In conclusion these positive impacts relating to quality tourist accommodation and benefits to highway safety can be given considerable weight and are considered to outweigh the relatively limited harm to the character and appearance of the locality.
- 7.6 As a whole the proposal would comply with Core Strategy policies, the various provisions contained within the National Planning Policy Framework and standing advice relating to ancient woodland and is considered to constitute sustainable development. For the reasons explained the application can be supported.
-

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

- 8.1 The proposal is for a type of development (mobile homes) that is not CIL liable.

---

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

---

#### **CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
Drawing No. 1082-0010-006 dated December 2018  
Drawing No. 1082-0012-001 dated December 2017  
Drawing No. 1082-0013-001 dated January 2018  
Drawing No. 1082-0014-001 dated January 2018  
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. No development shall take place 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: Commencing the development before this condition is complied with could result in the loss of archaeological remains. Compliance with the condition will ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.
4. No development shall take place on any part of the site until the hard and soft landscaping details have been submitted to and approved in writing by the Local Planning Authority, which shall include:
  - a) indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. Any tree protection measures shall be provided on site prior to any materials or plant being brought onto site and shall be retained on site until the development is completed and all materials and plant have been removed from the site.
  - b) planting plans.
  - c) written specifications (including cultivation and other operations associated with plant and grass establishment).
  - d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - e) implementation programme.
  - f) details of all hardsurfacing.  
Reason: Commencing development before providing tree protection measures could result in the health and condition of trees, including the

adjacent ancient woodland, to be harmed. Compliance with the condition will protect the health and condition of trees, protect the character and appearance of the locality and will protect the living conditions of neighbouring residential properties in accordance with Policies OSS4 (ii) (iii), EN3 and EN5 (viii) of the Rother Local Plan Core Strategy.

5. The Ecological Strategy for the site, including the protection of protected species, species rescue and translocation of species, shall be carried out in accordance with the RPS Preliminary Ecological Survey (dated December 2017), RPS Reptile Survey (dated January 2018), RPS Dormouse Survey (dated January 2018) and RPS Bat Activity Survey (dated January 2018).  
Reason: To safeguard protected species in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy.
6. The surface water drainage scheme for the site shall be provided in accordance with the proposed surface water drainage strategy and associated plans contained within Appendix H detailed within the RPS Drainage Report dated August 2018 (reference RCEF65512-001R) before the first occupation of the static caravans hereby permitted. Maintenance of the surface water drainage system shall be carried out in accordance with the SuDS Maintenance Plan contained within Appendix I of the RPS Drainage Report.  
Reason: 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.
7. No development in respect of the new vehicular access and pedestrian access shall take place until section plans, including any excavation work, building up of the land and retaining walls, have been 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 protect the character and appearance of the locality in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.
8. The materials to be used in the construction of the external surfaces of the static caravans hereby permitted shall match in materials and colour those shown on the approved plan, Drawing No. 1082-0014-001 dated January 2018, unless an alternative finish is first submitted to and approved in writing by the Local Planning Authority.  
Reason: To maintain the visual amenities of the surrounding area in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.
9. Prior to the occupation of any of the static caravans, plans showing a permanent post and rail fence to be provided within the field to the east of the ancient woodland (to be positioned at least 15m from the edge of the ancient woodland) shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be provided in accordance with the approved details and thereafter retained. The area between the post and rail fence and the edge of the ancient woodland shall not be used as garden, leisure or amenity space.  
Reason: To protect the health and condition of the adjacent ancient woodland in accordance with Policy EN5 (viii) of the Rother Local Plan Core Strategy.



10. The static caravans hereby permitted shall not be occupied until the vehicular access serving the development has been constructed in accordance with the approved plan, Drawing No. 1082-0010-006 dated December 2017.  
Reason: In the interests of road safety in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
11. The static caravans hereby permitted shall not be occupied until such time as the existing vehicular route onto the site has been physically closed internally in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of road safety in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
12. The static caravans hereby permitted shall not be occupied until visibility splays measuring 2.4m by 80m and 2.4m x 66m have been provided at the proposed site vehicular access onto A269 in accordance with the approved plan, drawing no. 1082-0010-006 dated December 2017. 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 CO6 (ii) of the Rother Local Plan Core Strategy.
13. The static caravans hereby permitted shall not be occupied until the car parking has been constructed and provided in accordance with the approved plan, Drawing No. 1082-0010-006 dated December 2017. The parking areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.  
Reason: To provide adequate car-parking space for the development in accordance with Policy TR4 (i) of the Rother Local Plan Core Strategy.
14. The static caravans hereby permitted shall not be occupied until the roads, footways and parking areas serving the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.  
Reason: To secure satisfactory standards of access for the proposed development and thus safeguard highway safety in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
15. No static caravans, touring caravans or tents shall be sited within the field on the northeast side of the application site, adjacent to Ninfield Road.  
Reason: To protect the rural character and appearance of the locality in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
16. The static caravans hereby permitted 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 not used for unauthorised permanent residential occupation in accordance with Policies OSS4 (iii), EC6 (vi) and RA3 (iii) of the Rother Local Plan Core Strategy.
17. The owners/operators of the site shall maintain an up-to-date register of the names of all owners and/or occupiers of individual static caravans 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 not used for unauthorised permanent residential occupation in accordance with Policies OSS4 (iii), EC6 (vi) and RA3 (iii) of the Rother Local Plan Core Strategy.

18. None of the static caravans hereby permitted shall be occupied between the 15 January and the 15 March inclusive in any year.

Reason: Having regard to both the current restrictions on the use of the site and to ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies OSS4 (iii), EC6 (vi) and RA3 (iii) of the Rother Local Plan Core Strategy.

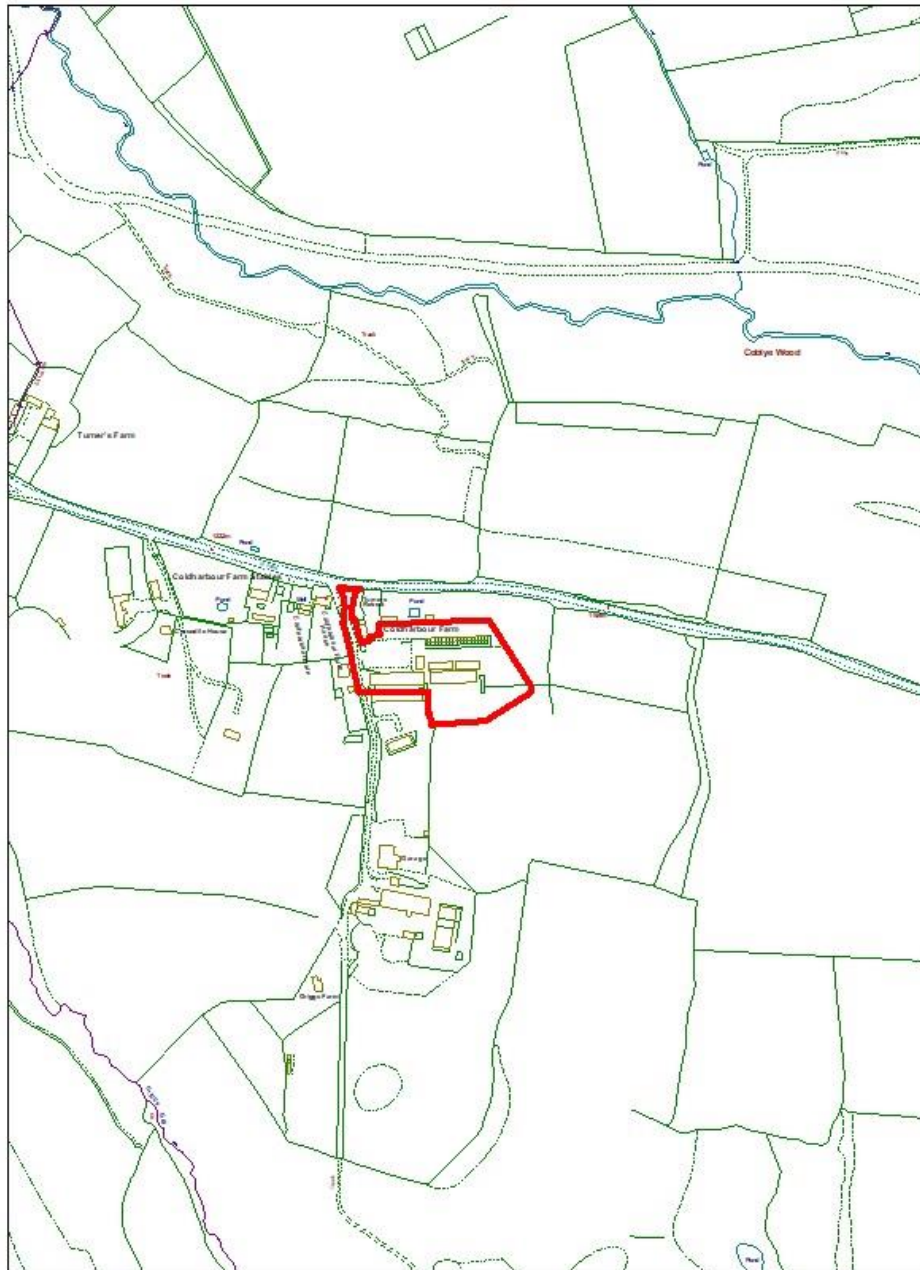
#### **NOTES:**

1. The applicant is required to apply to the Council's Environmental Health Service for a caravan site licence.
2. The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.
3. The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found and these should be sought before development commences.
4. This planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation. Further advice on the requirements of these Acts is available from Natural England, Sussex and Surrey Team, Phoenix House, 33 North Street, Lewes, East Sussex BN7 2PH.
5. The applicant is reminded of the need to obtain Consent to Discharge under the Water Courses Act 1991, Schedule 10 (as amended). Such consent is not implied by this permission.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) 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, additional information to be submitted. 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/2018/480/P	COLDHARBOUR FARM ESTATE



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No 100018643 2013.

Not To Scale

---

RR/2018/480/P

BRIGHTLING Coldharbour Farm Estate, Battle Road, Brightling

Proposed replacement of redundant farm buildings with B1/B8 units

---

**Applicant:** English Heritage Buildings LLP  
**Agent:** Parker Dann  
**Case Officer:** Mr M. Worsley  
(Email: [matthew.worsley@rother.gov.uk](mailto:matthew.worsley@rother.gov.uk))  
**Parish:** BRIGHTLING  
**Ward Members:** Councillors J. Barnes and Mrs E.M. Kirby-Green

**Reason for Committee consideration:** Head of Service Strategy and Planning referral: site history and local interest.

**Statutory 13 week date:** 29 May 2018  
**Extension of time agreed to:** 18 October 2018

---

This application is included in the Committee site inspection list.

---

## 1.0 LEGISLATION AND POLICIES

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

- PC1: Presumption in favour of sustainable development.
- OSS1: Overall spatial development strategy.
- OSS2: Use of development boundaries.
- OSS3: Location of development.
- OSS4: General development considerations.
- RA2: General strategy for the countryside.
- RA3: Development in the countryside.
- SRM2: Water supply and wastewater management.
- CO6: Community safety.
- EC3: Existing employment sites.
- EN1: Landscape stewardship.
- EN2: Stewardship of the historic environment.
- EN3: Design quality.
- EN5: Biodiversity and green space.
- EN7: Flood risk and development.
- TR3: Access and new development.
- TR4: Car parking.

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

---

- 1.3 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 there is a statutory duty for local planning authorities, when considering whether to grant planning permission, to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest they possess.
- 

## **2.0 SITE**

- 2.1 The site is located to the south side of Battle Road (B2096) around 1.3km east of the hamlet Woods Corner. It lies within the countryside and is within the High Weald Area of Outstanding Natural Beauty (AONB).
- 2.2 The site is just below one hectare in area. It is currently occupied by redundant agricultural buildings and a large loose surfaced area which is used to park vehicles of employees of English Heritage Buildings, which is based further down the access track to the south.
- 2.3 There is an existing vehicular access from Battle Road which can accommodate two-way traffic. The access serves this site and other properties nearby including residential and commercial properties and currently a gypsy/traveller site. Coldharbour Farmhouse and Coldharbour Barn just to the west are listed buildings.
- 

## **3.0 HISTORY**

- |     |                |   |
|-----|----------------|---|
| 3.1 | A/64/1205      | Pig rearing and fattening pens. Approved Conditional.   |
| 3.2 | A/67/906       | Dairy. Approved Conditional.  |
| 3.3 | RR/98/331/P    | Change of use and conversion of existing piggery to form workshop units. Refused.   |
| 3.4 | RR/2000/562/P  | Erection of steel building. Refused. Appeal Dismissed.  |
| 3.5 | RR/2000/1824/P | Change of use of disused pig stalls and yard to storage. Refused. Appeal Dismissed.   |
| 3.6 | RR/2004/1578/P | Change of use and conversion from agricultural to light industrial/office use with provision of 16 parking spaces. Withdrawn. |
- 

## **4.0 PROPOSAL**

- 4.1 Permission is sought to demolish the disused agricultural buildings with new B1 and B8 business units, primarily to serve the well-established joinery business, 'English Heritage Buildings'. The industrial (B2) activities of the business would remain on the existing site to the south.
- 4.2 The development would consist of two large linear buildings. One would be immediately south of a line of trees across the northern boundary of the site and the other would run across the middle of the site. The buildings would be clad in timber horizontal weatherboarding with the roofs covered in a

traditional material (indicated as slate on the plans). Parking areas would be provided at the western end of the site and between the two buildings.

- 4.3 The layout plans for both buildings show one open space, although the window and door arrangements suggest that each building could be split into 8 no. separate units. The agent has explained that the joinery business has not decided how much additional space they require. They may require all of the space proposed or may let some small individual units out in the short term until their business expands further.
- 

## **5.0 CONSULTATIONS**

### **5.1 Brightling Parish Council:**

#### **5.1.1 Support.**

*'The council considered this application at its meeting on 14 May and heard representations from both the applicant and objectors. The council is mindful that rural employment must co-exist with protection of the AONB and supports the application in principle. However, it also supports the enforcement of strict controls on noise levels and hours of operation to mitigate any nuisance being caused to nearby residents.'*

### **5.2 Highway Authority:**

- 5.2.1 Originally objected due to inadequate visibility at the access and the proposed increase in traffic (letter dated 27/03/18).

- 5.2.2 Additional information regarding the existing use of the site and the site access were subsequently submitted and as a result the Highway Authority withdrew their objection (letter dated 20/06/18). They now have no objection subject to the imposition of conditions relating to car and cycle parking and the provision of a turning space.

### **5.3 Southern Water:**

- 5.3.1 General advice provided relating to foul sewage disposal and drainage.

### **5.4 South East Water:**

- 5.4.1 Any comments will be reported.

### **5.5 Director of Transport and Environment – County Archaeologist:**

- 5.5.1 Does not consider that any significant below ground archaeological remains are likely to be affected by the proposals.

### **5.6 Director of Transport and Environment – Lead Local Flood Authority:**

- 5.6.1 (14-03-18) Requested that infiltration testing was carried out on site to inform a surface water management system in order to increase the flood risk off site.

- 5.6.2 (30-08-18) Following the receipt of additional information they consider the proposals for the management of surface water runoff to be acceptable in principle. Comments provided for the basis of conditions.
- 5.7 Executive Director – Environmental Health:
- 5.7.1 Conditions suggested relating to the hours of deliveries and a limit on external noise levels produced by fixed external plant.
- 5.8 Planning Notice:
- 5.8.1 Four objections received (one of which consists of eight separate submissions from the same person) (summarised):
- Development would be too big and noisy for a residential area within the AONB.
  - Concerned about the noise impact on neighbouring residents.
  - No details provided about the processes that would be carried out on the site and the end products including plant, ventilation and air conditioning.
  - A lot of noise is already heard from the English Heritage Building site.
  - A new extraction system on the site is very noisy and disturbs neighbouring properties.
  - Hearing other noise from machinery and a lot of 'beeping' from reversing vehicles and fork lift trucks.
  - How will a total noise level be controlled with a number of extra units?
  - Would like a decibel limit imposed, measured at the curtilage of the Coldharbour Farmhouse property.
  - Would like an hours of use restriction put in place similar to English Heritage Buildings, limiting hours to 7am – 7pm Monday – Friday and 7am – 1pm on Saturdays.
  - Adverse impact on AONB.
  - AONB guidelines are against this sort of development.
  - The pig production use of the site will become more important with BREXIT once tariffs on imports are imposed.
  - More suitable sites elsewhere.
  - New buildings would stretch much further east than the existing pig pens.
  - Concerned about visual impact – increased height and light coloured wood material.
  - Would be good to see soft landscaping included as part of the proposal.
  - A new water main will be required. Existing supply would not cope with servicing the additional business units.
  - Inadequate parking provision proposed.
  - Traffic report appears quite conservative. Fast road. Slow moving articulated lorries occupy both sides of the road. Could be more visitors to the site than estimated.
  - Vehicles would have to travel considerable distances thus increasing greenhouse gases.
  - Local roads not suitable for increased traffic.
  - Concerned about how the site will develop in the future. More buildings and noise?
  - Industrialisation of the site is not part of the local plan.

- Local area needs affordable starter homes, not more redundant industrial spaces.
- The B1/B8 units next to the site have not been let out in the past 4 years.
- Wrong location for the business expansion.
- Buildings on site have been allowed to deteriorate and contain asbestos.
- Proposed buildings larger than the adjacent C17 barn.
- Proposed buildings would be out of character and proportion to other adjacent buildings.
- Previous applications lower down the site were turned down partly on visual impact.
- No vegetation screening shown on plans.
- No noise screening detailed.
- Business is not low carbon – timber is imported from Europe, is processed at the site, and then exported again.
- Surprised Wealden District Council has not objected due to the potential increased traffic through the Ashdown Forest.
- No newt survey has been submitted.
- Hope the road speed limit will be reduced to 30mph as part of the application.
- Noise travels for long distances.

5.8.2 One supportive set of comments received (summarised):

- Vast improvement over existing derelict structures.
- Will provide small business accommodation that is in seriously short supply in this area.
- Can see no negative impact on surrounding properties.
- Development is both tasteful and sympathetic to the AONB.
- Small and suitable development in rural areas should be allowed.

---

## 6.0 APPRAISAL

6.1 The main issues to consider in the determination of this application include:

- i) The existing business and employment in the locality.
- ii) The rural character of the area and the landscape and scenic beauty of the AONB.
- iii) The setting of the two nearby grade II listed buildings.
- iv) The living conditions of occupants of neighbouring properties.
- v) Highway safety and parking.
- vi) Ecology.
- vii) Drainage.

6.2 Existing Business and Employment:

6.2.1 Policy EC3 (ii) of the CS is supportive of the intensification, conversion, redevelopment and/or extension of existing business sites having regard to other policies of the Plan.

6.2.2 Paragraph 83 (a) of the Framework supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.



- 6.2.3 Within a covering letter accompanying the application it is explained that a total of 1861m<sup>2</sup> of additional floor space would be provided within the two new buildings. A proportion of the new floorspace would be used by the landowner and the neighbouring business English Heritage Buildings. Units that are not occupied by this company would be made available to rent to local small businesses.
- 6.2.4 The success of the existing established business is noted and future expansion plans will require additional space to accommodate the growing business, which includes a third brand that was launched in November 2016. Retaining and expanding the business on the site would bring economic benefits to the area, including increased employment opportunities, which would weigh in favour of any redevelopment scheme.
- 6.3 Rural character and AONB:
- 6.3.1 Policy OSS4 (iii) of the Core Strategy requires all development to respect and not detract from the character and appearance of the locality.
- 6.3.2 Policy RA2 (v) of the Core Strategy supports rural employment opportunities in keeping with rural character.
- 6.3.3 Policy RA3 of the Core Strategy states that proposals for development in the countryside will be determined on the basis of (inter alia):
- (ii) Supporting suitable employment and tourism opportunities in the countryside, including by the conversion, for employment use, of farm buildings generally in keeping with the rural character, and by the sensitive, normally small-scale growth of existing business sites and premises; and...*
  - (v) Ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management.*
- 6.3.4 Policy EN1 of the Core Strategy provides that management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (inter alia):
- (i) The distinctive identified landscape character, ecological features and settlement pattern of the High Weald AONB.*
- 6.3.5 Policy EN3 requires all development to be of a high quality design by (i) contributing positively to the character of the site and surroundings, including taking opportunities to improve areas of poor visual character or with poor townscape qualities.
- 6.3.6 The Framework also seeks to protect the intrinsic qualities of the countryside and secure high quality design. Paragraph 172 of the National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.
- 6.3.7 The site in question is currently occupied by redundant agricultural buildings and is used to park the vehicles of employees of the joinery business. The

site does not contribute positively to its surroundings. To the south and downslope, are buildings and yards used by a commercial auto garage and the joinery business. The immediate surrounding countryside is undulating farmland with pockets of woodland, typical of the AONB landscape.

- 6.3.8 The site occupies an elevated position with the southern part being particularly prominent in views from the wider landscape to the south. Two long linear buildings are proposed. One building would be positioned close to the north boundary of the site, which would be around 74m in length and 7m at ridge height, and the other would be sited fairly centrally and would measure around 66m in length and 6m at ridge height. A new access road and parking spaces would be positioned between the two buildings. The buildings would be single storey but with raised eaves to accommodate 3.9m high roller shutter doors. The elevations would be covered in timber boarding and the roof would be covered in slate.
- 6.3.9 The proposal has not detailed any development on the most southerly part of the site, which slopes away, although does extend development further to the east. Whilst the buildings would be large, they would replace existing unsightly structures, which are also significant in length, although are not as tall. The total footprint of the existing buildings to be removed is 1556m<sup>2</sup> compared to the 1861m<sup>2</sup> proposed. In addition, mature belts of trees across the north and south of the site would be retained and there is scope for further soft landscaping to the south and east.
- 6.3.10 The application is accompanied by a letter from a landscape architect's firm relating to the trees on the site. A tree protection plan has also been submitted. The screen of trees across the north of the site is considered to be an important feature in the landscape and would be retained as part of the development. A mixed group of trees across the southern boundary of the site is also proposed to be retained. A small number of trees would be removed from within the site to facilitate the proposal but this should not have any significant effect on the ability of the belts of trees to help partially screen the proposed development. The proposed building across the north of the site would not be any closer to the trees than the existing redundant pig pens. The tree protection plan indicates that protective fencing would be secured during the development. This could be managed via condition.
- 6.3.11 The overall increase in footprint of buildings on the site would be just over 300m<sup>2</sup>, and the proposed buildings would be taller and significantly greater in overall mass than the buildings that they would replace. Nevertheless, the buildings are considered to be of a relatively simple and attractive design and include the use of good quality materials. A traditional roof material is detailed on the shallow pitched roofs being proposed. The drawings suggest a slate appearance, as the pitch would not be able to accommodate clay tiles. Nearby commercial and agricultural buildings have roofs consisting of corrugated metal and asbestos and therefore in this context slate would be considered appropriate. Materials would need to be confirmed.
- 6.3.12 The access road and the majority of the parking would be provided between the two proposed buildings, with two additional parking areas detailed at the west end of the buildings. The access and parking areas would be well contained between existing and proposed buildings and should not appear as prominent features in the landscape.

