

Report to	-	Planning Committee
Date	-	14 November 2018
Report of the	-	Executive Director
Subject	-	Planning Applications

Head of Service: Tim Hickling

Planning Committee Procedures

Background Papers

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

Planning Committee Reports

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

Consultations

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

Late Representations

Unless representations relate to an item which is still subject to further consultation (and appears on the agenda as a matter to be delegated subject to the expiry of the consultation period) any further representations in respect of planning applications on the Planning Committee agenda must be received by the Head of Service Strategy and Planning in writing by 9am on the Monday before the meeting at the latest. Any representation received after this time cannot be considered.

Subject to the previous reference to delegated items late petitions cannot be considered in any circumstance, as petitions will only be accepted prior to publication of the agenda in accordance with the guidance on submitting petitions found at <http://www.rother.gov.uk/speakingatplanningcommittee>

Delegated Applications

In certain circumstances the Planning Committee will indicate that it is only prepared to grant/refuse planning permission if/unless certain amendments to a proposal are undertaken or the application is subject to the completion of outstanding or further consultations. In these circumstances the Head of Service Strategy and Planning can be delegated the authority to issue the decision of the Planning Committee once the requirements of the Committee has been satisfactorily complied with. A delegated decision does not mean that planning permission or refusal will

automatically be issued. If there are consultation objections, difficulties, or negotiations which cannot be satisfactorily concluded, then the application will be reported back to the Planning Committee or reported via the (internal electronic) Notified D system as a means of providing further information for elected Members. This delegation also allows the Head of Service Strategy and Planning to negotiate and amend applications, conditions, reasons for refusal and notes commensurate with the instructions of the Committee.

Applications requiring the applicant entering into an obligation under section 106 of the Town & Country Planning Act 1990 (as amended) are also delegated.

Order of Presentation

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

6.1 APPLICATIONS ATTRACTING A PETITION (PUBLIC SPEAKING)

REFERENCE	PAGE	PARISH	SITE ADDRESS
<u>RR/2018/1647/P</u>	4	BEXHILL	Larkhill – Land adj, Bexhill

6.2 ALL OTHER APPLICATIONS

REFERENCE	PAGE	PARISH	SITE ADDRESS
<u>RR/2018/1802/P</u>	18	BODIAM	Bodiam Castle, Castle Hill
<u>RR/2018/2145/P</u>	29	BEXHILL	18 & 20 Collington Park Crescent – Land between
<u>RR/2018/2188/P</u>	41	WESTFIELD	Fir Tree Cottage – Land opposite, New Cut
<u>RR/2018/2329/P</u>	53	BODIAM	New House Farm, New House Lane
<u>RR/2018/2283/P</u>	60	PLAYDEN	Peace & Plenty, Rye Road



RR/2018/1647/P

BEXHILL Larkhill - Land adj.

Proposed construction of 2 No. new dwellings - 1 x 3 bed chalet bungalow and 1 x 4 bed house incorporating integral garage and off street parking

Applicant: E.C. Connor Ltd
Agent: HOUSE DESIGN & ARCHITECTURE
Case Officer: Mr E. Corke (Email: edwin.corke@rother.gov.uk)
Parish: BEXHILL
Ward Members: Councillors A.K. Azad and Mrs J.M. Hughes

Reason for Committee consideration: Member referral by Councillor Mrs J.M. Hughes

Statutory 8 week date: 29 August 2018

Extension of time agreed to: 20 November 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

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

- DS3: Proposals within Development Boundaries.

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

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

1.3 Policies in the Development and Site Allocations Local Plan Proposed Submission – October 2018 (DaSA), are relevant to the proposal and carry some weight, including, in particular:

- DHG3: Residential Internal Space Standards.
- DHG7: External Residential Areas.

- 1.4 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.

2.0 SITE

- 2.1 The application site is a rectangular-shaped plot of former garden land located in an established residential area with a mix of building types including two-storey houses, flat units and bungalows (including chalet bungalows) on plots of varying sizes.
- 2.2 It is a relatively flat site bounded by a Grade II listed building to the north (No. 74 Belle Hill – Sorrell Cottage), which is set at a lower ground level, and a block of single-storey garages to the east, beyond which are purpose-built blocks of flats in Larkhill. To the south is No. 27 Larkhill, which is a detached house set at a lower ground level, and to the west are Nos. 12-22 Millfield Rise, which are also detached houses set at a lower ground level.
- 2.3 The site contains a number of mature trees and a mature conifer hedge along/adjacent to the common boundary with the rear gardens of the properties in Millfield Rise.
- 2.4 In policy terms, the site is located within the defined development boundary for Bexhill.

3.0 HISTORY

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|-----|----------------|---|
| 3.1 | RR/2007/613/P | Outline: erection of two pairs of semi- detached dwellings including associated garages, parking and formation of new vehicular access – Refused. |
| 3.2 | RR/2013/1662/P | Three bedroom chalet style dwelling – Granted. |
| 3.3 | RR/2015/337/P | Proposed double garage – Granted. |
| 3.4 | RR/2016/317/P | Construction of a pair of detached chalet style dwellings – Withdrawn. |
| 3.5 | RR/2016/1475/P | Construction of detached chalet style dwelling on north end of land, and detached bungalow at south end – Granted. |

4.0 PROPOSAL

Background

- 4.1 In August 2016 planning permission (Application Ref: RR/2016/1475/P) was granted for a proposal to construct two conventionally designed dwellings on the land, with access from Larkhill via the private driveway that serves the 24

flats at Mercia Court and Offa Court. This permission is extant but has not been implemented. It expires in August 2019.

- 4.2 One of the approved properties is a 7.65m high 2/3-bed chalet-style dwelling located towards the northern end of the site. The other property is a 5.85m high 2-bed bungalow located towards the southern end of the site.

Current proposal

- 4.3 The current scheme is a revised proposal again for the construction of two conventionally designed dwellings, with access from Larkhill via the private driveway that serves the flats at Mercia Court and Offa Court.
- 4.4 One of the proposed dwellings is a 7.45m high two-storey 4-bed house with integral garage, which would occupy a similar position and would have the same orientation as the approved chalet-style dwelling. This building is designed with a hipped roof and a materials palette comprising a mixture of brick and plain tile hanging to the elevations, and concrete tile to the roof. A parking area for two cars would be provided in front of the dwelling.
- 4.5 The other dwelling is a 6.15m high 3-bed chalet bungalow, which would occupy a similar position and would have the same orientation as the approved bungalow. The building is designed with a hipped roof and three dormers and a materials palette comprising brick to the elevations and concrete tile to the roof.
- 4.6 The application has been amended since it was first publicised to address concerns raised by the Local Planning Authority about overlooking and the proximity of the dwellings to the mature trees and mature conifer hedge along/adjacent to the common boundary with the rear gardens of the properties in Millfield Rise to the west. In this respect, the dwellings have been re-positioned to the east and changes have been made to the design of House Type 2. These amendments have been publicised.

5.0 CONSULTATIONS

5.1 Planning Notice

- 5.1.1 A petition of objection signed by the residents of 11 flats in Mercia Court and seven flats in Offa Court has been received in response to the originally submitted proposal. The reasons for objecting are summarised as follows:

- Insufficient parking provision.
- Detrimental to highway safety.
- Increase in traffic generation and damage to road.
- Problems arising from the construction period.
- Loss of views.
- Overdevelopment.
- Harmful to wildlife.
- No evidence of how utilities will be delivered to the site.
- Site access depends on the reliability of a deed of easement, which is in dispute.

- 5.1.2 A second petition of objection signed by the residents of 10 flats in Mercia Court, a resident of a flat in Offa Court and a resident of No. 25 Larkhill has been received in response to the amendments to the proposal. The reasons for objecting are summarised as follows:
- Previous objections still stand.
 - Both properties will be even more intrusive.
 - Specific heights for any of the trees to be reduced should be provided.
- 5.1.3 Six objections from five individual addresses raising the following concerns (summarised):
- The land has been sold with a deed of easement that was obtained without the full knowledge of the residents in Larkhill.
 - Detrimental to highway safety.
 - Site needs to be inspected by the Planning Officer.
 - Harmful to wildlife.
 - Likely to cause parking problems.
 - Overdevelopment.
 - Problems arising from the construction period.
 - Overlooking and loss of privacy.
 - Loss of views.
 - There are no floor elevations for House Type 1.
 - House Type 1 is too close to neighbouring properties and is bigger and higher than on other plans.
 - Insufficient off-road parking.
 - Increase in traffic generation.
 - Access to the property is subject to a dispute.
 - Noise disturbance.
 - Multiple applications have been submitted.
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6.0 APPRAISAL

- 6.1 The application site is located within the defined development boundary for Bexhill and as such there is a presumption in favour of development, subject to environmental considerations.
- 6.1.1 It is also the case that the principle of constructing two detached dwellings on the land has already been established by the extant permission, which expires in August 2019 and can still be implemented.
- 6.1.2 The main issues with the current proposal are:
- Impact on the character and appearance of the area.
 - Impact on the living conditions of adjoining residents in relation to outlook and privacy in particular.
 - Highway issues including traffic generation, vehicle access and highway safety.
 - Parking provision.
- 6.1.3 While the above remain the material issues, in determining this application the extant scheme for the construction of two detached dwellings on the land is a significant material consideration.

6.2 Character and Appearance

- 6.2.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy seeks to ensure that development proposals respect and do not detract from the character and appearance of the locality.
- 6.2.2 Paragraph 122 of the National Planning Policy Framework states that planning decisions should support development that makes effective use of land, taking into account, amongst other things, “...*the desirability of maintaining an area’s prevailing character and setting (including residential gardens),...*”
- 6.2.3 Additionally, Policy EN3 of the Rother Local Plan Core Strategy and paragraphs 124 and 127 of the National Planning Policy Framework require development to be of good design quality, contributing positively to the character of the site and its surroundings.
- 6.2.4 The site is located in an established residential area with a mix of building types including two-storey houses, flat units and bungalows (including chalet bungalows) on plots of varying sizes.
- 6.2.5 As per the approved scheme, the current proposal is for two conventionally designed dwellings in good-sized plots, which would relate acceptably to the existing pattern of development in the surrounding area and would provide a satisfactory amount of useable garden space for future occupiers.
- 6.2.6 The submitted Site Plan shows that the mature trees and mature conifer hedge along/adjacent to the common boundary with the rear gardens of the properties in Millfield Rise to the west would be retained. This is welcomed, as it would maintain the landscape setting of the site. Protective measures (e.g. fencing) would need to be provided and retained in situ for the duration of construction works to prevent serious damage to or loss of the trees and hedge. This can be secured by condition.

6.3 Living Conditions of Adjoining Residents

- 6.3.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy seeks to ensure that development does not unreasonably harm the amenities of adjoining properties.
- 6.3.2 In terms of outlook, the proposed dwellings would occupy similar positions and would be of a similar size and bulk to those previously approved. As such, it is not considered that the revised dwellings would have a significantly greater impact on the outlook from the neighbouring properties than those previously found to be acceptable. The proposed dwellings would not bring about a significant erosion of residential amenity through loss of outlook and can be accepted on this basis.
- 6.3.3 Turning to privacy, the critical relationships are between the proposed house and the flats at Offa Court to the east, and the proposed chalet bungalow and No. 27 Larkhill, which is a detached house set at a lower ground level, to the south.

Impact on Offa Court

- 6.3.4 The proposed house has a bedroom window at first floor level within the side (east) elevation, which would be separated from the windows serving habitable rooms of the adjacent flats by at least 15.5m. It is also the case that the proposed house and block of flats have differing orientations, which means that the outlook from the bedroom window would not be directly towards the habitable rooms of the adjacent flats. For these reasons it is not considered that residents of the adjacent flats would experience material harm in terms of overlooking from the first floor bedroom window.

Impact on No. 27 Larkhill

- 6.3.5 The proposed chalet bungalow has a bedroom window at first floor level within the rear (south) roof slope, which would face the front garden and front windows serving habitable rooms of the adjacent house. Overlooking of the adjoining front garden would not bring about a significant erosion of residential amenity, as it is open to public view from Larkhill and as such is not 'private' space.
- 6.3.6 With regard to overlooking of the habitable rooms of the adjacent house, the bedroom window would be separated from the adjacent windows by some 19m. This measure of separation is considered to be sufficient to prevent residents of the neighbouring property experiencing harmful overlooking.
- 6.3.7 No objection has been received from the residents of No. 27.
- 6.3.8 The resident of No. 25 Larkhill has stated that there are no floor elevations for House Type 1 (the proposed chalet bungalow). This is incorrect as the floor plans and elevations for this building have been submitted and are available to view online. This neighbour is also concerned about the additional noise that would be generated by people using the back garden of the proposed chalet bungalow, which would be in close proximity to the front gardens of Nos. 25 and 27 Larkhill. However, the site is former garden land and there is nothing intrinsically harmful about residential activities taking place within a built-up residential area such as this. Furthermore, appropriate boundary treatment would be provided, secured by condition.

Impact on properties in Millfield Rise

- 6.3.9 The proposed chalet bungalow does not have any windows at first floor level within the side (west) roof slope. As such, overlooking of the adjoining rear gardens in Millfield Rise would not occur.
- 6.3.10 Turning to the proposed house, secondary bedroom windows and an ensuite window are shown at first floor level within the side (west) elevation, which would have the potential to overlook the adjoining rear gardens in Millfield Rise if the mature conifer hedge along the common boundary with those properties was to be removed in the long-term. As such, these windows would need to be obscure-glazed, secured by condition, to avoid potential harmful overlooking.
- 6.3.11 No objections have been received from the residents of the properties in Millfield Rise.

Impact on No. 74 Belle Hill – Sorrell Cottage

- 6.3.12 The rear first floor elevation of the proposed house would be separated from the adjoining rear garden of No. 74 Belle Hill by some 21m. This measure of

separation is considered to be sufficient to prevent residents of the neighbouring property experiencing harmful overlooking.

6.3.13 No objections have been received from the residents of No. 74 Belle Hill.

Future 'permitted development'

6.3.14 In light of the assessments above, while the impact of the scheme may be considered acceptable, restrictions on 'permitted development' rights are suggested if permission is granted to safeguard the amenities of neighbouring properties, and to retain appropriate outdoor amenity space for occupiers of the chalet bungalow. These can be secured by conditions.

6.4 Highway Issues

6.4.1 Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy and Policy DHG12 (i) of the DaSA Local Plan seek to avoid prejudice to highway safety by ensuring adequate, safe access arrangements.

