

Report to	-	Planning Committee
Date	-	13 December 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:

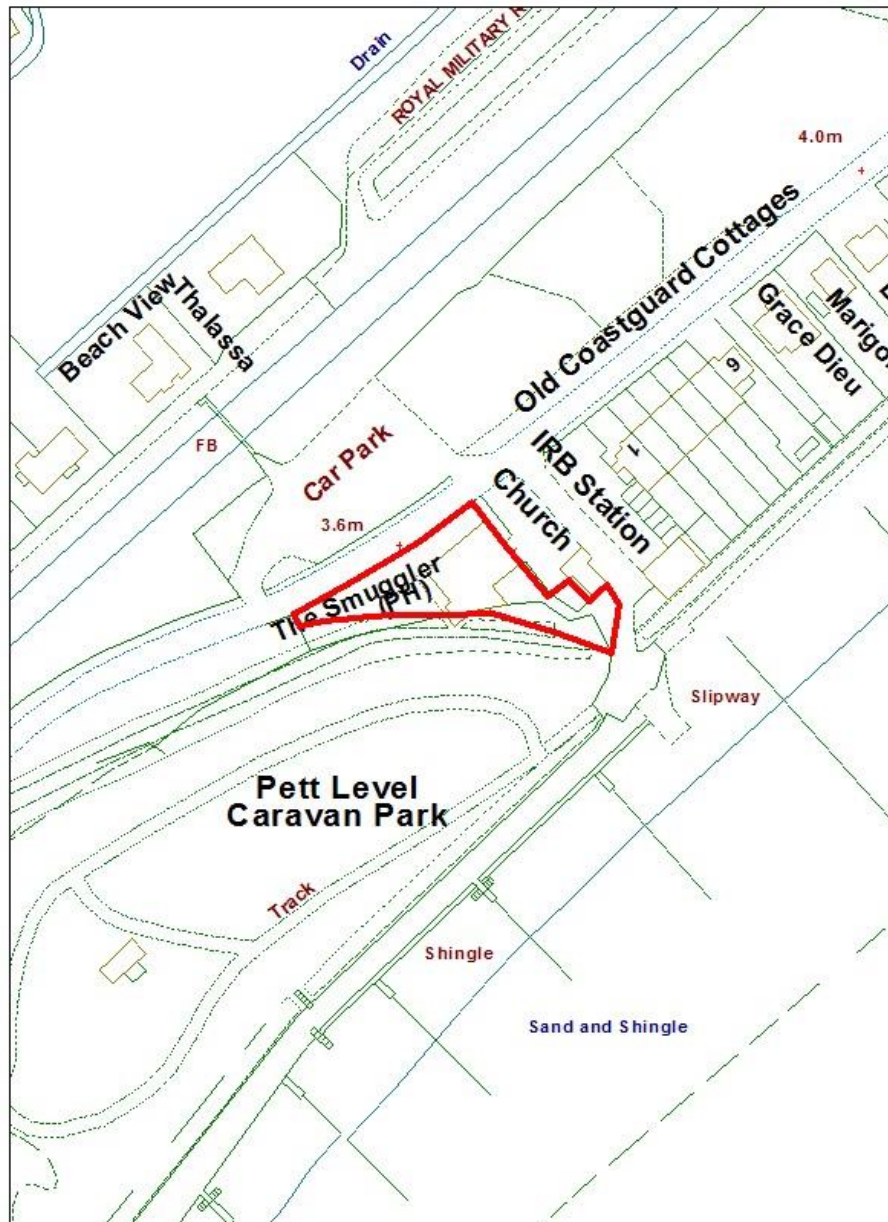
6.1 APPLICATIONS ATTRACTING A PETITION (PUBLIC SPEAKING)

REFERENCE	PAGE	PARISH	SITE ADDRESS
<u>RR/2018/2069/P</u>	4	PETT	The Smuggler, Pett Level Road, Pett Level

6.2 ALL OTHER APPLICATIONS

REFERENCE	PAGE	PARISH	SITE ADDRESS
<u>RR/2018/2282/P</u>	21	NORTHIAM	Newlands, Dixter Lane
<u>RR/2018/2328/P</u>	35	BREDE	St Margarets, Northiam Road, Broad Oak
<u>RR/2018/2150/P</u>	47	BEXHILL	30 & 32 Dorset Road
<u>RR/2018/2292/P</u>	58	BEXHILL	13 Barnhorn Road – Land at rear
<u>RR/2018/2665/P</u>	66	BEXHILL	25 The Highlands, Harmony – Land at
<u>RR/2018/2805/P</u>	74	BEXHILL	41 Jameson Road
<u>RR/2018/1638/P</u>	82	BEXHILL	70 Seabourne Road, Pebsham Community Centre
<u>RR/2018/2452/P</u>	87	EWHURST	Dykes Farmhouse, Bodiam Road, Staplecross
<u>RR/2018/2212/P</u>	95	MOUNTFIELD	6 Mountfield Villas, Hoath Hill
<u>RR/2018/1235/P</u>	102	SEDLESCOMBE	Water Bailiffs Cottage, Reservoir Lane

SITE PLAN	PETT
RR/2018/2069/P	The Smuggler, Pett Level Road, Pett Level.



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RR/2018/2069/P

PETT The Smuggler, Pett Level Road, Pett Level, Pett

Demolition of existing public house and erection of two detached houses and public house with associated car parking

Applicant: Mr and Mrs Stone

Agent: CLM Planning

Case Officer: Mr J. McSweeney

(Email: john.mcsweeney@rother.gov.uk)

Parish: PETT

Ward Member(s): Councillors R.K. Bird and C.J. Saint

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

Statutory 8 week date: 8 October 2018

Extension of time agreed to: 19 December 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:

- OSS4: General development considerations
- RA1: Villages
- CO1: Community facilities and services
- CO6: Community safety
- EC3: Existing employment sites
- EN1: Landscape stewardship
- EN3: Design
- EN7: Flood risk and development
- TR4: Car parking

1.3 The following policies of the Development and Sites Allocations (DaSA) Local Plan proposed submission – October 2018 are relevant and carry weight:

- DCO1: Retention of sites of social or economic value
- DHG3: Residential internal space standards
- DHG7: External residential areas

- DEC3: Existing employment sites and premises
- DEN1: Maintaining landscape character
- DEN2: The High Weald Area of Outstanding Natural Beauty (AONB)
- DIM2: Development boundaries

- 1.4 The National Planning Policy and Planning Policy Guidance are also material considerations, especially paragraphs 8, 83, 127 and 155-160 of the National Planning Policy Framework.

2.0 SITE

- 2.1 The Smuggler is a two storey public house with self-contained living accommodation on the first floor situated on the south-east side of Pett Level Road to the south-west side of St Nicholas Church and Old Coastguard Cottages. There is a static caravan site adjoining to the south-west and part of the site has access to the sea defences and beach to the south-east. There is private car parking area on the opposite side of Pett Level Road which is owned by the applicant.
- 2.2 The public house site is currently set within the Development Boundary for Pett Level as defined within the 2006 Local Plan; the High Weald AONB and Flood Zone 3. Whilst the public house site falls outside of, it is closely adjoined to the south-east and north-west by the Hastings Cliffs to Pett Beach and Dungeness, Romney Marsh & Rye Bay Sites of Specific Scientific Interest (SSSI) and the Dungeness, Romney Marsh & Rye Bay Special Protection Area (SPA) and Ramsar sites.

3.0 HISTORY

- 3.1 None relevant.

4.0 PROPOSAL

- 4.1 The application originally sought permission for the demolition of the public house and its replacement with two detached dwellings three storeys high. In addition, a café was proposed at the rear (south) of the site facing the beach. Following a number of local objections the applicant subsequently amended the scheme so that parking for the two dwellings would be provided for within the existing car park opposite, rather than on-site as originally proposed and instead of a café use a public house use is proposed within the new structure to the south of the site.
- 4.2 The proposed dwellings are stated to be of a more contemporary design with white painted render walls and grey standing seam zinc roofs. Principal living accommodation would be at first and second floor levels in order to mitigate the flood risk should the sea defences be breached. The proposed public house structure is single storey and would be constructed from five metal shipping containers, having an area of some 72m². The walls would be painted matt black and fenestration would be black coated aluminium.

5.0 CONSULTATIONS

5.1 Parish Council

5.1.1 *"Pett Parish Council has noted the comments made by residents regarding this application, both on the planning portal and at a public meeting. Almost all the comments are objections (and only two comments in support come from local people; the rest from those living outside the area). In addition, a request has been received to apply for the pub to be made a community asset. The Council has agreed to make the application. The comments made online and at the meeting focus on a number of issues:*

- Most of the objections concern the closing of the pub and whether the arguments for its non-viability have been manipulated and the sale price set artificially high in order to discourage offers for it as a going concern. This only becomes a planning issue because the pub is a community asset (in a general sense) and because change of use is implied in the application. It should be noted that there is a comment from the couple who last ran the pub profitably to the effect that they feel that the pub can be run at a profit under proper management. Similarly, the viability of the proposed café has been questioned and whether Section 106 conditions could be imposed if the application is granted to specify the relationship between the houses and the café and to determine what happens if the café cannot be run at a profit. The Council agrees that a sufficient case has not been made for the pub to be regarded as not economically viable; there is also no business plan for the café. It suggests that these are both necessary before a change of use is approved.*
- There is a general criticism that the proposals involve over-development of the site and that the design of both the houses and the café is out of keeping with the surrounding area (see the next point). Specifically, it is suggested the western house is too big for its plot and too close, both to the road and to the boundary with the adjacent caravan park. The height of the houses and the fact that they overlook the caravan park has also been criticised. The Council agrees with these views.*
- The proposed development is adjacent to an AONB and to the SSSI that includes the beach at Pett Level. The design of the houses and, in particular that of the café constructed out of containers, which it is suggested will be visually intrusive, is also felt to be out of keeping with these and, indeed, with the surrounding area. It is also noted that no environmental survey has been carried out. The Council agrees with these views and suggests that an environmental survey should be undertaken.*
- There are no clear proposals for the disposal of either surface or foul water. The application seems to assume that there is mains drainage, which there is not. It also assumes that surface water can be drained on to the beach, which may be a problem as the beach is part of an SSSI and, indeed, it is not clear how the water will get to the other side of the sea wall. The owner of the caravan park has noted that is more likely that the surface water from the café will drain into the caravan park. While the pub at present has a cesspit, it is not clear how the (probably)*

increased amount of foul water from two houses and a café will be disposed of. The Council feels that it is important that these issues are clarified before any approval is given.

- The two houses will be quite close to the road, along which, as has been noted, the traffic is fast (often exceeding the speed limit) and along which there is no pavement. There is also a blind corner close by. No allowance has been made for cars to turn round inside the property boundaries, so that exit and entrance to the properties will be hazardous. This situation will be exacerbated if the car park opposite is made available to patrons of the proposed café; it is also quite likely that the car park will additionally be used by others. It is perhaps surprising that there has been no comment from Highways on this application. The Council feels that this is probably the most important issue with regard to the application.*

In the light of these issues, Pett Parish Council does not support the application in its present form. It accepts that redevelopment may be necessary, but this should, if possible, include a pub and be compatible with the area, both in its size and in its nature. As noted above, the Council is applying to make the pub a Community Asset.”

- 5.1.2 “Following review of the amended plans, Pett Parish Council reconfirms its objection to the application because, apart from road safety concerns, the parish council’s other previous comments still stand.”*

5.2 Environment Agency

- 5.2.1 “The site is located within Flood Zone 3a, and is shown to be within an area that could be susceptible to flooding following a breach in the defences immediately adjacent to the site. As per the requirements of the National Planning Policy Framework, any new residential development of this site will initially be subject to the Sequential Test.*

The aim of the Sequential Test is to locate the most vulnerable forms of development to the areas at lowest risk of flooding. Before proceeding to determination, your Authority should initially consider whether the applicant has adequately demonstrated that there is nowhere in the district at a lower risk of flooding where a development of this nature may be preferentially located.

If you are satisfied with the applicant’s justification for the principle of additional residential development of this site, the Exception Test becomes applicable. The second part of this test requires that the development and its occupants are ‘safe’ from flooding.

The application is accompanied by a Flood Risk Assessment (FRA) that seeks to quantify the flood risk to the site and its potential future occupants and outlines how the development can be made to be safe.

