

**PLANNING COMMITTEE**

11 October 2018

Minutes of the Planning Committee meeting held at the Town Hall, Bexhill-on-Sea on Thursday 11 October 2018 at 9:30am.

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

Other Members present: Councillors J.J. Carroll (in part) and K.M. Field (in part).

Advisory Officers in attendance: Head of Service Strategy and Planning, Development Manager, DM and Strategy Principal Planning Officer x 2 and Democratic Services Officer.

Also Present: 1 member of press and 10 members of public.

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**PL18/30. MINUTES**

The Chairman was authorised to sign the Minutes of the meeting held on 13 September 2018 as a correct record of the proceedings.

**PL18/31. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor A.K. Azad, P.R. Douart, T.W. Graham and J.M. Johnson (Chairman of the Council).

**PART II – DECISIONS TAKEN UNDER DELEGATED POWERS**

**PL18/32. PLANNING APPLICATIONS**

(6)

Outline planning permissions are granted subject to approval by the Council of reserved matters before any development is commenced, which are layout, scale, appearance, access and landscaping. Unless otherwise stated, every planning permission or outline planning permission is granted subject to the development beginning within three years from the date of the permission. In regard to outline permissions, reserved matters application for approval must be made within three years from the date of the grant of outline permission; and the development to which the permission relates must begin no later than whichever is the later of the following dates: the expiration of three years from the date of the grant of outline permission or, the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matters to be approved.

In certain circumstances the Planning Committee will indicate that it is only prepared to grant or refuse planning permission if, or unless, certain amendments to a proposal are undertaken or subject to completion of outstanding consultations. In these circumstances the Head of Service Strategy and Planning can be given delegated authority to issue the decision of the Planning Committee once the requirements of the Committee have been satisfactorily complied with. A delegated decision does not mean that planning permission or refusal will automatically be issued. If there are consultation objections, difficulties, or negotiations are not satisfactorily concluded, then the application will have to be reported back to the Planning Committee or reported via the internal-only electronic Notified 'D' system by means of providing further information for elected Members. This delegation also allows the Head of Service Strategy and Planning to negotiate and amend applications, conditions, reasons for refusal and notes commensurate with the instructions of the Committee. Any applications which are considered prior to the expiry of the consultation reply period are automatically delegated for a decision.

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

PL18/33.  
(7.1)

#### **APPEALS**

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

**RESOLVED:** That the report be noted.

PL18/34.

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

#### **CHAIRMAN**

The meeting closed at 11:55am

pl181011jh

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

Extension of time agreed to: 16 October 2018

**DECISION: 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;
- (II) NEGOTIATIONS WITH THE APPLICANT ON THE WORDING OF CONDITION 6;
- (III) FURTHER DISCUSSIONS WITH HIGHWAY AUTHORITY REGARDING THE NEED FOR THE BUS STOPS;
- (IV) DISCUSSION IN RELATION TO TRANSFERRING OPEN SPACE TO PARISH COUNCIL; AND
- (V) 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; AND
  - (iii) 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 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.
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 appropriation remediation scheme submitted to the Local Planning Authority for approval.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: 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 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 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 (East Sussex County Council) 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 Area of Outstanding Natural Beauty to accord with the requirements of paragraphs 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 Plot 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 Area of Outstanding Natural Beauty 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 Plot Nos. 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 Area of Outstanding Natural Beauty 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 Rother Local Plan 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 Area of Outstanding Natural Beauty 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 Area of Outstanding Natural Beauty 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).
- 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 Rother Local Plan 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 East Sussex County Council, 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 Limited. '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) and (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](#)

**Restoration works to the Oasthouse**

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

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**DECISION: GRANT (LISTED BUILDING CONSENT)**

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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.

5. A detailed scheme for the repair and reinstatement of the original working weather-vane on the building shall be submitted for the consideration and approval of the Local Planning Authority and the working weather-vane shall be installed on the building in accordance with the approved details prior to the completion of the building conversion works and its occupation for business purposes.

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) and (vi), and section 16 of the National Planning Policy Framework.

[View application/correspondence](#)

**Extension to existing caravan park for the siting of  
static caravans (for holiday purposes) and formation  
of new access road, landscaping and associated  
infrastructure**

**Statutory 13 week date: 11 September 2018  
Extension of time agreed to: 18 October 2018**

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**DECISION: GRANT (FULL PLANNING)**

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**CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
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 Sustainable Drainage System 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 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.
6. The applicant is reminded that there are no permitted development rights for further structures/buildings on the site.