6.3.13 It is accepted that the replacement buildings would be taller and overall much bulkier than the redundant agricultural buildings that they would replace. However, the proposed development offers the opportunity to improve the unsightly nature of the current site. Although large, the proposed buildings would be of an appropriate scale and design and would not detract from the character and appearance of the locality, including the landscape and scenic beauty of the AONB. Conditions can be imposed relating to materials, hard and soft landscaping and lighting. It is considered to be essential to secure the retention of the tree belts across the north and south boundaries of the site together with a high quality soft landscaping scheme.

#### 6.4 Listed Buildings:

6.4.1 Policy EN2 of the Core Strategy states that development affecting the historic built environment, including that both statutorily protected and the non-statutorily protected, will be required to (iii) preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic building typologies.

6.4.2 There are two listed buildings in relatively close proximity to the site – Coldharbour Farmhouse and Coldharbour Barn. They are both located to the northwest of the application site. The farmhouse is immediately to the west of the vehicular access serving the site, with the barn further beyond to the west. Both are in separate ownership and are in residential use.

6.4.3 The list description for Coldharbour Farmhouse states:  
*L-shaped probably timber-framed C17 or earlier house, refaced with red brick on ground floor and weatherboarding above. North east wing with half-hipped gable probably later. Tiled roof. Casement windows. One storey and attic. Three windows. Two gabled dormers.*

6.4.4 The list description for the barn states:  
*Restored C17 timber-framed with the timbering exposed, curved braces and plaster infilling. Hipped tiled roof with pentice to east and west.*

6.4.5 In terms of the setting of both buildings, the main road is to the north. To the east and west are C20 utilitarian agricultural and equestrian-related buildings. Further south are open undeveloped fields that slope away and pockets of woodland. The surroundings are rural in character.

6.4.6 Although the replacement buildings would be greater in height and overall mass than the dilapidated agricultural buildings that they would replace, they should have little increased impact on the setting of the nearby listed buildings. The proposed block to the north would be more than 60m from the listed farmhouse, with intervening tall mature vegetation and a tall modern utilitarian barn (now in use as a dwelling) set to be retained, which would provide a visual separation. For the reasons explained the proposed development would preserve the (rural) setting of the listed buildings.

#### 6.5 Living Conditions:

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

- 6.5.2 The nearest neighbouring residential properties include: the modern converted barn immediately to the northwest of the site (granted under LDC application reference RR/2011/767/O); Coldharbour Farm and Coldharbour Barn, which are to the west of the access serving the application site; Griggs Ghyll Farm and Griggs Ghyll Barn which are further to the west (100m+ from the application site); Griggs Farm which is to the south of the site and close to the existing joinery business units; and Giffords Farm and Giffords Oast which are 0.4km to the east of the application site. The gypsy/traveller site lies just to the south of the site, though a temporary permission has now expired for this use.
- 6.5.3 There have been on-going issues relating to noise that is produced from the existing joinery business further to the south. This relates to noise produced from a relatively new extraction unit which is subject to a current enforcement investigation. A retrospective application has been requested, to include a noise survey and any necessary mitigation. Whilst this issue has been a cause of disturbance to local residents, it should not influence the outcome of this application.
- 6.5.4 It is important to clarify that the timber processing activities would remain at the existing joinery business site at the bottom of the slope to the south. The proposed B1 and B8 units would be utilised for quieter business purposes and would not be utilised for noisier B2 uses.
- 6.5.5 The access road is close to the modern converted barn, Coldharbour Farm and Coldharbour Barn and therefore additional traffic movements and general activity are likely to be noticed by these neighbouring properties. However, the existing access already serves the joinery business and an auto garage which generate a number of vehicle movements.
- 6.5.6 In terms of the activities within the buildings, B1 and B8 uses are generally ones that can operate near to residential properties without adversely impacting on occupants' living conditions.
- 6.5.7 The Council's Environmental Health Service has recommended that conditions are attached to any permission limiting the hours of delivery and the noise produced from the site.
- 6.5.8 It is essential that hours of use, deliveries and noise are satisfactorily managed and therefore in the event that permission is granted conditions must be imposed to manage these issues and make sure that the occupants of nearby residential properties are not adversely affected by the development.
- 6.6 Highway Safety and Parking:
- 6.6.1 Policy CO6 (ii) of the Core Strategy requires all development not to prejudice road and/or pedestrian safety.
- 6.6.2 Policy TR4 (i) of the Core Strategy states that development shall meet the residual needs of the development for off-street parking having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.

- 6.6.3 The application is accompanied by a transport report. The Highway Authority originally objected to the proposed development due to the substandard visibility at the access, with the proposed increase in vehicular trips viewed as likely to exacerbate the road safety issue.
- 6.6.4 However, upon receipt of additional information regarding the use of the existing site the Highway Authority subsequently reconsidered their initial response and withdrew their objection.
- 6.6.5 In respect of the site access the Highway Authority has commented as follows:  
*The visibility splays available at the site access measure approximately 2.4m x 200m to the west and 2.4m x 140m to the east. This is significantly below the 2.4m x 215m distance recommended in Design Manual for Roads and Bridges.*  
*A speed survey has previously been carried out on Battle Road to the east of the site access (October 2017). The results of the survey show the 85th%ile speed at 50mph, which would reduce the required visibility splays at the access point to a minimum of 2.4m x 160m.*  
*When visiting the site the road was driven several times in order to estimate the speed of vehicles approaching the site access from both directions. Whilst I acknowledge that this does not provide a conclusive assessment it did satisfy me that vehicle speeds would generally be in the region of 50mph as indicated in the survey undertaken nearby.*  
*Whilst acknowledging that the visibility to the east of the site access remains below the recommended distance it is considered appropriate in this instance to take into account the established use of the access and the good crash record on the stretch of road serving the site. This demonstrates that the access currently accommodates relatively high levels of traffic without incident and I have no reason to believe that the additional traffic generated by the development proposal would be detrimental from either a highway safety or capacity perspective.*  
*With this in mind a recommendation for refusal based on the visibility available at the site access would be difficult to justify. As a result the highway recommendation for refusal is withdrawn.*
- 6.6.6 In terms of the proposed parking, 47 spaces are proposed which is sufficient to serve the type and size of development proposed. Cycle parking should also be provided at a ratio of one short term space per 500m<sup>2</sup> of floorspace and 1 long term space per 10 full-time staff.
- 6.6.7 Based on the Highway Authority's advice, the development should not adversely impact on highway safety and sufficient parking and turning space should be provided.
- 6.7 Ecology:
- 6.7.1 Policy EN5 requires biodiversity, geodiversity and green space to be protected and enhanced as part of developments.
- 6.7.2 The application is accompanied by a bat and barn owl survey report (dated November 2016). The survey assessed the potential for bats and barn owls to be present in six of the buildings proposed to be demolished.

- 6.7.3 Four of the buildings were considered to have negligible potential for roosting bats to be present due to the exposed nature of the buildings and lack of features. Two of the buildings were considered to have low potential for roosting bats due to their construction. Recommendations are included within the report to protect bats. In the event that a bat roost is found the report advises that a European Protected Species Mitigation Licence would be required.
- 6.7.4 In respect of barn owls, the report states that no evidence of current or past use of the buildings was found. None of the surveyed buildings were considered to provide any potential for roosting/nesting barn owls due to the lack of suitable high level breeding platforms or perching features. No further survey work in respect of this species was considered necessary.
- 6.7.5 In order to safeguard protected species, the recommended mitigation measures specified in the bat and barn owl survey should be secured via condition in the event that permission is granted.
- 6.8 Drainage:
- 6.8.1 Policy EN7 (iii) requires all drainage systems and sustainable drainage systems for all new development to be in accordance with the Flood and Water Management Act 2010.
- 6.8.2 The Lead Local Flood Authority (LLFA) originally raised concerns over the surface water drainage being proposed via infiltration without any evidence being provided to show that infiltration would work. The applicant subsequently carried out infiltration testing on the site and prepared a preliminary surface water drainage strategy. The LLFA are satisfied that the proposals for the management of surface water runoff are acceptable in principle. Advice is provided relating to recommended conditions.
- 6.9 Other Issues:
- 6.9.1 On some other applications objections to new development have been raised by Wealden District Council in regard to potential cumulative impacts on the air quality at Ashdown Forest and Lewes Downs Special Areas of Conservation (SACs).
- 6.9.2 Having regard to the conclusions of the HRAs undertaken for the adopted Core Strategy together with the predicted vehicle movements contained within the submitted transport statement, even in the worst case scenario of 120 additional vehicle movements occurred, the development would create less than two annual average daily traffic movements to the Ashdown Forest or Lewes Downs SACs. 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.
- 6.9.3 Local residents have raised concerns over the mains water supply and how the existing pressure can be low. They are concerned that the proposed business units would place additional demand on the mains water supply. South East Water has been consulted on this issue but no response has been received to date. They will ultimately be the ones who decide whether it is appropriate for the business units to connect to the existing supply or whether a new separate water main supply would be required.

---

## **7.0 SUMMARY**

- 7.1 The proposed development would support a successful established rural business and is an opportunity to provide rural employment on a previously developed but now redundant site. Subject to conditions, its design and overall appearance and its general impact should have no adverse impact on the landscape and scenic beauty of the AONB, the setting of nearby listed buildings or the living conditions of neighbouring properties. There would also be no adverse impact on highway safety or ecology.
- 7.2 The proposed development complies with Core Strategy policies together with the various provisions contained within the National Planning Policy Framework. For the reasons explained it is recommended that the application is supported.

---

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

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

---

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

---

### **CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
Drawing No. SP-0034.03 revision A dated December 2017  
Drawing No. SP-0034.04 dated November 2017  
Drawing No. SP-0034.05 dated November 2017  
Drawing No. SP-0034.06 dated November 2017  
Drawing No. SP-0034.07 dated November 2017  
Drawing No. PDA-COL-TP-001 dated 08.10.17  
Drawing No. 7423/100 dated 02.08.2018  
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. No development shall commence on site until a surface water strategy, to be designed in accordance with the principles set out in the GTA Civils Surface Water Drainage Statement (dated 2 August 2018), has been submitted to and approved in writing with the Local Planning Authority, in consultation with the Lead Local Flood Authority. The surface water strategy shall include hydraulic calculations that shall take into account the connectivity of the different surface water drainage features. The surface water strategy shall include a maintenance and management plan for the entire drainage system.

The surface water strategy for the site shall be provided and maintained in accordance with the approved details and upon completion of the development evidence shall be submitted to the Local Planning Authority demonstrating that the drainage system has been constructed in accordance with the final drainage design.

Reason: A pre-commencement condition is required 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.

4. No development shall commence and no machinery or materials shall be brought onto the site until protective fencing for the trees has been provided in accordance with the approved plan, Drawing No. PDA-COL-TP-001 dated 08.10.17. The protective fencing for the trees shall be retained for the duration of the development and shall not be removed until all machinery and materials have been removed from the site.

Reason: To ensure the protection of trees during construction and the creation of a high quality public realm and landscape setting in accordance with Policies OSS4 (iii), EN1 (i) and EN3 of the Rother Local Plan Core Strategy.

5. Mitigation relating to bats and barn owls shall be carried out in accordance with the recommendations contained within the Phlorum Ltd bat and barn owl survey report dated November 2016 (paragraphs 4.9 – 4.22).

Reason: To ensure the protection and enhancement of protected species and their habitat in accordance with Policy EN5 of the Rother Local Plan Core Strategy.

6. No above ground development in respect of the buildings hereby permitted shall commence until additional details or samples of the external materials of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To preserve the visual amenities of the area and the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii), EN1 (i) and EN3 of the Rother Local Plan Core Strategy.

7. No development above ground level shall take place until the soft landscaping details have been submitted to and approved by the Local Planning Authority, which shall include:

- a) Planting plans, to include boundary strengthening along the south edge of the site and new tree planting across the east boundary.
- b) Written specifications (including cultivation and other operations associated with plant and grass establishment).
- c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- d) Implementation programme.

Reason: To ensure the creation of a high quality public realm and landscape setting in accordance with Policies OSS4 (iii), EN1 (i) and EN3 of the Rother Local Plan Core Strategy.

8. No development in respect of any of the following matters shall commence until full details have been submitted to and approved in writing by the Local



Planning Authority and these works shall be carried out as approved and to a programme to be agreed:

- a) Any means of enclosure (fences and walls).
- b) Hard surfacing materials (road surfaces, footpaths, parking spaces including curbs and any tactile paving).
- c) Any street furniture, signage and a lighting strategy, including proposed locations and product specifications.
- d) Minor artefacts and structures (e.g. benches, bins, bike and refuse stores, water butts).

Reason: To ensure the creation of a high quality public realm, landscape setting and architectural quality in accordance with Policies OSS4 (iii), EN1 (i) and EN3 of the Rother Local Plan Core Strategy.

9. The buildings hereby permitted shall not be occupied until the car parking has been constructed and provided in accordance with the approved plan, Drawing No. SP-0034.03 revision A dated December 2017. The parking spaces shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide adequate car parking spaces for the development in accordance with policy TR4 (i) of the Rother Local Plan Core Strategy.

10. The buildings hereby permitted shall not be occupied until details of cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The cycle spaces shall thereafter be retained for that use and shall not be used 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.

11. The buildings hereby permitted shall not be occupied until the vehicle turning space has been constructed on the site in accordance with the approved plan, Drawing No. SP-0034.03 revision A dated December 2017. The turning space shall thereafter be retained at all times for this use only:

Reason: In the interests of highway safety in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.

12. The premises shall be used for B1 or B8 business purposes and for no other purpose (including any purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the living conditions of occupants of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

13. No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0800 nor after 1800 Monday to Saturday, or at all on Sundays and Public Holidays).

Reason: To protect the living conditions of occupants of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

14. The rating level of sound emitted from industrial activities at the site shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive

premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest/any sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

Reason: To protect the living conditions of occupants of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

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

Reason: To ensure the ongoing enhancement of the development and to protect the landscape and scenic beauty of the High weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

#### **NOTES:**

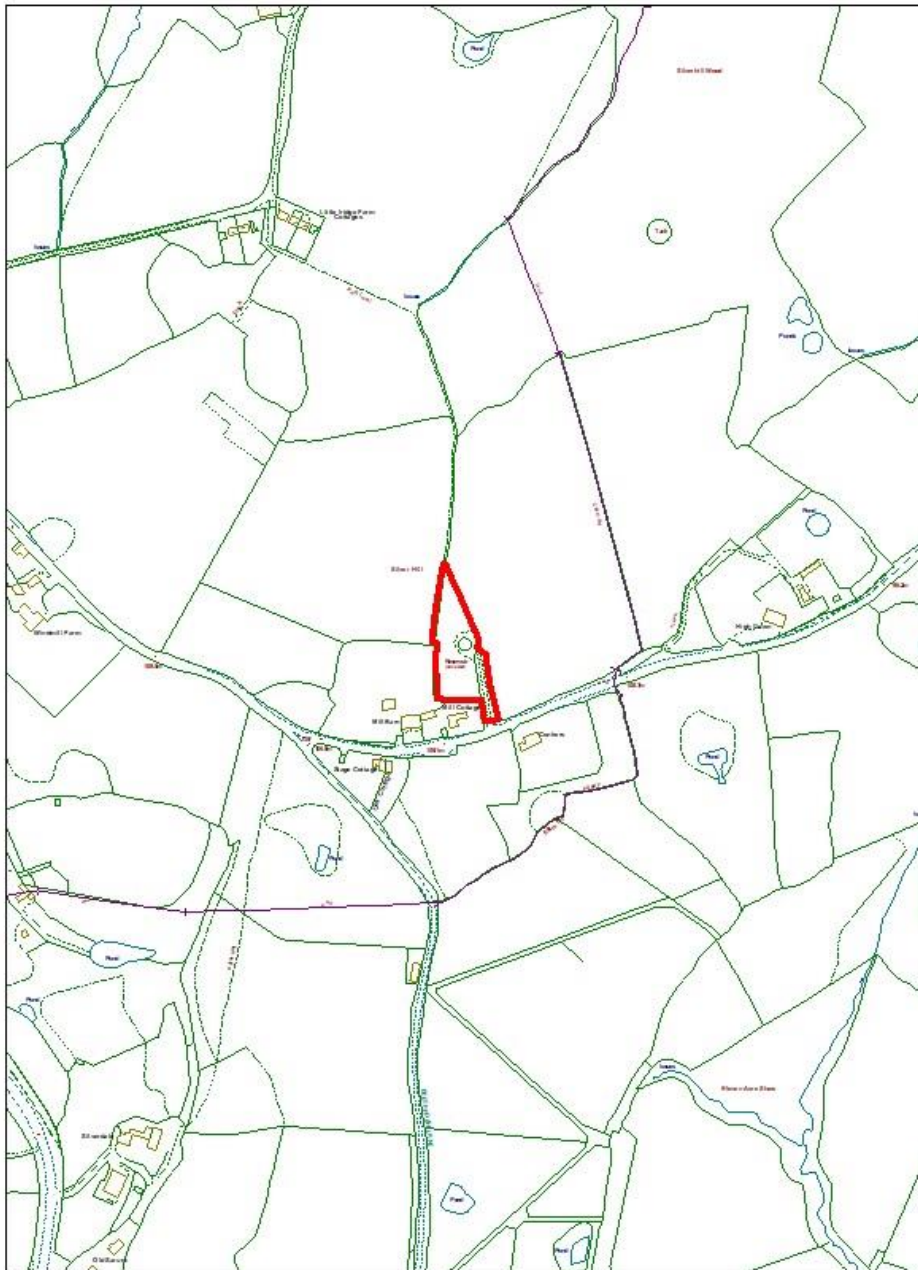
1. The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.
2. The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found and these should be sought before development commences.
3. This planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation. Further advice on the requirements of these Acts is available from Natural England, Sussex and Surrey Team, Phoenix House, 33 North Street, Lewes, East Sussex BN7 2PH.
4. The buildings proposed to be demolished may contain asbestos. The applicant is advised to follow the guidance provided on the Council's website at <http://www.rother.gov.uk/article/12791/Asbestos>.

**NATIONAL PLANNING POLICY FRAMEWORK:**

In accordance with the requirements of the National Planning Policy Framework (paragraph 38) 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	HURST GREEN
RR/2018/1683/P	SILVERHILL PUMP HOUSE BUSINESS UNIT



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No 100018643 2013.

Not To Scale

RR/2018/1683/P

**HURST GREEN Silverhill Pump House Business Unit, Bodiam Road, Silverhill, Hurst Green**

**Change of use and enlargement of existing, former water storage pump facility building to form a single new residential dwelling (C3 use class) with associated external landscaping works, parking provision and access improvements**

---

**Applicant:** Hartmires Investments Limited  
**Agent:** Chilmark Consulting Limited  
**Case Officer:** Mr M. Worsley  
(Email: [matthew.worsley@rother.gov.uk](mailto:matthew.worsley@rother.gov.uk))  
**Parish:** HURST GREEN  
**Ward Members:** Councillors G.S. Browne and Mrs S.M. Prochak

**Reason for Committee consideration: Member referral: Councillor G.S. Browne**

**Statutory 8 week date: 26 September 2018**  
**Extension of time agreed to: 18 October 2018**

---

This application is included in the Committee site inspection list.

---

## **1.0 POLICIES**

- 1.1 The following policies of the Rother Local Plan Core Strategy are relevant to the proposal:
- PC1: Presumption in favour of sustainable development.
  - OSS1: Overall spatial development strategy.
  - OSS2: Use of development boundaries.
  - OSS3: Location of development.
  - OSS4: General development considerations.
  - RA2: General strategy for the countryside.
  - RA3: Development in the countryside.
  - CO6: Community safety.
  - EC3: Existing employment sites.
  - 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.
- 1.2 The various provisions contained within the National Planning Policy Framework relating to protecting the intrinsic qualities of the countryside and the landscape and scenic beauty of the Area of Outstanding Natural Beauty (AONB), together with design, are material considerations.

---

## 2.0 SITE

- 2.1 The site is located to the north side of Bodiam Road (C19), around 0.4km east of the hamlet Silverhill, and is occupied by a former concrete water reservoir, which is partly concealed below ground. Access is via a single track which is around 60m in length.
- 2.2 The site lies within the countryside and is within the High Weald AONB. It is also within an archaeological notification area and there is a grade II listed cottage and a Grade II listed barn to the south. A public footpath runs up the access track, around the south and east sides of the former water reservoir and continues north across open fields.

---

## 3.0 HISTORY

- 3.1 A/60/956 Outline application: 15 detached dwellings – Refused.
- 3.2 A/64/802 Service reservoir – Approved.

---

## 4.0 PROPOSAL

- 4.1 Permission is sought to change the use and enlarge the former water reservoir into a dwelling. This would involve excavating around two thirds of the perimeter of the building and installing a stepped gabion wall. A lower ground floor extension, containing two bedrooms, and an above ground single storey extension, to provide an entrance hall, is detailed. A gravel driveway is proposed to the south of the building, including a turntable for vehicles. A garden is proposed to the north.