We are generally satisfied with the recommendations of the FRA. However, it must be ensured that the ground floor accommodation provided within the dwellings is constructed at the highest level above ODN as practicable and is built to be fully resilient to the effects of potential flooding. As stated within the FRA, we would not advise that a ‘water-exclusion’ strategy is pursued

owing to the potentially significantly structural damage that can be caused by the hydrostatic pressure on the external walls.”

5.3 Natural England

5.3.1 Has no comments to make on this application.

5.4 SGN

5.4.1 Both gas pipes and electricity cables are present on site; therefore relevant safety legislation would need to be followed should the site be redeveloped.

5.5 East Sussex County Council – Highway Authority

5.5.1 No objection subject to the imposition of conditions.

“The proposed development is not expected to result in an increase in trips to and from the site. The applicant is proposing to retain the existing car park, allocating some spaces for the exclusive use by the residential dwellings. The parking capacity of the car park is considered sufficient to cater for the parking demands of the proposed development.”

5.6 East Sussex County Council – Rights of Way

5.6.1 Do not object to the application, contingent on the rights of way being available at all times during and on completion of the development.

5.7 Romney Marshes Internal Drainage Board

5.7.1 No representations received.

5.8 Environmental Health

5.8.1 *“I do have objections to the current proposal as submitted due to the inclusion of the Café/Public House use house in a single storey building which is not compatible with either the existing and/or proposed new residential elements.*

The applicant has failed to submit details of any proposed kitchen extract system and due to the single storey nature of the café/pub it will not be possible to discharge any kitchen ventilation system sufficiently high enough to dissipate smells and cooking fumes. The upper floors of the new dwellings will sit above the roof level of the containers and will of course wish to open windows on occasions.

The Café/Public House will likely give rise to the potential for cooking fumes/odours to cause nuisance as will additional noise from customers using the terraced seating area during the finer weather.

Other areas of concern relate to the hours of operation, the potential for the offering of a take away menu, inadequate information relating to the type and size of the sewage treatment plant, the potential for provision of now de-regulated musical entertainment in a poorly insulated metal container and the size constraints of fitting a working kitchen into a fairly limited space. (Advice

on the suitability of the space for a catering kitchen should be sought from my colleagues in the Food and Safety Team.)”

5.9 Planning Notice

5.9.1 A petition of objection to the proposal signed by 70 individuals has been received. The lead petitioner will have the opportunity to speak at the Planning Committee meeting.

5.9.2 The reasons for objection stated within the petition are:

- Unacceptable overdevelopment of the site as the plans will impact on drainage and increase flood risk, plus increase residential density, thereby exacerbating the flood risk further.
- Change of use/loss of the only public amenity in Pett Level, thereby adversely impacting the character of the areas and the well-being of residents.
- The development is out of keeping with the current street scene and out of scale with the nearby buildings adjacent on both Pett Level Road and Canal Bank.
- In an AONB and an SSSI the development will have an adverse visual impact on the character and appearance of the area.
- The design, appearance and material planned are not in keeping with neighbouring properties and in an AONB the proposed use of shipping containers is especially unacceptable. We note the plan to keep them locked with doors on during winter and bad weather.
- The planned properties, especially the house on Plot 2, are too tall and will have an adverse effect on the residential amenity of neighbours caused by lack of privacy, lack of light and loss of view in some cases.
- The development would adversely affect highway safety on an already dangerous and busy stretch of road.

5.9.3 71 letters of objection have been received in respect to the original proposal, their concerns have been summarised below:

- Smuggler public house is the only pub within the village of Pett Level and as such should be protected as a valuable community asset.
- New owners purchased the business in September 2016 (£294,950), almost immediately after purchasing the business was shut and put on the market at £895,000 (March 2017).
- Online valuation sites value the business between £348,000 - £470,000 and had it been advertised for sale in this range (its real worth) it would have been sold.
- Sale price grossly inflated.
- It was a very successful pub in the past.
- Change of management and decline in service made people stay away.
- Design of the houses in no way compliments the properties that are already there.
- Never been a 'for sale' sign at the premises.
- Café building is of insufficient size to provide necessary facilities.
- Impact on ANOB.
- No ecological survey carried out.
- Pub has always been the social hub of Pett Level.
- Café within shipping containers is a cheap solution.

- Dwellings will tower over the caravans behind.
- Overdevelopment of the site.
- Design of the houses has no architectural merit, out of keeping with current developments in Pett Level.
- S106 to secure provision of café.
- We previously ran the pub from March 2013 until September 2014 – it was very successful and profitable, our reasons for leaving were not financial, but down to personal choice.
- Shipping containers would be unsightly in this area.
- Height and scale of the building not in keeping with immediate local properties.
- Site falls within Flood Zone 3.
- Café seems to only have been included in an attempt to aid the planning process to build the houses.
- Café construction method makes it easy to ‘remove’ once the houses are built.
- Will add to the risk of flooding in the area.
- Development destroys the heart of the village and clearly goes against the social role articulated in the National Planning Policy Framework to support strong, vibrant and healthy communities.
- What will happen to the car park opposite?
- Visibility from proposed accesses would be substandard.
- Overlook and dominate caravan park.
- Impact on St. Nicholas church, totally overshadowing it.
- Letter of support come from outside the area.
- Where would surface water drain?
- Photomontage of how the development will appear in the street scene should be provided.
- Pub building is part of the Arts & Crafts buildings of Cliff End – loss of landmark building.
- Disruption during construction period.
- Traffic safety issues.
- Recommended that the Pett Level development boundary be removed.
- Site adjoined by SSSI's.

5.9.4 13 letters of support have been received in respect to the original proposal, the points made have been summarised below:

- Proposed beautiful houses and café would indeed be an asset to the area.
- Would be really pleased to see a café on the beach. Always felt that this area lacked beachside dining.
- Would use the café more than the pub.
- Café or bistro on the beach front could offer a new community asset.
- Design of the proposed two houses would be no more out of place than any other of the eclectic mix of residential properties in the area.
- Cannot force an unviable business to remain open.

5.9.5 37 letter of objection have been received in respect to the amended plans, their concerns have been summarised below:

- Little has changed in the amended plans, original objections still stand.
- Tiny sea container construction as a ‘public house’ is a cynical attempt to remove the huge issue of ‘change of use’. This space could never

offer the range of services that a public house should offer its local community.

- No changes to the proposed unsuitable houses.
 - Still no photomontage of how the development will appear.
 - How an inappropriate shipping container renamed a 'public house' addressed local resident's legitimate concerns is frankly insulting.
 - Virtually non-existent cooking facilities for the proposed public house.
 - How can the applicant claim a pub isn't viable and then revise the plans to include an excuse for a 'pub'!
 - Provision of just two car spaces for each house is questionable.
-

6.0 APPRAISAL

6.1 Issues for consideration

6.1.1 The main issues for consideration are:

- Loss of public house.
- Principle of residential accommodation in this locality.
- Design and scale of dwellings.
- Impact upon neighbours.
- Highway implications.
- Impact upon SSSI.

6.2 Loss of public house

6.2.1 Policy EC3 of the Local Plan Core Strategy sets out measures to secure the effective use of employment land and premises. These include the requirement at (i) that land and premises currently (or last) in employment, including tourism, use will be retained in such use unless it is demonstrated that there is no reasonable prospect of its continued use for employment purposes or it would cause serious harm to local amenities. Policy DEC3 of the DaSA is also relevant and carries weight.

6.2.2 Policy RA1 of the Local Plan Core Strategy states the needs of rural villages will be addressed by (iii) ensuring thriving and viable rural communities, by retention of, and support for, local shops, services and public houses in villages. Policy CO1 goes on to state that the availability of community facilities to meet local needs will be achieved by: (iii) not permitting development proposals that result in the loss of sites or premises currently or last used for community purposes.

6.2.3 Policy DCO1 of the DaSA, which can be given significant weight, relates to the retention of sites of social or economic value and states

"In accordance with the presumption set out in the Local Plan Core Strategy, proposals that involve the loss of diminution of sites of social or economic value (this includes public houses), including those last in such use, must demonstrate that there is no reasonable prospect of a continued use, backed by:

- (i) *evidence of a comprehensive and sustained marketing campaign, which clearly indicates a lack of demand for the existing use (or as an alternative commercial or community facility, where appropriate), based*

on marketing, normally at least 18 months, that offers the land or unit/s for sale, or rental, at a realistic valuation of the site/premises for that use; and

- (ii) *evidence that clearly demonstrates that the unit is not or is not capable of being financially viable, including alternative commercial or community facilities, where appropriate.*

Proposals should not result in the loss of facilities or features which may undermine the viability of its use, including, but not limited to, car parking, gardens and function rooms.

6.2.4 Paragraph 83 of the National Planning Policy Framework states that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

6.2.5 Community facilities, such as public houses, play an important social and economic role within the district, making a positive contribution and developing sustainable communities. Moreover, this public house lies within a popular tourist destination and is likely to provide a service to visitors to the District. Therefore without clear justification that the public house use is no longer viable then its loss should be resisted.

6.2.6 The Planning Statement accompanying the application states that the public house has been closed since September 2017 and has been advertised for sale with Fox & Sons since April 2017. The letter from Fox & Sons states, *“The property has been marketed on various websites and through our office with many enquiries and there have also been numerous viewings that have taken place over the 15 months. Unfortunately the feedback from the viewings and general enquiries has been that the business is financially unviable and therefore of no interest.”* The planning statement also alludes to the fact that over recent years there have been a number of people running the public house and all have suffered financial losses; however, no accounts or other evidence has been submitted to substantiate this.

6.2.7 The letter from the local estate agent and the period of time that the premise has been marketed for is noted. However, no evidence has been provided to demonstrate that the site have been advertised with the option of alternative commercial or community facilities and that the public house has been advertised free of tie and restrictive covenant. Moreover, it is uncertain whether the public house has been offered for sale at a realistic valuation. The advertisement information provided recommends offers in excess of £800,000 for the public house (March 2017), whereas the sold price history states it was sold in September 2016 for £294,950. This appears to be a substantial increase in value within less than a year. The application also

fails to make reference to the provisions set out in the CAMRA Public House Viability Test, whilst this does not have status of policy or adopted supplementary planning guidance it does give useful criteria for assessing proposals for the closure of public houses.

- 6.2.8 It is acknowledged that the scheme now proposes that a public house will be provided for within the shipping container structure at the southern part of the site. However, the Environmental Health officers have a number of concerns with the use of this structure as a public house; these primarily relate to potential nuisance issues being caused by cooking fumes/odours and noise from the single storey structure to existing and/or proposed new residents. Therefore in this regard as currently proposed it does not appear that this facility is a practical or adequate option to replace the public house function on this site.
- 6.2.9 In view of the above, it is not considered that it has been satisfactorily demonstrated that the existing public house is no-longer viable nor whether there is a demand for the premises from any other potential business operator. Moreover, the proposed public house function within the shipping container structure is an inadequate alternative to mitigate the loss of the existing facility.

6.3 Principle of residential accommodation on this site

- 6.3.1 Policy OSS2 states that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not.
- 6.3.2 Policy DIM2 of the DaSA 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.*”
- 6.3.3 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.*
- 6.3.4 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.
 - e) The design is of exceptional quality.
- 6.3.5 The majority of the site falls within the development boundary for Pett Level Beach as defined by the Local Plan (2006). However, moving forward, the emerging DaSA proposes the removal of the development boundary for Pett Level. This is because of the considerable environmental constraints, particularly the internationally protected Ramsar and SPA and flood risk, which means that Pett Level is not considered as an appropriate or sustainable location to retain a development boundary. The absence of any development boundary from Pett Level in the DaSA does carry some weight.
- 6.3.6 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'.
- 6.3.7 Footnote 6 of paragraph 11 d) i. of the National Planning Policy Framework exempts areas at risk to flooding or coastal change 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 Framework taken as a whole.'*
- 6.3.8 The site is located within Flood Zone 3a, and is shown to be within an area that could be susceptible to flooding following a breach in the defences immediately adjacent to the site. As per the requirements of the National Planning Policy Framework, any new residential development of this site will initially be subject to the Sequential Test. Paragraph 158 of the National Planning Policy Framework states, *the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding*, with paragraph 159 going on to state, *if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may be applied.*
- 6.3.9 In accordance with the provisions of the 'sequential' and 'exception tests' for flood risk as outlined in the National Planning Policy Framework, it is considered that there are other locations within the District where it is more appropriate to promote more intensive development; hence the removal of the development boundary for Pett Level. Moreover, the development would be required to demonstrate wider sustainability benefits to the community that

outweigh flood risk, the loss of the public house would provide no community or wider benefit which would outweigh the flood risk in this instance.