6.4.2 Access to the site would be from Larkhill via the private driveway that serves the 24 flats at Mercia Court and Offa Court. While the new access would introduce a potential source of danger to vehicles and pedestrians using the driveway, the proposal is for two dwellings only, which would not result in significant additional vehicle movements. It is also the case that this is a built-up residential area where vehicle speeds are likely to be relatively low. As a result, there is no objection to the proposal on highway safety grounds.

6.4.3 Local residents have queried whether there is a deed of easement granting access to the site over the private driveway. However, for the purposes of making the planning application, the applicant has served the requisite notice on the owner of the driveway. Ultimately, this is a private issue that would need to be resolved between the relevant parties if planning permission is granted for the development. It is not a material matter which can provide grounds of objection to the proposal.

6.5 Parking Provision

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

6.5.2 The scheme would provide a total of five off-street car parking spaces (including the integral garage) for the two dwellings, which would meet the residual needs of the development for off-street car parking, particularly as the site is within convenient walking distance of the town centre where services, facilities, entertainment, employment and transport connections can be accessed.

6.5.3 No cycle parking spaces have been proposed but these can be secured by condition, both parking requirements according with DaSA Policy DHG7 (ii).

6.6 Other Matters

- 6.6.1 With regard to the setting of the Grade II listed building to the north (No. 74 Belle Hill – Sorrell Cottage), the proposed development would be both physically and visually separate from the listed building, and therefore not within its setting.
- 6.6.2 Neighbouring residents are concerned about loss of views and problems arising from the construction period (e.g. damage to the road, problems with access etc.). However, these are not material planning considerations. With regard to disruption during the construction period, the landowner and/or developer can be advised to minimise the potential for disturbance to adjoining occupiers by way of a note attached to the decision notice.
- 6.6.3 Concern has also been raised about the harm that would be caused to wildlife on the site. However, there is already an extant scheme for the site to be developed. Ultimately, it is the responsibility of the landowner and/or developer to establish whether protected species are present and, if so, to obtain the necessary licences required to undertake work on the site. This matter can be brought to the attention of the landowner and/or developer by way of a note attached to the decision notice.
- 6.6.4 Local residents state that there is no evidence of how utilities will be delivered to the site. However, this is a built-up residential area in Bexhill and so the development is likely to have access to existing infrastructure and services.
- 6.6.5 Any potential cumulative impacts on the air quality at Ashdown Forest and Lewes Downs Special Areas of Conservation (SACs) have been assessed. Having regard to the conclusions of the HRAs undertaken for the adopted Rother Local Plan Core Strategy, supplemented by available evidence of commuting data for this locality, there is no discernable prospect of additional traffic from the proposed development impacting on the Ashdown Forest or Lewes Downs SACs in particular. Specific consideration has been given to the likely level of non-local (i.e. commuting) trips that can be estimated to be generated by the proposed development and the likely distribution of those trips, having regard to recorded commuting flows from this locality. Assuming two trips from a single vehicle to any destination, the proposal is found likely to generate less than a fiftieth of a single daily vehicle movement that would have the potential to have impact on the Ashdown Forest SAC. The proposal is found to have no impact on Lewes Downs SAC. Hence, it is concluded that any likely significant effects upon European sites, even in combination with other relevant plans and projects, can reasonably be screened out.
- 6.6.6 Finally in all other respects the accommodation and layout provided would accord with the aims of the relevant new DaSA policies.
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7.0 **SUMMARY**

- 7.1 The principle of constructing two detached dwellings on the land has already been established by the extant permission, which expires in August 2019 and can still be implemented.
- 7.2 This revised proposal is for the construction of two detached dwellings, which will occupy similar positions and will be of a similar size and bulk to those

previously approved. The new dwellings will have a greater impact on the living conditions of neighbouring residents in relation to outlook and privacy. However, the additional impacts will not be significant.

- 7.3 Overall, the proposed development will make effective use of the site, will contribute to the supply of housing in the district and will have an acceptable impact on the environment including the general character and appearance of this built-up residential area, the living conditions of the adjoining residents and conditions of general safety along the highway. Subject to appropriate conditions, planning permission should be granted for this revised proposal.
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8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
Drawing No. 18.160/01 (PROPOSED FLOOR PLANS AND ELEVATIONS – HOUSE TYPE 1) dated MAY 2018.
Drawing No. 18.160/02D (PROPOSED FLOOR PLAN AND ELEVATIONS – HOUSE TYPE 2) dated JUNE 2018.
Drawing No. 18.160/03E (PROPOSED SITE PLANS AND SITE LOCATION PLAN) dated JUNE 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, 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 and adjacent to the site including details of those to be retained, together with measures for their protection in the course of development.
 - 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) Hard surfacing materials.
 - f) An implementation programme.
Reason: This pre-commencement condition is required to enhance the appearance of the development and maintain its landscape setting, in

accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

4. 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 maintain its landscape setting, in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

5. 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 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 maintain the landscape setting of the development, in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

6. No development above ground level shall take place until samples of the materials and finishes to be used in the construction of the external surfaces of the dwellings hereby permitted 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 maintain the visual amenities of the surrounding area, in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
7. At the time of construction and prior to the first occupation or use of the two-storey house (House Type 2) hereby permitted, the bedroom 1 windows and en-suite window at first floor level within the side (west) elevation, as indicated on approved Drawing No. 18.160/02D (PROPOSED FLOOR PLAN AND ELEVATIONS – HOUSE TYPE 2) dated JUNE 2018, shall be glazed with obscure glass of obscurity level equivalent to scale 5 on the Pilkington Glass Scale, and shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed, and shall thereafter be retained in that condition.
Reason: To safeguard the amenities of neighbouring properties in Millfield Rise, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.
8. The new access shall be provided in the position shown on approved Drawing No. 18.160/03E (PROPOSED SITE PLANS AND SITE LOCATION PLAN) dated JUNE 2018, and all works undertaken shall be executed and completed to the written satisfaction of the Local Planning Authority prior to the 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 and Policy DHG12 (i) of the DaSA Local Plan Proposed Submission – October 2018.
9. No dwelling shall be occupied until parking and turning areas have been provided in accordance with approved Drawing No. 18.160/03E (PROPOSED SITE PLANS AND SITE LOCATION PLAN) dated JUNE 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 ensure a satisfactory level of off-street parking for the new dwellings so as not to prejudice the free flow of traffic and conditions of general safety along the highway, in accordance with Policies CO6 (ii) and TR4 of the Rother Local Plan Core Strategy and Policy DHG7 (ii) of the DaSA Local Plan Proposed Submission – October 2018.
10. No dwelling shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans or details which have been first submitted to and approved in writing by the Local Planning Authority and the cycle parking spaces shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with Policies OSS4 (i) and TR3 of the Rother Local Plan Core Strategy.
11. 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.

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

Reason: To safeguard the amenities of the neighbouring properties and the landscape setting of the development, and to retain appropriate outdoor amenity space for occupiers of the dwelling, in accordance with Policies OSS4 (i, ii and iii) and EN3 of the Rother Local Plan Core Strategy and Policy DHG7 (i) of the DaSA Local Plan Proposed Submission – October 2018.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no garage, building, structure or erection of any kind, as defined within Class E of Part 1 of the Schedule 2 of the Order, shall be carried out within the curtilage of the chalet bungalow (House Type 1) hereby permitted, otherwise than in accordance with a planning permission granted by the Local Planning Authority.

Reason: To retain appropriate outdoor amenity space for occupiers of the dwelling, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG7 (i) of the DaSA Local Plan Proposed Submission – October 2018.

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, addition or other alteration beyond the wall forming the side (west) elevation of the two-storey house (House Type 2) hereby permitted, as defined within Class A of Part 1 of the Schedule 2 of the Order, shall be carried out otherwise than in accordance with a planning permission granted by the Local Planning Authority.

Reason: To safeguard the landscape setting of the development, in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

NOTES:

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
2. With regard to Condition 3 the landowner and/or developer is advised that measures for the protection of trees and hedgerows should be based on the recommendations relating to tree care, as set out in *BS 5837:2012 – Trees in relation to design, demolition and construction. Recommendations*.

3. 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.
4. The landowner and/or developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Bank Holidays.
5. The landowner and/or developer is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found and these should be sought before development commences.

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

[View application/correspondence](#)



RR/2018/1802/P

BODIAM Bodiam Castle, Castle Hill, Bodiam**Use of land for overflow car park**

Applicant: National Trust
Agent: National Trust
Case Officer: Mrs S. Shepherd
(Email: sarah.shepherd@rother.gov.uk)
Parish: BODIAM
Ward Members: Councillors G.S. Browne and Mrs S.M. Prochak

Reason for Committee consideration: Member referral Councillor Mrs S.M. Prochak

Statutory 8 week date: 10 September 2018

Extension of time agreed to: 20 November 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

- 1.1 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS4: General Development Considerations.
 - RA2: General Strategy for the countryside.
 - RA3: Development in the countryside.
 - EN1: Landscape Stewardship.
 - EN2: Stewardship of the Historic Built Environment.
 - EC6: Tourism Activities and Facilities.
 - EN7: Flood risk and development.
 - TR4: Car Parking.
- 1.2 The following policies in the Development and Site Allocations Local Plan Proposed Submission – October 2018 (DaSA) are relevant and carry some weight:
- DEN1: Maintaining Landscape character.
 - DEN2: The High Weald Area of Outstanding Natural Beauty (AONB).
- 1.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations, with particular regard to section 15, conserving and enhancing the natural environment and section 16, conserving and enhancing the historic environment.
- 1.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also applicable and confers a statutory duty to local planning authorities when considering whether to grant planning permission, to have

special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.0 SITE

- 2.1 The application site comprises an agricultural field to the east of the existing car park that serves Bodiam Castle. Bodiam Castle is Grade I listed and an Ancient Scheduled Monument. The field lies to the south east of the castle, outside the ownership of the National Trust, is currently laid to grass and is reasonably level. It is surrounded by a drainage ditch to its west, south-west, north and east sides, save for a field access via neighbouring fields in its north east corner. The southern boundary is bounded by the flood embankment that runs along the northern side of the River Rother. The embankment is part of the flood defences while the field is part of the coastal and floodplain grazing marsh. The site is located within Flood Zones 2 and 3.
- 2.2 Trees line the west and south west boundaries with scattered trees to the north and other boundaries further afield. The castle is glimpsed through the trees to the north of the field. There are a number of public footpaths in the surrounding area, including no.12a on the southern side of the river and no. 8b that runs through the adjacent trees to the west of the site before skirting the south east corner of the moat and exiting eastwards across the fields to the north east of the site. The site is glimpsed from a couple of viewpoints on the higher ridge to the south in the vicinity of Ewhurst.
-

3.0 HISTORY

- 3.1 There is no relevant history for the application field. Recent applications relating to Bodiam Castle itself on adjacent land include:
- 3.1.1 RR/2018/1460/P Erect metal estate style fencing. Approved conditional.
- 3.1.2 RR/2016/2607/P Relocation of existing visitor reception cabin. Approved conditional.
- 3.1.3 RR/2016/799/P Siting of two 'Elite' pay and display parking ticket machines in car park area. Approved conditional.
-

4.0 PROPOSAL

- 4.1 This application proposes to relocate the overflow car park which currently is located in the Mill Pond area known also as the 'Tiltyard'. The Mill Pond would cease to be used for parking thus maintaining the vista across the grassed area to the castle. To enable use of the field for parking an access needs to be created by infilling an area of the drainage ditch and inserting a culvert with gates into the field. No other works are proposed to the field except the provision of a ticket machine adjacent the new gate on the south west boundary of the site.
- 4.2 The Landscape and Visual Impact Assessment (LVIA) accompanying the application recommends mitigation to include limiting parking to the centre of

the field with additional planting, particularly to the south and east boundaries and bunding and/or biodiversity enhancements to all boundaries.

- 4.3 Other statements submitted with the application include a Flood Risk Assessment (FRA), Planning Statement and Tree Survey with Arboricultural Impact Assessment and Assessment of Significance in respect of works affecting a heritage asset.
-

5.0 CONSULTATIONS

5.1 Ewhurst Parish Council

- 5.1.1 *“Increasing the area of permitted parking to the east will exacerbate the already unattractive view of the castle from Ewhurst and the Ewhurst-Bodiam Road of a long line of cars, coaches and motorhomes. This is the primary view of the castle which passers-by and indeed most visitors see and it is particularly inappropriate in this beautiful part of the Rother Valley. Parking back from the edge or some form of screening might improve the position.*

- 5.1.2 *We would seek assurances that the increase in parking is not to accommodate increased visitor numbers. The pressures on the village of Bodiam and its surroundings from the visitors to the castle at peak tourist times are already intolerable. Any further numbers at peak times would be completely unacceptable and unsustainable in their impact on the village and contrary to the National Trust's previously clearly stated position.”*

5.2 County Archaeologist

- 5.2.1 Although this application is situated in an Archaeological Notification Area, based on the information supplied, it is not believed that any significant archaeological remains are likely to be affected by these proposals.

5.3 High Weald Unit

- 5.3.1 Objects to the proposal on the grounds that:
- it is major development in the AONB which has not been justified as required under paragraph 172 of the National Planning Policy Framework; and
 - no measures are proposed to mitigate or compensate for the damage to the landscape caused by the proposed car park.
- 5.3.2 The Unit’s adviser states: *“The heritage benefits of moving the car parking away from the scheduled area are acknowledged but the landscape impact of the proposed site is much greater than existing. To achieve the required conservation and enhancement of the AONB, significant landscape mitigation and compensatory measures are necessary.”* It is considered that the details of such mitigation should be provided prior to a decision being made.

5.4 Environment Agency

- 5.4.1 Initially raised some concern as the site lies within an area of protected habitat and is part of a wider area of grazing march, thus requiring mitigation if any land is to be lost. The comments of Natural England are pertinent in

this regard. No objection received, but a condition is proposed requiring pollution prevention measures to avoid pollution reaching a controlled water.

5.5 Natural England

5.5.1 No objection in relation to statutorily protected sites. AONB policies are applicable and the High Weald Unit should be consulted.

5.6 Planning Notice

5.6.1 No comments received.

6.0 **APPRAISAL**

6.1 Bodiam Castle is a highly regarded heritage asset located within the landscape of the High Weald AONB. The proposals relate primarily to the use of open land with only minimal works required to enable a change of use from agricultural field to grassed overflow car park. The primary considerations relate to impacts on the setting of the heritage asset and the landscape character and visual impacts on the AONB. Drainage considerations are also applicable.