---

## 5.0 CONSULTATIONS

### 5.1 Parish Council:

#### 5.1.1 Object.

*'The Council strongly opposes this application. This was a unanimous decision. Grave concerns expressed about the entrance which is on a particular dangerous section of this road with no sight lines. The Parish Council which has an absolute right of way up the driveway to Stage Field has a currently approved application to put in a new entrance to the field, subject to funding as it considers the existing entrance to be too dangerous for the field to be properly utilised.*

*Concern that the current owners of the Pump House have moved and obstructed the Right of Way, footpath 27, and as yet have failed to respond or rectify this. East Sussex County Council has been trying for some time to get this sorted to no avail.*

*Since the Pump House was built the walls were ramped up with earth (presume if planning was needed at this time this would have been a requirement of planning permission) and in recent years overgrown with vegetation and the Pump House was completely obscured from view with few local people knowing it was there. Since it went on the market and was sold*

*the earth and vegetation has been removed to make it highly visible in this very high location on a ridge in an AONB.*

*The Council is of the opinion that the walls should be earthed up again to make the building more in keeping with its surroundings.*

*It should be noted that the building has already had windows and a door put into the walls and that due to its position it now overlooks the rear rooms of Mill Cottage. With a change of use the privacy of neighbours will be compromised.*

*It should be noted that even when this site was a functioning water storage facility there was very little traffic movement and no personnel on site.*

*As this site is outside the development boundary, in a prominent position in an AONB, on a site rich in historical interest and has already infringed a PROW with an extremely dangerous entrance on a very busy narrow country lane it should not be approved!*

## 5.2 Highway Authority:

### 5.2.1 Objection due to insufficient information.

*'...This application seeks permission for the change of use and enlargement of a former water storage pump facility to form a single dwelling with associated landscaping works, parking and access improvements at Silverhill Pump House Business Unit, Hurst Green.*

*Silverhill Pump House is accessed off Bodiam Road, a C class road [C19] subject to a 60mph speed restriction. The Design Manual for Roads and Bridges recommends appropriate visibility splays for an access serving this type of development dependent on traffic speeds on the major road. In this instance the recommended visibility splays are 2.4m by 215m in each direction, the major road "y" distance measured to the nearside vehicle path. The access offers visibility splays of approximately 15m to the left and 0m to the right. Although the access has visibility splays significantly below the required standard, the Pump House has permitted development rights for B1 office use, which would have a similar trip generation to that of a dwelling. As such, the County Council cannot object to the application due to the substandard visibility.*

*With the existing fence separating the Public Right of Way and access track removed and the area surfaced with geogrid, the access will provide sufficient width for vehicles accessing the single dwelling. The turning head should be surfaced with a suitable material to withstand vehicle movements and be of sufficient size to allow a fire tender to turn and exit the site in a forward gear. Suitable junction radii to allow a fire tender are also required. Tracking drawings demonstrating a fire tender entering, turning and exiting the site should be provided.*

*The proposed parking arrangement includes a turntable which the County Council would not support. It would instead be a requirement that a minimum of 2 open parking spaces with minimum dimensions 2.5m x 5m (add 0.5m if the spaces abut a wall) are provided with sufficient onsite turning space to allow vehicles to enter and leave the site in a forward gear. Amended plans demonstrating the required parking arrangement are required.*

*It is noted that the proposed bin store is significantly over the recommended 25m carry distance. Consultation with the local waste authority should be sought to ensure that refuse storage and collection facilities are provided in an agreeable location.*

*With the above in mind, I wish to object to the proposed development for the following reasons:*



1. *The proposal does not provide for adequate turning facilities within the site and reversing vehicles to or from the site onto the public highway would cause existing hazards to be increased by the further interference with the free flow and safety of traffic on the C19 and would therefore be contrary to para 109 of the National Planning Policy Framework.*
2. *The proposal does not provide for adequate parking facilities within the site which would result in additional congestion on the public highway causing interference with the free flow and safety of traffic on the C19 and would therefore be contrary to para 109 of the National Planning Policy Framework.*  
*Amended plans demonstrating tracking movements for a fire tender along with suitable on-site parking and turning arrangements may alleviate the above concerns...*

### 5.3 County Archaeologist:

- 5.3.1 Acknowledge that the site is within an archaeological notification area. However, based on the information supplied, do not believe that any significant archaeological remains are likely to be affected by the proposal.

### 5.4 County Landscape Architect:

#### 5.4.1 Initial comments – 30 August 2018

Recommends refusal.

*'...The Landscape and Visual Impact Assessment (LVIA) submitted to support the application provides an accurate description of the baseline landscape and visual context for the site and surrounding area.*

*The site in which the pump house sits is surrounded by native trees and woodland and is rural in character. The existing pump house does have a slight negative impact on local landscape character and views. This is exacerbated by the bright green colour that the building has been painted. Utilitarian and modern agricultural buildings are not uncharacteristic of the AONB countryside, especially in association with settlements and farmsteads.*

*Redevelopment of the site could be considered to offer an opportunity to enhance local landscape character and views. However the proposed conversion of the building to a two storey house with associated domestic features would result in overdevelopment for the site available. The building and associated parking, driveway, gabion walls and garden features would be on a considerably larger footprint than the existing building. The development would have a suburbanising effect on the rural character of this location.*

*The driveway could accommodate only one car and the need for a turntable would suggest that the area for parking and turning would be inadequate. The garden area would also appear to be inadequate in that much of it would be a sunken garden with an effect of the development being 'squeezed' into the area available. The surrounding houses are in generous garden plots and have a rural character. The character of the proposed house would be more of a modern townhouse with a small urban garden. There would be inadequate space to provide an effective planted screen to the footpath. The future residents of the new house would suffer from lack of privacy as users of the footpath would have close views directly into the house and garden.*

*The LVIA concludes that the visual impacts from the surrounding countryside would be neutral. Visual impacts on the surrounding countryside would be limited as the site is enclosed by dense vegetation. The views from the*



adjacent footpath would be impacted in the long term by the development and would be more likely to be moderate adverse in the long term. The proposed hedge planting around the site would not be adequate to mitigate the visual impacts. Views from the Mill Cottage and grounds could be mitigated in time if the existing woodland area is allowed to regenerate as proposed.

The character of this part of Silverhill is typically of vernacular country houses in generous garden settings. By contrast the proposed development would be stark and urban in character. The impact on the character of the site and surrounding area would be significant and would be difficult to mitigate. The impact of introducing a modern house, sunken garden and parking area into this tight space would not sit comfortably with the rural character of the area. Well-designed modern houses can be acceptable in the AONB countryside on carefully selected sites with adequate space for mitigation and integration into the landscape.

*It is recommended that the proposed development is not supported due to the adverse landscape and visual impact it would have on the local AONB landscape...*

#### 5.4.2 Further comments – 25 September 2018

*'...I note the rebuttal comment with regard to my comment dated 30.08.18 with regard to the likely landscape and visual impacts of this application and have the following comments:*

- 1) Design: The existing building is typical of many functional buildings found in the rural agricultural landscape. The functional concrete design of the building could be considered to detract from the character and visual amenity of the local area. There are many such buildings in the rural AONB landscape and especially associated with agriculture. The principle that conversion of such buildings to residential use needs to be considered with care. These purely functional buildings, which are not attractive in their own right, could be considered a reason to allow conversion to residential to 'enhance' their appearance. The proposed residential building and associated access and garden would introduce suburban character to the site.*
- 2) In this context it is considered that the impact of the proposed development on very local views, including viewpoint 2, will be more likely to have a Moderate Adverse impact (rather than the assessed Neutral) based on the methodology provided in the LVIA. This will be a very localised impact but in the context of the AONB landscape is considered to be significant.*
- 3) The impact on local landscape character in Table 5 of the LVIA is considered to be minor and in the table this is the same level of impact as identified for the wider character of the area and the AONB. It is agreed that the impact on landscape character will be very localised, but the local impact will be greater than the impact on the wider area due to the changes proposed on the site. In this context the impact on the wider area would be **minor** significance as concluded in the table, but the local impacts would be **moderate** and significant.*
- 4) In conclusion the existing functional character and nature of the site should not be seen as a reason to allow a new residential development in the countryside. Whilst it is acknowledged that the adverse landscape and visual impacts would be localised, in the context of the AONB landscape these local impacts are considered to be significant...*

5.5 County Rights of Way Officer:

- 5.5.1 No objection provided a recently erected fence next to the footpath is removed and a grass seeded 'Geogrid' surface is provided over all of the verge and track.

5.6 High Weald AONB Unit:

- 5.6.1 General advice provided on the relevant legislation and national planning policy relating to AONBs. General comments also provided on materials and lighting.

5.7 Planning Notice:

- 5.7.1 Four objections received, two of which are from the same person (summarised):

- Proposed development would spoil the skyline.
- Adverse impact on AONB.
- Urban design, modern in appearance, wholly out of place with rural surroundings and the more traditional properties nearby.
- Stage Field is the highest location for some miles and was used during WWII as an observation point.
- Main concern is safety.
- No visibility at access.
- Road is used by cars and heavy articulated vehicles.
- Access is only used occasionally for agriculture and maintenance of the adjacent Stage Field, which is owned by the Parish Council.
- Understand that Parish Council has planning permission for a new entrance and car park further up the road due to the danger of the existing.
- Site has not been used commercially since the 1960s/70s when water storage facility ceased.
- Family home proposed and therefore at least two cars would be required by the owners given the rural location.
- D&A Statement says building is rated for business purposes but is currently vacant which contradicts claims by Highway Planning Limited which state that building is used as an office.
- Water tower originally supplied water to nearby properties and was refilled via lorry once every two weeks in an era when the roads were much quieter.
- There has never been regular daily access to the site.
- Access sits on a slight concave curve with hedge one side and trees the other resulting in zero visibility.
- No pavements.
- No local public transport.
- Feel they should have been consulted on the alterations to the public footpath.
- There is no electricity, water or sewer drainage connected and windows have only recently been added.
- Resent the fact that that the site is referred to within the application as brownfield. Owner has removed trees, painted building bright green and laid gravel.
- Injurious weeds present on site.
- Fencing off public footpath has made access awkward.

- Supportive comments have been submitted by people employed by the applicant.
  - Charges register shows that there is a covenant on the land with British Gas.
- 5.7.2 Four supportive sets of comments received, including from the applicant's architect, landscape architect and forestry consultant (summarised):
- Site is brownfield and therefore the proposal would not increase traffic.
  - Fantastic design.
  - Entrance has not been upgraded.
  - Was going to buy the site and use it as an office and scaffold store but the proposal is much better.
  - Landscape and visual impact assessment supports the proposal.
  - Plans well received by neighbours.
  - With the lack of a five year housing supply, the proposal would increase housing numbers.
  - Advice provided on managing the injurious weeds.
- 

## 6.0 APPRAISAL

- 6.1 The main issues to consider in the determination of this application include:
- The existing use of the site and whether it should be classed as previously developed land.
  - The loss of an employment creating use.
  - Location.
  - Character and appearance, including the landscape and scenic beauty of the AONB.
  - Setting of nearby listed buildings.
  - Archaeology.
  - Ecology.
  - Living conditions of occupants of nearby residential properties.
  - Highway safety.
  - Public footpath

### 6.2 Existing Use:

- 6.2.1 The building on the application site was formally used as a water storage reservoir, which falls within planning use class B8 (storage or distribution). Permitted development rights exist to change the building to B1 (business). However, despite the premises being rated for business purposes, it has not, to the Council's knowledge, been occupied as offices to date.

- 6.2.2 The Framework defines previously developed land within Annex 2 as follows:  
*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

- 6.2.3 Paragraph 117 of the National Planning Policy Framework states that, *Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land, except where this would conflict with other policies in this National Planning Policy Framework, including causing harm to designated sites of importance for biodiversity.*
- 6.2.4 It is accepted that the former water tower site fits with the definition of previously developed land and that national policy promotes its effective use. However, the National Planning Policy Framework also makes it clear that the environment must be safeguarded and improved. This is particularly relevant given the sensitivities of this site which is located within the High Weald AONB countryside and close to the setting of two Grade II listed buildings. These matters will be discussed later in the report.
- 6.3 Employment:
- 6.3.1 Policy EM3 (i) of the Core Strategy states that land and premises currently (or last) in employment use will be retained in such use unless it is demonstrated that there is no reasonable prospect of its continued use for employment purposes or it would cause serious harm to local amenities.
- 6.3.2 No evidence has been submitted with the application to demonstrate that there is no reasonable prospect of the existing building continuing for employment purposes and that the land could not be utilised for another employment use (which might include a tourism use).
- 6.3.3 Even if an employment creating use of the land (including potentially tourism) was shown not to be viable, Policy EC3 (iv) of the Core Strategy states that where continued employment use of a site/premises is demonstrated not to be viable, permit complementary enabling development as part of an overall scheme to make most effective use of the property for employment purposes; if a mixed use scheme is not viable, prioritise alternative community uses, affordable housing and then market housing, subject to local needs. In line with the policy requirements, other uses would need to be considered before market housing. The proposal therefore represents an unjustified loss of an employment creating use.
- 6.4 Location:
- 6.4.1 Policy TR3 of the Core Strategy provides that new development should minimise the need to travel and support good access to employment, services and community facilities. This is supported by paragraph 103 of the National Planning Policy Framework.
- 6.4.2 The site is located to the north of a small loose knit group of five dwellings located along a country lane. The site is within the countryside, well away from any town or village or other built up area. It is around 2km by road from the centre of Hurst Green and its associated shops, school and other services, and is around 1.2km from the edge of the village's development boundary. There are no footpaths along the lane. Within the application reference has been made to the nearby hamlet of Silverhill. However, this is

a small collection of around 40 dwellings with no shops, school or other services. It does not have a development boundary.

6.4.3 Whilst there is a bus service along the A21, which stops at Silverhill, this is 0.8km from the site by road and there are no footpaths along the lane. There are no other forms of public transport within walking distance of the site. Occupiers of any new dwelling on the site would therefore be heavily reliant on private vehicles, the least sustainable form of transport.

6.4.4 The development would not be well located in terms of access to public transport and services and would be contrary to the relevant policy aims to minimise the need to travel and to support the transition to a low carbon future. For the reasons explained the site is considered to occupy an unsustainable location.

## 6.5 Character and Appearance:

6.5.1 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'.

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

6.5.3 Policy RA3 (iii) lists the exceptional cases of when dwellings are allowed in the countryside including farm workers dwellings, the conversion of traditional farm buildings, one to one replacements and rural exception sites to meet an identified local affordable housing need.

6.5.4 Policy EN1 (i) requires development to protect and enhance the landscape and scenic beauty of the AONB which is supported by paragraph 172 of the National Planning Policy Framework.

6.5.5 Policy EN3 requires all development to be of a high design quality.

6.5.6 Paragraph 170 of the National Planning Policy Framework states (*inter alia*): *Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

6.5.7 Paragraph 172 of the National Planning Policy Framework states: *Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited.*

- 6.5.8 The site is occupied by a utilitarian cylindrical concrete building, partly concealed below ground, which was formerly used as a water reservoir which is surrounded by trees. The site is roughly triangular in shape, narrowing to a point at the north. The site is accessed via a track from the lane to the south. Ground levels rise up the track and then fall away again at the north end of the site, at which point views are possible for miles. The site is elevated and without the existing boundary trees would be very exposed and visible in the surrounding landscape. Beyond the site the surroundings are characterised by scattered development along the road, interspersed by irregular shaped fields and pockets of woodlands, typical of the AONB landscape.
- 6.5.9 The proposed development would convert and extend the existing structure to provide a three bedroomed dwelling. Significant excavation works together with a stepped gabion wall are proposed to expose a large part of the structure which is currently contained below ground. In the excavated space, a lower ground level extension is proposed on the north side of the building and a separate upper level extension is proposed on the southwest side. Materials would consist of light coloured concrete render to the elevations and the flat roof would be covered in a wild flower meadow. The windows and doors would be aluminium framed and coloured grey. A gravel driveway would be provided to the south of the building and a turfed garden is proposed to the north.
- 6.5.10 The application has been submitted with a LVIA. In terms of the landscape character impact the LVIA concludes that the development would have a minor significance of impact at national, regional and local scales. Turning to the visual impact, the LVIA concludes the following:  
*The site is very visually contained to a confined area within a few metres of the existing building and access drive. Views in are screened or heavily obscured by semi mature and mature woodland blocks and hedgerows to the north, east and west with a narrow cone of vision open to the south. All views of the development, both at completion and after mitigation planting would have established are judged as not significant. The development would not be discernible from any medium and long distance views in. The development would also result in a not significant impact on local properties, roads and other open spaces.*
- 6.5.11 East Sussex County Council's (ESCC) Landscape Architect considered the findings of the LVIA but raised an objection to the proposed development. In summary, the ESCC Landscape Architect acknowledges that the existing building has a slight negative impact on local landscape character and views. However, she is of the opinion that the proposal is an overdevelopment of the site, would be stark and urban in character, and as a result would have a suburbanising effect on the rural character of the area.
- 6.5.12 The author of the applicant's LVIA has responded to the comments made by the ESCC Landscape Architect, disagreeing with many of the points raised and commenting that a number of their statements are entirely subjective and not base on the Guidelines for Landscape and Visual Impact Assessment methodology.
- 6.5.13 The ESCC Landscape Architect in a further response, maintains her original objection to the scheme. In summary, she comments that the existing functional character and nature of the site should not be seen as a reason to allow a new residential development in the countryside. Whilst

acknowledging that the adverse landscape and visual impacts would be localised, in the context of the AONB landscape these local impacts are considered to be significant.

- 6.5.14 A tree report also accompanies the application which details tree retention and protection during development.
- 6.5.15 The proposed development is not simply a conversion of an existing disused building. Significant excavation work, retaining structures, hard landscaping and extensions are detailed, and the exterior of the building would have a stark light coloured render finish. In all the proposal would result in a much greater proportion of built development on the site which would have an urbanising impact on its surroundings. As a result it is considered that the development would adversely impact on the rural character of the area which would be harmful to the landscape and scenic beauty of the AONB.
- 6.5.16 It is appreciated that the existing structure is utilitarian in appearance and that the proposed development may be relatively well screened in long views if all of the boundary trees were retained. Whilst the submitted plans indicate that trees would be retained, there is a not unrealistic concern, that future occupants would wish to remove the trees to the north of the building to take advantage of the extensive views. This would significantly expose the dwelling and associated garden in the surrounding landscape. Nevertheless, putting the tree screening issue to the side, the development would still be highly visible from the public footpath that runs through the site. In addition, hiding unacceptable forms of development within the AONB landscape ignores the purpose of the designation. Allowing such proposals could be repeated all too often to the significant detriment of the landscape designation.

## 6.6 Setting of the nearby Listed Buildings:

- 6.6.1 There are two Grade II listed buildings to the south of and in relatively close proximity to the site – Mill Cottage and a converted barn to the west. The cottage is around 50m to the south of the former water reservoir and the barn is around 60m to the southwest. In terms of the setting of the two buildings, the lane is to the south, with long distance views beyond. To the north land rises to the point of where the former water reservoir building is sited.
- 6.6.2 Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 sets out the statutory duty of local planning authorities when considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.
- 6.6.3 Policy EN2 of the Core Strategy states that development affecting the historic built environment, including that both statutorily protected and the non-statutorily protected, will be required to (iii) preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic building typologies.
- 6.6.4 The list description for Mill Cottage states:

*On the map called Mill Farm. C18. Two storeys and attic. Two windows. One modern dormer. Ground floor red brick, above tile-hung. Tiled roof. Casement windows. Modern ground floor L-wing to north east.*

6.6.5 The list description for the barn states:  
*Late C15 timber-framed building, refaced in the C18 with stone and weatherboarding. Asbestos slate roof. Central wagon entrance on south side with pentice to east and west.*

6.6.6 In assessing any impact, the application site is separated from these listed buildings by at least 50m and there is some intervening vegetation together with a significant change in ground levels. However, there are some views of the rear of Mill Cottage from the application site. The existing utilitarian building detracts from the setting of the listed building to some limited extent, as would the proposed urban style redevelopment. However, purely in terms of the impact of the proposed development on the setting of the listed building, the harm created should be no greater than the existing and thus the impact of the proposed development is judged to be neutral.

#### 6.7 Archaeology:

6.7.1 Although the site is located within an archaeological notification area, the County Archaeologist has advised that the development should not affect archaeological remains. The former water reservoir was installed under a 1960s planning permission which would have involved significant excavation and earth works. For this reason it is concluded that the development poses a very low risk to archaeological remains.

#### 6.8 Ecology:

6.8.1 Policy EN5 requires biodiversity, geodiversity and green space to be protected and enhanced as part of developments.

6.8.2 The application is accompanied by a Preliminary Ecological Appraisal and Phase 1 Habitat Survey. This concludes by stating that the habitats present within the site have potential to support common nesting birds, dormice, reptiles (common lizard, slowworm and grass snake), and foraging bats and that development of the site could potentially impact on common reptiles and dormice. It recommends that if the impacts cannot be avoided, a presence/absence survey for dormice and reptiles should be carried out to inform a mitigation strategy to safeguard the protected species, unless all suitable habitats can be retained as part of the proposals.

6.8.3 No further survey work has been carried out. In the event that the principle of the development was considered acceptable such survey work should be requested and then any recommended mitigation work appropriately conditioned.

#### 6.9 Living Conditions:

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

6.9.2 The nearest neighbouring residential property is Mill Cottage, around 50m to the south. There would be sufficient separation for the proposed development



to not adversely impact on the living conditions of the occupants of any nearby neighbouring properties.

6.10 Highway Safety:

6.10.1 Policy CO6 (ii) of the Core Strategy requires all development not to prejudice road and/or pedestrian safety.

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

6.10.3 Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.10.4 The road is subject to a 60mph speed limit and visibility at the access is extremely poor. The access has not been used on a regular basis historically and thus the proposed development would represent an intensified use which would pose an increased risk to highway safety.

6.10.5 However, the permitted development fall-back position is a material planning consideration. The application is accompanied by advice from Counsel which explains that the former water reservoir would fall within the planning use class B8 (storage or distribution). There are permitted development rights available to change the use of the building to B1 (business). Whilst the building is registered for business rates it is understood that the premises have not yet been occupied for B1 purposes. Nevertheless there is considered to be a more than theoretical chance of this fall-back position being utilised should permission not be granted for a residential redevelopment. With this in mind the traffic generation from a potential B1 use of the premises has to be taken into consideration in the determination of this application. The traffic generated from a single three bedroomed dwelling is likely to be similar if not less than that from a B1 use of the existing building and therefore an objection to the principle of the development on highway safety grounds would not be justified in this instance.

6.10.6 The objection raised by the Highway Authority is noted. They have raised concerns over the proposed use of a turntable for vehicles and as a result consider that inadequate on-site turning facilities and parking provision are currently proposed. Amended plans would need to be submitted to address these concerns. As it stands the concerns raised by the Highway Authority are valid reasons to refuse planning permission.

6.11 Public Footpath:

6.11.1 A fence has recently been erected along the footpath which has restricted its width. In the event that planning permission was granted a condition could be imposed to require the fence to be removed and the surfacing that has been requested by the County Rights of Way Officer to be provided.