- 6.3.10 Given that the site falls within Flood Zone 3 and fails to meet the sequential or exception test the site falls within an unsustainable location for new residential development and the provision of new dwellings is contrary to the requirement of the National Planning Policy Framework taken as a whole and should be refused.

6.4 Design and scale of dwellings/public house structure

- 6.4.1 Policy EN3 of the Rother Local Plan Core Strategy states new development will be required to be of high design quality by contributing positively to the character of the site, and demonstrating robust design solutions tested against a series of Key Design Principles, tailored to a thorough and empathetic understanding of the particular site and context.

- 6.4.2 Section 12. Achieving well-designed places in the National Planning Policy Framework is also relevant especially paragraph 127 which states, *Planning policies and decisions should ensure that developments:*

- a) *Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.*
- b) *Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*
- c) *Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*
- d) *Establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.*
- e) *Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and support local facilities and transport networks.*
- f) *Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

- 6.4.3 It is acknowledged that Pett Level more generally has seen a number of contemporary three storey dwellings replace existing residential dwellings; however, primarily this is towards the north-east of the village within the strong line of development adjoining the sea wall. However, this site is somewhat detached from these larger properties; instead it occupies a more spacious open setting with a caravan site to south-west and more historic low level chalet bungalows to the north-east. It is against this low-level character that the site will be read and not as part of the linear development of contemporary larger dwellings to the north-east.

- 6.4.4 Given the height of the proposed dwellings (three-storey) and their width across the site, the proposed dwellings would appear as a stark and inappropriate intrusion into the street scene at this point within the village. Moreover, the design is neither contemporary nor more traditional and instead appears as a hybrid between the two styles, the result of which are

poorly detailed and proportioned dwellings which fail to add to the overall quality of the area. As such the design and layout as proposed would result in a poorly designed and obtrusive development, harmful to the character and appearance of this part of Pett Level.

- 6.4.5 Turning to the steel container structure; it is acknowledged that this is a somewhat unusual method of construction, however, subject to appropriate detailing and given the more innovative design approaches taken in the wider Pett Level locality, it is considered that such a structure may not necessarily be unacceptable in this sea frontage setting.
- 6.4.6 Whilst the site does fall within the High Weald AONB it is primarily read as part of the built up frontage of Pett Level and in this regard would not appear unduly intrusive in the wider landscape.

6.5 Impact upon neighbours

- 6.5.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy seeks to ensure that development does not unreasonably harm the amenities of adjoining properties.
- 6.5.2 In terms of permanently occupied residential properties the proposed site is set sufficient distance away, this separation will ensure that whilst views of the proposed dwellings may be afforded they would not result in demonstrable physical harm or overlooking to these properties. It is noted that views over the adjoining caravan park will be afforded, as some are currently, however, the caravans within the park do not benefit from private amenities areas but instead are surrounded by communal areas. Therefore views from the proposed development over these areas will not result in demonstrable harm to anyone's individual private spaces.
- 6.5.3 Whilst it is acknowledged that a public house currently operates on the site, the relocation of this use into a steel container structure and how this may impact upon existing and/or proposed residents needs to be considered. In this regard the comments from Environmental Health who object to the proposal are critical. Their primary concerns relate to the single storey nature of the building and difficulties this would have in respect to the discharge of any kitchen ventilation system at such a low level. There is no reason to disagree with their concerns in this instance.

6.6 Highway implications

- 6.6.1 Policy TR4 states that proposed development shall, (i) meet the residual needs of the development for off-street parking having taken into account 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 on the reliance on parking off site whether on-street or off-street.
- 6.6.2 Policy CO6 states a safe physical environment will be facilitated by, (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.
- 6.6.3 The scheme as now amended seeks to retain the existing car park, located on the opposite side of Pett Level Road to serve both the residential

dwelling (four spaces specifically allocated) and the replacement public house.

- 6.6.4 The Highway Authority has been formerly consulted and their comments can be viewed in full on the website. However, in summary they recommend no objection to the proposal subject to the imposition of conditions. They conclude that the proposed development is not expected to result in an increase in trips to and from the site, and that the parking capacity of the car park is sufficient to cater for the parking demands of the development. There is no reason to disagree with their recommendation in regard to the amended scheme.

6.7 Impact on the SSSI, SPA and Ramsar sites

- 6.7.1 Policy EN5 (ii) seeks that development should protect and enhance the international, national and locally designated sites, having due regard to their status.
- 6.7.2 The application site (area to be redeveloped, excluding the car park) is very close to the Hastings Cliffs to Pett Beach and Dungeness, Romney Marsh & Rye Bay SSSI and the Dungeness, Romney Marsh & Rye Bay SPA and Ramsar sites. Natural England has been formerly consulted but has no comments to make on this application. Based on the submitted information it is considered that the redevelopment of the site as proposed will not directly impact on the special character of the SSSI, SPA and Ramsar sites, but should the proposal meet with support then it is important that during construction care is taken to ensure that materials, works etc. will not impact upon the surrounding areas. This could be covered by imposing a relevant condition on any consent.

7.0 SUMMARY

- 7.1 The property occupies a prominent position within Pett Level with easy access onto the beach and therefore plays a role as both a community facility and towards supporting the tourist economy of the area. It is an existing site of employment and of social and economic value and as such the loss of this use is resisted in line with the adopted policies, unless it can be demonstrated that there is no prospect of its continued use. The premise has been marketed but it would appear that this is not at a realistic value, and no financial evidence has been provided to demonstrate that the public house use is not or is not capable of being financially viable. Whilst acknowledging that a public house facility is proposed within the shipping container structure, the facilities which can be provided in this structure are not practical or adequate to replace the existing public house function on this site. As such it has not been satisfactorily demonstrated that the public house is no-longer commercially viable and that all means of retaining that use within the existing premises have been explored.
- 7.2 In relation to housing, paragraph 11 footnote 7 of the National Planning Policy Framework is clear that applications for housing should be considered in the context of the presumption in favour of sustainable development. In such circumstances, it is paragraph 11 of the National Planning Policy Framework that provides the context for decision making. However, as the site is set within Flood Zone 3, footnote 6 of paragraph 11 (b) (i) explains that

the presumption should not be determined by applying the 'tilted balance' but rather by reference to the specific policies that indicate that development should be directed away from area at flood risk. In accordance with the provisions of the 'sequential and exception tests' for flood risk as outlined in the National Planning Policy Framework, it is considered that there are other locations within the district where it is more appropriate to promote more intensive development. Moreover, the loss of the public house would provide no community or wider sustainable benefit which would outweigh the flood risk in this instance. As such the site falls within an unsustainable location for new residential development with the scheme failing to contribute to the environmental role of sustainable development, due to provision of new dwellings in an area at risk to flooding.

- 7.3 The height of the proposed dwellings and width across the site, mean the proposed dwellings would produce a stark and inappropriate intrusion into the street scene at this point within the village. Moreover, the dwellings have been poorly detailed and proportioned which fails to add to or enhance the overall quality of the area.
- 7.4 Furthermore, it has not been satisfactorily demonstrated that a public house function can adequately operate within the single storey shipping container structure without causing harm to the residential amenities of existing and/or proposed residents.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. In the absence of satisfactory evidence to demonstrate that the public house is no longer commercially viable and that all means of retaining that use have been explored (including marketing the premises at a realistic value), the proposed demolition of the public house would result - notwithstanding the inadequate provision of a public house in the shipping containing structure - in the permanent loss of an employment creating use as well as a local service and facility that contributes to the sustainability of the local and visitor community. The permanent loss of the public house would contribute towards the erosion of services and facilities and economic activity and opportunity within this village location. As such the proposal is contrary to Policies EC3, CO1 (iii) and RA1 (iii) of the Rother Local Plan Core Strategy, Policy DCO1 of the DaSA Local Plan proposed submission – October 2018 and national advice in paragraph 83 of the National Planning Policy Framework which includes the requirement that planning policies should promote a prosperous rural economy including the retention of local services and community facilities in villages, such as public houses.
2. The application sites lies within Flood Zone 3 an area at high risk from flooding and where inappropriate development at risk of flooding should be

avoided. It has not been satisfactorily demonstrated that there is nowhere in the district at a lower risk of flooding where a development of this nature would be preferentially located, or that the provision of the two dwellings and loss of the public house would provide wider sustainability benefits to the community to outweigh flood risk. As such the site falls within an unsustainable location for new residential development with the scheme failing to contribute to the environmental role of sustainable development, due to the provision of new dwellings in an area at risk to flooding contrary to paragraphs 8, 155-160 of the National Planning Policy Framework, and Policy EN7 of the Rother Local Plan Core Strategy.

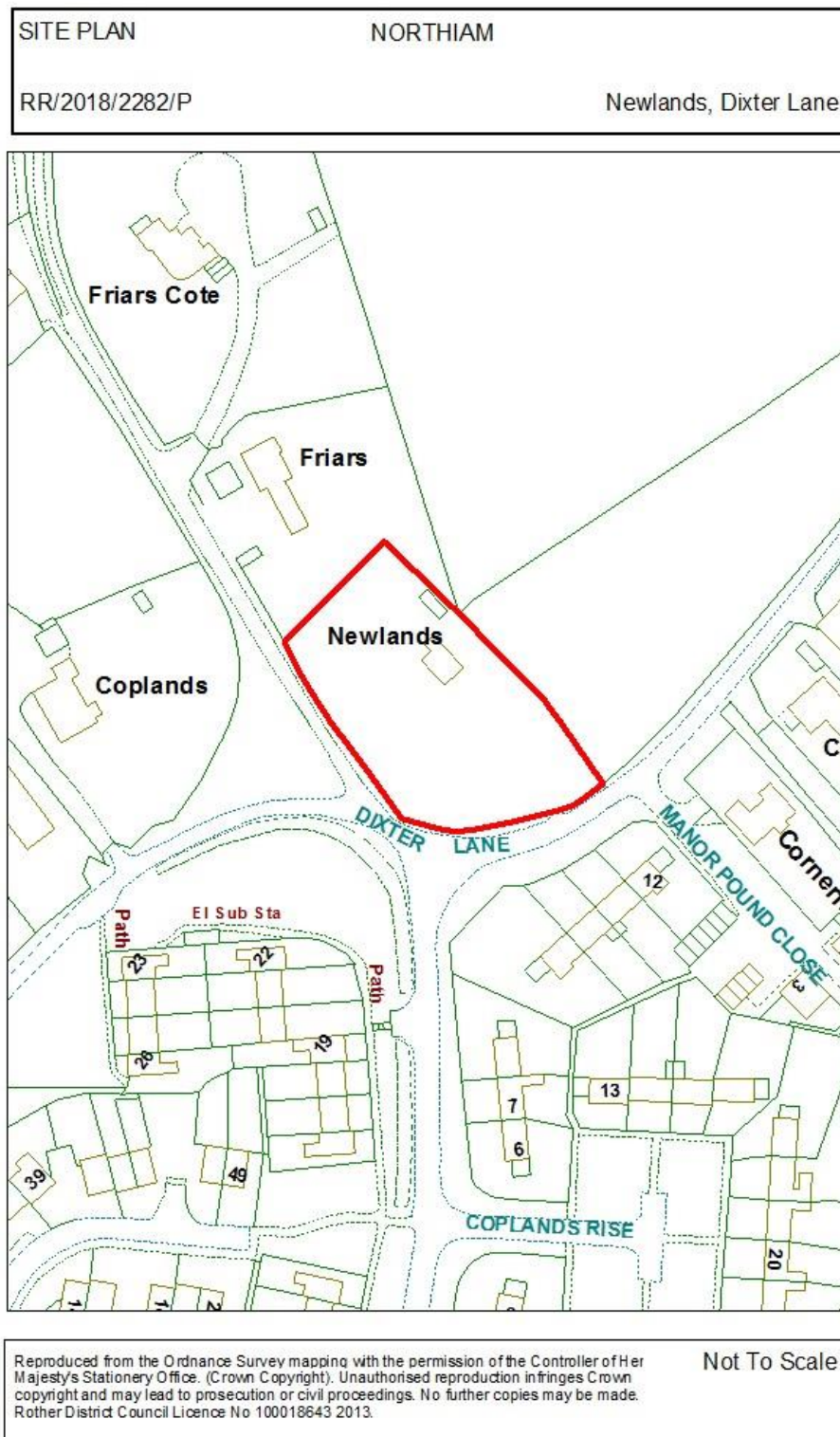
3. The proposed dwellings by virtue of their height and width across the site, poor detailing and proportion would fail to deliver the high quality design required by the National Planning Policy Framework and by the Rother Local Plan Core Strategy and would instead produce a stark and inappropriate intrusion into the street scene at odd with the character and appearance of the village at this point. As such the proposal would be contrary to paragraph 127 of the National Planning Policy Framework and Policies OSS4 (iii) and EN3 (including Annex 4) of the Rother Local Plan Core Strategy.
4. It has not been satisfactorily demonstrated that a public house function can adequately operate within the single storey shipping container structure without causing harm to the residential amenities of existing and/or proposed residents. As such the proposal is contrary to Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