6.2 Impacts on the Heritage Asset

6.2.1 The existing overflow car park is in a very sensitive location when considering the setting of Bodiam Castle, which is Grade I Listed and an Ancient Scheduled Monument. The existing car park interrupts the view of the castle that is most frequently experienced by visitors when entering the National Trust site from Main Street. Removal of the overflow area from its current location would benefit this prominent and important view. The overflow car park is located in the castle's "Mill Pond" which may have been a site that was intended to have been viewed together with the castle at the time of construction. The Mill Pond is believed to have been part of the medieval waterscape that surrounded the castle, designed to impress visitors approaching from the south-west. In the 1920s Lord Curzon, mistakenly believing the pond to have been a tilt yard, unsuccessfully attempted to drain it to make a cricket pitch.

6.2.2 The Mill Pond is also highly sensitive archaeologically. Should it be carried out in the future, excavation is very likely to reveal early, rare and significant remains – which could contribute significantly to our understanding of this early planned landscape, the medieval Mill Pond and dam, and in general the economic activities and environmental setting associated with the earliest phase of the castle. As the Mill Pond was previously waterlogged, there is also some potential in this area for finding preserved organic remains too, which are rarely preserved and so have increased potential to tell us about aspects of the castle's past that we would never normally have access to.

6.2.3 The proposed site for the overflow car park has considerably less of an impact on the setting of the castle than the existing Mill Pond area used when considering views from within the ancient scheduled monument boundary, as the new car park is not within its boundary. The top of the castle is glimpsed through the trees along the northern boundary of the site but the existing trees, combined with additional proposed infill planting along this boundary,

would effectively screen and minimise any views of the cars from within the castle or its immediate grounds.

- 6.2.4 Bodiam Castle is located on Lower Rother Valley's valley floor and as such is highly visible from the surrounding hills. However, Ewhurst Lane, which sits on the higher ridge just under a mile away to the south is the closest public viewpoint from which the proposed overflow car park and the castle would be read together. The views toward the castle from Ewhurst Lane are not open and in general only glimpses would be seen from the hills adjacent to the road. The view of the overflow car park is largely hidden from these views due to tree clusters at various locations between Ewhurst Lane and the proposed car park. Moreover, given the significant distance from the field, the views of the tops of the cars would be minimal and would not impinge on the overall setting of the castle.
- 6.2.5 To access the car park a new crossing over the existing ditch with a five bar estate rail fencing and gate are proposed. A new ticket machine adjacent the south western boundary of the site is also proposed. The estate rail fencing will match the design of the recent application for fencing alongside the nearby footpath (RR/2018/1460/P) and as such will not be an alien element on the landscape and largely invisible from a distance. The ticket machine will not harm the setting of the castle as it will not be seen together with the castle.
- 6.2.6 Given the removal of the overflow car park from the Mill Pond area to the foreground of the castle and the available screening of the proposed overflow car park, the proposal is considered to represent a significant improvement to the setting of the heritage asset.

6.3 Impacts on the AONB

- 6.3.1 Policy EN1 provides that management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (i) the distinctive identified landscape character, ecological features and settlement pattern of the AONB. This is now supplemented by DaSA Policies DEN1 and DEN2.
- 6.3.2 The application site comprises a field within the patchwork of fields that are part of the pattern and character of the High Weald AONB. Arguably the castle pre-dates the use of the adjacent field for agricultural purposes, it having historically been part of the floodplain for the River Rother. The surrounding landscape has evolved over time and reflects human influence in its character and appearance, more recently with the creation of the flood defence embankment that runs along the northern side of the river, south of the application site.
- 6.3.3 The existing overflow car park has significant impacts on the setting of the listed building and ancient scheduled monument and this harm needs to be considered and weighed in association with the considerations of any harm to the AONB. The existing car park is open to views from the south west, including from several public footpaths and the Ewhurst/Bodiam Road. The proposed overflow car park will be less visible from the south west but more

open to potential views from the south east. There are no roads to this side and viewpoints are more limited.

- 6.3.4 The Landscape and Visual Impact Assessment (LVIA) has considered 20 viewpoints both near and far in its assessment of the potential impacts. The LVIA highlights seven viewpoints where impacts would be adverse, Nos. 9 and 10 on the southern boundary, Nos. 11 and 12 to the north on the footpath around the moat, No. 15 to the south side of the river where footpath 12a changes direction from west to south, and to a lesser degree Nos. 4 and 5 to the north west on footpath 8b, which runs eastwards at a higher level. All these viewpoints are local and can be mitigated by additional planting to strengthen the existing field boundaries.
- 6.3.5 Longer and wider views from the surrounding countryside are more limited by virtue of the topography and existence of boundary vegetation and areas of woodland and copses. Viewpoints 17 and 20 on footpath 12b lie much further south on the approach to Ewhurst Green. From here glimpses of the site would be screened for the most part with entire screening if additional planting is undertaken. It is noted that all views have the potential for wider impacts in winter months when leaves are absent from the trees, but it is also noted that the overflow car park is extremely unlikely to be required at these times of the year. The proposals for some fencing and a ticket machine would not be visible within the wider landscape.
- 6.3.6 The LVIA makes recommendations which include restricting the area of car parking, employing a car park layout to orientate cars to minimise any potential glint and glare and a planting scheme which strengthens boundary planting and includes enhancements to the wetland, reed beds and perennials, with a use of indigenous species including a high evergreen content. A robust landscaping scheme, while it is acknowledged will take some additional time to establish, could however, reduce the harm to such an extent that when combined with the improved setting of Bodiam Castle, an important heritage asset, the proposal could be supported.
- 6.3.7 The High Weald Unit has not disputed the content of the LVIA nor its conclusions. However, it has considered that the proposal represents ‘major’ development in the AONB. The National Planning Policy Framework advises that *“whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”* The Unit considers that the provision of 300 car parking spaces in an open landscape to the river valley will have significant impacts and should be treated as major development. As such it considers that the application should, *“be accompanied by justification for the exceptional circumstances that would merit planning permission being granted, including consideration of the other ways of meeting the need (such as working with other local visitor attractions), and other sites assessed.”*
- 6.3.8 The existing and proposed overflow car park accommodates around 150 cars, not 300. The use is to be as an ‘overflow’ car park and is thus, like the current Mill Pond area, not required on an everyday basis. Indeed any overflow use is more seldom, with the primary usage being in the summer months and particularly at weekends and during school/bank holidays, when natural screening is at its most dense. Its use is limited in spring or autumn and to date the current overflow area has not been used at all in the winter.

As such the field would remain grassed and managed as grassland. The area to be used can be limited to correspond with the mitigation suggested in the LVIA and the applicant has provided written agreement to undertake a planting scheme again to reflect the mitigation set out in the LVIA.

- 6.3.9 In light of the preceding comments regarding the actual numbers and limited seasonal use, the proposal is not therefore considered to represent 'major' development. While some harm would result to the landscape character and on occasion to the appearance of the AONB, this harm can be suitably mitigated. The surface of the field would remain grassed and for much of the time its appearance would not thus differ from the existing situation. The use for overflow car parking would be transient and seasonal and would not represent any permanent or irreversible impacts. As such the proposal is not considered to represent any significant adverse impact.
- 6.3.10 For Members' information, having regard to other comments made by the Unit, the National Trust do work with other visitor attractions, including the Kent & East Sussex Railway with discounted prices for visitors using both attractions. Access to the site can also be gained via boat from the Bodiam Boating Station at Newenden and by walkers utilising the public footpath network. Availability of alternative sites has been considered but is very limited due to difficulties in accessing the surrounding area. A site to the north of the castle with a completely different access, preferred by the Unit, is not available either as it has been planted by the owner as a vineyard.
- 6.3.11 The second reason for objection by the High Weald Unit relates to the absence of detailed mitigation proposals prior to determination of the application. A scheme has yet to be produced as the land owner's agreement is required and at the time of writing, this has yet to be confirmed. The applicant is aware that if mitigation proposals are not forthcoming then the proposal is unlikely to be considered acceptable. Hence a pre-commencement condition would be recommended to ensure that a detailed scheme is produced and works are undertaken prior to any works or use of the site.
- 6.3.12 In view of the use of a pre-commencement condition, it is considered appropriate to determine the application having regard to the mitigation set out in the LVIA, but without the need for the final detailed scheme prior to any decision.

6.4 Drainage and Flood Risk

- 6.4.1 The site lies within Flood Zones 2 and 3 but the transient and seasonal use is not considered to represent any increased risk to flooding. The culverting of the drainage ditch to provide an access into the field from the existing parking area to the west is considered to be acceptable by the various water authorities, although concern has been expressed in relation to potential pollution via surface water drainage from the site. As such a pre-commencement condition is recommended with regard to the inclusion of a petrol/oil interceptor within the ditch, details of which are to be agreed with the Environment Agency to preclude any harm to the protected waters within the river.

7.0 SUMMARY

- 7.1 The proposal is for a replacement overflow car park outside the confines of the existing castle, a Grade I listed building and an Ancient Scheduled Monument. The proposal is considered to represent a significant improvement to the setting of the heritage asset.
- 7.2 The proposed siting for the overflow car park has the potential to have harmful impacts on the landscape character and scenic beauty of the High Weald AONB. However, the proposed use is transient and seasonal, related primarily to peak visitor times in the summer. The scheme is not considered to be 'major' development in the AONB and proposed mitigation is possible to satisfactorily minimise and overcome the potential harm that has been identified. Pre-commencement conditions are recommended and subject to these the proposal does not represent a significant adverse impact on the AONB.
- 7.3 The proposal does not represent increased potential for flooding and petrol/oil interceptor(s) are to be provided to ensure that there is no pollution of local protected waters.
-

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposal is not development that is CIL liable.
-

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing No. 'Location Plan' and 'Site Plan', dated 19 June 2018
Drawing No. 5647-05 rev.A, dated 14 June 2018
Drawing No. 5647-04, dated 14 June 2018
Landscape and Visual Impact Assessment by Harper Landscape Architecture, dated July 2018, with particular regard to Figure 11 Mitigation Options Plan.
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. No works to or use of the application site for the purposes hereby approved shall commence until the soft landscaping details and car park layout have been submitted to and approved by the Local Planning Authority. The landscaping scheme and car park layout shall have reference to the

mitigation outlined in the “Landscape and Visual Impact Assessment” by Harper Landscape Architecture Ltd, dated July 2018 and shall include:

- a) Indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development.
- b) Planting plans.
- 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) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules.

The works are to be undertaken at the earliest opportunity, prior to commencing the use and completed in accordance with the approved details.

Reason: A pre-commencement condition is required to mitigate landscape impacts of the proposal and to ensure the conservation and enhancement of the landscape and scenic beauty of the High Weald AONB in accordance with Policies OSS4 (iii) and EN1(i) of the Rother Local Plan Core Strategy and paragraph 172 of the National Planning Policy Framework.

4. No use of the application site for the purposes hereby approved shall commence until full details of an enhanced drain, including petrol/oil interceptors, within the surface water drainage ditch (to the western side of the field unless a more appropriate location is found), have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved details prior to commencement of the use.

Reason: To control the quality and rate of run-off in relation to surface water drainage thereby protecting water quality and reducing local flood risks in this sensitive location adjacent the River Rother and within the High Weald AONB, in accordance with Policies SRM2 (iii), EN7 (iii), EN1 and EN5 of the Rother Local Plan Core Strategy and paragraphs 163 and 164 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

5. 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 mitigate landscape impacts of the proposal and to ensure the conservation and enhancement of the landscape and scenic beauty of the High Weald AONB in accordance with Policies OSS4 (iii) and EN1(i) of the Rother Local Plan Core Strategy and paragraph 172 of the National Planning Policy Framework.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this

application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

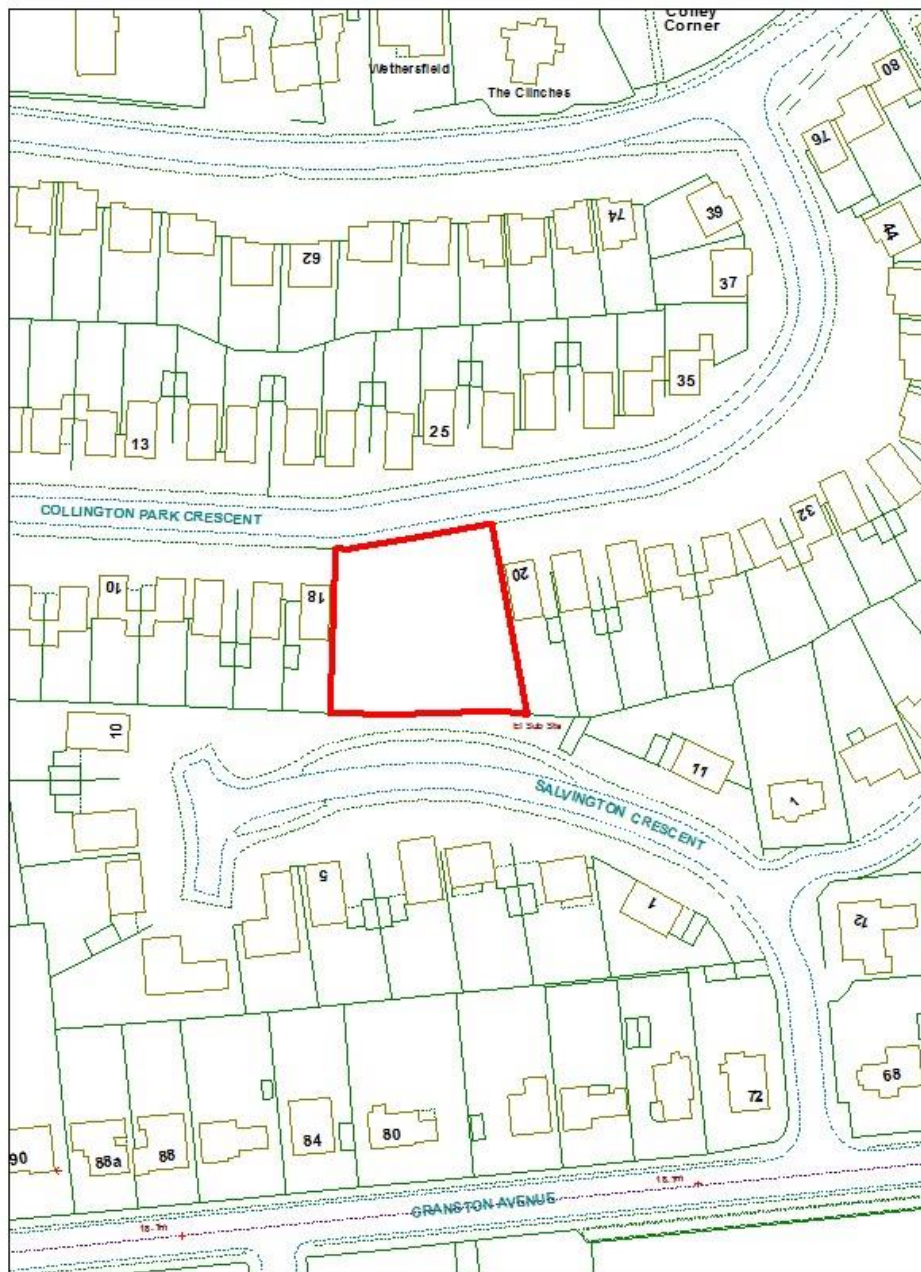
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SITE PLAN

BEXHILL

RR/2018/2145/P

18 & 20 Collington Park Crescent - Land between.