## 6.12 Other Issues:

- 6.12.1 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). In respect of the Ashdown Forest and Lewes 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.
- 6.12.2 Specific consideration has been given to the likely level of non-local (i.e. commuting) trips that can be estimated to be generated by the proposed development and the likely distribution of those trips, having regard to recorded commuting flows from this locality. Assuming 2 trips from a single vehicle to any destination, the proposal is found likely to generate an immaterial number of daily vehicle movements that would have the potential to have impact on the Ashdown Forest SAC or Lewes Downs SAC.
- 6.12.3 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.
- 6.12.4 Covenants are understood to exist on the site. Any such restrictions are not a material planning consideration and would need to be dealt with by the interested parties separately to the planning application.
- 

## 7.0 **CONCLUSION AND PLANNING BALANCE**

- 7.1 The Council does not currently have a five year supply of housing land in place. The proposal, therefore, falls to be considered against paragraph 11 of the Framework which sets out the presumption in favour of sustainable development and indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. As the site is within the High Weald AONB the proposal also falls to be determined against those specific policies which indicate that development should be restricted in AONBs.
- 7.2 The proposed dwelling would contribute towards the District's targets for housing delivery and five year land supply. However, given that the proposal is only for a single unit of accommodation, only very moderate weight can be attached to the associated social benefits. There would also be some very moderate economic benefits relating to any construction work.
- 7.3 Notwithstanding these extremely moderate social and economic benefits of the proposal, the development would not meet the environmental role of sustainable development. This is because of the inaccessibility to local services and facilities together with the harm to the intrinsic qualities of the countryside and the landscape and scenic beauty of the AONB. The proposal would also result in an unjustified loss of an employment creating use, which would have negative economic consequences, and would have an adverse impact on highway safety.

- 7.4 These issues bring the proposal into conflict with the environmental and economic dimensions of sustainability, as set out in paragraph 8 of the National Planning Policy Framework. Paragraph 172 of the National Planning Policy Framework directs that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB and, in this case, it has been found that the proposed development would cause harm to the character and natural beauty of the AONB. Consequently, paragraph 172 does constitute a specific policy in the National Planning Policy Framework which indicates that development should be restricted.
- 7.5 When the Framework is considered as a whole, the proposal does not constitute sustainable development. Furthermore, it is concluded that the scheme conflicts with the Development Plan as a whole. For the reasons explained it is recommended that the application is refused.
- 

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

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

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

---

#### **REASONS FOR REFUSAL:**

1. The proposed development would represent an unjustified new dwelling within the countryside. The conversion and extension of the existing building, which includes light coloured render elevations, significant excavation works and gabion walls, together with areas of hardsurfacing and garden, would have an urbanising impact on the site and its surroundings and would adversely impact on the rural character of the locality together with the landscape and scenic beauty of the High Weald AONB, contrary to Policies OSS4 (iii), RA3 (iii) (v) and EN1 (i) of the Rother Local Plan Core Strategy and paragraph 172 of the National Planning Policy Framework.
2. The site lies within an unsustainable countryside location where occupiers of the proposed dwelling would be highly reliant on private motor vehicles and would not be able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development would be contrary to Policies PC1, OSS3 (v) and TR3 of the Rother Local Plan Core Strategy and paragraph 103 of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.
3. No evidence has been submitted with the application to demonstrate that there is no reasonable prospect of the existing building continuing for employment purposes and that the land could not be utilised for another employment use. The proposal therefore represents an unjustified loss of an employment creating use contrary to Policy EM3 (i) of the Rother Local Plan Core Strategy.
4. The proposal does not provide for adequate turning facilities within the site and reversing vehicles to or from the site onto the public highway would cause existing hazards to be increased by the further interference with the

free flow and safety of traffic on the C19 and would therefore be contrary to Policy CO6 (ii) of the Rother Local Plan Core Strategy and paragraph 109 of the National Planning Policy Framework.

5. The proposal does not provide for adequate parking facilities within the site which would result in additional congestion on the public highway causing interference with the free flow and safety of traffic on the C19 and would therefore be contrary to Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy and paragraph 109 of the National Planning Policy Framework.

**NOTE:**

1. This decision notice relates to the following set of plans:  
Drawing No. 434/Loc revision A dated 02.07.18  
Drawing No. 434/100 revision A dated 02.07.18  
Drawing No. 434/101 dated May 2018  
Drawing No. 434/102 revision A dated June 2018  
Drawing No. 434/103 dated May 2018  
Drawing No. hla 238 01 dated August 2017  
Drawing No. hla 238 02 dated August 2017  
Drawing No. hla 238 03 dated August 2017

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

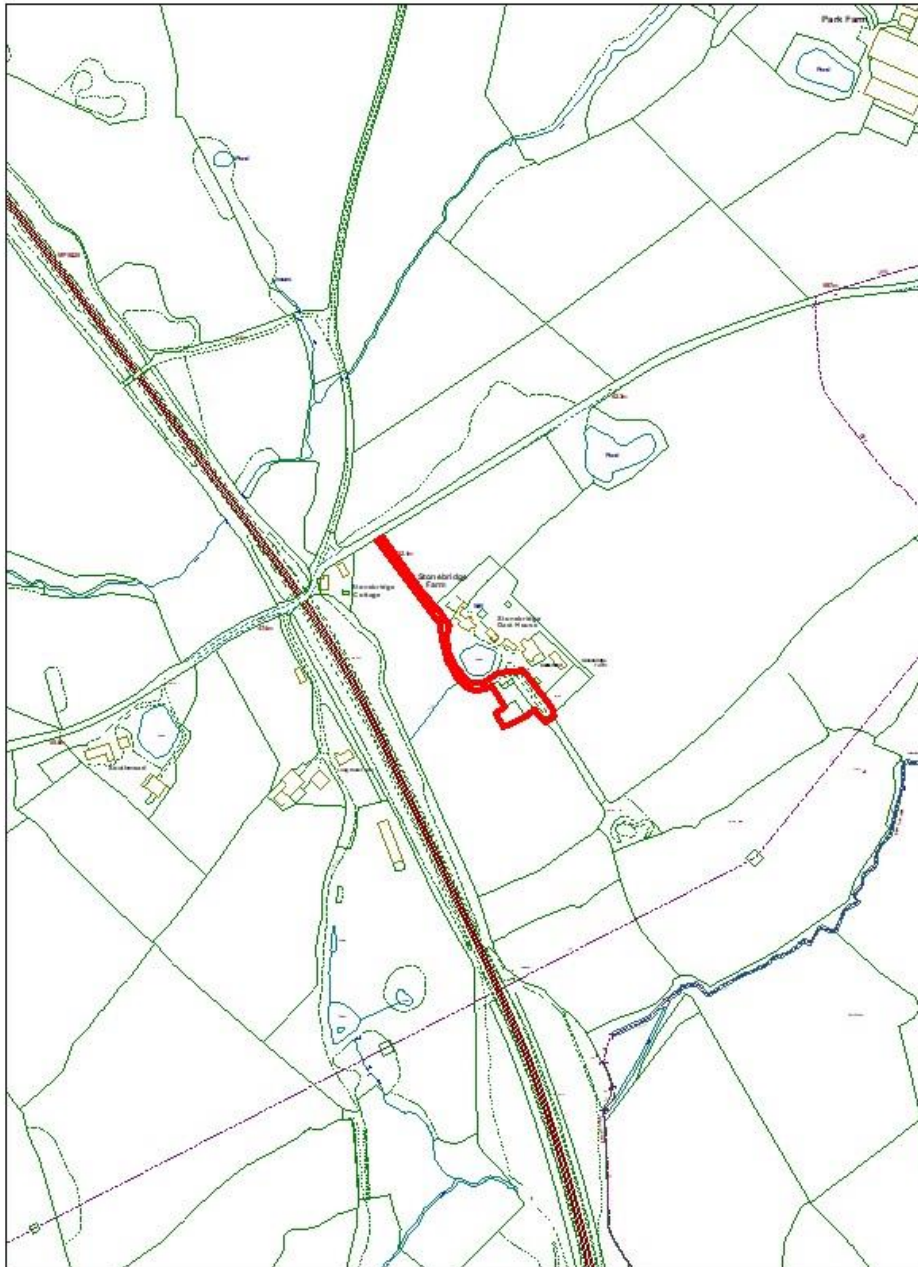
[View application/correspondence](#)

SITE PLAN

CROWHURST

RR/2018/1498/P

BREADSELL LANE - LAND AT



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No 100018643 2013.

Not To Scale

RR/2018/1498/P

CROWHURST Breadsell Lane – land at

Proposed stable building, hay storage building and  
new access road

**Applicant:** Ms L. Finch-Mitchell  
**Agent:** Pump House Designs  
**Case Officer:** Mr E. Corke (Email: [edwin.corke@rother.gov.uk](mailto:edwin.corke@rother.gov.uk))  
**Parish:** CROWHURST  
**Ward Member:** Councillor G.C. Curtis

**Reason for Committee consideration:** Referred by Councillor G.C. Curtis

**Statutory 8 week date:** 3 August 2018

**Extension of time agreed to:** 16 October 2018

This application is included in the Committee site inspection list.

## 1.0 POLICIES

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

- DS5: Strategic Gaps.
- CF5: Equestrian Development.

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

- PC1: Presumption in Favour of Sustainable Development.
- OSS1: Overall Spatial Development Strategy.
- OSS2: Use of Development Boundaries.
- OSS3: Location of Development.
- OSS4: General Development Considerations.
- HF1: The Hastings Fringes.
- RA2: General Strategy for the Countryside.
- RA3: Development in the Countryside.
- SRM2: Water Supply and Wastewater Management.
- CO6: Community Safety.
- EN1: Landscape Stewardship.
- EN3: Design Quality.
- EN7: Flood Risk and Development.
- TR3: Access and New Development.
- TR4: Car Parking.

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

---

## **2.0 SITE**

- 2.1 The application relates to a small-scale livery yard located in the corner of an open field and adjoining land to the north-east and south-east. The livery yard contains a stable building for three horses, and several associated storage buildings/structures, including an old van body. The applicant also owns several adjacent fields.
- 2.2 Access to the livery yard is from Breadsell Lane via a private access track, over which the applicant has a right of way, which also serves a number of dwellings within the Stonebridge Farm complex located to the north of the site, including the Grade II listed Stonebridge Farmhouse. A Public Footpath (Crowhurst 20) runs along parts of the access track and passes immediately to the north-east of the livery yard in a south-easterly direction.
- 2.3 In policy terms, the site is located in the countryside and the Crowhurst and Hastings Strategic Gap.

---

## **3.0 HISTORY**

- 3.1 RR/2014/1471/P Change of use of land to livery yard and erection of stables and stores (retrospective). Change of use of wider land for the grazing and exercising (riding) of horses (retrospective). Proposed extension to existing store. Granted.
- 3.2 RR/2015/1072/P Application for removal of Condition 7 imposed on planning permission RR/2014/1471/P and variation of the wording of Condition 8 in respect of the provision of temporary fencing. Granted.

---

## **4.0 PROPOSAL**

- 4.1 Planning permission (application reference RR/2014/1471/P) was granted for the existing, low-key, livery yard in 2015, subject to a condition restricting the number of horses that can be kept on the land at full livery to no more than three at any one time.
- 4.2 The current proposal is for the erection of two additional stable buildings to house the applicant's own equines (four horses and two donkeys) and a hay building with tack room to the south-east of the livery yard. The existing stable building would be retained for livery purposes. It is also proposed to create a new vehicular access into the site from the south-east and provide two additional parking spaces within the livery yard. As part of the proposed development the old van body used for storage and two small store buildings would be dismantled and removed from the land.
- 4.3 The proposed stable buildings and hay building with tack room are low single-storey mono-pitch roof structures, which each measure 11.35m width x 3.85m depth (excluding roof overhang). The external materials palette comprises brick and timber weatherboard to the elevations and profile metal cladding to the roofs. The submitted plans show regarding of ground levels

(i.e. cut and fill) and the creation of areas of hard-standing for the new buildings and the existing livery yard, all finished with MOT Type 1 hardcore. In terms of their arrangement, the two stable buildings would face each other with a central walkway in between, and the hay building with tack room would be located to the north-east, on the other side of the new access into the livery yard.

- 4.4 The new vehicular access would commence at the end of the existing private access track, to the south-east of the current entrance to the livery yard, on the route of the Public Footpath. It would then enter the applicant's field through a hedge/treeline before doubling back on itself to the new buildings. The new access is shown to be 3.5m wide and finished with MOT Type 1 hardcore on the submitted plans. The justification for the access is that the existing entrance into the livery yard is awkward.

---

## 5.0 CONSULTATIONS

### 5.1 Crowhurst Parish Council:

- 5.1.1 *"The Council considered that the proposed development would not increase the number of horses on the site but would provide improved wellbeing of the animals through better stable facilities. The site improvements would also be beneficial to the Village. Changes to the access point to the site were being considered by the owner and neighbouring properties which if agreed would reduce the frequency of traffic from deliveries. Other improvements to water supplies would also improve the ability to manage the site. It was resolved to support the application."*

### 5.2 ESCC Highway Authority:

- 5.2.1 No comment.

### 5.3 ESCC Rights of Way:

- 5.3.1 No objection contingent on the footpath being maintained available to the public at all times, unless subject to an application for temporary closure to enable works to proceed.

### 5.4 Planning Notice:

- 5.4.1 One letter of support from one individual address. The reasons for support are summarised as follows:
- The present conditions are far from adequate and animal welfare will undoubtedly be improved by the proposed changes.
- 5.4.2 One letter of objection from residents of the Stonebridge Farm complex. The reasons for objecting are summarised as follows:
- Overdevelopment.
  - Will dominate the site and landscape.
  - Adverse effect on the setting of the Grade II listed Stonebridge Farmhouse.



- Any increase in the number of stabled horses would compromise the current planning conditions, which were imposed to protect the living conditions of the occupants of the Stonebridge Farm complex.
- Undue disturbance to the Stonebridge Farm complex from noise and smells.
- New access road is not justified.
- Grassed part of the Right of Way could be potentially unusable for most vehicles in bad weather.
- Will increase the amount of traffic.
- What is the reason for the proposed increase in parking provision from four cars to six cars?
- No details provided regarding the storage and disposal of manure/stable waste.
- There is no mains water on site, which raises concerns regarding the regular hosing down of the stable blocks and its impact on general hygiene and odour.

---

## 6.0 APPRAISAL

6.1 The main issues to consider are:

- Impact on the character and qualities of the landscape and countryside
- Impact on the living conditions of neighbouring residents; and
- Highway safety.

6.2 Character and Qualities of the Landscape and Countryside:

6.2.1 The Government's approach to the natural environment is set out in the National Planning Policy Framework and at paragraph 170 advises that valued landscapes should be protected and enhanced. 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.

6.2.2 Saved Policy DS5 of the Local Plan (2006) provides that development in the Crowhurst and Hastings Strategic Gap will be carefully controlled and only in exceptional circumstances will development be permitted therein. Any development must be unobtrusive and not detract from the openness of the area.

6.2.3 Saved Policy CF5 states, amongst other things, that development of new or in connection with existing equestrian establishments will be permitted provided (i) there will be no significant adverse effect on the landscape character of the area.

6.2.4 This part of the countryside is characterised by open fields enclosed by mature hedgerows and trees, interspersed with areas of woodland. Although the open field to which the application relates contains a livery yard with associated stable building and stores, this is a small-scale development contained in the corner of the field. It is very low-key and as such its impact upon the landscape is limited. The general openness and attractiveness of the wider field makes a positive contribution to the landscape character of the area.

- 6.2.5 The proposal would introduce three new buildings into the open field, together with associated earthworks, areas of hard-standing and the introduction of a new vehicular access and its associated hard surfacing. Whilst the new buildings have been designed using local materials, would be of a traditional appearance and would be located adjacent to the existing livery yard, by reason of the number proposed, their visual impact upon the landscape would be significantly greater than the existing low-key equestrian development. Furthermore, the new areas of hard-standing and new vehicular access with its associated hard surfacing would introduce a significant amount of man-made material (MOT Type 1 hardcore) into the field that would have a harmful urbanising effect and would adversely affect the pattern of open fields that characterise this part of the countryside. Overall, the proposal would represent a significant encroachment of development into the open field, which would be harmful to the intrinsic character and qualities of the landscape and countryside and would be obtrusive and would detract from the openness of the Strategic Gap. This harm would not be off-set in any way by the proposed removal of an old van body used for storage and two small store buildings from the livery yard.
- 6.2.6 The new development would not be prominent in the wider landscape due to the topography of the land and the trees on the field boundaries. However, it would still be visible to residents of the dwellings in the Stonebridge Farm complex and would be apparent from the Public Footpath, which passes immediately to the north-east of the livery yard, particularly as part of the new vehicular access would be on the route of the footpath.
- 6.2.7 It is acknowledged that the proposal would provide stabling for the applicant's equines and that the new vehicular access would be an improvement over the existing awkward access into the site. However, these benefits do not outweigh the harm that would be caused by the proposal, as set out above.
- 6.3 Living Conditions of Neighbouring Residents:
- 6.3.1 The proposal is likely to introduce some additional traffic/people/horse generated noise in the vicinity of the residential properties in the neighbouring Stonebridge Farm complex. However, this is unlikely to be significantly greater than that generated by the existing livery yard, particularly as the proposal is for the stabling of the applicant's equines only (i.e. a private use), which are already kept on the land. It is not an intensification of the existing livery use.
- 6.3.2 The neighbours are concerned about the storage and disposal of manure/stable waste. Details of an appropriately sited manure bay, together with details for the disposal manure/stable waste, could be secured by condition.
- 6.3.3 For the above reasons, it is not considered that the proposal would be detrimental to the living conditions of neighbouring residents.
- 6.4 Highway Safety:
- 6.4.1 The proposal is unlikely to generate a significant increase in traffic to and from the site, as it is for the stabling of the applicant's equines only. As such, it is not considered that the proposal would be detrimental to highway safety.

## 6.5 Other Matters:

- 6.5.1 Residents of the Stonebridge Farm complex are concerned that the proposal would harm the setting of the Grade II listed farmhouse. However, the development would be located in part of a field which is considered to be both physically and visually separate from the listed building, and therefore not within its setting.
- 6.5.2 The neighbouring residents are also concerned about a lack of mains water on the site and the implications this has for traffic generation (i.e. from water having to be brought onto the site) and general hygiene and odour (i.e. the lack of regular hosing down of the stables). In response, the applicant has indicated that mains water will be installed on the site in due course.
- 6.5.3 Neighbours have advised that the latter part of the existing private access track leading up to the new vehicular access has a grass/mud surface, which could be potentially unusable for most vehicles in bad weather. The applicant only has a right of way over this section of the existing private access track – she does not own it – which is why no hard surfacing is proposed here. While it may be potentially unsuitable for vehicular access in bad weather, the existing entrance to the site would still be available for use.
- 

## 7.0 **SUMMARY**

- 7.1 The proposed development would be a significant encroachment of development into an open field, which would be harmful to the intrinsic character and qualities of the landscape and countryside and would be obtrusive and would detract from the openness of the Crowhurst and Hastings Strategic Gap. This harm demonstrably outweighs the benefits of providing stabling for the applicant's equines and improving access to the site. As such, planning permission should be refused.
- 

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

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

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

---

### **REASON FOR REFUSAL:**

1. This part of the countryside is characterised by open fields enclosed by mature hedgerows and trees, interspersed with areas of woodland. The proposal would introduce three new buildings into an open field, together with associated earthworks, areas of hard-standing and the introduction of a new vehicular access and its associated hard surfacing. As such, the proposal would be a significant encroachment of development into the open field, which would be harmful to the intrinsic character and qualities of the landscape and countryside and would be obtrusive and would detract from the openness of the Crowhurst and Hastings Strategic Gap, in conflict with Paragraph 170 of the National Planning Policy Framework, Policies OSS3

(vi), OSS4 (iii), HF1 (iii), RA2 (viii), RA3 (v) and EN1 (v & viii) of the Rother Local Plan Core Strategy and saved Policies DS5 and CF5 (i) of the Rother District Local Plan (2006).

**NOTE:**

1. This refusal of planning permission relates to the following drawings:  
Drawing No. 5780/LBP/A (LOCATION BLOCK PLAN) dated 08.06.18  
Drawing No. 5780/1/B (PROPOSED ACCESS DRIVE & EQUESTRIAN BUILDINGS) dated 08.06.18  
Drawing No. 5780/2/B (PROPOSED EQUESTRIAN BUILDINGS) dated 08.06.18

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) 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 clearly setting out the reason for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

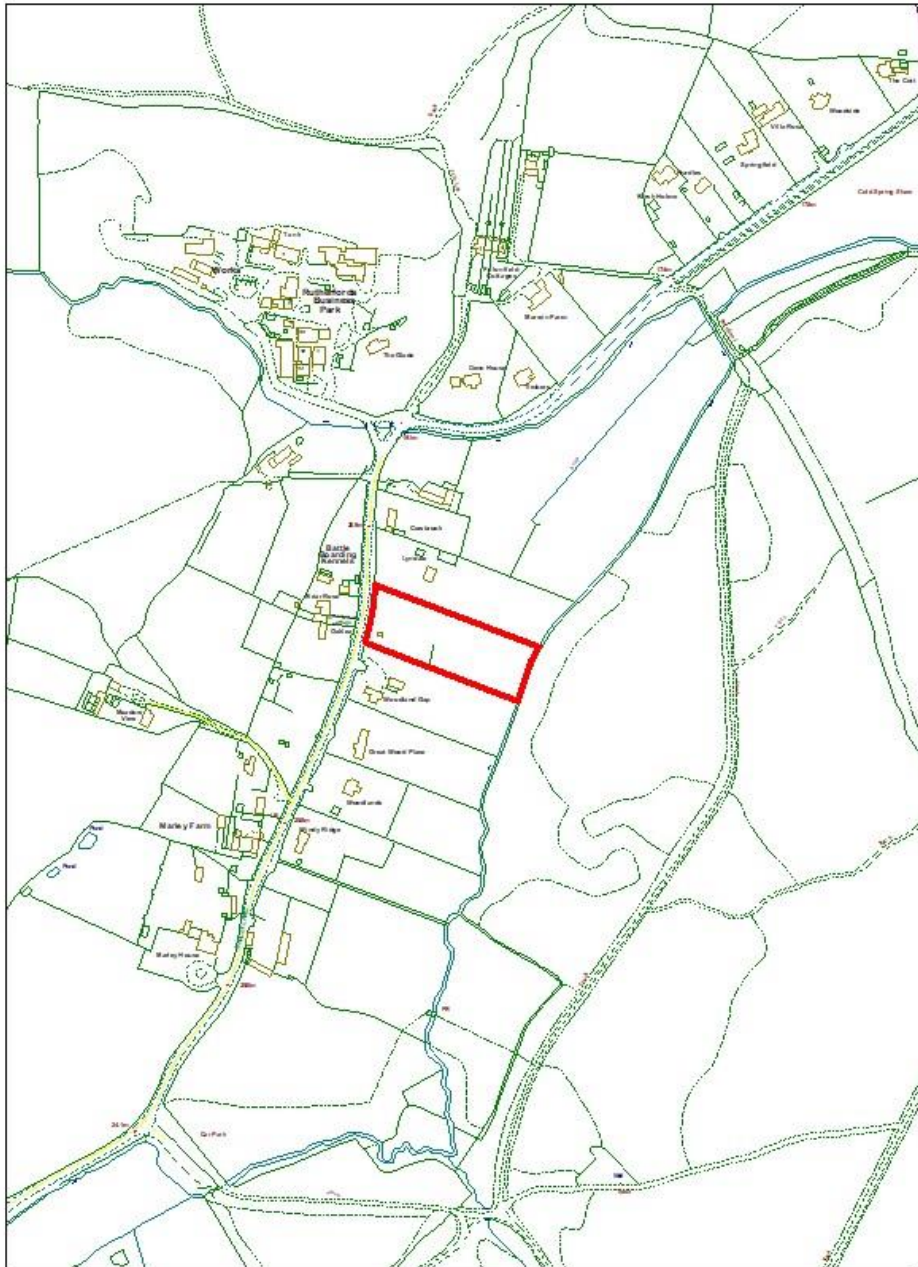
[View application/correspondence](#)

SITE PLAN

BATTLE

RR/2018/1897/P

MARBAT, MARLEY LANE



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No 100018643 2013.