NOTE:

1. The refusal of planning permission relates to the following schedule of plans:
Drawing No. 1729/07 Revision A dated July 2018
Drawing No. 1729/02 Revision C dated 27.09.18
Drawing No. 1729/03 Revision B dated 27.09.18
Drawing No. 1729/04 Revision B dated 27.09.18
Drawing No. 1729/05 Revision B dated 27.09.18
Drawing No. 1729/06 Revision B dated 27.09.18
Drawing No. 1729/08 Revision A dated 27.09.18

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



RR/2018/2282/P

NORTHAM Newlands, Dixter Lane, Northiam

Proposed demolition of existing dwelling. Erection of 3 No. four bed dwellings each with integral garage

Applicant: Mr A. Town
Agent: Elevations Design Limited
Case Officer: Mr J. McSweeney
(Email: john.mcsweeney@rother.gov.uk)
Parish: NORTHAM
Ward Member(s): Councillors I.G.F. Jenkins and M. Mooney

Reason for Committee consideration: Member referral: Councillor M. Mooney**Statutory 8 week date:** 8 November 2018**Extension of time agreed to:** 19 December 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

- 1.0 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:
- OSS4: General development considerations
 - RA1: Villages
 - CO6: Community safety
 - EN1: Landscape stewardship
 - EN3: Design
 - TR3: Access and new development
 - TR4: Car parking
- 1.3 The following policies of the Development and Site Allocations (DaSA) Local Plan proposed submission – October 2018 are also now relevant 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 and Planning Policy Guidance are also material considerations, especially 8, 11, 78, 79, 127 and 172 of the National Planning Policy Framework.
-

2.0 SITE

- 2.1 The application site is located on the north side of Dixter Lane at its junction with Crockers Lane and opposite the junction with Cavix Close. The site is approximately 0.2 hectares in size and abuts the village development boundary to the south. It falls within the High Weald AONB.
- 2.2 The site contains a two storey detached residential property and has vehicular access from both Dixter Lane and Crockers Lane. The site is well enclosed and screened by tall cupressus hedging to the south-west, north-west and eastern boundaries.
- 2.3 The site is adjoined by 'Friars' a residential bungalow to the north-west, equestrian/agricultural land to the north-east and two storey residential dwellings on the opposite side of Dixter Lane.
-

3.0 HISTORY

- | | | |
|-----|----------------|--|
| 3.1 | RR/84/2654 | Outline: Demolition of existing dwelling and erection of four dwellings with garages and alterations to existing access – Refused. |
| 3.2 | RR/89/1347/P | Outline application for the demolition of existing dwelling and erection of three new dwellings, garages and access alterations – Refused – Appeal dismissed. |
| 3.3 | RR/2016/1839/P | Demolition of single property and erection of eight dwellings – Refused – Appeal dismissed. |
| 3.4 | RR/2016/3213/P | Proposed demolition of existing property and erection of 3 No. four bed dwellings and 2 No. three bed dwellings, along with an additional vehicular access – Refused – Appeal dismissed. |
| 3.5 | RR/2018/1453/P | Proposed demolition of existing dwelling. Erection of 3 No. five bed dwelling each with a detached garage – Refused. |
-

4.0 PROPOSAL

- 4.1 This application seeks permission to demolish the existing two storey dwelling and replace it with 3 No. four bed detached dwellings each with integral garage. The scheme also includes the removal of the conifer trees and replacement with native hedge and tree planting. Two of the three accesses (those onto Crockers Lane) will be utilised and a new access is proposed onto Dixter Lane.

- 4.2 The proposed dwellings will follow the same building line running from the south-east to north-west, broadly through the centre of the site. The dwellings would have a footprint of some 11.4m by 12.1m (greatest depth), with an overall ridge height of some 8.6m.
- 4.3 The dwellings would be constructed from facing brickwork to ground floor level, with plain clay hanging/or painted weatherboard to first floor level under a plain tile roof. Accommodation would consist of entrance hall, study, lounge/dining room, WC, utility and kitchen/breakfast room to ground floor level, with four bedrooms (one en-suite) and bathroom at first floor level.
-

5.0 CONSULTATIONS

5.1 Parish Council

5.1.1 "Refusal supported.

Planning Objections:-

This site is listed in Strategic Housing Land Availability Assessment (SHLAA) NO11

Rural Northiam AONB. Ancient woodland. Ghyll woodland. ROW. Adjacent Conservation Area & Listed Buildings. Suitable option for development – NO.

1. *The site is set outside of the development boundary is a sensitive position on the edge of the village with far reaching implication across the AONB. Contrary to Paragraph 115 National Planning Policy Framework*

"Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important."

2. *The site on the edge of the village occupies a sensitive position in landscape terms and that Dixter Lane in this part of the village provides the transition between the more built-up area of Northiam to the south, and open countryside to the north. The layout, access arrangement and built mass across the full width of the site would mean that the proposed development would be more akin to a suburban rather than edge of village location. Therefore the intensity of the development proposed at this transition between Northiam's recognisable built up area and the open fields of the AONB would be inharmonious and would result in unacceptable harm to the character and appearance of the area. As such the proposal is contrary to Policies OSS4 (iii) and EN1 (i) of the Rother Local Plan Core Strategy and advice in paragraph 172 of the National Planning Policy Framework.*

3. *Policy RA3: Development in the Countryside*

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:

(c) the one-to-one replacement of an existing dwelling of similar landscape impact.

4. *The design and scale of the proposed dwellings is not akin to an edge of village location but rather the dwellings are suburban in appearance and character failing to pick up or reflect any traditional High Weald design features. The design solution does not therefore reflect the established character of the street scene or adjacent buildings and will detract from rather than enhance the appearance of the area within the High Weald AONB. As such the proposal is contrary to Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy and advice in paragraph 127 of the National Planning Policy Framework.”*

5.2 SGN

- 5.2.1 Both gas pipes and electricity cables are present on site; therefore relevant safety legislation would need to be followed should the site be redeveloped.

5.3 Planning Notice

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

- Far too high a density of occupants and vehicles completely out of keeping with the location, its access and its surrounding properties.
- Object for the same reasons as per the four previous applications which have all been refused.

6.0 **APPRAISAL**

6.1 Issues for consideration

- 6.1.1 The main issues for consideration are:

- Principle of development.
- Impact on the village setting and High Weald AONB.
- Design and scale.
- Impact upon neighbouring amenities.
- Highway matters.
- Plot size.

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 (to be given some weight) 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.
 - 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 AONBs 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 Framework taken as a whole.'

- 6.2.9 In determining two appeals for housing on this site in July 2017 (RR/2016/1839/P – APP/U1430/W/17/3171529 and RR/2016/3213/P – APP/U1430/W/17/3171532), the Inspector stated the following in respect to a location for additional dwellings:

“17. Northiam is a quite extensive village which has various community services and facilities available to its residents. The site is situated just beyond the village’s readily identifiable built up area and I therefore consider that this would not be an isolated location for new housing, having regard to paragraph 55 of the Framework. There would also be some opportunities for the occupier of the development to contribute to Northiam’s vitality by making use of the local services available in the village.

18. I therefore conclude that in accessibility terms this would be an appropriate location for a net increase of four houses on the site and that in this respect there would be no conflict with paragraph 55 of the Framework. I am similarly of the view that no objection should be raised, in accessibility terms to the development subject to scheme A. There would, however, be some conflict with Policy RA3 of the Core Strategy in that the development would fall within none of the exceptions for permitting housing on the countryside. However, that conflict is moderated by the fact that the Council accepts that it cannot currently demonstrate a five year supply of deliverable housing sites.”*

** i.e. paragraph 55 of the 2012 Framework, now paragraph 79 of the 2018 version.*

- 6.2.10 The planning circumstances for this site have not materially changed since the appeal decision, therefore it is considered that in accessibility terms this remains an appropriate location for additional houses and as such 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 this national designation.

6.3 Impact on village setting and 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 DaSA 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 Core Strategy Policy EN1.
- 6.3.3 Policy DEN2 of the DaSA 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 This site on the edge of the village occupies a sensitive position in landscape terms and that Dixter Lane in this part of the village provides the transition between the more built-up area of Northiam to the south, and open countryside to the north. It is acknowledged that the site’s character would change from being the host for a single dwelling, largely screened from view by the road frontage conifer trees, to a more intensively developed plot of land. Furthermore, the removal of the conifer screen would mean that the residential development on the site would be much more obvious than is currently the case. However, this does not necessarily means that the residential redevelopment of this site is inappropriate in landscape terms.
- 6.3.6 In determining the two appeals for housing on this site in July 2017 (RR/2016/1839/P – APP/U1430/W/17/3171529 and RR/2016/3213/P – APP/U1430/W/17/3171532), the Inspector stated the following in respect to effect on the AONB:

“7. The site lies on the edge of Northiam’s readily recognisable built up area, with the housing to the south of Dixter Lane being quite intensive, with the plot areas for those properties being quite varied. Much of the land to the north of Dixter Lane between its junction with Station Road and Crockers Lane is free from built development, with Newlands and the dwellings to north of it on Crockers Lane being exceptions. While there is a ribbon of twenty dwellings or so on the northern side of Dixter Lane (in the section west of Crockers Lane) those properties are varied in design and appear to occupy substantial plots, and their lower density is comparable with them being located at the transition between Northiam’s built up area and the open countryside to the north.

8. Under both scheme’s the site’s character would change from being the host of a single dwelling, largely screened from view by the road frontage conifer trees, to a much more intensively development plot of land. The removal of either all or the majority of the conifer screen would mean that the residential development on this site would be much more overt than is currently the case. While the new native tree and hedge planting would be more compatible with the site’s surroundings, it would take a significant amount of time to become established and would therefore be of little benefit in the short to middle term. I also consider that the lowering of the site’s levels to facilitate the developments would do little to assist with integrating them into their surroundings.

10. I consider that there is nothing objectionable about the architecture for the houses subject to either scheme. However, I consider that the intensity of development under both schemes, at the transition between Northiam’s recognisable built up area and the open field of the AONB would be inharmonious and would result in unacceptable harm to the character and

appearance of the area. I accept that the development would not be visible in distant views of the site, but nevertheless I consider that the local adverse visual effect would be unacceptable.”

- 6.3.7 In light of the Inspector's comments on the 'intensity' of the previous proposals and their rejection it is necessary to examine this reduced scheme critically from this angle.
- 6.3.8 The removal of the conifer trees on the eastern (countryside) boundary and the planting of a new native hedge and trees will help to overtime integrate the site with the rest of the village in terms of appropriate landscape setting. Whilst glimpses of the proposed houses may be afforded from the east, like the conclusion of the Inspectorate it is not considered that these would not be unduly discernable in any distant views of the site. However, the more local visual effect of the proposal needs to be considered.
- 6.3.9 The removal of the conifer trees on the southern and western boundaries of the site and their replacement with a native hedge and interspersed native trees will mean that the site is opened up in the street scene and views of the proposed dwellings will be readily afforded. It is therefore acknowledged that the development of this site as proposed will alter its character and the proposed dwellings will have a presence in the street scene. However, the quantity of development including the overall mass of built form has been significantly reduced from the two schemes dismissed at appeal, which proposed the redevelopment of the site with eight and five dwellings respectively. The reduction in number and size of the units means that as now proposed, the linear alignment of the new houses rising up the slope, their simple design and the separation afforded between the dwellings has resulted in a development more compatible with the site's surrounding at the transition point of the village. Moreover, once the proposed landscaping has matured the development will reflect the existing development in Dexter Lane to the west and will appear as a logical rounding off to this part of the village edge.