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Not To Scale

RR/2018/2145/P BEXHILL 18 & 20 Collington Park Crescent – land between

Proposed development: Erection of two three bedroom and one four bedroom houses with garages

Applicant: Precise Property Developments
Agent: Coster Associates
Case Officer: Mr M. Worsley
(Email: matthewworsley@rother.gov.uk)
Ward Members: Councillors B. Kentfield and M.J. Kenward

Reason for Committee consideration: Head of Service Strategy & Planning referral: Level of local interest

Statutory 8 week date: 24 October 2018
Extension of time agreed to: 23 November 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

- 1.1 The following ‘saved’ policies of the adopted Rother District Local Plan 2006 are relevant to the proposal:
- DS3 (proposals within development boundaries).
- 1.2 The following policies of the Rother Local Plan Core Strategy are relevant to the proposal:
- PC1: Presumption in favour of sustainable development.
 - OSS1: Overall spatial development strategy.
 - OSS3: Location of development.
 - OSS4: General development considerations.
 - BX1: Overall strategy for Bexhill.
 - BX3: Development strategy.
 - SRM2: Water supply and wastewater management.
 - CO3: Improving sports and recreation provision.
 - CO6: Community safety.
 - EN3: Design quality.
 - EN5: Biodiversity and green space.
 - EN7: Flood risk and development.
 - TR3: Access and new development.
 - TR4: Car parking.
- 1.3 The policies of the Development and Site Allocations (DaSA) Local Plan Proposed Submission – October 2018 are relevant and carry weight.
- 1.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.

2.0 SITE

- 2.1 The site is located within the town and development boundary of Bexhill. It is an undeveloped plot of amenity green space to the south side of Collington Park Crescent, which backs onto Salvington Crescent. The site measures around 0.14ha in area.
-

3.0 HISTORY (relevant)

- 3.1 RR/77/0847 Erection of 22 dwellings with garages – Approved Conditional.
- 3.2 RR/77/2105 Re-siting of plots and dwellings Nos. 6-16 inclusive – Approved Conditional.
-

4.0 PROPOSAL

- 4.1 Permission is sought to erect three two storey dwellings with integral garages and parking spaces to the front. Two of the properties would have three bedrooms and the central one would have four. Materials would consist of bricks and fibre cement weatherboard to the elevations and interlocking tiles and synthetic slate to the roofs.
-

5.0 CONSULTATIONS

5.1 Highway Authority

- 5.1.1 Do not consider it necessary to provide formal Highway Authority comments. Advise to consult the minor planning application guidance.

5.2 Planning Notice

- 5.2.1 27 objections received which are available to view in full on the Council's website (summarised):

Use of land

- When the estate was built the land was intended as amenity space and was shown as such on the approved plans.
- Land has been used by locals to walk dogs, play and sit on and as a casual meeting place for all.
- Land was privately owned, but the previous owner allowed free access to it as a recreational area.
- Understood that the Council owns the site.
- In the past the Council has taken responsibility for the upkeep of the land, mowing the grass and appointing tree surgeons to care for the trees.
- Land was fenced off earlier in the year to prevent access.
- There are no other comparable open spaces nearby. Elderly residents will have to cross the busy A259 to reach the nearest open space.

- The government recommends the importance of incorporating open space in new development to promote health and wellbeing.

Character and Appearance

- Overdevelopment.
- Dwellings proposed would be larger than others nearby.
- Dwellings would be out of keeping with others in the locality.
- Dwellings would extend further back than others in the street.

Neighbouring Properties

- Properties would be very close to the boundaries.
- Loss of privacy to neighbouring properties.
- Right to light to neighbouring properties would be impaired.
- Disruption to locals during construction, including noise and dirt.

Flooding and Drainage

- Southern Water and the Environment Agency should be consulted on the proposal.
- Surface water flooding is an issue on the site.
- No building is allowed within 1m of a water pipe that crosses the land.
- There is a Southern Water pump positioned in Salvington Crescent with alarm equipment and an emergency telephone number.
- There is an underground tank present on the land.
- There is a stream at the rear of the site.
- There is an earth bund flood retaining barrier on the land.

Trees and Wildlife

- All large trees on the site were cut down in August 2018.
- There are still oak trees to the south of the site.
- There are other smaller trees and hedges on the land.
- A condition attached to RR/77/0847 states that no trees on the land should be cut down unless dead or dangerous.
- The development will impact on the root systems of the retained trees.
- Badgers are present in the area.
- Local bird population appears to have declined as a result of the loss of trees.

Highway Safety

- Construction vehicles would have to be parked in the road which would make on-street parking for local residents difficult and would cause obstructions.

Other Issues

- Proposed housing is not affordable.
- Plans incorrectly annotated. Front and rear elevations both labelled 'south'.
- Surprised that the plans do not include a scale bar or dimensions.
- Suggests a footpath links Collington Park Crescent and Salvington Crescent.
- If permitted, would wish to see a conditioned imposed preventing access to Salvington Crescent.
- Increased subsistence risk.

6.0 APPRAISAL

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

- Public open space provision.
- The character and appearance of the locality.
- The living conditions of occupants of neighbouring properties.
- Flood risk and drainage.
- Highway safety.
- Biodiversity and green space.

6.2 Open Space Provision

6.2.1 Under Application Reference RR/77/0847 permission was granted for 22 dwellings and garages on the land surrounding the application site. Amendments to the position of some of the dwellings were granted under Reference RR/77/2105. At the time a legal agreement was subsequently sealed which required the developer to landscape the open space which is now the subject of the current application. The owners were required to maintain the land for a period of not less than 12 months after which the land was to have been transferred to the Council, provided all the conditions and stipulations within the legal agreement had been met. In fact, the transfer of the land to the Council was not completed. There is no information on the historic planning or legal files to explain why this was the case.

6.2.2 Since the estate development was constructed the undeveloped area of land has remained in private ownership, left as open space. The plans approved under the 1977 planning permissions for the estate development clearly show an intention that the land should remain open and undeveloped. The difficulty is that there are no public rights over the land and with the site being privately owned, the owners appear to be within their rights to fence off the site and prevent access to the general public.

6.2.3 Nevertheless, a lack of public access is not fatal to its retention as an undeveloped parcel of amenity green space. There are a number of local and national policies and guidance which seek the retention of such land.

6.2.4 Paragraph 14.23 of the Rother Local Plan Core Strategy explains that, *“Leisure and sports facilities, along with outdoor spaces, can provide a number of functions within the urban fabric of towns and villages. As well as providing both formal and informal recreation opportunities, and thereby promote the enjoyment of more healthy lifestyles, they can contribute to a network of accessible green space, **help make places more attractive to live, work and visit, and are integral to the physical and mental well-being of any community.**”*

(Emphasis added to highlight the function of open spaces beyond the spaces actively used.)

6.2.5 Paragraph 14.24 of the Rother Local Plan Core Strategy explains that open spaces also perform an important function in terms of the structure of urban and rural areas. Open spaces in more urban areas play an important role in mitigating the impacts of climate change as their cooling and shading effects are likely to become increasingly important with hotter summer temperatures.

- 6.2.6 Policy CO3 of the Rother Local Plan Core Strategy states that the provision of sufficient, well-managed and accessible open spaces, sports and recreation facilities, including indoor sports facilities, will be achieved by (*inter alia*):
- (i) safeguarding existing facilities from development, and only permitting their loss where it results in improved provision (in terms of quantity and quality) as part of a redevelopment or elsewhere within the locality.
 - (iii) application of the quantity, access and quality standards of Rother's Open Space, Sport and Recreation Study across all open spaces, including indoor sports facilities within the district.
- 6.2.7 The land is identified within the Rother District Council Open Space, Sport & Recreation Study (dated November 2007) as an amenity green space. In Section 9 of this study the recommended district wide local quantity standard is 1.73ha of amenity green space per 1,000 population. The recommended local quality standard states that smaller sites should, as a minimum, provide an important visual amenity function. In respect of the recommended local accessibility standard, amenity green space should be within a 10 minute walk (800m). The study analysed sites within Bexhill and identified 57 sites in total, including the application site. This amounted to a combined 34.03ha of amenity green space in Bexhill equating to 0.84ha per 1,000, significantly below the recommended district wide standard.
- 6.2.8 Paragraph 97 of the National Planning Policy Framework states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 6.2.9 Paragraph: 001 Reference ID: 37-001-20140306 (Revision date: 06 03 2014) of the Planning Policy Guidance states that, *"Open space should be taken into account in planning for new development and considering proposals that may affect existing open space. **Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure, as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development.**"* (emphases added).
- 6.2.10 No assessment has been carried out to show that the land is surplus to local requirements and therefore, in light of the broad definition of open space given in the Planning Policy Guidance, the proposal conflicts with paragraph 97a) of the National Planning Policy Framework. A number of local residents have expressed great concern over the proposed loss of the land and have explained that access to other amenity green space is some distance from their properties. This is likely to be exacerbated by the elderly nature of some of the residents meaning that walking to other open space may not be feasible. However, the land is not public land.

- 6.2.11 Allowing the loss of the land to development would conflict with Policy CO3 (i) which seeks to retain existing open spaces, together with criterion (iii) of the policy which applies the quantity, access and quality standards of the Open Space, Sport and Recreation Study. In this regard, the loss of the site would result in a reduction in the district wide 1.73ha of amenity green space per 1,000 population quantity standard. In addition, the proposal would conflict with the local quality standard for small sites as the development would result in the loss of an important visual amenity function.

6.3 Character and Appearance

- 6.3.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy requires all development to respect and not detract from the character and appearance of the locality.
- 6.3.2 Policy BX1 states that the overall strategy to deliver the objectives for Bexhill is to (i) conserve and enhance the town's distinctive and independent character and residential function, supported by local services and jobs as much as possible.
- 6.3.3 Policy EN3 of the Rother Local Plan Core Strategy requires new development to be of high design quality by (i) contributing positively to the character of the site and surroundings, including taking opportunities to improve areas of poor visual character or with poor townscape qualities; and (ii) demonstrating robust design solutions tested against identified key design principles, tailored to a thorough and empathetic understanding of the particular site and context.
- 6.3.4 Collington Park Crescent is characterised by a mixture of 1970s style bungalows, two storey dwellings and chalets. There is a strong building line on both sides of the road, with properties generally set back from the highway by around 7m. Plots are between 9-10m in width, with properties positioned fairly close to each other. The application site is found around half way along the road.
- 6.3.5 The proposed plot sizes would be comparable to existing ones, measuring around 10m in width across the frontage. Comments have been received stating that two storey dwellings would be out of character with the streetscene. However, whilst bungalows are present either side of the site and opposite, four doors either side of the site there are two storey dwellings present. Providing three two storey dwellings on the site would follow the already established pattern of built development along the street. The dwellings would follow the building line of other properties in the streetscene and would not appear unduly cramped. The properties would extend beyond the rear elevations of bungalows either side by around 2m, but this would not result in the proposal as appearing as an overdevelopment. The design of the dwellings is not particularly inspiring but would be in-keeping with other two storey dwellings along the road. If the principle of losing the undeveloped plot of land is accepted, the proposal would not harm the character and appearance of the area.
- 6.3.6 Whilst the provision of additional dwellings within the town of Bexhill can be supported in principle, there are significant concerns over the loss of this undeveloped parcel of amenity green space. The land was purposely included as part of the housing estate design when it was developed in the

late 1970s and contributes positively to the character and appearance of the locality, by providing a welcome visual break in an otherwise suburban and fairly homogeneous streetscene. It is essential that open undeveloped spaces that were purposely included as part of housing estate developments, even if not publicly owned, are not lost to development. The open undeveloped parcel of amenity green space is an important part of the local urban landscape and setting of the estate and its loss would be detrimental to the character and appearance of the locality.

6.4 Living Conditions

6.4.1 Policy OSS4 of the Rother Local Plan Core Strategy requires all development to:

- (i) meet the needs of future occupiers, including providing appropriate amenities and the provision of appropriate means of access for disabled users; and
- (ii) not unreasonably harm the amenities of adjoining properties.

6.4.2 The proposed dwellings would provide good sized family properties with rear gardens measuring at least 13m in length, in excess of the minimum requirement in the newly published DaSA Policy DHG7.

6.4.3 In respect of the bungalows either side of the site, it is acknowledged that the proposed two storey dwellings would be in relatively close proximity. However, they would be positioned to the side of the bungalows which only appear to have bathroom windows in their side elevations. Whilst the dwellings would be clearly visible to the neighbouring properties, they should not appear overbearing or cause any unacceptable levels of loss of light. In terms of direct overlooking, there are first floor rear elevation windows proposed. However, they would be set in from the side boundaries and would only provide oblique views towards the rear gardens of the neighbouring properties. This sort of relationship is usually considered acceptable in a town and should not adversely impact on the living conditions of the occupants of the neighbouring properties.

6.4.4 Properties on the opposite side of the road would see the proposed dwellings but there would be sufficient separation for them not to adversely impact on the living conditions of the occupants of the neighbouring properties.

6.4.5 Concerns have been raised by local residents regarding construction noise and pollution. However, on a relatively small scale development such matters are not normally material planning considerations.

6.5 Flood Risk and Drainage

6.5.1 Policy SRM2 of the Rother Local Plan Core Strategy seeks to secure effective management of water resources.

6.5.2 The site is not located within a high risk flood zone. However, surface water flood risk is still an important consideration. A stream runs across the southern boundary of the site. The southern part of the site is at risk of surface water flooding from a one in 100 year event.