Not To Scale

RR/2018/1897/P

**BATTLE Marbat, Marley Lane****Proposed dwelling and garage**

---

**Applicant:** Mr & Mrs R. McAdie  
**Agent:** Pump House Designs  
**Case Officer:** Mr M. Worsley  
(Email: [matthew.worsley@rother.gov.uk](mailto:matthew.worsley@rother.gov.uk))  
**Parish:** BATTLE  
**Ward Members:** Councillors K.P. Dixon and K.M. Field

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

**Statutory 8 week date: 12 September 2018**

**Extension of time agreed to: 18 October 2018**

---

This application is included in the Committee site inspection list.

---

## **1.0 POLICIES**

- 1.1 The following policies of the Rother Local Plan Core Strategy are relevant to the proposal:
- PC1: Presumption in favour of sustainable development.
  - OSS1: Overall spatial development strategy.
  - OSS2: Use of development boundaries.
  - OSS3: Location of development.
  - OSS4: General development considerations.
  - RA2: General strategy for the countryside.
  - RA3: Development in the countryside.
  - CO6: Community safety.
  - EN1: Landscape stewardship.
  - EN3: Design quality.
  - EN5: Biodiversity and green space.
  - TR3: Access and new development.
  - TR4: Car parking.
- 1.2 The various provisions contained within the National Planning Policy Framework relating to protecting the intrinsic qualities of the countryside and the landscape and scenic beauty of the Area of Outstanding Natural Beauty (AONB), together with design, are material considerations.
- 

## **2.0 SITE**

- 2.1 The site fronts the east side of Marley Lane, is located within the countryside and is within the High Weald AONB. A public footpath runs across the eastern boundary. It is a largely undeveloped site containing a small storage building and field gate at the western end with mature hedges and trees to

the boundaries. A large area of ancient woodland adjoins the site to the east. There are dwellings on the plots either side of the site.

---

### **3.0 HISTORY**

- |     |            |  |
|-----|------------|--|
| 3.1 | A/61/118   | Outline application: bungalow and garage. Refused.               |
| 3.2 | A/61/332   | Outline application: dwelling. Refused.                          |
| 3.3 | RR/77/0522 | Outline: to erect a detached dwellinghouse with garage. Refused. |
- 

### **4.0 PROPOSAL**

- 4.1 Permission is sought to erect a two storey detached dwelling with raised terrace to the rear and a detached double garage with office or gym above to the property frontage. Within the application it is explained that a large property is proposed to accommodate multi-generational living.
- 4.2 The site slopes away towards the east and therefore some building up of the land would be required to provide a level base for where the house and garage are proposed. This is shown on the submitted plans.
- 

### **5.0 CONSULTATIONS**

#### **5.1 Town Council**

- 5.1.1 Object.  
*'The Council feels that this is overdevelopment of the property; the footprint is double the size of nearby properties and should therefore be refused.'*

#### **5.2 Planning Notice**

- 5.2.1 Four objections received (summarised):
- Site is located outside of a development boundary.
  - The site has always been greenfield.
  - Many properties in the area have land to the side which contributes to the rural character.
  - Precedent would be set if approved.
  - No mains drainage.
  - Concerned over the size of the dwelling and garage.
  - Concerned about the potential reduction in speed limit to 30mph as this would indicate a residential area.
  - Increased traffic and parking issues.
  - More suitable sites available closer to the town.
  - Adverse impact on AONB.
  - Out of character with the area.
  - Permission has previously been refused.
  - No justification to widen access.
  - Neighbour has views into the site.
  - Wooden gates on the frontage would cause a highway hazard.

- Property looks like it could be changed into commercial premises.
  - Not all neighbours support the proposal.
- 5.2.2 One supportive set of comments received (summarised):
- Obvious infill plots such as this should be considered for sympathetic individual properties.
  - Support the prospect of the speed limit being reduced.
- 5.2.3 Five letters of support from local residents submitted with the application (summarised):
- Building would not have a negative impact on the area.
  - Height and position of the building well thought out and would be unobtrusive.
  - Good family home in the area where they are in short supply.
  - Beneficial to the area if there is a proper use of the land.
  - Site is excellently screened.
  - Obvious candidate for an infill plot.
  - No impact on the landscape.
  - Design is sympathetic to the surroundings.
  - Retention of vegetation would provide visual seclusion.
- 5.2.4 In response to the objections the applicant has commented as follows (summarised):
- The proposed development would be served by a septic tank.
  - The dwelling would serve three generations of the same family.
  - There are other large properties close by.
  - The proposed garage is similar in size to that at Great Wood Place.
  - The joint garaging at Lyndate is around 33% larger than the garage proposed.
  - The dwelling will be served by off-road parking and therefore the status quo regarding parking will remain.
  - Bollards outside the site were approved under licence by highways to protect the grass verge and ensure that the water hydrant was never obstructed.
  - Dwelling would be set away from the boundaries.
  - Other dwellings have been built in the immediate area.
  - Planning application is not associated with the speed petition they put together.
  - Visibility splay complies with an average speed of 60mph in one direction and 45mph in the other.
  - Some of the objectors did not raise concerns over other development in the locality in the past.

---

## 6.0 APPRAISAL

- 6.1 The main issues to consider in the determination of this application include:
- Whether the proposed development is an appropriate location for a new dwelling.
  - The character and appearance of the locality, including the landscape and scenic beauty of the AONB.
  - Highway safety.
  - Ecology.



- The living conditions of neighbouring properties.

## 6.2 Location:

- 6.2.1 The site is located within an existing loose knit section of ribbon development. However, it is still within the countryside, remote from any town or village or other built up area. It is around 2km from the centre of Battle and its associated, shops, schools and other services, and around 1km from the edge of the town's development boundary. There are no footpaths along the road.
- 6.2.2 Whilst there is a bus service along the road, together with a school bus service, these are understood to be relatively limited. Occupiers of any new dwelling on the site would therefore be heavily reliant on private vehicles, the least sustainable form of transport.
- 6.2.3 The development would not be well located in terms of access to public transport and services and would be contrary to the relevant policy aims to minimise the need to travel and to support the transition to a low carbon future. For the reasons explained the site is considered to occupy an unsustainable location.
- 6.2.4 It is also worth noting that there have been a number of recent appeals determined on the outskirts of Battle, including, land adjacent to Kingsland, North Trade Road, Battle; appeal reference APP/U1430/W/17/3175857 and Voewood, London Road, Battle; appeal reference APP/U1430/W/17/3177087 which are considered to be comparable to the current application in terms of the site location. The site 'land adjacent to Kingsland' is around 2km from the centre of Battle and 0.6km from the edge of the development boundary. 'Voewood' is 1.4km from the centre of Battle and is also 0.6km from the development boundary. The appeal at land adjacent to Kingsland was dismissed due to the relative inaccessibility of the site to local services, together with the impact on the AONB. The appeal at Voewood was dismissed for very similar reasons. The site currently under consideration is even further from the edge of the development boundary than the two appeals that have been dismissed and should therefore be viewed as being in an inaccessible and unsustainable location to local services.
- 6.2.5 However more critically relevant, and material to the consideration of this application, is a further even more recent appeal (reference APP/U1430/W/17/3190460) on a site very close to the application site at Marley Farm. On that site, which is only 165m to the south, the Inspector dismissed an appeal for two dwellings and concluded that the scheme would be harmful to the rural character of the site, the landscape and scenic beauty of the AONB and, due to inadequate visibility, highway safety.

## 6.3 Character and Appearance:

- 6.3.1 Policy OSS4 (iii) requires all development to respect and not detract from the character and appearance of the locality.
- 6.3.2 Policy RA3 (iii) lists the exceptional cases of when dwellings are allowed in the countryside including farm workers dwellings, the conversion of traditional farm buildings, one to one replacements and rural exception sites to meet an identified local affordable housing need.

- 6.3.3 Policy EN1 (i) requires development to protect and enhance the landscape and scenic beauty of the AONB which is supported by paragraph 172 of the National Planning Policy Framework.
- 6.3.4 Policy EN3 requires all development to be of a high design quality.
- 6.3.5 The site is substantial in size measuring almost 50m in width and 140m in length. There are residential properties either side and on the opposite side of the road with a large area of ancient woodland to east. The open, largely undeveloped site, contributes to the spacious loose knit character of the locality.
- 6.3.6 The dwelling would be substantial in scale. It would measure 23m in width, 13m in depth and 8.6m in height. In addition, the rear elevation of the property would be on top of built up ground measuring 1.5m in height. There would be a large area of flat roof contained behind the outer facing pitched roofs. The design of the property would incorporate a projecting central gable feature on the front elevation with large areas of glazing which would be flanked by two wider projecting gables. To the rear would be two projecting gables at each end. The elevations would consist of brickwork and clay tile hanging and the roof would be covered in clay tiles.
- 6.3.7 The dwelling would be set back from the road by 35m and would be 18m from the southern boundary and 7m from the northern boundary.
- 6.3.8 The proposed dwelling would be significantly larger in footprint and overall bulk than any other property in the near vicinity of the site. It is considered that it would be out of keeping with the scale of other dwellings nearby. Introducing a large scale dwelling to this currently open and largely undeveloped site would create a prominent feature in the landscape. Due to its excessive scale the dwelling would be intrusive on its surroundings and would cause harm to the rural character of the area and the landscape and scenic beauty of the AONB. The dwelling's impact would be accentuated by the raised levels at the rear, resulting in the dwelling being even more prominent in the surrounding AONB and when viewed from the public footpath to the east.
- 6.3.9 In addition to the overall size, the design of the property is considered mediocre, with a large area of flat roof and large areas of glazing to the central gable on the front elevation and the entire rear elevation.
- 6.3.10 The garage would be positioned in front of the dwelling on the southern part of the site. It would be set back from the road by 13m. The garage would measure 10m in width, 8m in depth and 6.5m at ridge height. It would have a half hipped roof with two dormers within the front roof slope.
- 6.3.11 The garage would also be of a significant scale which when combined with the large scale dwelling would add to the adverse impact that the development would have on the rural character of the area and the landscape and scenic beauty of the AONB.
- 6.3.12 The proposed dwelling, raised terrace, surrounding garden and detached garage would introduce a large scale domestic style development and use to the site which would be visible from the adjacent public footpath. The development would urbanise the site which would *detract from the loose knit*

*character of the existing ribbon of development and would be out of character with the defining rural characteristics of the local area, thus causing harm to the rural character of the area and the landscape and scenic beauty of the AONB.*

#### 6.4 Highway Safety:

- 6.4.1 Marley Lane is subject to a 60mph speed limit and with this in mind the visibility splay requirements according to Design Manual for Roads and Bridges are 2.4m x 215m either side of a new access. Whilst it is appreciated that the applicant is in the process of seeking to reduce the speed limit along the road to 30mph, at present the speed limit remains at 60mph.
- 6.4.2 The site is currently served by an informal field access and gates. The existing access would be utilised and upgraded, which would include widening it by 1m and surfacing the driveway and parking area. Adequate space to park and turn multiple vehicles on site would be provided.
- 6.4.3 The requisite visibility splays for a 60mph road do not appear achievable in either direction due to the alignment of the road and overhanging roadside vegetation. The proposed development would result in additional vehicle movements to and from the site which would prejudice highway safety, contrary to policy CO6 (ii) of the Core Strategy.

#### 6.5 Ecology:

- 6.5.1 Existing trees and hedges would be retained. No tree or ecological surveys have been submitted. However, in the event that permission was granted tree protection measures could be secured via condition.
- 6.5.2 In respect of the ancient woodland to the east and any protected species that may be present, the dwelling would be positioned more than 90m from the woodland. This separation should be sufficient for the development to not directly impact on the ancient woodland and any protected species that may be present within it. Advisory notes could be attached to any permission about protected species.

#### 6.6 Living Conditions:

- 6.6.1 Whilst the dwelling would be set away from the south side boundary by an adequate distance, it would be around 7m from the northern boundary. There are concerns over the potential to directly overlook the neighbouring garden from the open sided balcony on the north side of the rear elevation.
- 6.6.2 The proposed raised ground would increase the height of the first floor balconies. The balconies would also be open sided meaning that elevated views would be possible towards both neighbouring dwellings and their back gardens. Whilst the boundary with the neighbouring property to the south would be 18m from the new dwelling, with substantial vegetation screening, and therefore may not cause too much of an issue in terms of overlooking, the northern boundary would only be 7m from the new dwelling and balcony. There is also much less vegetation screening on the northern boundary compared to the southern boundary. The neighbouring property to the north, Lynwood, and its associated rear garden is currently not overlooked. The introduction of the large dwelling with raised first floor open sided balconies

would result in Lynwood's rear garden being overlooked to an unacceptable extent. It is appreciated that there is some boundary vegetation screening but there is no guarantee that this would be retained in perpetuity.

- 6.6.3 Whilst the new dwelling would be substantial in size, it would be set away from the boundaries and there is some vegetation screening. For these reasons the development should not appear unacceptably overbearing or cause an unacceptable loss of light to neighbouring properties.

## 6.7 Other Issues:

- 6.7.1 On some other applications objections to new development have been raised by Wealden District Council in regard to potential cumulative impacts on the air quality at Ashdown Forest and Lewes Downs Special Areas of Conservation (SACs). In respect of the Ashdown Forest and Lewes 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.
- 6.7.2 Specific consideration has been given to the likely level of non-local (i.e. commuting) trips that can be estimated to be generated by the proposed development and the likely distribution of those trips, having regard to recorded commuting flows from this locality. Assuming 2 trips from a single vehicle to any destination, the proposal is found likely to generate an immaterial number of daily vehicle movements that would have the potential to have impact on the Ashdown Forest SAC or Lewes Downs SAC.
- 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.

---

## 7.0 SUMMARY AND PLANNING BALANCE

- 7.1 The Council does not currently have a five year supply of housing land in place. The proposal, therefore, falls to be considered against paragraph 11 of the Framework which sets out the presumption in favour of sustainable development and indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. As the site is within the High Weald AONB the proposal also falls to be determined against those specific policies which indicate that development should be restricted in AONBs.
- 7.2 The proposed dwelling would contribute towards the District's targets for housing delivery and five year land supply. It is also acknowledged that the dwelling would support multi-generational living. However, given that the proposal is only for a single unit of accommodation, only very moderate weight can be attached to these social benefits. There would also be some very moderate economic benefits relating to any construction work.
- 7.3 Notwithstanding these extremely moderate social and economic benefits of the proposal, the development would not meet the environmental role of sustainable development. This is because of the inaccessibility to local

services and facilities together with the harm to the intrinsic qualities of the countryside and the landscape and scenic beauty of the AONB. The proposal would also prejudice highway safety and there would be an unacceptable level of direct overlooking from one of the rear balconies towards the rear garden of the neighbouring property to the north.

- 7.4 These issues bring the proposal into conflict with the environmental dimension of sustainability, as set out in paragraph 8 of the National Planning Policy Framework. Paragraph 172 of the National Planning Policy Framework directs that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB and, in this case, it has been found that the proposed development would cause harm to the character and natural beauty of the AONB. Consequently, paragraph 172 does constitute a specific policy in the National Planning Policy Framework which indicates that development should be restricted.
- 7.5 When the National Planning Policy Framework is considered as a whole, the proposal does not constitute sustainable development. Furthermore, it is concluded that the scheme conflicts with the Development Plan as a whole.
- 7.6 Finally Members are required to have particular regard to the recent appeal decision on the nearby site which as a material consideration must also carry great weight. For all the reasons explained the application cannot be supported.
- 

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

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

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

---

### **REASONS FOR REFUSAL:**

1. The proposed development would represent an unjustified new dwelling within the countryside. The dwelling, raised terrace, garden and detached garage would have an urbanising impact on the site and its surroundings and would adversely impact on the rural loose knit character of the locality together with the landscape and scenic beauty of the High Weald AONB, contrary to Policies OSS4 (iii), RA3 (iii) (v) and EN1 (i) of the Rother Local Plan Core Strategy and paragraphs 79 and 172 of the National Planning Policy Framework.
2. Notwithstanding the objection in principle, the proposed dwelling and detached garage would be significantly larger in footprint and overall bulk than any other residential property in the near vicinity of the site. The development would be out of keeping with the scale of other dwellings nearby. Introducing a large scale dwelling to this currently open and largely undeveloped site would create a prominent feature in the landscape, which would be accentuated by the raising of the ground levels at the rear. Due to its excessive scale and mediocre design the dwelling and associated detached garage would be intrusive to their surroundings and would cause harm to the rural character of the area and the landscape and scenic beauty

of the High Weald AONB contrary to Policies OSS4 (iii), RA3 (v), EN1 (i) and EN3 of the Rother Local Plan Core Strategy and paragraphs 127 and 172 of the National Planning Policy Framework.

3. The site lies within an unsustainable countryside location where occupiers of the proposed dwelling would be highly reliant on private motor vehicles and would not be able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development would be contrary to Policies PC1, OSS3 (v) and TR3 of the Rother Local Plan Core Strategy and paragraph 103 of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.
4. The development would be served by a vehicular access with substandard visibility splays in both directions due to the alignment of the road and overhanging roadside vegetation. The proposed development would result in additional vehicle movements to and from the site which would prejudice highway safety, contrary to Policy CO6 (ii) of the Rother Local Plan Core Strategy.
5. The raised first floor open sided balcony on the northern side of the rear elevation would directly overlook the rear garden of the neighbouring property 'Lyndale' to an unacceptable extent and would adversely impact on the living conditions of the occupiers contrary to Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

**NOTE:**

1. This decision notice relates to the following set of plans:  
Drawing No. 5885/LBP dated July 2018  
Drawing No. 5885/1 dated June 2018  
Drawing No. 5885/2 dated June 2018  
Drawing No. 5885/3 dated June 2018  
Drawing No. 5885/4 dated June 2018

**NATIONAL PLANNING POLICY FRAMEWORK:**

In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

[View application/correspondence](#)

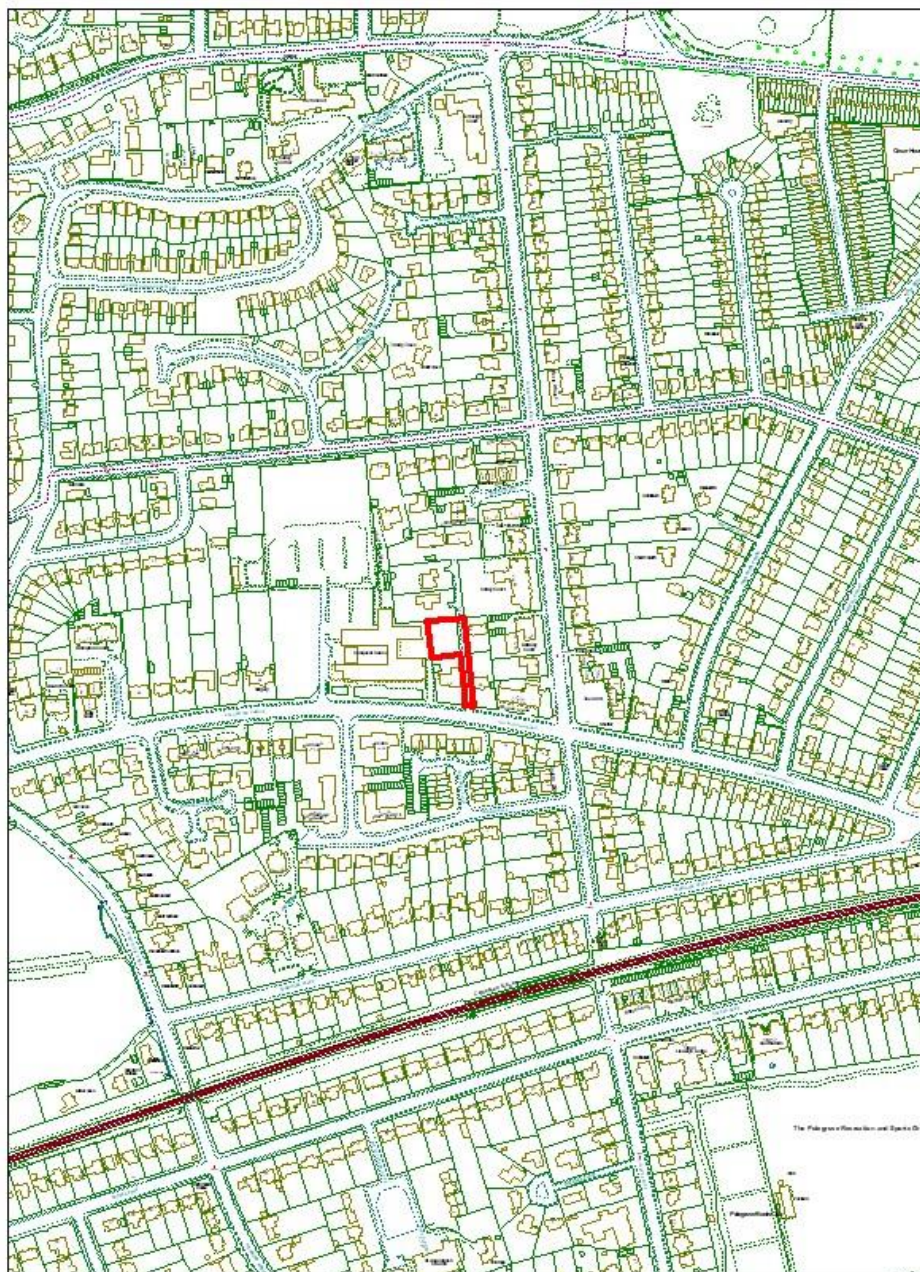


SITE PLAN

BEXHILL

RR/2018/2047/P

CRANLEIGH CLOSE - LAND TO WEST OF



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No 100018643 2013.