6.4 Design and scale

- 6.4.1 Policy OSS4 (iii) requires development to respect and not detract from the character and appearance of the locality.
- 6.4.2 Policy EN3 states that new development is required to be of high design quality which contributes positively to the character of the site and surroundings and demonstrates robust design solutions tailored to a thorough and empathetic understanding of the particular site and context.
- 6.4.3 The layout of the proposed dwellings with their own individual drives and private front landscaped gardens reflects the general character of development in the locality. The separation distance afforded and general spacing around the properties reflects the more generous spacing afforded to the detached dwellings found in Dexter Lane and is appropriate at this transition site.
- 6.4.4 The dwellings as originally designed incorporated half hipped roofs, front protecting gables and porches. These features whilst not necessarily unacceptable in some circumstances, were considered to result in dwellings which were too suburban in appearance and character. Subsequently

amended plans were received which omitted the front gable protection and porches and proposed gable ended roof rather than half hips. The resultant design to be considered by Committee now is simpler in form and appearance. It is considered that the dwellings as now proposed are of an appropriate design and scale for this edge of village site.

6.5 Impact upon neighbouring amenities

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

6.5.2 In comparison to a single dwelling the redevelopment of this site with three residential dwellings will 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 dwellings or overlooking.

6.5.3 The change in circumstances will be greatest to 'Friars', the neighbouring bungalow to the north-west, and it is acknowledged that the proposal would have a greater visual impact on the occupiers of this neighbouring property, which has two windows on the facing elevation. However, the separation distance of some 19m between the properties, a blank flank elevation and the aspect afforded to Friars to the east, help to mitigate any demonstrable harm being caused.

6.5.4 The orientation and separation distance with properties on the south side of Dexter Lane is considered sufficient to ensure that whilst their current outlook will change, it will not result in demonstrable harm to their residential amenities.

6.6 Highway matters

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

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

6.6.3 The site benefits from three existing accesses and it is proposed to utilise two of these (along Crockers Lane) and create a new access onto Dexter Lane to serve the proposed dwellings. The existing access onto Dexter Lane would need to be blocked up should permission be granted. Whilst the Highway Authority has not been formerly consulted, they have been consulted in respect to previous applications and raised no objections (although access arrangement differs in this latest application). It is noted that the proposal will result in an increase in vehicular movements to and from this site; however, adequate parking and turning can be provided. It is therefore considered that the proposal is unlikely to cause undue harm to the local highway network.

6.6.4 The concerns raised regarding construction traffic are noted; however, issues relating to disturbance during construction are not materially planning

considerations and are only temporary in nature. Notwithstanding this, should the application meet with approval a construction management plan conditions can be imposed.

6.7 Plot size

- 6.7.1 Policy OSS4 (i) states that all development should meet the needs of future occupants, including providing appropriate amenities.
- 6.7.2 Each of the three plots are sufficient in size to provide adequate useable amenity space to meet the needs of 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.

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, whilst glimpses of the proposed houses may be afforded from the east, these would not be unduly discernable in any distant views of the site. Moreover, in more immediate views of the site, given the linear alignment of the new houses rising up the slope, their simple design, the spacious layout and the landscaped front gardens mean that the development will not appear out of character with the general layout setting of dwellings in the immediate locality. Moreover, once the proposed landscaping has matured the development will reflect the existing development in Dexter Lane to the west and appear as a logical rounding off to this part of the village edge. As such it is considered that the proposal would meet the environmental role of sustainable development in the National Planning Policy Framework.
- 7.3 Whilst it is accepted that the economic gains from a net gain of two dwellings 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 design and materials of the buildings and the more spacious layout than on the previous refused schemes mean that the development will not appear out of character with the character and appearance of

development found in the locality. The separation distance, orientation and height of the proposed buildings is sufficient to ensure that whilst views of the dwellings will be afforded they 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 and turning will ensure that the proposal will not unduly compromise highway safety in the immediate locality and the traffic movements associated the dwellings 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 No. 15.645/01E dated Nov '18
Drawing No. 15.645/02D dated Sep '18
Drawing No. 15.645/04 dated August 2018
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. 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 condition is required to minimise conflict with traffic using the local road network having regard to Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
4. No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development preserves the visual amenities of the area in accordance with Policies OSS4 (iii) and EN1 (i) of the Rother Local Plan Core Strategy.

5. 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/density 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.

6. The new access shall be provided in the position shown on the approved plan [Drawing No. 15.645/02D] and all works undertaken shall be executed and completed to the written satisfaction of the Local Planning Authority in consultation with the Local Highway Authority prior to the occupation of the development hereby permitted.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy TR2 of the Rother Local Plan Core Strategy.

7. The access shall not be used until the visibility splays shown on the submitted plans [Drawing No. 15.645/02D] are cleared of all obstructions exceeding 600mm in height and kept clear thereafter.

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

8. The development shall not be occupied until the parking and turning areas have been provided in accordance with the approved plans [Drawing No. 15.645/02D] 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.

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.

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. Safe digging practices, in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the applicant’s responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working on or near the gas plant in relation to this development.

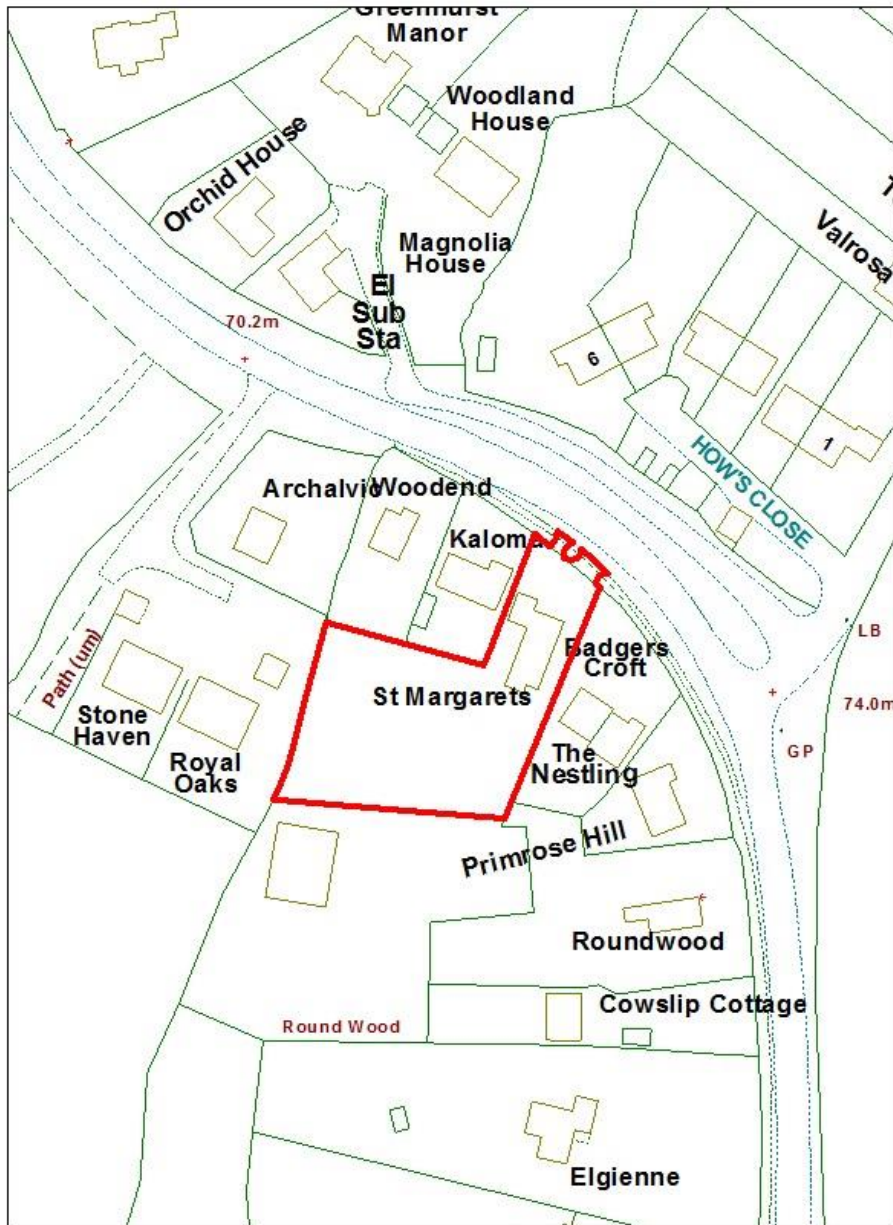
NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

[View application/correspondence](#)

BREDE

RR/2018/2328/P

St Margarets, Northiam Road, Broad Oak.



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Not To Scale

RR/2018/2328/P

BREDE

St Margarets, Northiam Road, Broad Oak

Demolition of existing dwelling and erection of four detached bungalows served by relocated vehicular access

Applicant:**Elphick Developments Limited****Agent:****CLM Planning****Case Officer:****Mr Samuel Batchelor****(Email: samuel.batchelor@rother.gov.uk)****Parish:****BREDE****Ward Member(s):****Councillor J.M. Johnson and Councillor C.R. Maynard****Reason for Committee consideration: Agent is related to a member of staff****Statutory 8 week date: 15 November 2018****Extension of time agreed to: 20 December 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 2014 are relevant to the proposal:

- PC1: Presumption in Favour of Sustainable Development
- OSS1: Overall Spatial Development Strategy
- OSS2: Use of Development Boundaries
- OSS3: Location of Development
- OSS4: General Development Considerations
- RA1: Villages
- SRM1: Towards a Low Carbon Future
- SRM2: Water Supply and Wastewater Management
- CO6: Community Safety
- LHN1: Achieving Mixed and Balanced Communities
- EN1: Landscape Stewardship
- EN3: Design Quality
- EN5: Biodiversity and Green Space
- EN7: Flood Risk and Development
- TR3: Access and New Development
- TR4: Car Parking

- 1.3 The Development and Site Allocations Local Plan (DaSA) is now at the proposed submission stage. Given this advanced stage in its adoption cycle weight is now afforded to its emerging policies notably:
- 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.
 - BR01: Land West of the A28 (Housing site)
- 1.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
-

2.0 SITE

- 2.1 St Margarets is a detached bungalow which fronts Northiam Road (the A28). The property sits within an “L” shaped plot with a generous garden – spanning almost 50m in width – between the properties Royal Oaks and Badgers Croft and behind Kaloma and Woodend. The site benefits from an access to a garage and hardstanding area and the front garden otherwise consists of a mix of lawn and boundary hedgerow planting. The large rear garden is maintained as a lawn area with the boundaries consisting of a mixture of fencing, various hedgerow plants and some trees.
- 2.2 The property is located within the Development Boundary for Broad Oak (as defined in the Local Plan and as proposed to be retained in the emerging DaSA, as per Policy DIM2). There are residential properties to either side and its rear garden adjoins undeveloped land to the rear which is proposed to be allocated for housing development in the emerging DaSA, as per Policy BRO1. The surrounding area is made up of a mixture of detached and semidetached properties of mostly bungalow or chalet scale.
- 2.3 The site is within the High Weald AONB.
-

3.0 HISTORY

- 3.1 RR/2018/974/P Demolition of existing dwelling and erection of four detached dwellings served by relocated vehicular access. Withdrawn 21 June 2018
-

4.0 PROPOSAL

- 4.1 The application is for the demolition of the existing bungalow and the erection of four detached bungalows served by a relocated vehicular access. One dwelling will sit adjacent to Kaloma, the property to the west, with the other three units located in the rear garden area to the rear of Kaloma and Woodend.

- 4.2 This application follows a previous proposal relating to four detached houses – one bungalow and three two-storey houses (application RR/2018/974/P). The previous scheme had a broadly similar layout – consisting of the relocated access, one property adjacent to Kaloma and three houses in the rear garden. The applicant was advised that the proposed development was unacceptable. The two-storey houses (which had five bedrooms and garage buildings) were essentially too large, being tall and having substantial footprints, and the smaller replacement bungalow property would have had too small a curtilage. The result would have been a development that would have looked constrained within the site, incongruous in wider views as the tall houses would have sat prominently above the smaller bungalows fronting Northiam Road, and the development would have impacted negatively on neighbouring amenities. That application was withdrawn before decision.
- 4.3 To overcome the concerns raised with the previous application the applicant was advised to reduce the size of the properties (to all bungalows) and consider a reduction in the number of units. Whilst four properties are still proposed the properties are much smaller consisting of 1 x 2 bedroom bungalow and 3 x 3 bedroom bungalows.
-

5.0 CONSULTATIONS

5.1 Brede Parish Council

- 5.1.1 Recommends refusal as proposal is considered overdevelopment.