6.5.3 The application form indicates that surface water drainage would be disposed of via soakaways. A subsequent letter from the applicant's planning

consultant has explained that all drainage would meet current requirements and would be on the basis of sustainable principles. It is suggested that a condition could be imposed relating to drainage.

- 6.5.4 In the event that planning permission was granted it would be essential to impose a condition relating to surface water drainage to ensure that the use of soakaways was suitable for the site. In the event that this was not possible, surface water attenuation, with discharge to a local watercourse would need to be investigated.

6.6 Highway Safety

- 6.6.1 Policy CO6 of the Rother Local Plan Core Strategy facilitates a safe physical environment by (ii) ensuring that all development avoids prejudicing road and/or pedestrian safety.
- 6.6.2 Policy TR4 (i) of the Rother Local Plan Core Strategy requires development to meet the residual needs of the development for off-street parking having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street. New DaSA Policy DHG7 also has weight.
- 6.6.3 The road is a quiet residential street which is lightly trafficked. Each of the three dwellings proposes off road parking for at least four vehicles. This is more than adequate provision. No highway safety issues are envisaged.

6.7 Biodiversity and Green Space

- 6.7.1 It is understood that five mature trees were removed from the site in August 2018. The trees were not protected by a Tree Preservation Order. However, there is a condition attached to planning permission Reference RR/77/0847 which states:
'No trees on the site unless dead or dangerous shall be felled without the prior consent of the District Planning Authority.'
- 6.7.2 The Local Planning Authority did not consent to the felling of the trees and their condition at the time is unknown. Nevertheless, it would not be possible to enforce their reinstatement.
- 6.7.3 Some mature trees have been retained along the southern boundary of the site. The dwellings would be at least 13m from these trees. Whilst no tree survey accompanies the application, the separation should be adequate for the development not to unacceptably impact upon the condition of the trees. In the event that planning permission was granted a condition could be imposed to require tree protection measures to be provided during development.
- 6.7.4 Turning to other wildlife and protected species, local residents have advised that the site is used by badgers and birds. No evidence has been provided to show that there is a badger set present on the site. However, it is accepted that the site may be used by foraging badgers and birds, together with other wildlife. In the event that planning permission is granted, the applicant would need to be reminded of their responsibilities to protect badgers, birds and other wildlife. Advisory notes are likely to be sufficient in the circumstances.

6.8 Other Issues

- 6.8.1 On some other applications objections to new development have been raised by Wealden District Council in regard to potential cumulative impacts on the air quality at Ashdown Forest and Lewes Downs Special Areas of Conservation (SACs). In respect of the Ashdown Forest and Lewes Downs SAC, having regard to the conclusions of the HRAs undertaken for the adopted Core Strategy, supplemented by available evidence of commuting data for this locality, there is no discernable prospect of additional traffic from the proposed development impacting on the Ashdown Forest or Lewes Downs SACs in particular.
- 6.8.2 Specific consideration has been given to the likely level of non-local (i.e. commuting) trips that can be estimated to be generated by the proposed development and the likely distribution of those trips, having regard to recorded commuting flows from this locality. Assuming two trips from a single vehicle to any destination, the proposal is found likely to generate an immaterial number of daily vehicle movements that would have the potential to have impact on the Ashdown Forest SAC or Lewes Downs SAC.
- 6.8.3 Hence, it is concluded that any likely significant effects upon European sites, even in combination with other relevant plans and projects, can reasonably be screened out.
-

7.0 **SUMMARY**

- 7.1 The Council does not currently have a five year supply of housing land in place. The proposal, therefore, falls to be considered against paragraph 11 of the National Planning Policy Framework which sets out the presumption in favour of sustainable development and indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.2 The provision of three extra dwellings would represent a relatively small but useful contribution to the Council's housing land supply which would bring benefits to the social and economic roles of sustainable development, as set out in paragraph 8 of the National Planning Policy Framework. This factor weighs in favour of the scheme.
- 7.3 It has also been concluded that the living conditions of the occupants of neighbouring properties, the remaining trees and biodiversity should not be adversely affected by the proposal. Matters such as highway safety, flood risk and drainage could be managed via conditions. These matters would have a neutral impact.
- 7.4 However, whilst the undeveloped plot of amenity green space has no public rights over land, the intention at the time of granting planning permission in 1977 was to leave this parcel of land open and undeveloped. The land is also identified within the Rother District Council Open Space, Sport & Recreation Study (dated November 2007) as an amenity green space. Constructing three dwellings on the land would result in the unjustified loss of an amenity green space which is an important part of the local urban landscape and setting of the estate and its loss would adversely impact on the character and appearance of the locality.

- 7.5 Given the finite nature of such amenity green space within towns, and the pressure that exists to develop, a considerable amount of weight should be placed on the harm that the loss of such land would have on the character and appearance of the locality.
- 7.6 The harm that the loss of this undeveloped amenity green space would have together with the adverse impact on the character and appearance of the locality is considered to significantly and demonstrably outweigh the moderate social and economic benefits that providing three dwellings would bring. For the reasons explained the proposed development would conflict with DaSA policies together with the various provisions contained within the National Planning Policy Framework and Planning Policy Guidance and therefore the application cannot be supported.
-

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposal is for a type of development that is CIL liable.
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RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The proposed development would result in the unjustified loss of an area of amenity green space, which was identified as such in the Rother District Council Open Space, Sport & Recreation Study (dated November 2007). The open space was purposely included within the original housing estate design and, even though privately owned, is of public value. The open space has not been demonstrated to be surplus to local requirements and would result in the reduction of the district wide supply of amenity green spaces. In addition, the proposal would conflict with the local quality standard for amenity green space for small sites as the development would result in the loss of an important visual amenity function. As such the proposed development conflicts with Policy CO3 (i) (iii) of the Rother Local Plan Core Strategy, paragraph 97 of the National Planning Policy Framework and Paragraph: 001 Reference ID: 37-001-20140306 (Revision date: 06 03 2014) of the Planning Policy Guidance.
2. The land was purposely included as part of the original housing estate design when it was developed in the late 1970s and contributes positively to the character and appearance of the locality, by providing a welcome visual break in an otherwise suburban and fairly homogeneous streetscene. It is essential that open undeveloped spaces that were purposely included as part of estate developments within the confines of town are not lost to development. Even though privately owned the amenity green space is important to the local urban landscape and setting of the estate and its loss would harm the character and appearance of the locality, contrary to Policies OSS4 (iii), BX1 (i) and EN3 (i) of the Rother Local Plan Core Strategy.

NOTES:

1. This decision notice relates to the following set of plans:
Drawing No. 8315/1 dated July 2018

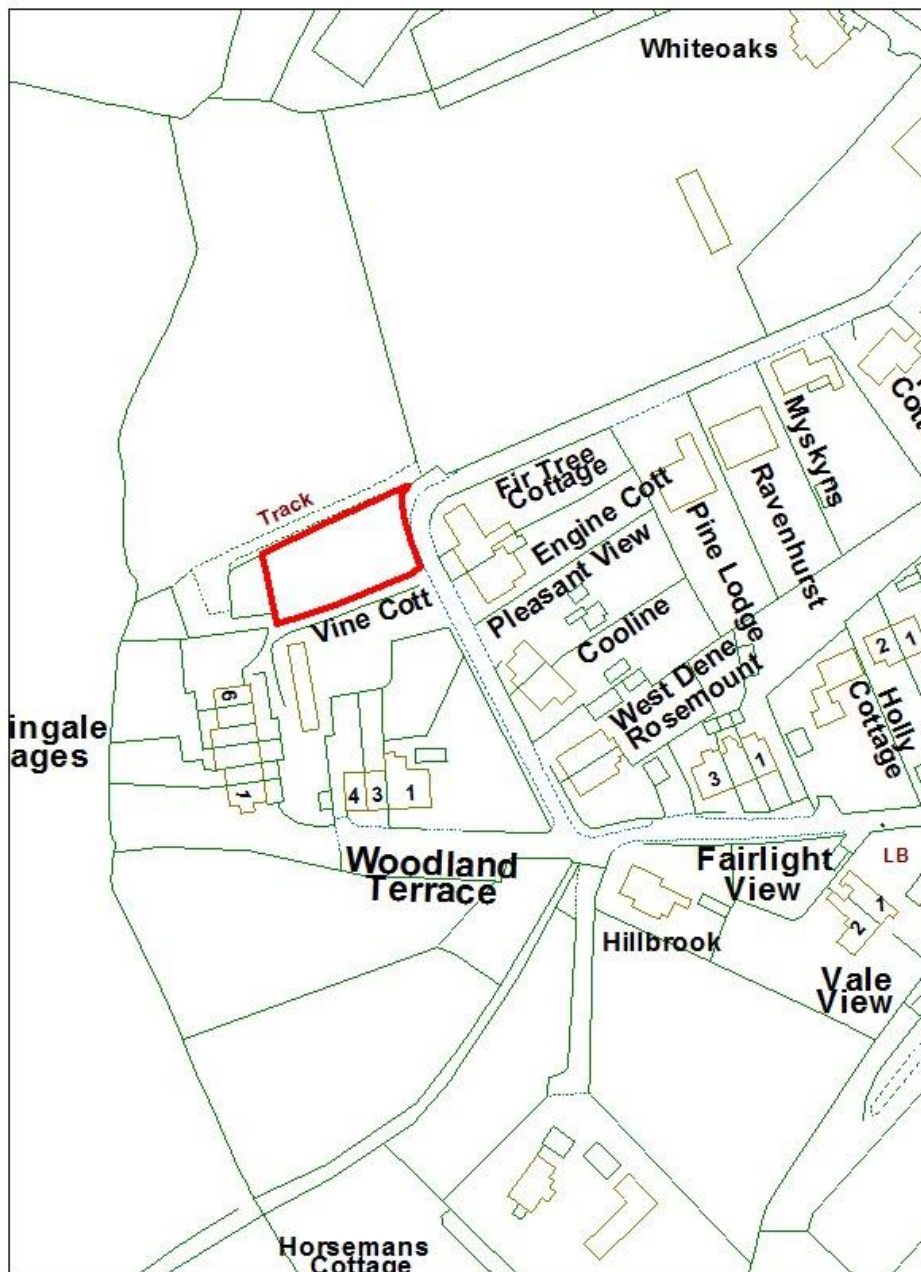
Drawing No. 8315/2A dated July 2018
Drawing No. 8315/3 dated July 2018
Drawing No. 8315/4 dated July 2018
Drawing No. 8315/5 dated July 2018

NATIONAL PLANNING POLICY FRAMEWORK:

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

[View application/correspondence](#)

SITE PLAN	WESTFIELD
RR/2018/2188/P	Fir Tree Cottage - Land Opposite, New Cut.



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Not To Scale

RR/2018/2188/PWESTFIELD Fir Tree Cottage – land opposite,
New CutErection of detached dwelling

Applicant: Mr & Mrs Balkham
Agent: Mr Graham Fifield
Case Officer: Mr John McSweeney
(Email: john.mcsweeney@rother.gov.uk)
Parish: WESTFIELD
Ward Members: Councillors J.M. Johnson and C.R. Maynard

Reason for Committee consideration: Member referral Councillor C.R. Maynard: Local interest

Statutory 8 week date: 24 October 2018
Extension of time agreed to: 20 November 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

- 1.1 The following ‘saved’ policies of the adopted Rother District Local Plan 2006 are relevant to the proposal:
- DS3: Use of development boundaries.
- 1.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS2: Use of development boundaries.
 - OSS4: General development considerations.
 - RA2: General strategy for the countryside.
 - RA3: Development in the countryside.
 - EN1: Landscape stewardship.
 - EN3: Design quality.
 - CO6: Community safety.
 - TR4: Car parking.
- 1.3 The following policies of the Development and Site Allocations (DaSA) Local Plan proposed submission – October 2018 are relevant to the proposal and carry weight:
- DHG3: Residential internal space standards.
 - DHG4: Accessible and adaptable homes.
 - DHG7: External residential areas.
 - DEN1: Maintaining landscape character.
 - DEN2: The High Weald Area of Outstanding Natural Beauty (AONB).
 - DIM2: Development boundaries.

- 1.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations, especially paragraphs 8, 11, 78, 79 and 172 of the National Planning Policy Framework.
-

2.0 SITE

- 2.1 The application site relates to a rectangular shaped parcel of land at the north-western most corner of New Cut. The site is currently used as garden area for Fir Tree Cottage and slopes down from New Cut in a westerly direction. The site is adjoined by woodland to the north and residential properties to the east and south.
- 2.2 The site lies outside but adjoining both the 2006 and 2018 development boundaries for Westfield and falls within the High Weald AONB.
-

3.0 HISTORY

- | | | |
|-----|------------|--|
| 3.1 | RR/74/0418 | Outline: To erect a detached bungalow – Refused. |
| 3.2 | RR/75/1216 | Outline: One detached dwelling – Refused. |
| 3.3 | RR/78/1766 | Outline: One dwelling – Refused. |
| 3.4 | RR/79/0687 | Outline: One dwelling with garage – Withdrawn. |
| 3.5 | RR/80/0334 | Outline application for one detached dwelling – Refused. |
-

4.0 PROPOSAL

- 4.1 This application seeks permission for the erection of a detached chalet style dwelling on land to the west of New Cut. The proposal has been designed to take advantage of the topography of the land, with the front (east) elevation appearing as a single storey building with rooms in the roof space, whereas to the rear (west) elevation a garden/equipment store is provided underneath the building giving the building a more two storey appearance.
- 4.2 The proposed dwelling would have a footprint of some 13m by 10m and has been designed with twin mono pitched roofs with a ridge height of some 6.9m (front elevation) and some 9.2m (rear elevation). It would be constructed in brick, render and weatherboard walls, under a slate and integrated solar panel roof.
- 4.3 Accommodation would consist of integral garage utility, open plan kitchen/dining/living room and en-suite bedroom at ground floor level, with a bedroom and bathroom at first floor level within the roof scape. Two parking spaces are shown in addition to the garage.
-

5.0 CONSULTATIONS

5.1 Parish Council

- 5.1.1 *“Westfield Parish Council commented that this proposed new dwelling is outside the permitted development boundary. Approval of this application by Rother District Council would contravene local and national planning policies as set out in the Development Plan.”*

5.2 Highway Authority

- 5.2.1 *“On this occasion I do not consider it necessary to provide Highway Authority comments. I advise you to consult our minor planning application guidance, however if you have specific questions please come back to me.”*

5.3 Planning Notice

- 5.3.1 Three letters of objection have been received, their concerns have been summarised below:

- The site is outside the defined development boundary.
- Believe the grant of permission for a dwelling on the adjacent site was a grave error. That decision should not be seen as a precedent; instead, it should be viewed as a mistake, not to be repeated.
- If the planning framework for the village is not going to be respected, then the Council is failing to act in the best interests of the village and its residents.
- If this application is approved, what next? Will set a dangerous precedent.
- The Council should continue to protect land in an AONB. What is a village without trees, fields and wildlife?
- If the Council has failed to meet its housing targets, perhaps it should take a pro-active stance to bring land inside the development area into use. Surely it is better to pursue these avenues instead of pepper-potting piecemeal development on sensitive land to the detriment of the village.
- New Cut is full up. The road, which in the vicinity of the application site is only approximately 3m wide, is beyond its capacity in terms of traffic and parking.
- The New Cut Residents Association, which maintains this private road, regularly issues notices to the owners of badly parked vehicles that restrict access for emergency vehicles and refuse vehicles.
- Often, getting into and out of New Cut is difficult because of parked car, delivery vehicles, etc.
- Access from the application site is on a narrow, tight corner.
- Footprint of development relating to application RR/2017/2062/P on the adjacent site is incorrect shown.
- Purpose of the development boundary is to protect New Cut from further infill and unsustainable development.
- New Cut is a private road with maintenance funded by voluntary contributions from residents.