Not To Scale

---

RR/2018/2047/P

BEXHILL Cranleigh Close – Land to west of

Erection of three dwellings comprising a two bedroom bungalow and a pair of semi-detached three bedroom houses together with associated parking and access

---

**Applicant:** The Park Lane Group  
**Agent:** Town & Country Planning Solutions  
**Case Officer:** Mr E. Corke (Email: [edwin.corke@rother.gov.uk](mailto:edwin.corke@rother.gov.uk))  
**Parish:** BEXHILL  
**Ward Members:** Councillors Mrs D.C. Earl-Williams and D.B. Oliver

**Reason for Committee consideration:** Referred by Councillor Mrs D.C. Earl-Williams

**Statutory 8 week date:** 25 September 2018  
**Extension of time agreed to:** 16 October 2018

---

This application is included in the Committee site inspection list.

---

## 1.0 POLICIES

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

- DS3: Proposals within Development Boundaries.

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

- PC1: Presumption in Favour of Sustainable Development.
- OSS2: Use of Development Boundaries.
- OSS3: Location of Development.
- OSS4: General Development Considerations.
- BX1: Overall Strategy for Bexhill.
- BX3: Development Strategy.
- SRM2: Water Supply and Wastewater Management.
- CO6: Community Safety.
- EN3: Design Quality.
- EN5: Biodiversity and Green Space.
- EN7: Flood Risk and Development.
- TR3: Access and New Development.
- TR4: Car Parking.

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

---



## **2.0 SITE**

- 2.1 The application site is a rectangular-shaped backland plot of former garden land bounded by a mixture of brick walls and timber fencing, and including a 1.8m high brick wall on the site frontage which is a private gravel drive. It is located in an established residential area with a mix of building types including two-storey houses, flat units and single-storey bungalows on plots of varying sizes.
- 2.2 It is a flat site bounded by a chalet bungalow to the north (No. 1 Cranleigh Close), a building comprising flats to the south (No. 30 Collington Avenue) and a business complex to the west, occupied by the insurance company Hastings Direct. To the east of the site, on the other side of the private access drive serving the five properties in Cranleigh Close, is a bungalow (No. 5 Cranleigh Close).
- 2.3 In policy terms, the site is located within the Development Boundary for Bexhill.
- 

## **3.0 HISTORY**

- |     |                |  |
|-----|----------------|--|
| 3.1 | RR/2016/189/P  | Erection of four, three bedroom houses together with associated parking and access. Refused.   |
| 3.2 | RR/2016/1289/P | Erection of four, three bedroom houses together with associated parking and access. Refused and Appeal Dismissed. (Appeal decision attached as an Appendix.) |
| 3.3 | RR/2017/1641/P | Erection of four, three bedroom houses together with associated parking and access. Refused.   |
- 

## **4.0 PROPOSAL**

### *Background*

- 4.1 Three successive schemes for the erection of four, three bedroom houses arranged as two pairs of semi-detached properties were refused planning permission previously because of the harm that would have been caused to the living conditions of neighbouring residents in relation to outlook and privacy. The second scheme was dismissed on appeal (Appeal Ref: APP/U1430/W/16/3155859) for the same reasons although, in reaching the decision to dismiss the appeal, the Inspector found that the positioning of a two-storey dwelling some 5m away from the common boundary with the property to the north, No. 1 Cranleigh Close, would not harmfully dominate outlook from habitable rooms or the garden area to the front of that property. The appeal decision is a material consideration in the determination of this application.

### *Current proposal*

- 4.2 The current scheme is a revised proposal for the erection of a detached two bedroom bungalow on the southern part of the site (instead of a pair of three bedroom houses) and two, three bedroom houses arranged as a pair of semi-detached properties on the northern part of the site.

- 4.3 The detached bungalow has a hipped roof with gable ends to the sides and a small gable to the front, and a materials palette comprising a mixture of red brick (for a dwarf wall), white render and grey Hardieplank weatherboard to the elevations, and grey Forticrete slate to the roof. The overall dimensions of the bungalow are 9.45m width x 11m depth x 6.05m height to ridge.
- 4.4 The building comprising the semi-detached houses has a hipped roof with a gable end to the side (south) elevation, a full hip to the side (north) elevation, facing no. 1 Cranleigh Close, and two different sized gables to the front. The materials palette is as per the detached bungalow. The overall dimensions of the building are 10.1m width x 11m depth x 8.65m height to ridge.
- 4.5 In keeping with the previous schemes, tandem parking spaces are proposed for each dwelling with vehicular access via the private access drive from Collington Avenue. This necessitates the removal of three sections of the 1.8m high brick wall on the site frontage and the proposed erection of white rendered piers to the property entrances. Proposed hard surfacing materials comprise charcoal black paving to the driveways, grey block paving to the parking spaces and paving slabs for pathways.
- 4.6 The revised proposal is materially different to the previously refused schemes and, therefore, should be assessed on its own merits.
- 4.7 Since the application was first publicised, an updated Ecological Survey and updated Badger Report have been submitted. The requisite notice has also been given to all owners of the land to which the application relates. In addition, the scheme has been amended so that the front of the dwellings would be set back between 3.6m–3.9m from the brick wall on the site frontage instead of the originally proposed 1.6m–2m.
- 

## **5.0 CONSULTATIONS**

### **5.1 UK Power Networks:**

- 5.1.1 No comments received.

### **5.2 Planning Notice:**

- 5.2.1 Two general comments from two individual addresses summarised as follows:
- No objection provided conditions are imposed removing 'permitted development' rights.
  - Disruption during the construction period.
  - One of the planning notices has fallen off the post.
- 5.2.2 16 objections from five individual addresses raising the following concerns (summarised):
- Overdevelopment.
  - Overlooking and loss of privacy.
  - Overshadowing.
  - Loss of outlook.
  - Cramped and modern design.
  - Out of character.

- Occupiers of the dwellings would have a poor outlook because of the close proximity of the 1.8m high brick wall on the eastern boundary of the site and Cranleigh Close.
- Inappropriate materials.
- Insufficient parking provision.
- Restricted access.
- Blind egress for vehicles.
- Detrimental to highway safety.
- Damage to the private access track.
- Out of date ecology report.
- Development would be close to new UK Power Network sub-station.
- Double the population in the close.
- Multiple applications. The Planning Act does allow local planning authorities to refuse to accept repeat applications.
- Does not conform to the established building line.
- Disruption during the construction period.
- Harmful to wildlife.
- No objection to a single bungalow being built on this plot.
- There are restrictive covenants in place (e.g. preventing the use of slates for roofing).
- Inaccuracies in the drawings/plans (e.g. the orientation does not show 'north' correctly).
- Problems getting wheelie bins to the front of the properties.
- Park Lane does not own any part of the private access road, which is owned exclusively by the existing residents of 1-4 Cranleigh Close. Park Lane does not have permission to cut in sweeping driveways across land outside of their ownership.
- Planning Statement is misleading.
- As this is a 'new' planning application, no reference should be made or conclusions drawn to previous decisions made by the planning department or inspectorate relating to 'other' planning applications.
- The need for new houses is no longer a valid argument as there are well over 1,000 houses planned for Bexhill.
- Disturbance from noise.
- Light pollution.
- No parking is permitted in the private access track.

---

## 6.0 APPRAISAL

### 6.1 Planning Considerations:

- 6.1.1 The application site is located within the defined Development Boundary for Bexhill and as such there is a presumption in favour of development, subject to environmental considerations. The main issues therefore are:
- Impact on the character and appearance of the area;
  - Impact on the living conditions of adjoining residents in relation to outlook and privacy in particular;
  - Highway issues including traffic generation, vehicle access and highway safety;
  - Parking provision; and
  - Impact on wildlife.

6.1.2 While the above remain the material issues, in determining this application the previous appeal decision for two pairs of semi-detached houses is a significant material consideration (see Appendix). Although that scheme was dismissed, the decision did not rule out development of the site and the objections were specific to aspects of the scheme and most notably the impact of the southernmost two storey building on both 30 Collington Avenue and 5 Cranleigh Close. As set out following, the current application is judged with the specific aspects of this decision to the fore.

## 6.2 Character and Appearance:

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

6.2.2 Paragraph 122 of the National Planning Policy Framework states that planning decisions should support development that makes effective use of land, taking into account, amongst other things, “...*the desirability of maintaining an area’s prevailing character and setting (including residential gardens),...*”

6.2.3 Additionally Policy EN3 of the Core Strategy and paragraphs 124 and 127 of the National Planning Policy Framework require development to be of good design quality, contributing positively to the character of the site and its surroundings.

6.2.4 The site lies in an established residential area with a mix of building types including two-storey houses, flat units and single-storey bungalows on plots of varying sizes.

6.2.5 The proposed external materials and finishes, two-storey height of the semi-detached houses and modest-sized plots would not be in keeping with the brick and tile bungalows and larger plot sizes in Cranleigh Close itself. However, this is a built-up residential area and having regard to the general character of the wider area, which contains buildings of varying sizes, styles, designs, ages, materials and plot sizes, it is considered that the housing development proposed would be acceptable in this location.

6.2.6 The modest-sized plots would provide a satisfactory amount of useable garden space for occupiers of the dwellings. In addition, their re-positioning further back into the site means that the outlook from the ground floor habitable rooms at the front of the dwellings would now be acceptable in relation to the brick wall on the site frontage.

6.2.7 Ultimately, whether the site can accommodate three dwellings is dependent on their relationship with the neighbouring properties. In this respect, while it is easier to see that the site might more readily lend itself to two bungalows, the comments of the previous Inspector, particularly in respect of housing next to No. 1 Cranleigh Close, have a significant bearing in addressing this alternative scheme with regard to its relationship with the neighbouring properties.

### 6.3 Living Conditions:

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

#### *Impact on No. 1 Cranleigh Close*

- 6.3.2 In reaching the decision to dismiss the previous appeal for four, three bedroom houses on the site, the Inspector found that the positioning of a two-storey dwelling some 5m away from the common boundary with the property to the north, No. 1 Cranleigh Close, would not harmfully dominate outlook from habitable rooms or the garden area to the front of that property. The Inspector commented as follows:

*“The property to the north, No.1 Cranleigh Close, has a garage, driveway and an area of landscaped garden adjacent to the northern boundary of the appeal site which steps the dwelling away from the proposed development. Although this existing dwelling has windows and a dormer window that face toward the appeal site, there would be significant separation between this dwelling and the flank wall of the proposed development which is set in from the common side boundary by tandem parking. Whilst the development would be visible to the occupiers of this property in their outlook, I do not consider the relationship of the proposal would harmfully dominate their outlook from habitable rooms or the garden area to the front. These adjoining occupiers have a large private rear garden that would be unaffected by the proposal.”*

- 6.3.3 The dwelling now proposed adjacent to the neighbouring property is also a two-storey house. Compared to the dwelling proposed in the scheme considered by the Inspector, it would have a ridge height of 8.65m instead of 8.55m, a flank wall depth of 10.6m instead of 9.25m, and a separation distance from the common boundary of 3.3m instead of 5m.
- 6.3.4 The critical issue here is whether the dwelling now proposed would have a significantly greater impact on the outlook from the neighbouring property than the dwelling found to be acceptable by the Inspector. Compared to the previous development, the height of the dwelling has increased by 100mm, the depth has increased by 1.35m and it would now be positioned 1.7m closer to the common boundary at a distance of 3.3m instead of 5m. It is not considered that these changes would result in a substantial increase in the visual prominence of the new dwelling relative to the two-storey dwelling found to be acceptable by the Inspector. There would still be adequate separation between the neighbouring dwelling and its front garden and the flank wall of the proposed development and, because the new dwelling would be stepped forward, the adjoining rear garden would still be unaffected by the proposal. Overall, the new dwelling would not have a significantly greater impact on the outlook from the habitable rooms or the garden area to the front of No. 1 Cranleigh Close and can be accepted on this basis.
- 6.3.5 The proposed semi-detached house adjacent to No. 1 does not have any upper floor windows in the side elevation facing this property and the outlook from the upper floor bedroom windows at the rear is towards Hastings Direct to the west – not the rear garden of No. 1. As such, harmful overlooking of the neighbouring property would not occur from this dwelling.

- 6.3.6 The residents of No. 1 are concerned about additional noise and light pollution that would be generated by the proposed housing development. However, the site is former garden land and there is nothing intrinsically harmful about residential activities taking place within a built-up residential area such as this.

*Impact on no. 30 Collington Avenue*

- 6.3.7 The property to the south, No. 30 Collington Avenue, comprises flats over three stories with windows facing the application site, many of which serve habitable rooms. The garden relating to Flat 1 is positioned between the building and the common boundary of the application site.
- 6.3.8 The dwelling now proposed on Plot 1 is a single-storey bungalow instead of a two-storey house. Compared to the house proposed in the scheme considered by the Inspector, it would have a ridge height of 6.05m instead of 8.55m, a flank wall depth of 10.55m instead of 9.25m, and a separation distance from the common boundary of 3.3m instead of 4.8m.
- 6.3.9 In the context of the appeal decision, the bungalow would still be visible to the occupiers of the flats and from within the garden relating to Flat 1. However, while the depth of the bungalow is greater and it would now be positioned 1.5m closer to the common boundary at a distance of 3.3m instead of 4.8m, the lower height (a reduction of 2.5m) of the bungalow and its position to the north, outside of the sun's path, are considered to be sufficient to ensure that the proposal would not result in loss of light or outlook to the detriment of residential amenity. Thus in terms of the previous appeal (paragraph 6) it would not be harmfully dominant.
- 6.3.10 The proposed bungalow is a single-storey structure with no upper floor windows that would overlook the habitable rooms of the adjoining flats or the garden relating to Flat 1.
- 6.3.11 The proposed semi-detached house on Plot 2 does not have any upper floor windows in the side elevation facing no. 30 Collington Avenue and so overlooking of the neighbouring property would not occur from this dwelling.
- 6.3.12 No objections have been received from residents of the adjoining flats.

*Impact on No. 5 Cranleigh Close*

- 6.3.13 The bungalow proposed on Plot 1 does not have any upper floor windows and so overlooking of the private rear garden of No. 5 Cranleigh Close to the east would not occur from this dwelling, which was a specific issue in the last appeal for houses (paragraph 8).
- 6.3.14 The erection of a pair of semi-detached houses opposite the bungalow at No. 5 was not previously found by the Inspector to be unacceptable in relation to outlook and privacy. Circumstances have not changed significantly with the current proposal and so the relationship of these dwellings with No. 5 is considered to be satisfactory.
- 6.3.15 No objection has been received from the resident(s) of No. 5.

*Future 'permitted development'*

- 6.3.16 In light of the assessments above, while the impact of the scheme may be considered acceptable, restrictions on 'permitted development' rights (e.g. for

enlargement of the dwellings) are suggested if permission is granted both to safeguard the amenities of neighbouring properties and to retain appropriate outdoor amenity space for occupiers of the dwellings. This can be secured by conditions.

#### 6.4 Highway Issues:

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

6.4.2 Access to the site would be via the private access drive from Collington Avenue, which currently serves the five existing properties in Cranleigh Close. The Highway Authority commented on the original scheme for four, three bedroom dwellings in 2016 and did not raise an objection on highway safety grounds, both in terms of visibility at the vehicular access from Collington Avenue and the width of the private access drive. The current scheme is for three dwellings instead of four, which would have a reduced impact on highway safety.

6.4.3 Existing residents of Cranleigh Close have advised that the private access drive is not owned by the applicant, but concede that there is a Deed of Easement granting access to the site. They have also advised that the applicant does not have permission to encroach on the verge or private access drive to the north of the site. However, the applicant has served the requisite notice on the owners of the land and whether or not permission would be granted is ultimately a private issue that would need to be resolved between the relevant parties if planning permission is granted for the development. It is not a material matter which can provide grounds of objection to the proposal.

#### 6.5 Parking Provision:

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

6.5.2 The Highway Authority commented on the original scheme for four, three bedroom dwellings in 2016, advising that the provision of two off-street car parking spaces per dwelling would have met the residual needs of the development for off-street car parking. The current scheme also proposes two off-street spaces per dwelling, which is satisfactory. The proposed tandem parking arrangement – as proposed on all previous schemes – is not as user friendly as a double width parking bay, but would nevertheless be acceptable. While there would be limited visibility when leaving the site, the proposal is for three dwellings only and this is a private access drive where vehicle speeds are likely to be relatively low. As such, it is not considered that vehicles leaving the site would be detrimental to the safety of users of the private access drive.

6.5.3 A cycle store providing two covered and secure cycle parking spaces is proposed for each dwelling, which is satisfactory in relation to providing alternative travel options to the use of the car.

## 6.6 Impact on Wildlife:

- 6.6.1 A recent Ecological Survey of the site and Badger Report have been carried out. The Ecological Survey concludes:

*“The site as it stands is of little ecological importance other than it being a small, undisturbed green area in a largely suburban environment. If development goes ahead as planned the gardens of the new houses are likely to continue to provide useful habitat for commoner Bexhill species and, being close to the Channel coast, may be of value to migrant birds, butterflies and moths.”*

- 6.6.2 The Badger Report concludes that “there was no evidence that badgers were currently, or had recently been, resident on the site.”
- 6.6.3 Precautionary mitigation measures and biodiversity enhancements have been recommended, which can be secured by condition.

## 6.7 Other Matters:

- 6.7.1 UK Power Networks has been consulted regarding the sub-station located to the rear of the site. No comments have been received. The landowner and/or developer would need to liaise with UK Power Networks prior to the commencement of development to establish what, if any, precautions would need to be taken during construction.
- 6.7.2 Local residents have raised a number of concerns including disruption during the construction period and damage to the private access drive. They have also highlighted that there are restrictive covenants on the land. However, these are not material planning considerations. With regard to disruption during the construction period, the landowner and/or developer can be advised to minimise the potential for disturbance to adjoining occupiers by way of a note attached to the decision notice.
- 6.7.3 A local resident is concerned that there would not be enough space for wheelie bins to be brought to the front of the properties. However, the submitted site plan shows that there would be enough space.
- 6.7.4 Any potential cumulative impacts on the air quality at Ashdown Forest and Lewes Downs Special Areas of Conservation (SACs) have been assessed. Having regard to the conclusions of the HRAs undertaken for the adopted Core Strategy, supplemented by available evidence of commuting data for this locality, there is no discernable prospect of additional traffic from the proposed development impacting on the Ashdown Forest or Lewes Downs SACs in particular. Specific consideration has been given to the likely level of non-local (i.e. commuting) trips that can be estimated to be generated by the proposed development and the likely distribution of those trips, having regard to recorded commuting flows from this locality. Assuming two trips from a single vehicle to any destination, the proposal is found likely to generate less than a fiftieth of a single daily vehicle movement that would have the potential to have impact on the Ashdown Forest SAC. The proposal is found to have no impact on Lewes Downs SAC. Hence, it is concluded that any likely significant effects upon European sites, even in combination with other relevant plans and projects, can reasonably be screened out.



## **7.0 SUMMARY**

- 7.1 The proposal will make effective use of the site, will contribute to the supply of housing in the District and will have an acceptable impact on the environment including the general character and appearance of this built-up residential area, the living conditions of the adjoining residents and conditions of general safety along the highway. Subject to appropriate conditions, planning permission should be granted for the proposed development.
- 

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

- 8.1 The proposed development is liable for CIL.
- 

## **RECOMMENDATION: 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 and documents:  
Drawing No. GEG/1005/LBP Revision B (Site Location & Block Plan) dated September 2018  
Drawing No. GEG/1005/1 Revision B (Proposed Site Plan & Street Scene) dated September 2018  
Drawing No. GEG/1005/2 (Proposed Elevations and Floor Plans) dated July 2018  
Drawing No. GEG/1005/3 Revision A (Site Section) dated September 2018  
Schedule of Proposed Materials, as submitted with the application accepted on 31-07-18  
Ecological Survey by Patrick Roper, 12 January 2016 revised 23 August 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 development hereby permitted shall be carried out in accordance with the recommendations detailed in Section 3.0 (Conclusions and recommendations) of the approved Ecological Survey by Patrick Roper, 12 January 2016 revised 23 August 2018.  
Reason: To avoid any adverse impacts on wildlife that may be present on the site, and to provide opportunities for wildlife, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy.
4. No development above ground level shall take place until the soft landscaping details (which shall include planting of native species as recommended in the approved Ecological Survey by Patrick Roper, 12 January 2016 revised 23 August 2018) for the whole site have been

submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: To enhance the appearance of the development in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

5. No dwelling shall be occupied until boundary treatment has been erected in accordance with details (including a plan indicating the positions, design, height, materials and type of boundary treatment to be erected) which have been first submitted to and approved in writing by the Local Planning Authority. Once erected the approved boundary treatment shall thereafter be retained.

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

6. No dwelling shall be occupied until parking areas have been provided in accordance with approved drawing GEG/1005/1 Revision B (Proposed Site Plan & Street Scene), dated September 2018, and the parking areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

7. No dwelling shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans or details which have been first submitted to and approved in writing by the Local Planning Authority and the cycle parking spaces shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with Policies OSS4 (i) and TR3 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, addition or other alteration of a 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 and to retain appropriate outdoor amenity space for occupiers of the dwellings, in accordance with Policy OSS4 (i and 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 (other than those expressly authorised by this permission) shall be inserted into the front roof slope of the dwelling on Plot 1 (bungalow) hereby permitted.