**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](#)

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**RR/2018/480/P**

**BRIGHTLING Coldharbour Farm Estate, Battle Road, Brightling**

**Proposed replacement of redundant farm buildings with B1/B8 units**

**Statutory 13 week date: 29 May 2018**

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

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**DECISION: GRANT (FULL PLANNING)**

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**CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
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 Limited 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 8:00am nor after 6:00pm 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 7:00am to 11:00pm (taken as a 15 minute LA90 at the nearest sound

sensitive premises) and shall not exceed the background sound level between 11:00pm and 7:00am (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](#)

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**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**

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

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**DECISION: REFUSE (FULL PLANNING)**

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**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 Area of Outstanding Natural Beauty, 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](#)

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**RR/2018/1498/P**

**CROWHURST Breadsell Lane – land at**

**Proposed stable building, hay storage building and new access road**

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

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

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**DECISION: DEFER (FURTHER NEGOTIATIONS ON RECONFIGURATION OF BUILDINGS AND REVISED ACCESS ROUTE).**

[View application/correspondence](#)

**Proposed dwelling and garage****Statutory 8 week date: 12 September 2018****Extension of time agreed to: 18 October 2018**

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**DECISION: REFUSE (FULL PLANNING)**

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**REASONS FOR REFUSAL:**

1. The proposed development would represent an unjustified new dwelling within the countryside. The dwelling, 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 Area of Outstanding Natural Beauty, 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 Area of Outstanding Natural Beauty 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 a substandard visibility splay to the north resulting from vehicles regularly parking on the highway verge adjacent to the access. 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.



**NOTE:**

1. This decision notice relates to the following set of plans:  
Drawing No. 5885/LBP/A dated October 2018  
Drawing No. 5885/1/A dated October 2018  
Drawing No. 5885/2/A dated October 2018  
Drawing No. 5885/3/A dated October 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](#)

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**RM**

**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**

**Statutory 8 week date: 25 September 2018**

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

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**DECISION: REFUSE (PLANNING PERMISSION)**

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Members had visited the site which was situated in a small cul-de-sac off Collington Avenue, comprising five properties. The current scheme was a revised proposal following earlier refusals (including an appeal decision) for the erection of a detached two bedroom bungalow on the southern part of the site and two, three bedroom houses arranged as a pair of semi-detached properties on the northern part of the site. Tandem parking spaces were proposed for each dwelling with vehicular access via the private access drive from Collington Avenue. The site was located within the defined Development Boundary for Bexhill.

Consideration was given to the concerns raised by the local residents, particularly in regard to the parking arrangements, construction disruption and potential damage to the private access drive. Members also considered the updated information received which was circulated to Members prior to the meeting.

Members expressed some concern regarding increased traffic during construction and the parking arrangements for each property. The discussion focused particularly on overdevelopment and impact on the residential area.

Councillor Watson moved the motion to grant (planning permission) and this was seconded by Councillor Ganly. The motion was declared LOST (5 for / 6 against).

Members recognised that the applicant had revised / amended the application from the erection of four, three bedroom houses with associated parking and access. However in weighing up all the issues, the Committee considered that the application was too dense for the site and would harm the character and appearance of the area. Therefore, the Committee considered that the application should be refused.

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#### **REASON FOR REFUSAL:**

1. The subdivision of this restricted site would create three relatively small residential plots for the new dwellings, which – particularly introducing two storey houses – would be out of keeping with the good-sized plots in Cranleigh Close and would make the development appear cramped in the street scene. The proposal represents an overdevelopment of this restricted site and as such would cause significant harm to the character and appearance of the area, in conflict with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy 2014, which require new development to respect and not detract from the character and appearance of the locality, to be of a density appropriate to its context, to be of high design quality and to contribute positively to the character of the site and surroundings.

#### **NOTE:**

1. This decision notice relates to the following set of plans:  
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

**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 with the proposal, 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](#)

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**RR/2018/1838/P**

**BEXHILL Rafati Way – Land off, Bexhill**

**Proposed erection of 2 No. detached bungalows**

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

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

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**DECISION: GRANT (PLANNING PERMISSION)**

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## CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved drawings and 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 Limited, dated August 2018  
Preliminary Ecological Appraisal (EA/54917) prepared by The Mayhew Consultancy Limited, 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 Limited, 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 Limited, 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 8:00am to 6:00pm Monday to Friday, 8:00am to 1:00pm 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](#)

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**RR/2018/2072/O**

**WESTFIELD Little Westbrook Farm, Westbrook Lane**

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

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

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**DECISION: GRANT (LAWFUL DEVELOPMENT CERTIFICATE)**

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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).

**RR/2018/2076/O**

**WESTFIELD The Lodge, Little Westbrook Farm,  
Westbrook Lane**

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

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

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**DECISION: GRANT (LAWFUL DEVELOPMENT CERTIFICATE)**

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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).

**RR/2018/2067/T**

**EWHURST Oak Cup, 18 Weald View, Staplecross**

**T1 – Oak- Fell**

**Statutory 8 week date: 1 October 2108**

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**DECISION: REFUSE CONSENT**

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**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](#)

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