- 5.3.2 Two letters of support have been received, the points raised have been summarised below:

- Given the current housing shortage it makes good use of this site.

- Great opportunity for a local resident to downsize, whilst also providing the opportunity for a new family to move into the area.
 - Proposal is sympathetic to the environment and area.
-

6.0 APPRAISAL

6.1 Issues for Consideration:

6.1.1 The main issues for consideration are:

- Principle of development.
- Impact upon the character and appearance of the locality within the High Weald AONB.
- Impact upon neighbouring amenities.
- Plot size.
- Highway impact.

6.2 Principle of Development

6.2.1 Policy DS3 of the current Local Plan (2006) states the majority of all new development will take place within the development boundaries of existing towns and villages.

6.2.2 Policy OSS2 states that development boundaries around settlements will continue to differentiate between the areas where most forms of new development would be acceptable and where they would not.

6.2.3 Policy DIM2 of the DaSA Local Plan proposed submission – October 2018 states that “... *New development shall be focused within defined settlement boundaries, principally on already committed and allocated sites, together with other sites where proposals accord with relevant Local Plan policies. In the countryside (that is, outside of defined settlement development boundaries), development shall be normally limited to that which accords with specific Local Plan policies or that for which a countryside location is demonstrated to be necessary.*”

6.2.4 Policy RA2 (ii) provides that the overarching strategy for the countryside is to strictly limit new development to that which supports local agricultural, economic or tourism needs and maintains or improves the rural character. Criteria (iii) state that the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside shall be generally conserved. The exceptions when new dwelling will be allowed in the countryside are listed in Policy RA3 (iii). These include agricultural workers dwellings, the conversion of traditional historic farm buildings, the one to one replacement of existing dwellings, and rural exception sites where there is an identified local affordable housing need.

6.2.5 Paragraph 78 of the National Planning Policy Framework states ‘*To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*

- 6.2.6 Paragraph 79 of the National Planning Policy Framework states planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling; or
 - e) the design is of exceptional quality.
- 6.2.7 Notwithstanding the above, based on the housing position of October 2018, it is acknowledged that the Council does not have a five-year supply of deliverable sites at the present time. In such circumstances footnote 7 of paragraph 11 of the National Planning Policy Framework states that relevant policies for the supply of housing cannot be considered up-to-date. This position means only limited weight can be given to the fact that the proposal conflicts with the Local Plan policy relating to development boundaries and the application is to be considered in the context of paragraph 11 of the National Planning Policy Framework. This does not mean that housing schemes which are unacceptable on sound planning grounds must now be allowed; however, it does add weight to the benefits that a potential additional source of housing supply would bring when determining the 'planning balance'.
- 6.2.8 Footnote 6 of paragraph 11 d) i. of the National Planning Policy Framework exempts AONB amongst other designations from what has been described as the 'tilted balance' where in paragraph 11 ii. it requires approval unless, *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this National Planning Policy Framework taken as a whole.'*
- 6.2.9 In terms of its location the site lies outside but adjoining the defined development boundary for Westfield (in the 2006 and 2018 plans), which is recognised in the Core Strategy as a 'Local Service Village'. The village centre located some 0.8km away by road from the site has a range of services which would provide for some day to day essentials. As such the site is not defined as isolated in terms of paragraph 79 of the National Planning Policy Framework, if assessed solely by distance.
- 6.2.10 In practical terms, New Cut lacks the benefit of pedestrian footways and for some this might discourage journeys being made on foot particularly in the winter months. Nonetheless, volumes of traffic are relatively low in New Cut and the lack of lighting and footways, in themselves, would not present a significant impediment to walking. It is already a well-developed residential area.
- 6.2.11 In view of the above, it is therefore concluded in accessibility terms that this would be not be an inappropriate location for an additional home and would not conflict with paragraphs 78 and 79 of the National Planning Policy Framework. However, this benefit has to be balanced against any possible

harm caused to the High Weald AONB as a result of this proposal given the high level of protection afforded to the national designation.

6.3 Impact on the character and appearance of the locality within the High Weald AONB

- 6.3.1 Policy EN1 states that the management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive identified landscape character, ecological features and settlement pattern of the High Weald AONB.
- 6.3.2 Policy DEN1 of the DaSA Local Plan proposed submission – October 2018 states that the siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristic, in accordance with Rother Local Plan Core Strategy Policy EN1.
- 6.3.3 Policy DEN2 of the DaSA Local Plan proposed submission – October 2018 states all development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan. Development within the High Weald AONB should be small-scale, in keeping with the landscape and settlement pattern; major development will be inappropriate except in exceptional circumstances.
- 6.3.4 Paragraph 172 of the National Planning Policy Framework states that, *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONB, which have the highest status of protection in relation to these issues.*
- 6.3.5 Whilst the site is located to the edge of the village, its location to the north side of Vine Cottage means that it is not seen in isolation or separate from the grain of development. It is understandable and logical why the 2006 Development Boundary was drawn along New Cut (and why the 2018 boundary is similarly drawn) as it encloses the more solidly developed area eastwards (see plan on page 40). However, the built form does not end abruptly on this boundary or open into undeveloped countryside. Therefore, in assessing this proposal, the site is read with further dwellings immediately to the south and south-west beyond the application site (Vine Cottage, Nightingale Cottages and Woodland Terrace). The new dwelling would relate visually both to these dwellings outside the 2006 and 2018 boundary and to those properties within the existing built-up area of the village. To the north side the site is adjoined by mature woodland which has a significant effect enclosing the site from more open countryside to the north.
- 6.3.6 Although the development of this green area with a dwelling will alter its character and the proposed dwelling will have a presence in the street scene, given the enclosed nature of the plot and height of the building (some 6.9m to ridge), which is lower than the ridge heights of properties to the east, the dwelling as proposed would not cause harm to the village's setting in the High Weald AONB at this point. Immediate views of the building from New Cut will be afforded; however, the simple, whilst more contemporary design

mean that it will not appear out of character with the variety of house design and sizes found in the locality. The choice of materials – brick, render and weatherboard walls and a slate roof are materials found in the locality; however, clarification on the type of integrated solar panels has been sought from the agent as a highly reflective roof material in this locality may not be appropriate.

6.4 Impact on Neighbouring Amenities

6.4.1 Policy OSS4 (ii) states that all development should not unreasonably harm the amenities of adjoining properties.

6.4.2 In comparison to the open verdant nature of the site, its redevelopment with a dwelling would inevitably have a greater impact on adjoining residents. However, this is not in itself a reason for refusal; very many developments have an effect. The issue is whether those impacts are unreasonable in terms of, for example, the overbearing nature of the building and overlooking.

6.4.3 The change in circumstances from the redevelopment of this site would be greatest to Vine Cottage set at a lower level than the site and the dwelling recently approved (RR/2017/2062/P), which are located to the south-west and south respectively. The separation distance and orientation of the proposed dwelling with both Vine Cottage and the approved dwelling, is such that whilst their current outlook may alter, the dwelling as proposed, including provision of a first floor balcony, will not cause demonstrable harm to the neighbours residential amenities.

6.4.4 The relationship of the proposed development with properties to the east side of New Cut is in one sense less pronounced given the presence of the separating highway and orientation. The current outlook of Fir Tree Cottage may alter but there will be no intrusive overlooking and such a relationship is not considered to be unacceptable to facing residents.

6.5 Plot Size

6.5.1 Policy OSS4 (i) states that all development should meet the needs of future occupants, including providing appropriate amenities.

6.5.2 The plot measuring some 31m by 17m is larger than many in the immediate locality and whilst sloping will provide sufficient useable amenity space to any future occupants. DaSA Policy DHG7 relating to external residential areas also carries some weight on this matter but there is no conflict with this policy.

6.6 Highway Issues

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

- 6.6.2 Policy CO6 states that a safe physical environment will be facilitated by: (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.
- 6.6.3 The Highway Authority has been formerly consulted, but did not feel it was necessary to provide specific comments; instead advising that the application should be considered in line with their minor planning application guidance. Sufficient on-site parking provision is proposed to meet the needs of the proposed dwelling. Whilst on-site turning cannot be achieved, this is a minor road and the situation is no different to a number of other neighbouring properties. The nature of New Cut is noted, however, it is unlikely that the traffic movements associated with this modest dwelling will cause demonstrable harm to this highway network. In this regard the proposal is considered to accord with the minor planning application guidance for residential development.
- 6.6.4 DaSA Policy DHG7 relating to external residential areas also carries some weight on this matter but there is no conflict with this policy.
- 6.7 Issues Raised
- 6.7.1 Many of the issues raised have been addressed in the report above; however, local residents have raised a concern that the approval of this application will set a precedent for further development. This matter has been assessed in looking at this single dwelling but in this location there are no easily comparable sites and any further applications be submitted in the vicinity of the site would be treated on their merits and tested against relevant local and national planning policies.
-

7.0 SUMMARY

- 7.1 Footnote 7 of paragraph 11 d) of the National Planning Policy Framework says that where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites including an appropriate buffer, its policies for housing supply must be considered out of date. Decisions in that case should be made in accordance with paragraph 11 d) which requires that proposals for sustainable development are permitted unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the National Planning Policy Framework taken as a whole*, or in accordance with footnote 6, specific policies in the National Planning Policy Framework indicate development should be restricted.
- 7.2 Within the AONB the principal consideration in the planning balance to be made is that *great weight should be given to conserving the landscape and natural beauty of the AONB, which has the highest status of protection in relation to landscape and scenic beauty*. In this instance, given the enclosed nature of the plot surrounded by other residential properties and woodland, the building in the manner proposed would not cause harm to the village's setting in the High Weald AONB at this point, and as such would meet the environmental role of sustainable development in the National Planning Policy Framework and without being a precedent.

- 7.3 Whilst it is accepted that the economic gains from a single dwelling would be limited, there would nevertheless be some benefit to the local economy, both during the construction phase and thereafter the future occupants would provide some benefits in terms of fulfilling the social dimension of sustainable development through a modest contribution towards the district's housing supply.
- 7.4 The simple, whilst more contemporary design and materials mean that the building will not appear out of character with the varied house designs and scales found in the locality. The separation distance, orientation and height of the proposed building is sufficient to ensure that whilst views of the dwelling will be afforded it will not cause demonstrable harm to the amenities of neighbouring properties by virtue of loss of privacy or light.
- 7.5 The provision of on-site parking will ensure that the proposal will not unduly compromise highway safety in the immediate locality and the traffic movements associated with this modest dwelling are unlikely to result in harm to the wider highway network.
- 7.6 The planning balance weighs in favour of this proposal.
-

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposal is liable for the Community Infrastructure Levy (CIL). Full details of the amount payable will be set out in the CIL Liability Notice which will be issued in conjunction with the decision notice.
-

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing Nos. 18-116-10 rev: A and 18-116-01 rev: B dated 05/08/2018.
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. Before any construction work is commenced, the finished slab level of the proposed building in relation to the existing level of the adjacent highway (New Cut) shall be submitted to and be approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.
Reason: A pre-commencement condition is required to ensure the satisfactory development of the site in relation to surrounding residents having regard to Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

4. Before construction work is commenced an area within the site shall be identified for the delivery and storage of construction materials and parking of vehicles the details of which shall be approved in writing by the Local Planning Authority. Such approved areas shall be retained for the duration of the development or until such other time as may be first agreed in writing by the Local Planning Authority.
Reason: A pre-commencement conditions is required to minimise conflict with traffic using the local road network having regard to Policy OSS4 (iii) of the Rother District Local Plan.
5. If on commencement of the development Japanese Knotweed is found to be present on site, then work should cease immediately, until details of a scheme prepared by an approved and appropriately qualified environmental consultant for the eradication of Japanese Knotweed, has been submitted to and approved in writing by the Local Planning Authority. The Japanese Knotweed shall then be treated/eradicated in accordance with the approved scheme.
Reason: In order to avoid risks to the environment in accordance with Policy OSS3 (viii) of the Rother Local Plan Core Strategy.
6. No above ground construction works shall commence until samples and colour of the materials to be used in the construction of the external surfaces of the building 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 appearance of the adjacent buildings and to preserve the visual amenities of the area in accordance with Policies OSS4 (iii) and EN1 (i) of the Rother Local Plan Core Strategy.
7. No above ground development shall take place on the site until the hard and soft landscaping details have been submitted to and approved 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;
 - 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) means of enclosure;
 - f) hard surfacing materials; and
 - g) implementation programme
- Reason: To ensure that the proposed development does not prejudice the appearance of the locality in accordance with Policies OSS4 (iii) and EN1 (i) of the Rother Local Plan Core Strategy.
8. The development shall not be occupied until parking areas have been provided in accordance with approved plan, Drawing No. 18-116-01 rev: B, dated 05/08/2018 and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies TR4 (i) and CO6 (ii) of the Rother Local Plan Core Strategy.

9. All hard and soft 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.
Reason: To ensure that the proposed development does not prejudice the appearance of the locality in accordance with Policies OSS4 (iii) and EN1 (i) of the Rother Local Plan Core Strategy.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no extensions or alterations, as defined within classes A and B 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 ensure appropriate development of the site and preservation of the amenities of the area in accordance with Policies OSS4 (ii) & (iii) and EN1 (i) of the Rother Local Plan Core Strategy.