Reason: To preclude overlooking of the private rear garden of No. 5 Cranleigh Close, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

10. 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 garage, building, structure or erection of any kind, as defined within Class E of Part 1 of the Schedule 2 of the Order, shall be carried out within the curtilage of a dwelling hereby permitted, otherwise than in accordance with a planning permission granted by the Local Planning Authority.  
Reason: To retain appropriate outdoor amenity space for occupiers of the dwellings, in accordance with Policy OSS4 (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 development will be subject to the requirements of the Building Regulations, and advice should be sought from the East Sussex Building Control Partnership. No work should be carried out until any necessary permission has been obtained.
3. The landowner and/or developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Bank Holidays.
4. The landowner and/or developer is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found and these should be sought before development commences.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

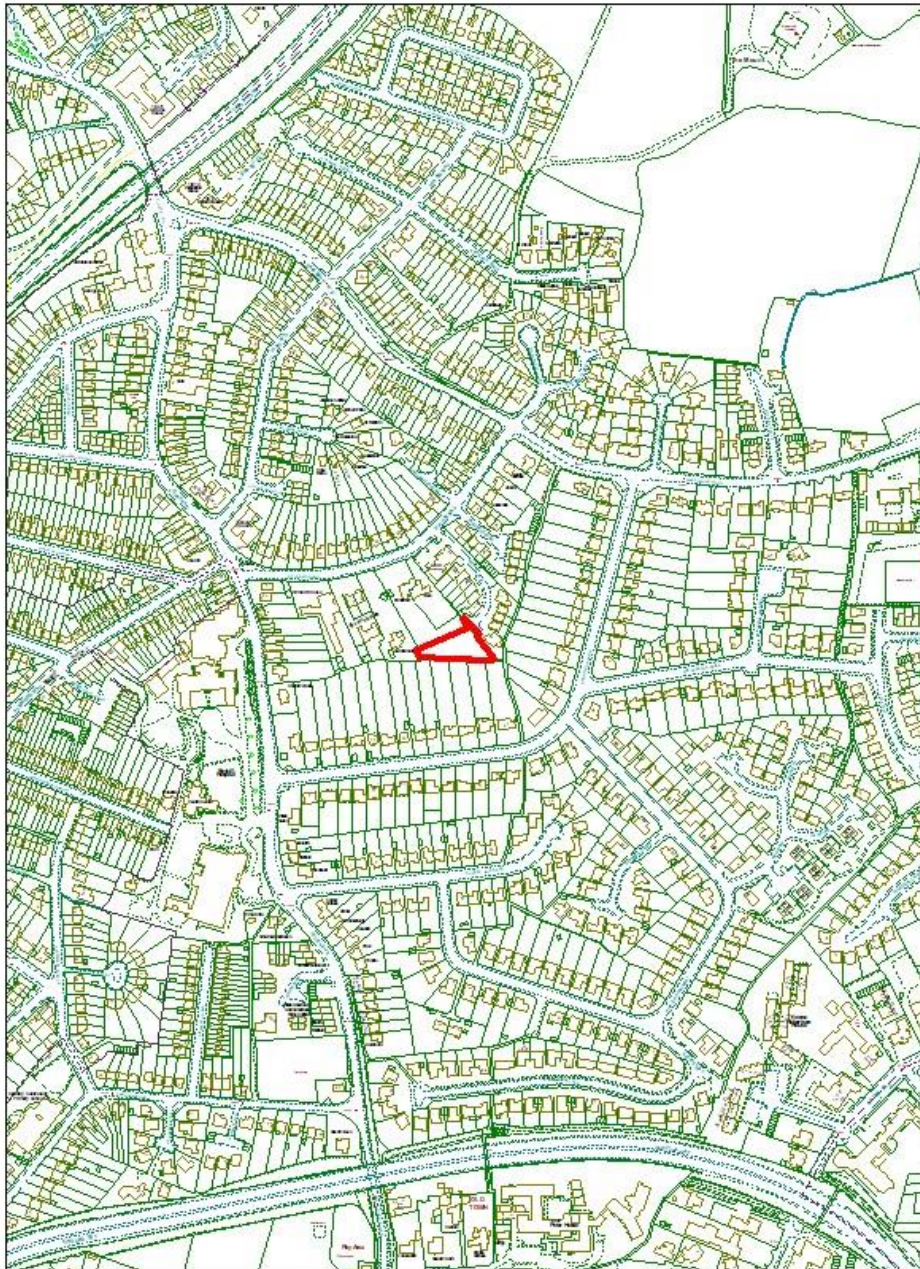
[View application/correspondence](#)

SITE PLAN

BEXHILL

RR/2018/1838/P

RAFATI WAY - LAND OFF



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No 100018643 2013.

Not To Scale



RR/2018/1838/P

BEXHILL Rafati Way – Land off, Bexhill

Proposed erection of 2 No. detached bungalows

---

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

---

**Reason for Committee consideration: Referred by Councillor G.P. Johnson**

**Statutory 8 week date: 3 September 2018**

**Extension of time agreed to: 16 October 2018**

---

This application is included in the Committee site inspection list.

---

## **1.0 POLICIES**

- 1.1 The following 'saved' policy of the Rother District Local Plan 2006 is relevant to the proposal:
- DS3: Proposals within Development Boundaries.
- 1.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- PC1: Presumption in Favour of Sustainable Development.
  - OSS2: Use of Development Boundaries.
  - OSS3: Location of Development.
  - OSS4: General Development Considerations.
  - BX1: Overall Strategy for Bexhill.
  - BX3: Development Strategy.
  - SRM2: Water Supply and Wastewater Management.
  - CO6: Community Safety.
  - EN3: Design Quality.
  - EN5: Biodiversity and Green Space.
  - EN7: Flood Risk and Development.
  - TR3: Access and New Development.
  - TR4: Car Parking.
- 1.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.
- 

## **2.0 SITE**

- 2.1 The application site forms part of the garden of Garden Cottage, which lies to the west. It is a 0.1 hectare triangular shaped plot of land surrounded by a

mixture of dwellings on varying plots sizes. It is bordered on its north-western side by the long rear garden of Elmsted, on its north-eastern side by a modern housing development at Rafati Way (a cul-de-sac), and on its southern side by the long rear gardens of properties in Chantry Avenue, which sit at a lower ground level.

- 2.2 The site is largely grassed with close-boarded fencing along the north-eastern and southern boundaries, and a mature hedgerow present along the northern-western boundary.
- 2.3 Until recently three Sycamore trees and an Evergreen Oak were situated along part of the north-eastern boundary of the site, adjacent to no. 5 Rafati Way. These trees were the subject of a Tree Preservation Order (TPO) made in 2002 but consent was granted for their felling because individually they were considered to be poor specimens.

---

### **3.0 HISTORY**

- 3.1 Earlier this year planning permission (application reference RR/2018/488/P) was granted for a proposal to erect two conventionally designed two bedroom detached bungalows on the land with access from Rafati Way. The application was approved by the Planning Committee after a site visit by Members.
- 3.2 Consent (application reference RR/2018/1180/T) was subsequently granted for the felling of the three Sycamore trees and Evergreen Oak, subject to a condition requiring the planting of replacement trees of native varieties before 31 March 2019.

---

### **4.0 PROPOSAL**

- 4.1 The current scheme is a revised proposal again for the erection of two, two bedroom detached bungalows with access from Rafati Way, but each bungalow having a larger footprint.
- 4.2 The bungalows now proposed follow a similar design to the approved dwellings, but their dimensions have been increased to provide additional floorspace. In this respect, the dimensions of the bungalow in the western corner of the site are 9.8m width x 13.7m depth x 5.5m height to ridge instead of 8.7m x 12.2m x 5.4m, and the floorspace is 105.4sqm instead of 80.5.
- 4.3 The overall dimensions of the bungalow to the east are 14.7m width x 11.6m depth x 5.1m height to ridge instead of 11.7m x 11.6m x 5.1m, and the floorspace is 115sqm instead of 84.
- 4.4 The application is accompanied by the Preliminary Ecological Appraisal submitted with the previous scheme and an updated Arboricultural Report. With regard to the Ecological Appraisal, which is dated January 2018, the ecologist has submitted an e-mail confirming the following:

- 1) *“The general ecological standing of the site remains relatively unaltered (notwithstanding the recent removal of trees along the eastern boundary) since the submission of the original appraisal. Therefore, the*

*findings and recommendations contained in that appraisal remain as outlined within that document.*

- 2) *That the minimal revisions to the proposed scheme will make no material impact on ecological and biodiversity status of the site as outlined in my original appraisal."*
- 

## **5.0 CONSULTATIONS**

### **5.1 Planning Notice:**

#### **5.1.1 One general comment from one individual address summarised as follows:**

- The dwellings will back onto a wildlife rescue centre, which may make it difficult for them to be sold.
- Loss of trees that had bats roosting in them.

#### **5.1.2 Six objections from six individual addresses raising the following concerns (summarised):**

- Overdevelopment.
  - Problems arising from the construction period.
  - Removal of trees has disrupted local wildlife and had the effect of increasing air pollution.
  - There is going to be little or no gardens for the dwellings.
  - Loss of privacy and light.
  - Ecological enhancements should be secured.
  - Question whether the increased building footprint would allow for better specimen replacement trees to be planted following consent for the felling of existing trees, which were the subject of a Tree Preservation Order.
  - New dwellings may be repurposed (if not actively marketed) as three bedroom homes. Adequate parking should therefore be provided for two x three bedroom dwellings.
- 

## **6.0 APPRAISAL**

### **6.1 The principle of erecting two conventionally designed two bedroom detached bungalows on the land has been established by planning permission RR/2018/488/P, which was granted earlier this year. The main issues to consider in relation to the revised proposal are:**

- Impact on the character and appearance of the area.
- Impact on the living conditions of neighbouring residents.
- Impact on hedges/trees.

### **6.2 Character and Appearance:**

#### **6.2.1 Policy OSS4 (iii) of the Core Strategy seeks to ensure that development proposals respect and do not detract from the character and appearance of the locality.**

#### **6.2.2 Paragraph 122 of the National Planning Policy Framework states that planning decisions should support development that makes effective use of land, taking into account, amongst other things, "...the desirability of**

*maintaining an area's prevailing character and setting (including residential gardens)..."*

- 6.2.3 Additionally, Policy EN3 of the Core Strategy and paragraphs 124 and 127 of the National Planning Policy Framework require development to be of good design quality, contributing positively to the character of the site and its surroundings.
- 6.2.4 The site lies in an established residential area with a mix of building types including two-storey houses, flat units and bungalows, all on plots of varying sizes.
- 6.2.5 As per the approved scheme, the current proposal is for conventionally designed bungalows in good-sized plots, which would relate acceptably to the existing pattern of development in the surrounding area and would provide a satisfactory amount of useable garden space for future occupiers.

### 6.3 Living Conditions:

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

#### *Impact on Elmsted*

- 6.3.3 The proposed bungalow adjacent to the common boundary with Elmsted would be about 1m away from this boundary and would be clearly visible from the adjoining rear garden. Furthermore, as a result of the bungalow's position to the south-east, within the sun's path, there would be some overshadowing during the day. However, the bungalow is a single-storey structure with a hipped roof and it would be positioned at the end of the adjoining rear garden, some 44m away from the neighbouring dwelling itself. Notwithstanding the 1.5m increase in the depth of the bungalow and the 100mm increase in height, it is not considered that the revised proposal would bring about a significant erosion of residential amenity through loss of light or outlook.
- 6.3.4 There would be no harmful overlooking as only ground floor living accommodation is proposed and appropriate boundary treatment / landscaping would be provided, secured by condition.

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

- 6.3.5 The proposed bungalows would be constructed at a higher ground level than the long rear gardens of the neighbouring properties and would be visible therefrom. However, the bungalows are both single-storey structures with hipped roofs and would be positioned to the north, outside of the sun's path. Notwithstanding the larger size of the bungalows, it is not considered that the revised proposal would in loss of light or outlook to the detriment of residential amenity.
- 6.3.6 There would be no harmful overlooking as only ground floor living accommodation is proposed and a new 1.8m high close-boarded fence has been erected along the common boundary with the neighbouring properties.



*Impact on 5 Rafati Way*

- 6.3.7 Concern has been expressed that the proposed bungalow moving nearer to No. 5 Rafati Way will result in loss of privacy and light. However, this would not be the case as the bungalow is a single-storey structure with a hipped roof and it would be positioned to the side of and well separated from the neighbouring property. In addition, there is a close-boarded fence along the common boundary with the neighbouring property and new trees are to be planted in this area, as required by Condition 2 imposed on the consent for felling the trees subject to a TPO.

*Future 'permitted development'*

- 6.3.8 In light of the assessments above, while the impact of the revised scheme may be considered acceptable, restrictions on 'permitted development' rights (e.g. for enlargement of the bungalows) are required to safeguard the amenities of neighbouring properties and to retain appropriate outdoor amenity space for future occupiers of the dwellings. This can be secured by condition.

6.4 Impact on Hedges/Trees:

- 6.4.1 It is likely that a portion of the hedgerow on the north-western boundary would be lost to accommodate the development but it is not considered that this would have a significant impact on the landscape setting of the site. The occupant of the neighbouring property Elmsted previously objected to removal of this hedgerow, but ultimately the owner of the site is able to remove that part of the hedge which is on their own land.
- 6.4.2 The increased width of the bungalow to the east of the site means that there would be less space available for the replacement tree planting required under Condition 2 of the consent for felling the trees subject to a TPO. However, it is considered that there would still be sufficient space available for the new native trees to mature into good specimens, thus improving and enhancing the area in the future.
- 6.4.3 In order to ensure that ground conditions and the rooting environment are suitable for the new trees, protective fencing would need to be erected and retained in situ for the duration of construction works. This can be secured by condition.

6.5 Other Matters:

- 6.5.1 A number of issues have been raised in the letters of objection, which were dealt with when the extant scheme was assessed (e.g. problems arising from the construction and impact on wildlife). As such, they do not need to be reconsidered under this revised proposal for two, two bedroom bungalows.
- 6.5.2 One local resident is concerned that as the development site backs onto a wildlife rescue centre close to gull aviaries, it may make it difficult for the dwellings to be sold. However, the gull aviaries are located within an adjoining residential garden and it would be for prospective purchasers to decide whether or not this relationship would be acceptable. This is not an issue that is material to the determination of this application.
- 6.5.3 Local residents are concerned that the internal layout of the bungalows means that they may be changed to three bedroom dwellings and, as such,

adequate parking should be provided on this basis. However, the proposal is for two bedroom bungalows and in this respect the provision of two off-street car parking spaces per dwelling would meet the residual needs of the development for off-street parking. Even if the bungalows had three bedrooms, it is considered that two off-street spaces per dwelling would be adequate in this location.

- 6.5.4 Local residents are also concerned about the felling of trees that has taken place on the site and the impact this has had on wildlife and air pollution. However, some of the trees that have been felled were not protected and so the owner of the site was within their rights to cut them down. Additionally, a separate consent (application reference RR/2018/1180/T) was granted for felling the trees subject to a TPO. As such, the concerns raised about the loss of these trees are not material to the determination of this planning application.
- 6.5.5 Any potential cumulative impacts on the air quality at Ashdown Forest and Lewes Downs Special Areas of Conservation (SACs) have been assessed. Having regard to the conclusions of the HRAs undertaken for the adopted Core Strategy, supplemented by available evidence of commuting data for this locality, there is no discernable prospect of additional traffic from the proposed development impacting on the Ashdown Forest or Lewes Downs SACs in particular. Specific consideration has been given to the likely level of non-local (i.e. commuting) trips that can be estimated to be generated by the proposed development and the likely distribution of those trips, having regard to recorded commuting flows from this locality. Assuming two trips from a single vehicle to any destination, the proposal is found likely to generate less than a fiftieth of a single daily vehicle movement that would have the potential to have impact on the Ashdown Forest SAC. The proposal is found to have no impact on Lewes SAC. Hence, it is concluded that any likely significant effects upon European sites, even in combination with other relevant plans and projects, can reasonably be screened out.

---

## **7.0 SUMMARY**

- 7.1 The larger bungalows now proposed will have a greater visual impact in the surrounding area than those approved under the extant scheme and will also have a greater impact on the living conditions of neighbouring residents in relation to outlook in particular. However, the additional impacts will not be significant.
- 7.2 Overall, the proposal will make effective and efficient use of the site, will contribute to the supply of housing in the District and will have an acceptable impact on the environment. Subject to appropriate conditions, planning permission should be granted.

---

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

- 8.1 The proposed development is liable for CIL.
-

## **RECOMMENDATION: 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 and documents:  
Drawing No. 5684/18/LBP (LOCATION BLOCK PLAN), dated JULY 2018  
Drawing No. 5684/18/1 (PROPOSED DWELLINGS – SITE PLAN), dated JULY 2018  
Drawing No. 5684/18/2 (PROPOSED DWELLINGS – LAYOUTS), dated JULY 2018  
Arboricultural Report (AR/54917) prepared by The Mayhew Consultancy Ltd, dated August 2018  
Preliminary Ecological Appraisal (EA/54917) prepared by The Mayhew Consultancy Ltd, dated January 2018  
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. No development shall take place, including any ground works or works of demolition until indications of all existing and future trees and hedgerows on and adjacent to the site including details of those to be retained, together with measures for their protection in the course of development, have been submitted to and approved in writing by the Local Planning Authority and such approved protection measures shall be retained in situ for the duration of construction works.  
Reason: This pre-commencement condition is required to ensure that the development takes proper account of existing and future trees and hedgerows to be safeguarded to enhance the appearance of the development and the surrounding area, in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.
4. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority and none of the dwellings shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.  
Reason: These details are required prior to commencement of works to ensure satisfactory surface water drainage of the site, in accordance with Policy EN7 of the Rother Local Plan Core Strategy.
5. No development shall commence until details of wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the commencement of development and the facilities shall be maintained in working order during the construction period and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site.

Reason: These details are required prior to commencement of works to ensure highway safety during construction and so as not to unreasonably harm the amenities of adjoining properties, in accordance with Policies OSS4 (ii) and CO6 (ii) of the Rother Local Plan Core Strategy.

6. No development above ground level shall commence until details for the landscaping of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
- a) A planting plan with schedule of plants/trees, noting species, plant sizes and positions.
  - b) An implementation programme.

Reason: To enhance the appearance of the development and the surrounding area, in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

7. 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 enhance the appearance of the development and the surrounding area, in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

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

- a) No retained tree or hedge shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
- b) If any retained tree or hedge is removed, uprooted, destroyed or dies, another tree or hedging plant shall be planted at the same place and that tree or hedging plant shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- c) The erection of fencing for the protection of any retained or future tree or hedge shall be undertaken in accordance with the details approved under Condition 3 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
- d) No fire shall be lit within 10m from the outside of the crown spread of any tree which is to be retained.

- e) No equipment, machinery or structure shall be attached to or supported by a retained tree or hedge.
- f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority.

Reason: To ensure that the development takes proper account of existing and future trees and hedgerows to be safeguarded to enhance the appearance of the development and the surrounding area, in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

- 9. The development hereby permitted shall be carried out in accordance with the biodiversity mitigation measures and enhancements detailed in Sections 8.0 (Protecting Biodiversity) and 9.0 (Increasing Biodiversity) of the approved Preliminary Ecological Appraisal (EA/54917) prepared by The Mayhew Consultancy Ltd, dated January 2018.

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

- 10. No dwelling shall be occupied until boundary treatment has been erected in accordance with details (including a plan indicating the positions, design, height, materials and type of boundary treatment to be erected) which have been first submitted to and approved in writing by the Local Planning Authority. Once erected the approved boundary treatment shall thereafter be retained.

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

- 11. The new access shall be provided in the position shown on approved Drawing No. 5684/18/1 (PROPOSED DWELLINGS – SITE PLAN), dated JULY 2018, and all works undertaken shall be executed and completed to the written satisfaction of the Local Planning Authority in consultation with the local highway authority prior to occupation of the dwellings hereby permitted.

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

- 12. No dwelling shall be occupied until parking and turning areas have been provided in accordance with approved Drawing No. 5684/18/1 (PROPOSED DWELLINGS – SITE PLAN), dated JULY 2018, and the parking and turning areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.

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

- 13. No dwelling shall be occupied until cycle parking areas been provided in accordance with plans or details which have been first submitted to and approved in writing by the Local Planning Authority and the cycle parking areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with Policies OSS4 (i) and TR3 of the Rother Local Plan Core Strategy.

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

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

#### **NOTES:**

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
2. With regard to Condition 3 the landowner and/or developer is advised that measures for the protection of existing and future trees and hedgerows should be based on the details set out in Section 14.0 (Recommendations) of the approved Arboricultural Report (AR/54917) prepared by The Mayhew Consultancy Ltd, dated August 2018.
3. Any proposed works on or abutting the existing highway will require a section 184 Licence with East Sussex County Council (ESCC), prior to the commencement of works. Details of construction, surface water drainage, gradients and potential traffic management requirements can all be discussed with ESCC through the section 184 Licence process. Any temporary access would also be subject to the section 184 Licence process prior to any commencement of work.
4. The development will be subject to the requirements of the Building Regulations, and advice should be sought from the East Sussex Building Control Partnership. No work should be carried out until any necessary permission has been obtained.
5. The landowner and/or developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Bank Holidays.
6. The landowner and/or developer is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected

species are found and these should be sought before development commences.