5.2 Highway Authority (LHA)

- 5.2.1 Initially raised an objection due to insufficient information regarding waste storage and collection facilities and insufficient parking. However, the access is considered acceptable as adequate visibility in both directions can be achieved and it is of an appropriate width to allow for 2-way traffic.
- 5.2.2 Upon receipt of amended drawings showing the removal of proposed garages at plots 1 and 3 (replaced with open parking spaces) and further clarification regarding waste and cycle storage the LHA raise no objection subject to conditions.

5.3 Southern Water

- 5.3.1 Raise no objection. Otherwise advises of development in proximity to existing infrastructure, potential for other existing drainage on site, connection to existing sewers and surface water drainage matters.

5.4 Public notice

- 5.4.1 One general comment received stating: *“Broad Oak is in an AONB. AONBs are afforded the greatest protection against development. Any proposal to develop within such an area should surely only be granted if it is badly needed to provide affordable housing to those already living locally. This proposed development appears to be for housing that will be of interest principally from those who are not currently Broad Oak residents.”*
-

6.0 APPRAISAL

6.1 The main issues for consideration are the principle of development; the mix of housing; the standard of the accommodation proposed; the impact on the character of the area (including the AONB); the impact on neighbouring residential amenities; and parking and highway safety matters.

6.2 Principle of development

6.2.1 The development site is located within the development boundary for Broad Oak. This boundary is set out in the Local Plan and proposed to remain, albeit amended to include proposed housing allocations, in the emerging DaSA.

6.2.2 Paragraph 7.60 of the Rother Local Plan Core Strategy states that “Within development boundaries there is a presumption that infilling, redevelopment and changes of use will be acceptable subject to other policies of the plan.”

6.2.3 This informs Policy OSS2 of the Rother Local Plan Core Strategy which states that Development Boundaries around settlements will continue to differentiate between areas where most forms of development would be acceptable and where they would not.

6.2.4 This approach to development is consistent with the 2006 Local Plan, where saved Policy DS3 states that the “majority of all new development will take place within the development boundaries of existing towns and villages”, Broad Oak being one of them.

6.2.5 Given the above, and the requirement to achieve at least 5,700 new dwellings within the current plan period (as set out in Policy OSS1), 1,670 of which must be provided within villages (as set out in Policy RA1(v)), the proposed development is considered acceptable in principle subject to the considerations below.

6.3 Housing mix

6.3.1 Policy LHN1 requires housing developments to (i) reflect housing need within the district and locally and (ii) in rural areas achieve a mix of housing with 30% one and two bedroom (being mostly two bedroom).

6.3.2 The proposed development is for 1 x 2 bedroom and 3 x 3 bedroom bungalows. This mix amounts to 25% (1 unit) of the development as a small dwelling which, given the small size of the development (only four units), is considered acceptable in the context of policy LHN1. The development otherwise provides for modest family dwellings in a village of mixed sized properties. The proposed housing mix is considered acceptable.

6.4 Standard of accommodation

6.4.1 Policy OSS4 requires development to (i) meet the needs of future occupiers.

6.4.2 Emerging Policy DHG3 requires new housing development to achieve, at least, the Government’s nationally-described space standards although at present developers are only encouraged to seek to meet these standards.

- 6.4.3 Emerging Policy DHG7 requires new housing development to (i) achieve adequate private external space (normally 10m in length), (ii) provide appropriate parking and cycle storage and (iii) provide adequate waste and recycling storage.
- 6.4.4 The different aspects of these policies are given varying weight at present but all of the proposed houses exceed the minimum space standards. This will ensure a decent internal living environment.
- 6.4.5 All plots have an average garden depth of 10m. Plots 1 and 2 have shorter sections, due to the angle of their plot boundaries, but their garden widths will ensure that overall a decent level of private amenity space is provided.
- 6.4.6 Each property has adequate refuse storage and vehicle parking. Access arrangements are considered in further detail below.
- 6.4.7 Overall the proposed development is considered to provide an acceptable standard of accommodation.
- 6.5 Impact on the character of the area, including the AONB
- 6.5.1 Policy OSS4 (iii) of the Core Strategy requires that all development respects and does not detract from the character and appearance of the locality.
- 6.5.2 Policy RA1 states the needs of rural villages will be addressed by (i) protecting locally distinctive character and ensuring new development responds to local context.
- 6.5.3 Policy EN3 requires development to achieve a high design quality.
- 6.5.4 Section 85 of the Countryside and Rights of Way Act 2000 provides that, in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The essential landscape character of the High Weald AONB that makes it special is described within the Statement of Significance within the AONB Management Plan 2014-2019. The plan also set objectives for the management of the AONB that include: S2 – to protect the historic pattern of development and S3 – to enhance architectural quality.
- 6.5.5 Policy EN1 provides for the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features including (i) the distinctive identified landscape character, ecological features and settlement pattern of the AONB and (v) open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes.
- 6.5.6 In addition to paragraph 172 of the National Planning Policy Framework, paragraph 170 requires that the planning system should contribute to and enhance valued landscapes that would include the AONB.
- 6.5.7 In this instance four modest bungalow properties are proposed. Each has a single-storey design (chalet bungalows are not proposed) and they are all proposed to be constructed with facing brickwork and clay tile roofs. Generally speaking this simple approach to design is sympathetic of the area

where properties are relatively modern, use a traditional AONB pallet of materials and are of a smaller bungalow or chalet bungalow scale.

- 6.5.8 The frontage property, plot 4, is essentially a repositioning of the existing property. It would read as a continuation of a housing style established by the adjoining houses, Kaloma and Woodend, and is therefore considered acceptable.
- 6.5.9 Plots 1 to 3 would be considered backland development, which can often be viewed negatively. However, the bungalow design is a significant improvement over the previous scheme where plots 1-3 in particular would have resulted in an incongruous scale of development, visible over the top of neighbouring properties, too close to the site boundaries and out of character with their immediate surroundings. On the contrary, the reduced form of the properties in this current proposal, even though they're within the rear garden space, is much more appropriate. Only glimpse views of these properties will be likely but, where they can be viewed, their reduced form and design will ensure they read as an integrated part of the existing area. Furthermore, the layout, although tighter than some nearby plots, is appropriate for this rural village location.
- 6.5.10 In addition to the above it is worth noting that the land to the rear of the application site is proposed to be allocated for housing (Policy BRO1 of the emerging DaSA). The development of this site would easily read as part of the village extension proposed to the rear.
- 6.5.11 The access to the rear properties will be more 'engineered' than the existing access serving the existing single house. However, the creation of the wider access can be offset by the reinstatement of the public verge (where the existing access is being stopped up) and the provision of boundary hedgerow planting to the front of the plot 4.
- 6.5.12 Lastly, the applicant has confirmed that the majority of boundary trees and planting will be retained which will help maintain the rural character of the site.
- 6.5.13 Overall, the proposed development is not considered to result in harm to the character of the area nor will it undermine the intrinsic qualities of the AONB.

6.6 Impact on neighbouring residential amenities

- 6.6.1 Policy OSS4 requires new developments to (ii) not unreasonably harm the amenities of adjoining residents.
- 6.6.2 As single storey properties are proposed it is not considered that there will be any loss of privacy resulting from overlooking.
- 6.6.3 Plot 4 is relatively well aligned with the neighbouring house, Kaloma, to ensure that it is not overly imposing despite being set slightly higher. Plots 1 to 3 are also considered to be of a scale (being single storey height and having modest footprints) and in a position away from the site boundaries that will ensure that they are not imposing to neighbouring residents.
- 6.6.4 The introduction of an access road along garden boundaries could result in some conflict in terms of noise and disturbance, however, the development is

only for four units so traffic movements should not be excessive. Furthermore, fencing is proposed on all boundaries which will provide some acoustic defence. The extent of fencing, retained vegetation and new planting is not fully understood but such details can be secured by condition.

6.6.5 The proposal is not considered to cause harm to neighbouring amenities.

6.7 Parking and highway safety

6.7.1 Policy TR3 requires new development to achieve adequate, safe access arrangements.

6.7.2 Policy TR4 requires new development to (i) meet its own residual need for off-street parking.

6.7.3 Policy CO6 requires new development to provide a safe physical environment by (i) safe streets and pedestrian routes and safe levels of lighting.

6.7.4 The existing access is being stopped up and a new access, slightly further to the east is proposed. The Local Highway Authority has considered the access proposals and are satisfied that they are sufficiently wide to accommodate two way traffic, turning of vehicles and refuse collection.

6.7.5 Splays have been shown within the submission to be 2.4m by 43m and the Local Highway Authority consider that 2.4m by 65m splays should be provided. That said, they are satisfied, having visited the site, that such splays can be achieved within the existing highway verge. Overall the access is considered sufficient.

6.7.6 The scheme upon submission included garage units for plots 1 and 3. The Local Housing Authority advised that such spaces are rarely used for vehicle parking and could fully count towards the development's parking requirements. The applicant duly removed the garages from the scheme so that nine suitable spaces are not provided. The Local Housing Authority confirm this is acceptable.

6.7.7 The site is otherwise considered to be safe and accessible from a pedestrian point of view as the highway verge includes a footway leading back towards the village centre.

6.8 Other

6.8.1 The application is accompanied by two reports utilising the East Sussex County Council SuDS Decision Support Tool for Small Scale Development. One report relates to the replacement property to the front of the site (plot 4) and the other report relates to the new properties within the garden space (plots 1 to 3).

6.8.2 The report for plot 4 explains that there will be a reduction in impermeable area for this portion of the site. Whilst this will mean that plot 4 in particular will not exacerbate any drainage concerns the report doesn't include any information on how this section of the site will be drained.

- 6.8.3 The report for plots 1 to 3 instead states that impermeable area will increase – which is to be expected as this area is currently undeveloped. The report goes on to explain that the surface water for this part of the site will be attenuated by using rainwater harvesting (i.e. water butts) and a 7sqm pond. The report explains that these two elements will sufficiently deal with the displaced surface water generated at the site but such drainage is not shown on the submitted drawings.
- 6.8.4 Given the reduction of impermeable area on plot 4 and the fact that there are possible solutions for attenuating surface water as a result of the increase in impermeable area for plots 1 to 3 I am satisfied that there is no risk in terms of localised surface water flooding, however, exact details should be requested by condition to make sure an appropriate scheme is provided within the scheme as proposed. Such a condition is also required by the Local Highway Authority to prevent surface water run-off on to the highway.
- 6.8.5 Subject to conditions securing appropriate drainage details the development will not conflict with Policies SRM2 and EN7 of the CS or DEN5 of the emerging DaSA.
- 6.8.6 Southern Water has made comments in respect of the sewer which crosses the site. As is necessary, no built form is shown within 3m of the sewer. Drainage details, to be requested by condition, will otherwise ensure Southern Water's other comments (such as position of soakaways, use of SuDS and connection to existing infrastructure) are addressed.
-

7.0 SUMMARY

- 7.1 The site lies within the development boundary for Broad Oak (as outlined in the Local Plan and emerging DaSA). The principle of redeveloping and infilling this site with additional housing is therefore acceptable in principle.
- 7.2 Since the previous application was withdrawn the proposed development of four houses has been amended from one bungalow and three two-storey houses to four bungalows. This reduction in the scale of the houses proposed is considered to resolve the concerns raised previously. The development will now be of an appropriate design to complement this section of the village and will be of a design and scale compatible with the High Weald AONB.
- 7.3 There will be no harm to neighbouring amenities and a good standard of accommodation is being achieved. Sufficient parking is being provided and the access has been designed to a safe standard.
- 7.4 Conditions will be proposed to secure a decent development and to resolve matters such as drainage and construction management and, with these in place, the development can be recommended for approval.
-

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The development is a type of development where CIL would be chargeable.
-

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. 1723/01D dated 31 October 2018
Drawing No. 1723/08A dated 31 October 2018
Drawing No. 1723/09A dated 31 October 2018
Drawing No. 1723/10A dated 31 October 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 above ground level shall take place until the hard and soft landscaping details for the site, including boundary fencing and acoustic fencing as necessary, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
Reason: To enhance the appearance of the development and to protect neighbouring residential amenities in accordance with Policy OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy.
4. No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the development reflects the character and/or appearance of the existing building and to preserve the visual amenities of the area in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy.
5. No part of the development shall be occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawings.
Reason: In the interests of road safety in accordance with Policy TR2 of the Rother Local Plan Core Strategy.
6. No part of the development shall be occupied until such time as the existing vehicular access serving the site is closed and the highway verge and footway is reconstructed in accordance with the approved drawings.
Reason: In the interests of road safety in accordance with Policy TR2 of the Rother Local Plan Core Strategy.
7. No part of the development shall be first occupied until visibility splays of 2.4m by 65m have been provided at the proposed site vehicular access onto the A28 Northiam Road. Once provided the splays shall thereafter be maintained and kept free of all obstructions exceeding 600mm in height.