NOTE:

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 www.rother.gov.uk/CIL for further information and the charging schedule.

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.

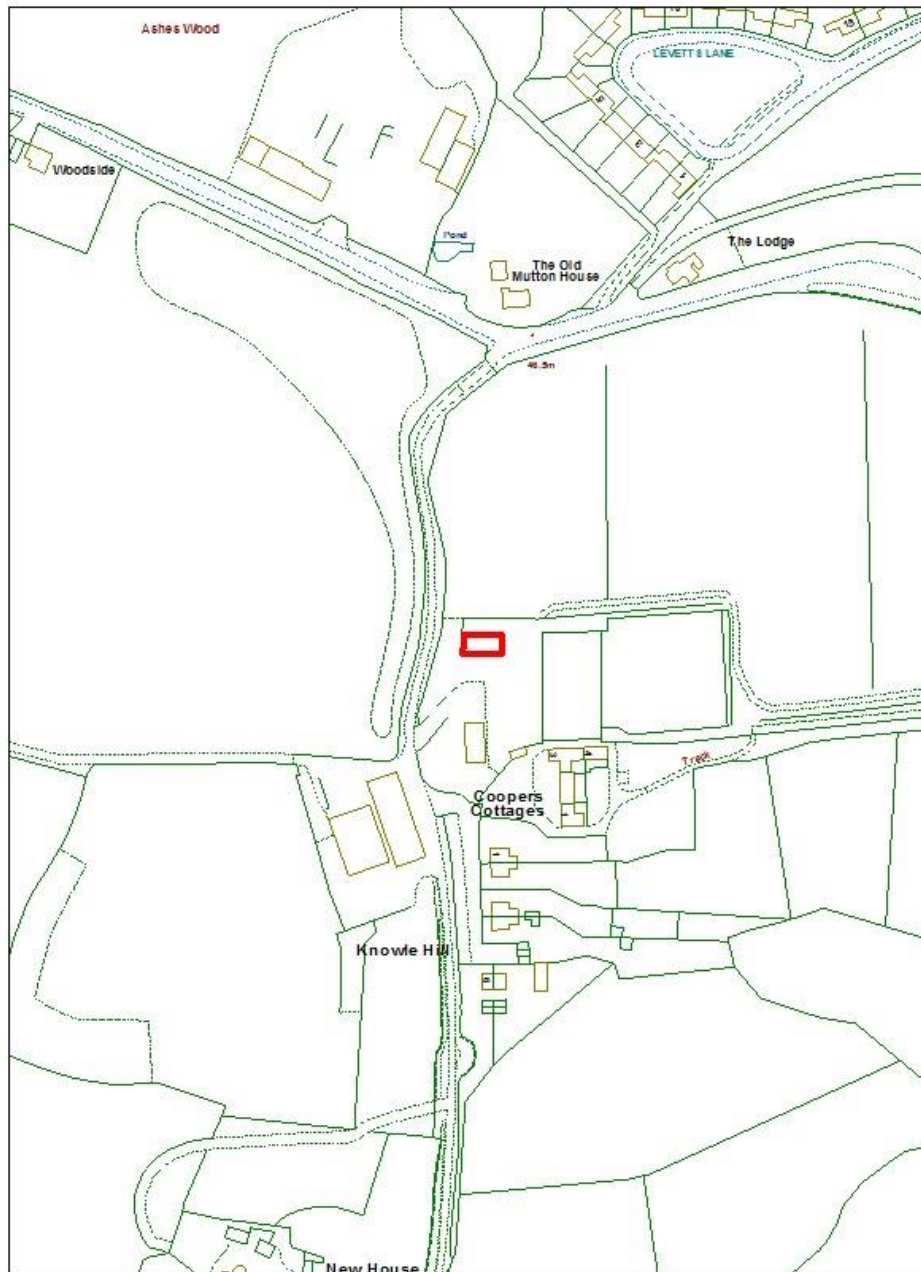
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SITE PLAN

BODIAM

RR/2018/2329/P

New House Farm, New House Lane.



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Not To Scale

RR/2018/2329/P**BODIAM
New House Farm, New House Lane****Proposed stable barn with 6 No. stables for equestrian purposes on concrete base**

Applicant: Newhouse Farm (Bodiam) Ltd
Agent: Parker Dann Limited
Case Officer: Miss A. Ingram (Email: andrea.ingram@rother.gov.uk)
Parish: BODIAM

Ward Members: Councillors G.S. Browne and Mrs S.M. Prochack

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

Statutory 8 week date: 16 November 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

- 1.1 The following 'saved' policies of the adopted Rother District Local Plan 2006 are relevant to the proposal:
- CF5: Equestrian development.
- 1.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS4: General Development Considerations.
 - RA2: General Strategy for the Countryside.
 - RA3: Development in the Countryside.
 - EN1: Landscape Stewardship.
 - EN3: Design Quality.
 - TR3: Access and New Development.
- 1.3 The following policies in the Development and Site Allocations Local Plan Proposed Submission – October 2018 (DaSA) are relevant and carry some weight:
- LCO2: Equestrian Development
 - DEN1: Maintaining Landscape Character
 - DEN2: The High Weald Area of Outstanding Natural Beauty (AONB)
- 1.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
-

2.0 SITE

- 2.1 New House Farm is situated south of Castle Road the main road which runs through Bodiam village. The farm is accessed via a private road which is shared with several residential properties. The roadside boundary is defined by a tall hedge which continues down the access road.
- 2.2 To the south of the application site are a number of buildings including a grape store associated with the vineyard and a barn converted into holiday lets (Coopers Cottages). Further to the south are residential properties (Knowle Hill Cottages). Immediately to the east of the application site is a sand school.
- 2.3 A footpath runs east-west just to the south of the site and turns south along the access road.
- 2.4 The area is located within the High Weald AONB and is in a countryside location, outside of any development boundary.
-

3.0 HISTORY

3.1 Relevant history:

RR/2018/658/FN	Construction of a new access and farm track – Details not required.
RR/2017/2516/FN	Prior notification for an agricultural barn for the storage of farm machinery, tractor and other similar sized machinery and big bale haylage/silage. – Details not required.
RR/2017/1628/FN	Construction of a new access and farm track. Withdrawn.
RR/2017/1626/P	Construction of a new access and farm track. – Refused.
RR/2013/234/P	Conversion and re-build of redundant agricultural buildings to create four units of holiday accommodation. – Granted.
RR/2009/2864/P	Re-routing driveway – Withdrawn.
RR/2004/3693/FN	Erection of glass house for market garden produce – Details not required.
RR/2001/217/P	Use of part of existing farm barn for stabling horses – Granted.

4.0 PROPOSAL

- 4.1 The application proposes the erection of an 'American barn' for equestrian purposes containing 6 No. stables and a small tack room. The proposed building is for the stabling of the applicant's own horses.

- 4.2 The barn would measure 10.6m x 10.6m and 2.135m to the eaves. The barn is to be clad in timber weatherboarding and have a Onduline profiled sheet roof. The barn would have a single entrance door in the east, end elevation. The barn would be sited on a 16.6m x 12.6m concrete base. A 5m deep concrete forecourt is proposed on the east side.
- 4.3 The following information has been submitted to clarify the applicant's intentions, also with reference to existing stabling on the farm:

"The 2001 permission for stabling in the barn on the west side of the access road has been implemented in that there are three loose boxes (stables) in this barn. This barn is known as 'the cow barn'. These loose boxes are to be dismantled so as to make more space for the cows over this coming winter. Newhouse Farm has a suckler herd of 40 head of heifers and their followers (calves). They must come inside before the weather becomes bad over the winter as mud and standing water in the fields can be disastrous for a young herd. They can get stuck in the mud and even break their legs, in a worst case scenario.

The cows must come into the cow barn so the horses and ponies need alternative accommodation on the farm. Hence the need for the proposed American stable barn for the horses.

There are no stables down in the paddocks east of the holiday lets building. There are six horses at Newhouse Farm in total, all owned by John and his immediate family (John Lovering is the owner of Newhouse Farm) and the two residents in the cottages. As such, all the horse owners are resident on Newhouse Farm. There would be no increase in traffic movements as a result of the building of the American stable barn for the horses."

5.0 CONSULTATIONS

5.1 Parish Council

- 5.1.1. *"At its meeting on 22 October 2018, Council expressed concerns over the proposed siting of the barn and suggested consideration be given to other options; access to the site by large vehicles and extra traffic on the narrow approach road."*

5.2 Planning Notice

- 5.2.1 No comments received.

6.0 APPRAISAL

- 6.1 The main issues to consider are the impact of the development on:
- The countryside character having regard to the landscape and scenic beauty of the AONB.
 - The amenities of neighbouring properties.
 - Highway safety.
- 6.2 *Impact on character of the countryside:*

- 6.2.1 Policy OSS4 (iii) requires all development to respect and not detract from the character and appearance of the locality.
- 6.2.2 Policy RA2 states the overarching strategy for the countryside is to (vi), support enjoyment of the countryside and coast through improving access and supporting recreational and leisure facilities that cannot reasonably be located within development boundaries, such as equestrian facilities, compatible with the rural character of the countryside.
- 6.2.3 Policy RA3 requires proposals for development in the countryside to be determined on the basis of (v) ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management.
- 6.2.4 Policy EN1 provides that management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (i) the distinctive identified landscape character, ecological features and settlement pattern of the AONB. This is now supplemented by DaSA Policies DEN1 and DEN2.
- 6.2.5 Saved Policy CF5 states that development of new or in connection with existing equestrian establishments will be permitted provided (i) there will be no significant adverse effect on the landscape character of the area or on the residential amenities of dwellings in the locality and (ii) where new buildings are involved, they must be located, and designed and of materials in keeping with its rural setting, with particular attention will be paid to new proposals in the High Weald AONB.
- 6.2.6 Paragraph 172 of the National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
- 6.2.7 The DaSA, although not yet adopted, does have some weight and provides more detail for assessing planning applications. Policy DCO2: for equestrian development requires that:

Proposals for equestrian development should, individually and cumulatively safeguard the intrinsic and locally distinctive character and amenities of the countryside, with particular regard to the High Weald AONB. In addition proposals should accord with the following criteria, as applicable:

- (i) the siting, scale and design, including materials and boundary treatment, of any new buildings or facilities should be appropriate to their rural setting; and*
- (ii) proposals should not be sited in particularly prominent or isolated locations where new development would not be appropriate.*

- 6.2.8 The proposed building would be sited close to a cluster of existing buildings including a grape store and a barn conversion used for holiday accommodation with detached garage. Also the equestrian sand school is in close proximity to the east of the application site. Other farm buildings are situated on the western side of the lane.

- 6.2.9 The proposed building's design and external appearance is not untypical for a stables building in rural Rother. The site is screened by a tall hedge, trees and other buildings from the surrounding area.
- 6.2.10 As such the proposal would not have a significant impact to the surrounding views or High Weald AONB. The proposed stable block is considered to be of an appropriate scale and design and the landscape impact is considered to be acceptable.

6.3 *Amenities of Neighbouring Properties:*

- 6.3.1 Policy OSS4 (ii) requires that development should not harm the amenities of neighbouring properties.
- 6.3.2 The closest neighbouring residential properties are located some 75m from the site, with the main agricultural buildings to the west of them across the access lane. The agent has advised that the use of the stables would remain private, would not result in an increase in the number of horses and therefore would not result in a greater number of vehicle movements. As such there would not be any adverse impact on any nearby residential properties.
- 6.3.3 Concerns regarding access to the site by large vehicles and extra traffic would be addressed by a planning permission earlier this year for an alternative access which would provide safer conditions for larger agricultural vehicles (RR/2018/658/FN & RR/2018/656/P). It is understood the new track and access is to be built this winter. Notwithstanding this the proposed stables would not rely on the construction of the track given that there would not be an increase in traffic movements.

6.4 *Highway Safety:*

- 6.4.1 Policy TR3 requires that new development should ensure safe access arrangements. As explained above, there would not be any increase in the number of vehicle movements as a result of the proposed stables being built. Notwithstanding this the construction of a new access has recently been approved to allow for the safer access of larger agricultural vehicles onto Castle Road. As such there should not be highway safety concerns as a result of this new development.