7. The landowner and/or developer is reminded that replacement trees need to be planted alongside the north-eastern boundary by 31 March 2019, in accordance with Condition 2 imposed on the consent (application reference RR/2018/1180/T) granted for felling the trees subject to a Tree Preservation Order, dated 19 June 2018.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

[View application/correspondence](#)

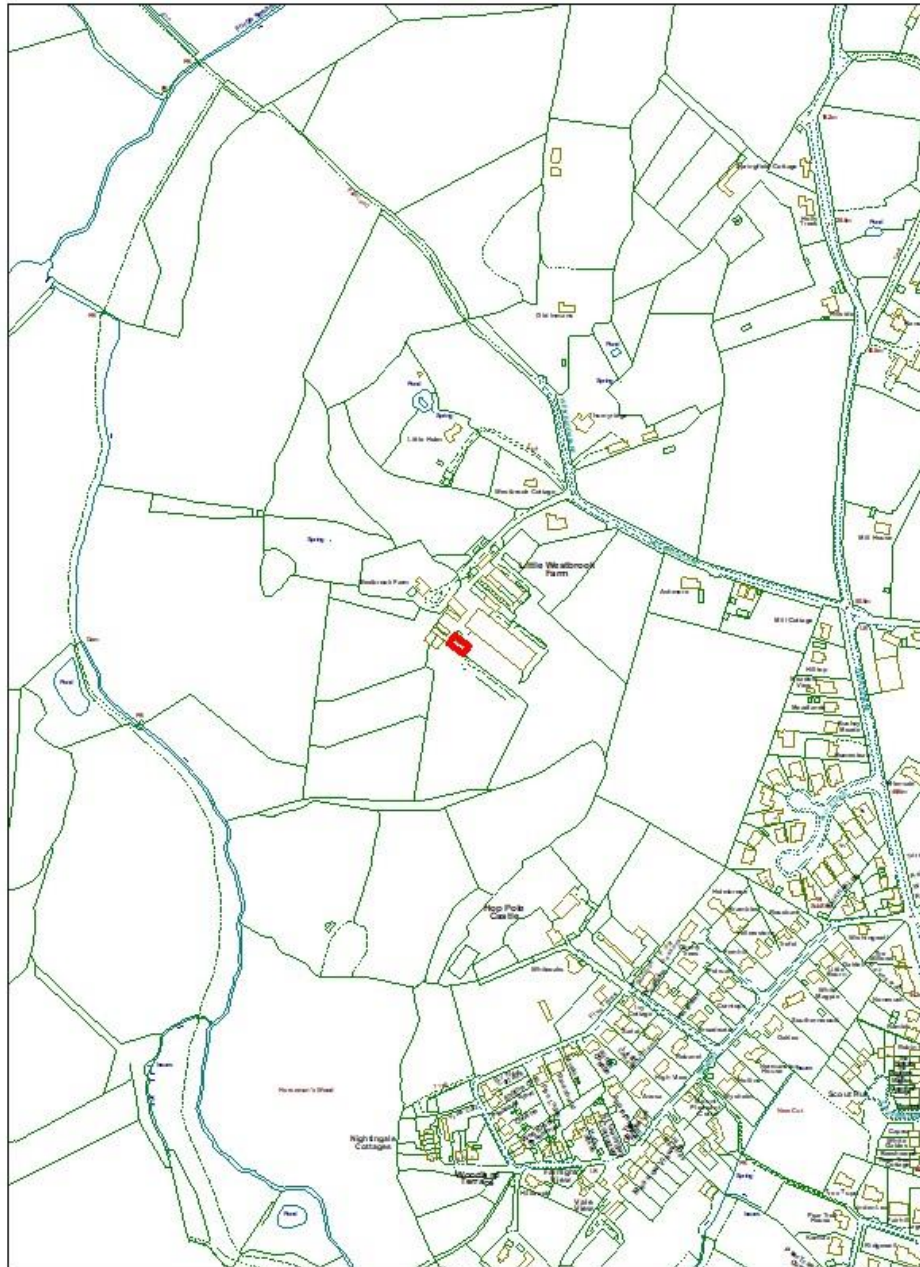


SITE PLAN

WESTFIELD

RR/2018/2072/O

LITTLE WESTBROOK FARM, WESTBROOK LANE



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No 100018643 2013.

Not To Scale



---

RR/2018/2072/O

WESTFIELD Little Westbrook Farm, Westbrook Lane

Certificate of lawfulness for an existing use of caravan as self-contained living accommodation

---

Applicant: Mr P. McLaughlin  
Agent: CLM Planning  
Case Officer: Mr K. Deeprise  
(Email: [kevin.deeprise@rother.gov.uk](mailto:kevin.deeprise@rother.gov.uk))  
Parish: WESTFIELD  
Ward Members: Councillors J.M. Johnson and C.R. Maynard

Reason for Committee consideration: Head of Service Strategy and Planning referral: Agent related to member of staff.

Statutory 8 week date: 1 October 2018

Extension of time agreed to: 17 October 2018

---

## 1.0 SITE

- 1.1 The application site is located at the end of Westbrook Lane outside of the Development Boundary for Westfield. It falls within the High Weald Area of Outstanding Natural Beauty (AONB). This application relates to an existing caravan on the site.
- 

## 2.0 HISTORY

- 2.1 None relevant.
- 

## 3.0 PROPOSAL

- 3.1 This is an application for a Lawful Development Certificate dated 6 August 2018 for the existing use of a caravan as self-contained living accommodation.
- 3.2 This application is made on the grounds that the use is immune from enforcement action having commenced more than 10 years ago prior to this application (at least since approximately 2007).
- 

## 4.0 EVIDENCE

- 4.1 The evidence submitted with the application consists of:
- Site location plan (identifying the caravan in question).
  - Statutory declarations by Paul McLaughlin, Deborah Wallace, Philip Newton, Martin Thomas, and Mark Cobbold.
-

## **5.0 CONSULTATIONS**

### **5.1 Parish Council:**

5.1.1 No comments to make on the application.

### **5.2 Planning Notice:**

5.2.1 No representations received.

---

## **6.0 APPRAISAL**

6.1 As a Lawful Development Certificate (LDC), the application has to be determined on the basis of the evidence submitted with the application and not against the planning policies for an area: in this case, the use of a caravan as self-contained living accommodation. Should the evidence demonstrate on the balance of probability that the caravan at Little Westbrook Farm has been continually used as self-contained living accommodation for the requisite period of time of 10 years, then a Certificate should be issued in accordance with the LDC applications procedure.

6.2 Planning Practice Guidance on Lawful Development Certificates states that development is lawful if no enforcement action may be taken against it, where there is no enforcement notice in force or it is development for which no planning is required. The applicant is responsible for producing sufficiently precise and unambiguous evidence to support an application (normally the onus of proof rests firmly on the applicant to show on the balance of probability that the use applied for has continued for the requisite period of time up to the date of the application). The Courts have held that the applicants own evidence does not need to be corroborated by “independent” evidence in order to be accepted (see *F W Gabbitts v SSE and Newham LBC [1985] JPL 630*) and where there is no contradictory evidence held by the Council or others, and there is no good reason to refuse the application, providing the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a Certificate, an LDC should be granted.

6.3 The evidence submitted with the application states that the caravan has been used for residential purposes as self-contained living accommodation in excess of 10 years. The evidence submitted is in the form of sworn statutory declarations.

6.4 Following a visit to the site it was clear upon inspection that the caravan is currently being used as self-contained living accommodation. There is no historical evidence which contradicts the information and evidence submitted. Aerial photography also shows the existence of the caravan since at least 2003. Therefore, on the balance of probability the use can be considered lawful.

---

## **7.0 SUMMARY**

7.1 It has been demonstrated, and without contradictory evidence, that the caravan has been continually used as self-contained living accommodation

for the requisite period of 10 years. On this basis it is considered that the LDC be granted.

---

### **RECOMMENDATION: GRANT (LAWFUL DEVELOPMENT CERTIFICATE)**

---

The Rother District Council hereby certifies that on 6 August 2018, the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the Plan attached to this Certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason:

It has been demonstrated and without contradictory evidence, that the caravan has been continually used as self-contained living accommodation for the requisite period of 10 years.

#### **FIRST SCHEDULE**

Certificate of lawfulness for an existing use of caravan as self-contained living accommodation.

#### **SECOND SCHEDULE**

Little Westbrook Farm, Westbrook Lane, Westfield (more specifically the land edged red on the site location plan attached to this Certificate and the details submitted with the application).

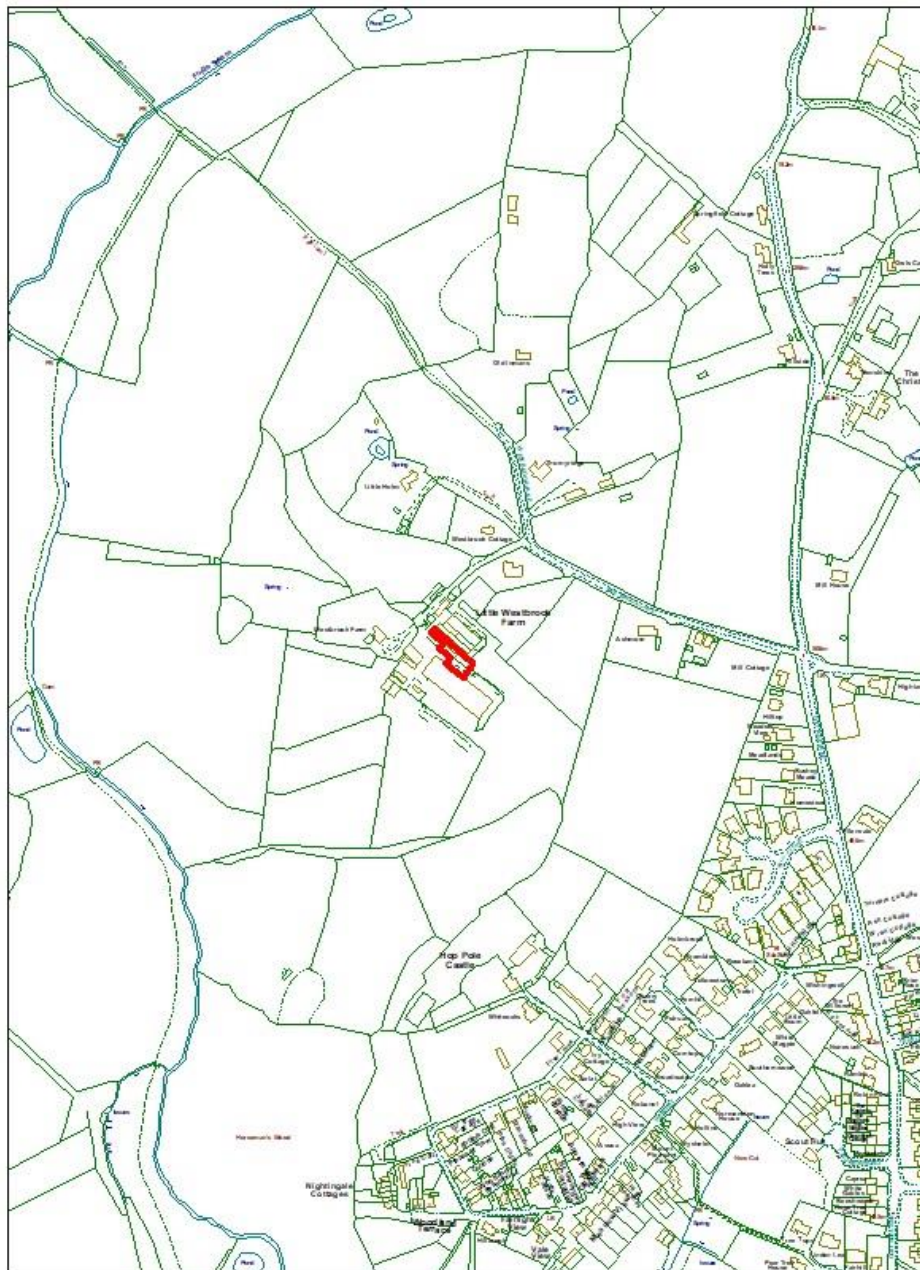
[View application/correspondence](#)

SITE PLAN

WESTFIELD

RR/2018/2076/O

THE LODGE, LITTLE WESTBROOK FARM,



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No 100018643 2013.

Not To Scale

---

RR/2018/2076/OWESTFIELD The Lodge, Little Westbrook Farm,  
Westbrook LaneCertificate of lawfulness for the existing use of  
building as a single dwelling house

---

Applicant: Mr P. McLaughlin  
Agent: CLM Planning  
Case Officer: Mr K. Deeprise  
(Email: [kevin.deeprise@rother.gov.uk](mailto:kevin.deeprise@rother.gov.uk))

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

Reason for Committee consideration: Head of Service Strategy and Planning  
referral: agent related to member of staff.

Statutory 8 week date: 1 October 2018  
Extension of time agreed to: 17 October 2018

---

## 1.0 SITE

- 1.1 The application site is located at the end of Westbrook Lane outside of the Development Boundary for Westfield. It falls within the High Weald Area of Outstanding Natural Beauty (AONB). This application relates to an existing outbuilding on the site known as 'The Lodge'.
- 

## 2.0 HISTORY

- 2.1 None relevant.
- 

## 3.0 PROPOSAL

- 3.1 This is an application for a Lawful Development Certificate dated 6 August 2018 for the existing use of a building as a single dwelling house.
- 3.2 This application is made on the grounds that the use is immune from enforcement action having commenced more than four years ago prior to this application (at least since approximately 2013).
- 

## 4.0 EVIDENCE

- 4.1 The evidence submitted with the application consists of:
- Site location plan (identifying the building in question).
  - Statutory declarations by Paul McLaughlin, Ryan Bowles and Martin Thomas.
-

## **5.0 CONSULTATIONS**

### **5.1 Parish Council:**

5.1.1 No comments to make on the application.

### **5.2 Planning Notice:**

5.2.1 No representations received.

---

## **6.0 APPRAISAL**

6.1 As a Lawful Development Certificate (LDC), the application has to be determined on the basis of the evidence submitted with the application and not against the planning policies for an area. In this case, the use of a building as a single dwelling house. Should the evidence demonstrate on the balance of probability that the building known as 'The Lodge' at Little Westbrook Farm has been continually used as a single dwelling house for the requisite period of time of four years, then a Certificate should be issued in accordance with the LDC applications procedure.

6.2 Planning Practice Guidance on Lawful Development Certificates states that development is lawful if no enforcement action may be taken against it, where there is no enforcement notice in force or it is development for which no planning is required. The applicant is responsible for producing sufficiently precise and unambiguous evidence to support an application (normally the onus of proof rests firmly on the applicant to show on the balance of probability that the use applied for has continued for the requisite period of time up to the date of the application). The Courts have held that the applicants own evidence does not need to be corroborated by "independent" evidence in order to be accepted (see *F W Gabbitts v SSE and Newham LBC [1985] JPL 630*) and where there is no contradictory evidence held by the Council or others, and there is no good reason to refuse the application, providing the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a Certificate, an LDC should be granted.

6.3 The evidence submitted with the application states that the building known as 'The Lodge' has been used as a single dwelling house for the requisite time period of four years. The evidence submitted is in the form of sworn statutory declarations.

6.4 Following a visit to the site it was clear upon inspection that the building is currently being used as a single dwelling house. The layout of the building and room usage is as per the floor plans submitted. There is no historical evidence which contradicts the information and evidence submitted. Aerial photography also shows the existence of the building since at least 2003. Therefore, on the balance of probability the use can be considered lawful.

---

## **7.0 SUMMARY**

7.1 It has been demonstrated, and without contradictory evidence, that the building known as 'The Lodge' has been continually used as a single dwelling

house for the requisite period of four years. On this basis it is considered that the LDC be granted.

---

### **RECOMMENDATION: GRANT (LAWFUL DEVELOPMENT CERTIFICATE)**

---

The Rother District Council hereby certifies that on 6 August 2018, the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the Plan attached to this Certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason:

It has been demonstrated, and without contradictory evidence, that the building known as the 'The Lodge' has been continually used as a single dwelling house for the requisite period of four years.

#### **FIRST SCHEDULE**

Certificate of lawfulness for the existing use of building as a single dwelling house.

#### **SECOND SCHEDULE**

The Lodge, Little Westbrook Farm, Westbrook Lane, Westfield (more specifically the land edged red on the site location plan attached to this Certificate and the details submitted with the application).

[View application/correspondence](#)

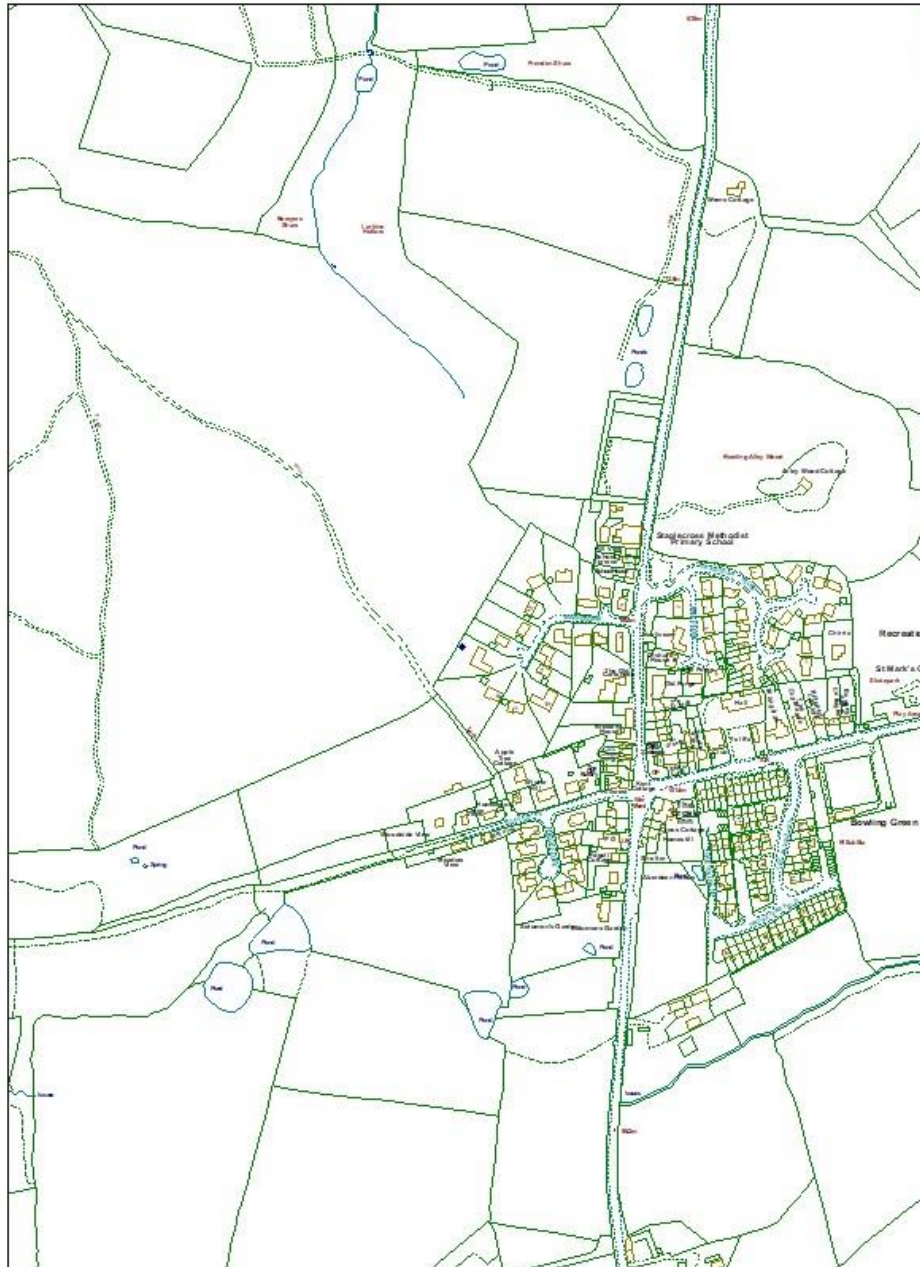


SITE PLAN

EWHURST

RR/2018/2067/T

18 WEALD VIEW, OAK CUP, STAPLECROSS



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No 100018643 2013.

Not To Scale



---

RR/2018/2067/TEwhurst Oak Cup, 18 Weald View,  
StaplecrossT1 – Oak- Fell

---

Applicant:

Mr J. Simmons

Agent:

Mr J. Simmons

Case Officer:

Miss A. Ingram

(Email: andrea [ingram@rother.gov.uk](mailto:ingram@rother.gov.uk))

Parish:

EWHURST

Ward Member:

Councillor A.E. Ganly

Reason for Committee consideration: Member referral: Councillor A.E. Ganly

Statutory 8 week date: 1 October 2108

---

This application is included in the Committee site inspection list.

---

## 1.0 SITE

- 1.1 The property is a relatively modern detached bungalow situated within a cul-de-sac. It backs onto countryside and woodland. The trees are protected with an Area Tree Preservation Order (TPO) made in 1982. The oak tree is situated in the back garden of 18 Weald View.
- 

## 3.0 HISTORY

- 3.1 RR/2016/656/T Removal of two Hornbeams and removal of two lower branches of one Oak. Approved.
- 3.2 RR/2015/2635/T Crown reduction of five trees. Part approved.
- 3.3 RR/2008/2347/T Work to various tree. Approved.
- 3.4 RR/2003/3145/T Reduce branches growing towards property of one oak. Fell one oak. Prune one oak in south-west corner of garden. Approved.
- 

## 4.0 PROPOSAL

- 4.1 It is proposed to fell one oak tree. The reason for felling the tree is that it appears diseased and if the tree fell it would fall on the house. The applicant has offered to plant a replacement tree in the application and since the applicant has offered to plant two oak trees.
-

## **5.0 CONSULTATIONS**

### **5.1 Parish Council:**

- 5.1.1 It is proposed to fell one oak tree. The reason for felling the tree is that it appears diseased and if the tree fell it would fall on the house. The applicant has offered to plant a replacement tree.
- 

## **6.0 APPRAISAL**

- 6.1 The oak tree is situated in the back garden approximately 9.5m to the west of the rear of the property. To the rear garden of the property is woodland owned by the applicant, which was formerly conifer trees and has recently been felled and replanted largely with ornamental trees. The tree is visible from the front of the property and as a mature specimen has amenity value.
- 6.2 The applicant states that the tree is diseased. When inspected on site the applicant pointed out that the leaves had mildew like symptoms. This powdery mildew is widespread and common on oak trees and does not affect the health of the tree. No other evidence has been provided that the tree is diseased because the applicant considered that the problem is obvious. The tree was inspected on site and does not have any other disease symptoms and appears in reasonable condition.
- 6.3 As such the reason given for felling the tree does not justify its felling and therefore cannot be supported.
- 

## **7.0 SUMMARY**

- 7.1 The powdery mildew which affects leaves of the tree is widespread in oak trees and would not significantly affect the health of the application tree, and not cause it to become unstable. The oak tree otherwise appears in reasonable condition. As such whilst sympathetic to the concerns of the applicant the felling of the tree is not justified given the reason for felling.
- 

## **RECOMMENDATION: REFUSE CONSENT**

---

### **REASON FOR REFUSAL:**

1. The powdery mildew which affects leaves of the tree is widespread in oak trees and would not significantly affect the health of the application tree, and not cause it to become unstable. The oak tree otherwise appears in reasonable condition. As such the felling of the tree is not justified on the basis of the reason given for felling.

### **NOTE:**

1. If you disagree with the Council's decision you can appeal in writing to The Planning Inspectorate at Environment Team, 4/04 Kite Wing, Temple Quay

House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel: 0117 372 8192,  
within 28 days from the date you receive this decision.

[View application/correspondence](#)