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

8. No part of the development shall be occupied until covered and secure cycle parking areas have been provided in accordance with the approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

9. The development shall not be occupied until the parking and turning areas have been provided in accordance with the approved plans. 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.

10. 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 or above ground floor windows, as defined within classes A, B or C of Part 1 of Schedule 2 of the order, shall be carried out to plots 1 to 4 on the site and no buildings or structures as defined within class E of Part 1 of Schedule 2 of the order, shall be carried out to plot 1 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 Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

NOTES:

1. The applicant's attention is drawn to the need for a Private Works Agreement (PWA) for the construction of the access. The applicant should contact East Sussex Highways on 0345 6080193 prior to commencement of development to complete the agreement and pay the necessary fee.
2. The applicant is advised to contact Southern Water in respect of:
- unidentified sewers found on site during construction; and
 - connection to the foul public sewerage system.
- Southern Water can be reached at Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
3. The proposed development has been assessed and it has been determined that the Community Infrastructure Levy (CIL) is payable. Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision.

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.

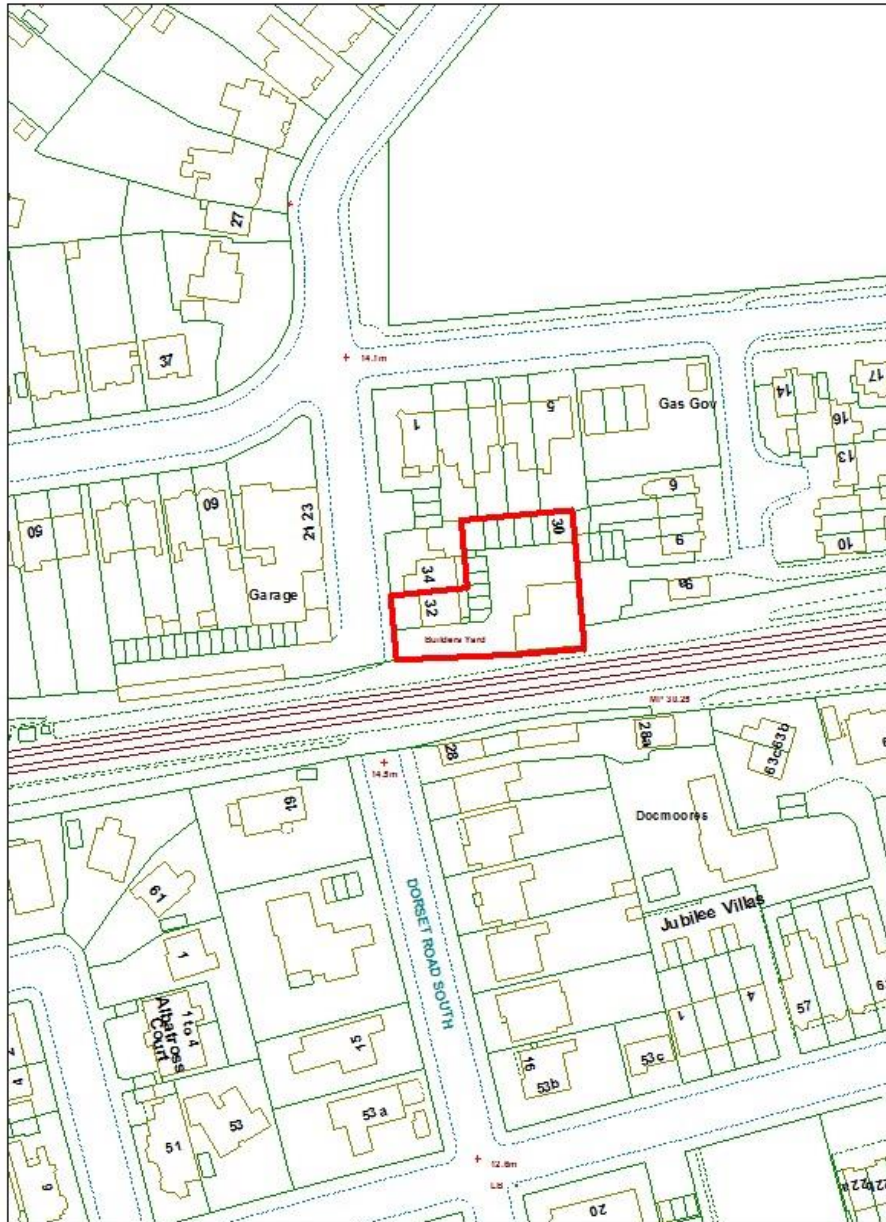
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SITE PLAN

BEXHILL

RR/2018/2150/P

30 & 302 Dorset Road, Bexhill.



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Not To Scale

RR/2018/2150/P

BEXHILL 30 & 32 Dorset Road

Outline: Demolition of existing builder's workshops/stores at No. 30 Dorset Road and demolition of semi-detached dwelling at No. 32 Dorset Road, redevelopment of site with 12 flats

Applicant: Mr H. Allen
Agent: Mr Michael Whiting
Case Officer: Mr J. Pyrah (Email: jeff.pyrah@rother.gov.uk)
Parish: BEXHILL
Ward Members: Councillors P.R. Douart and I.R. Hollidge

Reason for Committee consideration: Member referral by Councillors I.R. Hollidge and Mrs D.C. Earl-Williams

Statutory 13 week date: 27 December 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
- BX1: Overall strategy for Bexhill
- BX2: Bexhill town centre
- LHN1: Achieving mixed and balanced communities
- CO6: Community safety
- EC3: Existing employment sites
- EN2: Stewardship of the historic built environment
- EN3: Design quality)
- TR3: Access and new development
- TR4: Car parking

1.2 The Rother Development and Site Allocations (DaSA) Local Plan has now reached Proposed Submission stage. As such its policies carry weight:

- DCO1: Retention of sites of social or economic value
- DHG3: Residential internal space standard
- DHG4: Accessible and adaptable homes
- DHG7: External residential areas
- DEC3: Existing employment sites and premises

1.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. In this case parts 8 (Promoting healthy and safe communities) and 12 (Achieving well designed places) are most relevant.

2.0 SITE

- 2.1 The site comprises a commercial yard and a residential property (No. 32 Dorset Road, a semi-detached dwelling), situated in the cul-de-sac section of Dorset Road to the north of the railway line. The site also includes an older two storey brick built workshop (backing onto the houses in Ashdown Road) and a two storey metal clad workshop.
- 2.2 The site specifically does not include the majority of 34 Dorset Road, which is a semi-detached property, nor it's outside space, but it does include a second floor bedroom which is part of 34 Dorset Road and lies above part of the first floor of 32 Dorset Road and oversails the site.

3.0 HISTORY

- 3.1 RR/2013/1710/P To extend extant permission RR/2010/1469/P. Approved in October 2013.
- 3.2 RR/2010/1469/P Outline: demolition of existing pair of semi-detached houses, builders workshop and stores. Erection of three storey block of 12 flats including alteration to an existing access and provision of 14 parking spaces. Approved in September 2010.
- 3.3 RR/2007/2234/P Outline: demolition of existing pair of semi-detached houses, builders workshop and stores. Erection of three storey block of 12 flats including alteration to an existing access and provision of 14 parking spaces. Approved in September 2007.
- 3.4 RR/2007/90/P Outline: demolition of existing pair of semi-detached houses, builders workshop and stores, erection of three storey block of 12 flats and alteration to existing vehicular access. Refused in March 2007 for two reasons – adverse impact on amenities of 1-5 Ashdown Road (loss of privacy and overbearing); and overdevelopment (insufficient private amenity space to serve the site or act as a landscape interface between parking areas and adjoining residents).

4.0 PROPOSAL

- 4.1 This is an outline proposal, with all matters reserved, to provide 12 flats. Indicative drawings (as amended during the course of the application) show two blocks; one four storeys high containing eight two-bed flats (two on each floor) and one three storeys high containing parking, cycle and bin storage at ground four level and four two-bed flats above (two on each storey). 15 parking spaces are shown. Access is shown from Dorset Road.
- 4.2 No. 32 Dorset Road, a semi-detached dwelling, would be demolished. It came to light during the officer's site visit that No. 32 and 34 Dorset Road were originally one dwelling, converted to two at some point in the past. No.

34 includes a loft room (a bedroom) which oversails the ground and first floor of No. 32.

- 4.3 The applicant's response to this issue is to propose that the roof would be cut back to the party wall and rendered, with the exception of the bedroom which would be left in-situ with its roof re-formed. The overhanging structure would be supported by an archway over the new site access, connected to the proposed four storey block of flats.
 - 4.4 The rear workshops would be demolished and the commercial use would cease. The two proposed buildings would face onto the railway to the south and the rear of Ashdown Road properties to the north. The narrow end of the proposed four storey building would front Dorset Road.
 - 4.5 Indicative plans illustrate that the buildings would be flat roofed with windows to west, north and south.
 - 4.6 The site now under consideration differs from that of the approved schemes in 2007, 2010 and 2013. Those schemes included the demolition of both Nos. 32 & 34 Dorset Road; thus allowing the creation of a rectangular site. Indicative plans then proposed showed one three storey building containing 12 flats fronting Dorset Road with no windows to the northern elevation. 14 car-parking spaces were proposed. The previous application site had a road frontage of 28m. The road frontage is now 14.5m. The site area has reduced from approximately 0.121 hectares to 0.095 hectares.
-

5.0 CONSULTATIONS

5.1 Highway Authority

- 5.1.1 No objection subject to conditions.
- 5.1.2 The proposal is acceptable in principle. Its expected trip generation is not expected to result in a significant impact on the local highway to warrant highway concern and the applicant sufficiently demonstrates that parking demand is catered for on-site.
- 5.1.3 The creation of a new 4.5m wide access onto Dorset Road is acceptable in principle. Cycle bin storage proposals are acceptable in principle but amendments would be required through any reserved matters application.
- 5.1.4 A construction traffic management plan should be secured through condition.

5.2 Southern Water

- 5.2.1 Requests a formal application for a connection to the foul sewer be made if the application is approved.

5.3 Southern Gas Networks

- 5.3.1 There is a high pressure pipeline in the vicinity of the works (14m zone 1).

5.4 Environment Agency

- 5.4.1 No objection. There is a medium risk of contamination particularly as this site is located on a secondary aquifer. The use of infiltration maybe inappropriate in this location.

5.5 County Archaeologist

- 5.5 Recommend for approval in principle subject to imposition of conditions. The site is of archaeological interest due to the extant remains of a late 19th century storage/industrial building relating to a former railway siding, later reused as a builder's yard. A programme of archaeological works would enable preservation in situ or recording in advance of their loss.

- 5.5.1 In response, the agent has advised: *"just for the record, the original workshop was built in 1897 by Frederick Bruce for use as a joinery shop and plumbers workshop and painters store. The property has been used for this purpose throughout its existence since being owned by Bruce & Co (including the applicant and his relations). It has never been a Tram Shed."*

- 5.5.2 The County Archaeologist has noted this and the County records have been updated with this information. This however, does not change the County Archaeologist's consultation response.

5.6 Lead Local Flood Authority (LLFA)

- 5.6.1 Objection due to insufficient information if the use of infiltration for the discharge of surface water were to be pursued. Discharging into the combined sewer would be acceptable subject to a capacity check by Southern Water and agreement of rates with the LLFA.

- 5.6.2 SuDs features including rainwater harvesting, permeable surfaces and green roofs are proposed however no details are provided. A drainage strategy should be provided.

5.7 Sussex Police

- 5.7.1 No major concerns but recommends that additional measures to mitigate against any identified local crime trends should be considered and provides advice from a Secured by Design perspective.