7.0 SUMMARY

- 7.1 In view of its location in relation to other buildings and the existing sand school the proposal should not have a significant impact to the surrounding views or High Weald AONB. The proposed stable block is considered to be of an appropriate scale and design. Therefore, given the policy support for equestrian development subject to sensitive design and landscape impact the proposal is considered to be acceptable.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan Ref. No. TQRQM18260163753351 dated 17 Sept 2018
Block Plan Ref. No. TQRQM18260162415070 dated 17 Sept 2018
Layout Plan and Roof dated 18/09/2018
Elevations and plan view, Drawing No. 01 submitted with application
Jon William Stables brochure, submitted with application
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 floodlighting or other external means of illumination of the stables, shall be provided, installed or operated at the site.
Reason: To safeguard the visual amenities of the locality and the dark night sky of this part of the High Weald AONB in accordance with Policies OSS4(iii), RA2(vi), RA3(v) and EN1(vii) of the Rother Local Plan Core Strategy.
4. The stables and exercise yard hereby permitted shall be used for private equestrian/recreational purposes only and not for any commercial riding, livery use, breeding, training or other business use.
Reason: To preserve the special character of the rural area within the High Weald AONB and the residential amenities of the locality in accordance with Policies OSS4 (ii)(iii), RA2(vi), RA3(v) and EN1(i) of the Rother Local Plan Core Strategy.
5. There shall be no burning of manure or soiled bedding on the land.
Reason: In the interests of the amenities of nearby properties and protecting local air quality in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

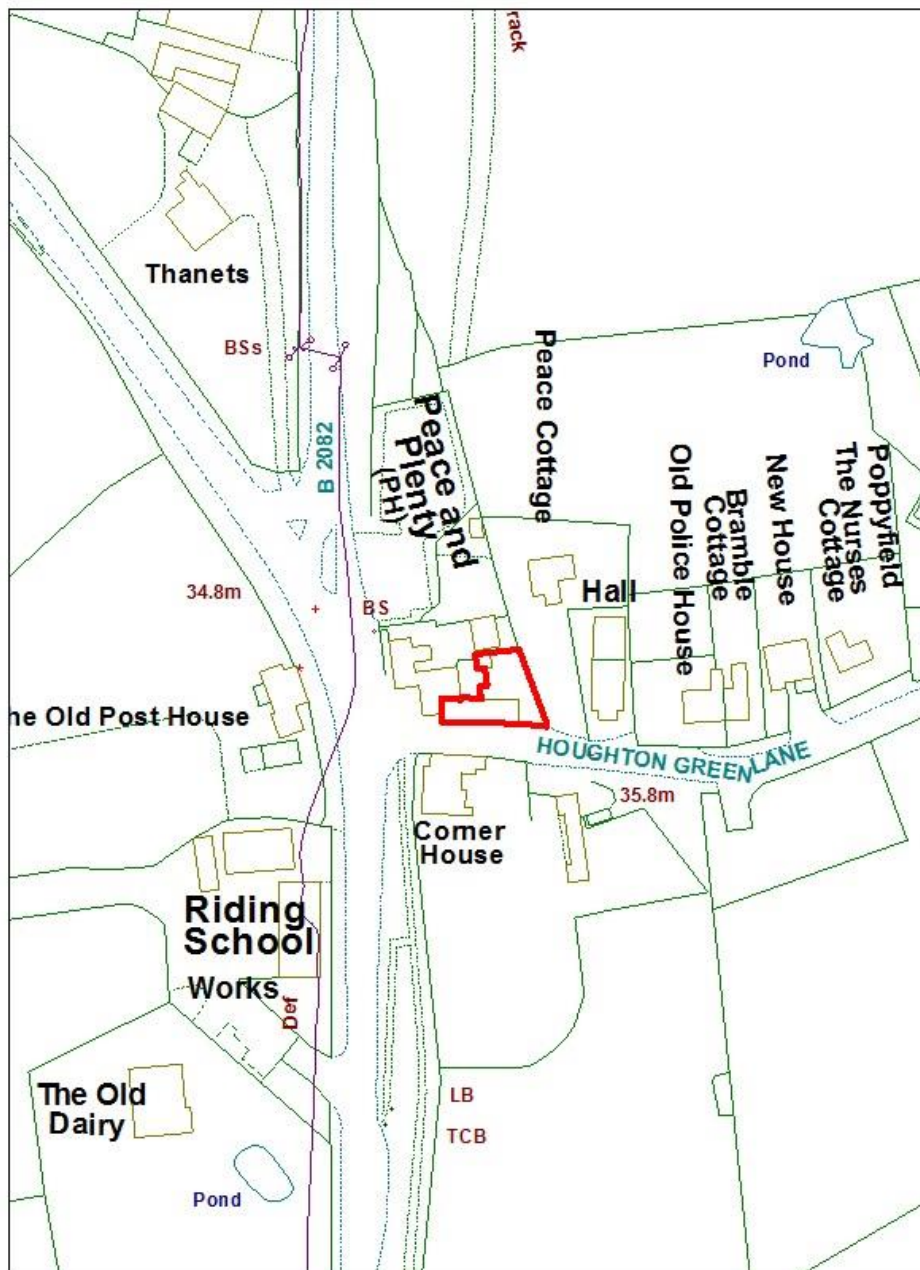
NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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](#)

PLAY DEN

RR/2018/2283/P

Peace & Plenty, Rye Road



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Not To Scale

RR/2018/2283/P

PLAYDEN Peace & Plenty, Rye Road

Subdivision of existing dwelling to form a one bedroom cottage with associated parking and garden

Applicant: Mr and Mrs R. Leatherdale
Agent: CLM Planning
Case Officer: Mr John McSweeney
(Email: john.mcsweeney@rother.gov.uk)
Parish: PLAYDEN
Ward Members: Councillors Mrs S. Hart and P.N. Osborne

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

Statutory 8 week date: 8 November 2018

Extension of time agreed to: 20 November 2018

1.0 POLICIES

- 1.1 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS2: Use of development boundaries.
 - OSS4: General development considerations.
 - RA3: Development in the countryside.
 - CO6: Community safety.
- 1.2 The following policies in the Development and Site Allocations (DaSA) Local Plan Proposed Submission – October 2018 are relevant and carry weight:
- DHG3: Residential internal space standards.
 - DHG7: External residential areas.
 - DIM2: Development boundaries.
- 1.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations, especially paragraph 79 of the National Planning Policy Framework.
-

2.0 SITE

- 2.1 The former Peace and Plenty Public House occupies a prominent position at the junction of Houghton Green Lane and Rye Road. The application relates to the single storey range which runs parallel to Houghton Green Lane.
- 2.2 The site is set outside any defined town or village development boundary and is set outside but close to the High Weald Area of Outstanding Natural Beauty (AONB).
-

3.0 HISTORY

- 3.1 RR/2011/2429/P Extension and internal alterations to provide 3 No. Bed and Breakfast rooms ancillary to public house/bistro. Internal operations to separate the owner's accommodation, alterations to rear extension to form new disabled ramped access and alterations to toilets for disabled use – Granted.
- 3.2 RR/2012/387/P Internal alterations to provide a separation of the owner's accommodation from the public house and formation of three bed and breakfast suites including one with a larger extension to that approved by RR/2011/2429/P. Other alterations to toilets to provide new disabled access including disabled toilets as previous approved – Granted.
- 3.3 RR/2014/487/P Change of use of existing public house to single dwelling, with existing car park converted to domestic curtilage. Existing access retained as will the ancillary use of three separate rooms to provide bed and breakfast accommodation at the property – Refused – Appeal allowed.
- 3.4 RR/2015/847/P Ground floor internal alterations to former public house bar and lounge area to create two new bedrooms, kitchen dining area, shower room and en-suite. Rear side extension to form a new lounge area. Front extension and porch to create a new residential entrance and amended parking layout to create one additional parking space – Granted.
- 3.5 RR/2015/1953/P Outline: Erection of one 4-bedroom house to provide residential / bed and breakfast accommodation including parking (all matters reserved except access) – Refused – Appeal dismissed.
- 3.6 RR/2017/2524/P Change of use of 3 No. bed and breakfast suites to 1 No one bed cottage with associated parking and garden – Refused.

4.0 PROPOSAL

- 4.1 The application relates to an attached single storey range fronting Houghton Green Lane which was last used as ancillary bed and breakfast accommodation to the existing main dwelling. However, since the refusal of the previous application (RR/2017/2524/P) the bed and breakfast use has ceased and the range is now being used as part of the dwellinghouse.
- 4.2 Unlike the previously refused application, when the use was as bed and breakfast accommodation, now that the single storey range is being used as part of the main dwelling, the application seeks instead permission for the subdivision of existing dwelling to form a one bedroom cottage with associated parking and garden.

- 4.3 External alterations to the building to facilitate the change of use are minimal and include the following:
- Two existing doors onto Houghton Green Lane to be blocked up and weatherboard inserted to match existing.
 - Removal of two windows and form French doors, north (rear) elevation.
 - Block up a door and window on north (rear) elevation, insert weatherboarding to match existing.
- 4.4 A modest garden is proposed to the rear (north) of the building, which would be directly accessed via French doors. Pedestrian access to the property would be directly from Houghton Green Lane, as existing. Two parking spaces within what was formerly part of the public house car park to the north of the main building will be allocated to the proposed new dwelling.
-

5.0 CONSULTATIONS

5.1 Parish Council

- 5.1.1 *'Playden Parish Council have no objection to this application, we also understand that historically this was a separate dwelling to the then Peace and Plenty Public House.'*

5.2 Highway Authority

- 5.2.1 Any comments will be reported.

5.3 Public Notice

- 5.3.1 A letter of general comment has been received, their points are summarised below:
- Main entrance to this cottage would be directly on to a busy corner of the lane.
 - No verge or pathway between the front door and the road.
 - Would it not make sense to access the cottage through the garden.
 - Believe that a front door opening out onto the road is a real danger.
-

6.0 APPRAISAL

6.1 Issues for Consideration

- 6.1.1 The main issues for consideration are:
- Creation of a separate additional dwelling in this location.
 - Impact upon the character and appearance of the locality.
 - Impact upon neighbouring amenities.
 - Highway impact.
 - Plot size.

6.2 Creation of a New Dwelling

- 6.2.1 Policy OSS2 states that development boundaries around settlements will continue to differentiate between the areas where most forms of new development would be acceptable and where they would not.

- 6.2.2 Policy RA3 states that proposals for development in the countryside will be determined on the basis of, (iii) allowing the creation of new dwellings in extremely limited circumstances, including:
- a) dwellings to support farming and other land-based industries;
 - b) the conversion of traditional historic farm buildings in accordance with Policy RA4;
 - c) the one-to-one replacement of an existing dwelling of similar landscape impact; or
 - d) as a 'rural exception site' to meet identified local affordable housing need.
- 6.2.3 Paragraph 79 of the National Planning Policy Framework states planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling; or
 - e) the design is of exceptional quality.
- 6.2.4 The circumstances have changed since the previous refusal (RR/2017/2524/P), inasmuch that the bed and breakfast use has ceased and this part of the building is now being used lawfully as part of the main dwelling – a single dwellinghouse. Moreover, the National Planning Policy Framework was revised in July 2018, altering the circumstances for when dwellings can be allowed in the countryside. These two factors have resulted in a material change in circumstances since the consideration and determination of refused application RR/2017/2524/P.
- 6.2.5 The site remains outside of any defined development boundary and in this regard the previous Inspector dealing with a new dwelling on the pub car park considered the area to be an unsustainable location, meaning that any future occupants would be reliant upon the private car for their day-to-day needs. However, the National Planning Policy Framework (altered July 2018) is a material consideration and in this respect the application which now seeks the subdivision of an existing residential dwelling can be seen to accord with paragraph 79 (d). This carries substantial weight and in the particular circumstances of the case, outweighs the conflict with the development plan, namely Policy RA3 (iii), and as such the creation of a new dwelling in this locality can be supported subject to meeting other criteria within the Local Plan.

6.3 Impact upon the Character and Appearance of the Locality

- 6.3.1 Policy OSS4 (iii) states that all development should respect and not detract from the character and appearance of the locality.
- 6.3.2 Proposed external alterations to the building are minimal and those proposed are acceptable from a design perspective. Therefore how it will be read in

the street will not significantly alter. Furthermore, it currently forms part of the residential unit of the Peace & Plenty, and therefore residential activities associated with the property can already be carried out on site.

6.4 Impact upon Neighbouring Amenities

6.4.1 Policy OSS4 (ii) states that all development should not unreasonably harm the amenities of adjoining properties.

6.4.2 The site currently forms part of the planning unit of the Peace & Plenty. On this basis, in terms of impact upon neighbouring occupiers, its use as a separate dwelling is unlikely to be noticeably different compared to the existing use.

6.5 Highway

6.5.1 Policy CO6 states a safe physical environment will be facilitated by: (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.

6.5.2 The parking arrangement is the same as that previously proposed (RR/2017/2524/P), whereby two car parking spaces will be provided within what previously formed part of the car park serving the public house. The Highway Authority was consulted in relation to the previous application and raised no objection, subject to the imposition of conditions. Whilst the proposed parking would be removed from the proposed dwelling, this is not necessarily unacceptable in this location.

6.6 Plot Size

6.6.1 Policy OSS4 (i) states that development should meet the needs of future occupiers, including providing appropriate amenities. DaSA policy also carries some weight on this matter.

6.6.2 Whilst the proposed plot is somewhat limited in scale, it is considered to be of sufficient size to serve the likely requirements of this modest property and together with parking provided also has a separate garden area and an area for waste bins.

6.7 Issues Raised

6.7.1 The concerns raised by the local resident in respect of the access straight onto Houghton Green Lane is noted. While this is not an ideal situation, it is an existing arrangement and when used as bed and breakfast accommodation all three rooms were served directly from this road, as such it would be difficult to insist on an alternative access given the existing arrangement.

7.0 **SUMMARY**

7.1 The site, being outside of any defined development boundary does fall within an unsustainable country location, where Local Plan policies seek to restrict the creation of new residential development. However, applications for proposed development should be determined in accordance with the

development plan unless material considerations indicate otherwise, one such consideration, is Government policy. In this regard paragraph 79 of the National Planning Policy Framework states that isolated homes in the countryside should be avoided unless, amongst other things, the development would involve the subdivision of an existing residential dwelling. The proposal would divide an existing residential dwelling into two dwellings and in this regard paragraph 79(d) of the National Planning Policy Framework applies and is met. This is a material consideration that carries substantial weight and in the particular circumstances of the case, outweighs the conflict with the development plan, namely Policy RA3 (iii), and as such the creation of a new dwelling in this locality can be supported in principle.

- 7.2 The change of use of this part of the building will not impact upon how the building is read in the street scene or how it relates to neighbouring properties given that it is currently in residential use. Moreover, adequate parking provision can be provided to meet the needs of the dwelling.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposal is liable for the Community Infrastructure Levy (CIL). Full details of the amount payable will be set out in the CIL Liability Notice which will be issued in conjunction with the decision notice.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing No. 428/PL/211revC
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. The materials to be used in the construction of the external alterations to the building hereby approved shall match in materials, colour and texture those used in the existing building unless an alternative finish is first submitted to and approved in writing by the Local Planning Authority.
Reason: To maintain the characteristics of the existing building in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
4. The dwelling shall not be first occupied until details, including positions, design, height and materials of the boundary treatment which has first been submitted to and approved in writing by the Local Planning Authority, has been erected on site.

Reason: To ensure appropriate development of the site and preservation of the amenities of neighbouring properties and the area in accordance with Policy OSS4 (ii) (iii) of the Rother Local Plan Core Strategy.

5. The development shall not be occupied until the parking and turning areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.

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

6. The building shall not be occupied until the existing access onto Houghton Green Lane has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and thereafter remain unaltered.

Reason: In the interests of general safety of both vehicles and pedestrian using Houghton Green Lane in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.

7. 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 of alterations, as defined within classes A, B & C 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 ensure appropriate development of the site and preservation of the amenities of neighbouring properties and the area in accordance with Policy OSS4 (ii) (iii) of the Rother Local Plan Core Strategy.

8. 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 windows or other openings (other than those expressly authorised by this permission) shall be inserted into the north elevation or roof slope.

Reason: To preclude overlooking and thereby protect the residential amenities of the neighbouring occupiers in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

NOTES:

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to www.rother.gov.uk/CIL for further information and the charging schedule.
2. Any proposed works on or abutting the existing highway will require a Section 184 Licence from the County Council.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the

Local Planning Authority has acted positively and proactively in determining this application.

[View application/correspondence](#)