5.8 Executive Director – Environmental Health

- 5.8.1 No objection. Blocks of flats will be approx. 5m from the railway track. A train noise assessment is necessary to ensure that internal noise standards comply with standards. Currently insufficient information.

- 5.8.2 Potential for localised contamination from previous and present uses. A full, phased, contaminated land condition would be required.

5.9 Planning Notice

- 5.9.1 Four objections received. Concerns summarised as follows:

- Loss of amenity – windows will overlook properties on Dorset Road South.
- Loss of amenity – windows will overlook properties on Ashdown Road.
- Character & appearance – No thought given to the new properties blending in – a four storey block totally out of keeping.
- Overdevelopment – will add to traffic in an area already overdeveloped. Dorset Road/Ashdown Road junction is already extremely dangerous.
- Impact on retained dwelling – Demolishing half a building and its roof will potentially damage or structurally weaken our home.
- Impact on retained dwelling – The plans show the loft room (a bedroom) suspended on a bridge joined to one of the proposed blocks of flats. Traffic going under the bridge will be noisy.

5.9.2 Bexhill Heritage also objects. They consider the proposal to be significant overdevelopment with a density out of character and detrimental to the visual amenities of the area with virtually no amenity space for the new dwellings. They note that the semi-detached houses form a harmonious whole and should be retained as such while the introduction of flat roofed buildings of significant height would damage the appearance of the immediate surroundings as well as setting an undesirable precedent for further redevelopments. They also consider the proposal would adversely affect surrounding residential amenities.

5.9.3 Two comments in support received, summarised as follows:

- Brownfield land - Redevelops a previously developed site rather than destroying an area of countryside. There is easy access to services, education, transport and education.
- Parking and traffic – sufficient parking is provided and vehicle needs are unlikely to impact any more than current daytime levels. Will not add to school traffic.
- Character and appearance – Existing huge green building and scrap yard is hideous.

6.0 APPRAISAL

6.1 The main issues to consider are the general principle of the development and its impact on local character, the standard of the accommodation, the impact on neighbouring amenities and car parking.

6.2 Principle of development

6.2.1 The site is currently in employment use. The Council does have adopted and emerging policies which require employment uses to be retained unless it can be demonstrated that there is no reasonable prospect of their continued use. However, in this case the larger site (30-34 Dorset Road) has previously been granted planning permission for housing a number of times. In addition, this larger site has been identified on the Council's Brownfield Land Register as a site suitable for housing. The Council is required to keep a register by the Housing & Planning Act (2016) and the list must include all sites where planning permission has lapsed since 2011. Consequently, the principle of residential development is acceptable. It is also compatible with the wider

area, which is predominantly residential and there would be a benefit in re-locating this established business to a more suitable commercial area.

6.2.2 However, the principal matter for consideration is whether the proposed quantum of development can be satisfactorily accommodated on the proposed new site, which has a reduced area and is also now of irregular shape.

6.2.3 This is an outline application, and although all matters are reserved for subsequent approval, the indicative plans are a clear indication of the siting and bulk of the likely scheme. Furthermore access is only possible from Dorset Road itself and so this is established at this time.

6.3 Layout and street scene

6.3.1 The indicative layout plan submitted with the previously approved outline application RR/2013/1710/P showed a development of 12 flats on the site within one block, which presented its principal front elevation to the street and as such, formed a continuation of the street-scene.

6.3.2 The current application's revised layout on this smaller site is for two blocks which are now side-on to the street and the principal elevations look onto the railway, the parking area and in part, the new gable end wall of No. 34 and its projecting loft room. It is considered that the layout which can be achieved on this smaller site is far less satisfactory, would introduce three and four storey flat roofed building forms in an area characterised by two storey semi-detached and terraced dwellings and would not create a successful streetscape.

6.3.3 The works to sever the existing building in the manner proposed would result in the remaining dwelling appearing oddly balanced and somewhat incongruous. In addition, the proposal to retain the existing loft room and create a bridge structure would have an extremely contrived appearance and be a feature completely at odds with the character and appearance of housing in Bexhill.

6.3.4 In these respects the proposed development conflicts with Policies OSS4, BX1, LHN1 and EN3.

6.4 Residential Amenity

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

6.4.2 The landscaped buffer strip along the northern edge of the site is minimal. This would diminish the quality of the proposed development – both for the occupiers of the flats and for the occupiers of surrounding properties. It should be noted that the original 2007 application (RR/2007/90/P) was refused because of the limited landscape buffer on the northern boundary and that the locating of car-parking spaces here would be likely to create disturbance and noise close to the gardens of existing residents. This is also a concern for this scheme.

6.4.3 The proposal would introduce a three storey building 14m from the end of the rear gardens of 1-5 Ashdown Road. While the workshop on the northern

boundary would be demolished, the overall impact of a larger, bulkier three storey building would be unacceptable and overbearing. In addition, the windows on the northern elevation would cause unacceptable overlooking of these gardens.

6.4.4 In these respects the proposed development conflicts with Policy OSS4.

6.5 Car parking

6.5.1 Policy TR3 requires development to achieve adequate and safe access arrangements and (i) ensure that new development prioritises the needs of pedestrians and cyclists. Policy TR4 (i) requires new development meet its residual needs for off-street parking.

6.5.2 While the number of parking spaces is acceptable to the Local Highway Authority and subject to conditions there would be no conflict with Policies TR3 or TR4, the placing of 15 spaces on the site results in a scheme with no outside amenity space for residents. A smaller number of parking spaces would be unlikely to be acceptable and provides a further indication that the proposal would be over-development of the site.

6.6 Housing mix, type and size

6.6.1 Policy LHN1 states that in order to support mixed, balanced and sustainable communities, housing developments should (inter alia):

- (i) *Be of a size, type and mix which will reflect both current and projected housing needs within the district and locally;*
- (iii) *In Bexhill, contribute to increased provision of family dwellings, unless site circumstances make this inappropriate;*
- (iv) *In larger developments (6+ units), provide housing for a range of differing household types.*

6.6.2 This site could provide a greater mix of unit sizes and is in a suitable area to respond to the need for family dwellings in Bexhill.

6.6.3 Policy OSS4 (i) requires development to meet the future needs of occupiers, including providing appropriate amenities and appropriate means of access for disabled users. This means, amongst other considerations, ensuring the properties are accessible, have sufficient internal space, receive decent levels of sunlight and daylight, include provision for refuse storage and include adequate parking.

6.6.4 There are no current adopted standards for internal space but Policy DHG1 of the emerging Development and Site Allocations Local Plan (DaSA) intends new development to meet the Government's *Technical housing standards – nationally described space standards*. In accordance with Annex 1 of the National Planning Policy Framework little weight can be afforded to this policy given the stage of preparation of the emerging plan but, the policy is based on sound evidence which shows new development in the District is often small and smaller than the Government's standard. Each proposed two bedroom unit has a gross internal area of approximately 48sqm. This is significantly below the minimum required gross internal area for a small (3 bed space) two bedroom flat. The proposed flat sizes do not meet the future needs of occupiers and conflict with Core Strategy Policy OSS4 (i).

- 6.6.5 In addition, the siting of the proposed buildings would be very close to the railway line with little landscape buffer, particularly for the southern block. The arrangement would create a poor outlook and unacceptable overall level of residential amenity for occupiers of the new flats.
- 6.6.6 The indicative drawings highlight that the desire to achieve 12 flats on the site results in no meaningful landscaping or new planting within the site which would also provide a poor level of amenity for future occupiers.
- 6.6.7 The proposed development therefore conflicts with Policies OSS4 and LHN1.
- 6.7 Other matters
- 6.7.1 The Design & Access Statement advises that the relocation of the current business use would allow the business to expand and reach its full potential. While this would be a material benefit it carries little weight given the significant negative impact that the development would have on the character and appearance of the area and surrounding residential amenity.
- 6.7.2 The Design & Access Statement also advises that for the redevelopment to be economically viable, at least 12 flats will be required. Planning officers are not convinced that this is the case, but in any event, the need for economic viability does not outweigh the harmful impacts of the proposal.
- 6.7.3 Any potential cumulative impacts on the air quality at Ashdown Forest and Lewes Downs Special Areas of Conservation (SACs) have been assessed. Having regard to the conclusions of the HRAs undertaken for the adopted Core Strategy, supplemented by available evidence of commuting data for this locality, there is no discernable prospect of additional traffic from the proposed development impacting on the Ashdown Forest or Lewes Downs SACs in particular. Specific consideration has been given to the likely level of non-local (i.e. commuting) trips that can be estimated to be generated by the proposed development and the likely distribution of those trips, having regard to recorded commuting flows from this locality. Assuming two trips from a single vehicle to any destination, the proposal is found likely to generate less than a tenth of a single daily vehicle movement that would have the potential to have impact on the Ashdown Forest SAC. The proposal is found to have no impact on Lewes Downs SAC. Hence, it is concluded that any likely significant effects upon European sites, even in combination with other relevant plans and projects, can reasonably be screened out.
-

7.0 SUMMARY

- 7.1 A large site, incorporating No. 34 Dorset Road is identified as suitable for housing on the Council's Brownfield Land Register. The application site however, is compromised by the exclusion of No. 34. This means that the proposal would sever the existing building (Nos. 34 & 32) in a manner which would result in the remaining dwelling appearing oddly unbalanced. This would be exacerbated by the retention of a second floor loft bedroom, which oversails the proposed site access and would require the creation of a bridge structure. This, together with the siting and massing of the proposed three and four storey replacement buildings would result in an unsuccessful streetscape which would detract from the character and appearance of the area.

- 7.2 To provide 12 flats and 15 parking spaces the indicative drawings show that there would be no room for meaningful landscaping and an outlook for future residents either over the railway or over existing residential gardens. This, together with the small size of the proposed flats would mean that the proposal would neither provide a satisfactory level of amenity for future occupiers nor protect surrounding residential amenity.
- 7.3 These negative impacts would not be outweighed by any public benefits including the contribution the units would make to the District's housing supply.
- 7.4 For these reasons, the proposed development would conflict with Core Strategy policies and the Framework and it is recommended that the application is refused.
-

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposal is a type of development where CIL may be chargeable.
-

RECOMMENDATION: REFUSE (OUTLINE PLANNING)

REASONS FOR REFUSAL:

1. The development of this small and constrained site as shown indicatively for 12 flats would result in two buildings of a size and form and in a position that would have an adverse impact on the amenities of facing residents at 1-5 Ashdown Road. As proposed, the scheme would involve a loss of privacy to adjoining residents by potential overlooking and a building close to the northern boundary having an overbearing impact on private garden areas. As such the scheme is contrary to Policy OSS4 (ii) of the Rother Local Plan Core Strategy and part 12 of the National Planning Policy Framework.
2. The development of the site for 12 flats with the requisite space for car parking represents an over development of the site in terms of the amount of land given over to building and to hard surfacing in the form of parking. The development allows insufficient private amenity space to serve the occupiers of the development or an appropriate landscaped interface between the parking areas and adjoining residents at 1-5 Ashdown Road. The resulting development would adversely affect the existing residents whose gardens directly face the site by reason of noise and disturbance. As such the scheme is contrary to Policy OSS4 (i) of the Rother Local Plan Core Strategy and paragraph 127(f) of the National Planning Policy Framework.
3. The provision of small two bedroom units only would not provide a satisfactory standard of accommodation for future occupiers nor respond to the identified need for the increased provision of family housing in Bexhill in an area that is suitable for that type of housing, contrary to Policies LHN1 and OSS4 (i) of the Rother Local Core Strategy and part 8 of the National Planning Policy Framework.
4. The proposal, by reason of severing Nos. 34 & 32 Dorset Road, the limited site frontage, the proposed three and four storey height, overall mass and

limited landscaping, would not be respectful to the area's appearance which is characterised for the most part by two storey houses or single storey commercial premises. In addition, the design of the apartment blocks is not considered to be of a quality that would compensate for its undue height. The development would give rise to unacceptable harm to the character and appearance of the area by virtue of its contrived and incongruous presence, contrary to Policies OSS4 (iii), BX1 (i) and EN3 of the Rother Local Plan Core Strategy and part 12 of the National Planning Policy Framework.

NOTES:

1. This decision notice relates to the following set of plans:
1:1250 site location plan
Indicative drawings – site plan (2018/010/1A); typical floor plans (2018/010/2); elevations (2018/010/3A); party wall detail (2018/010/6)

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

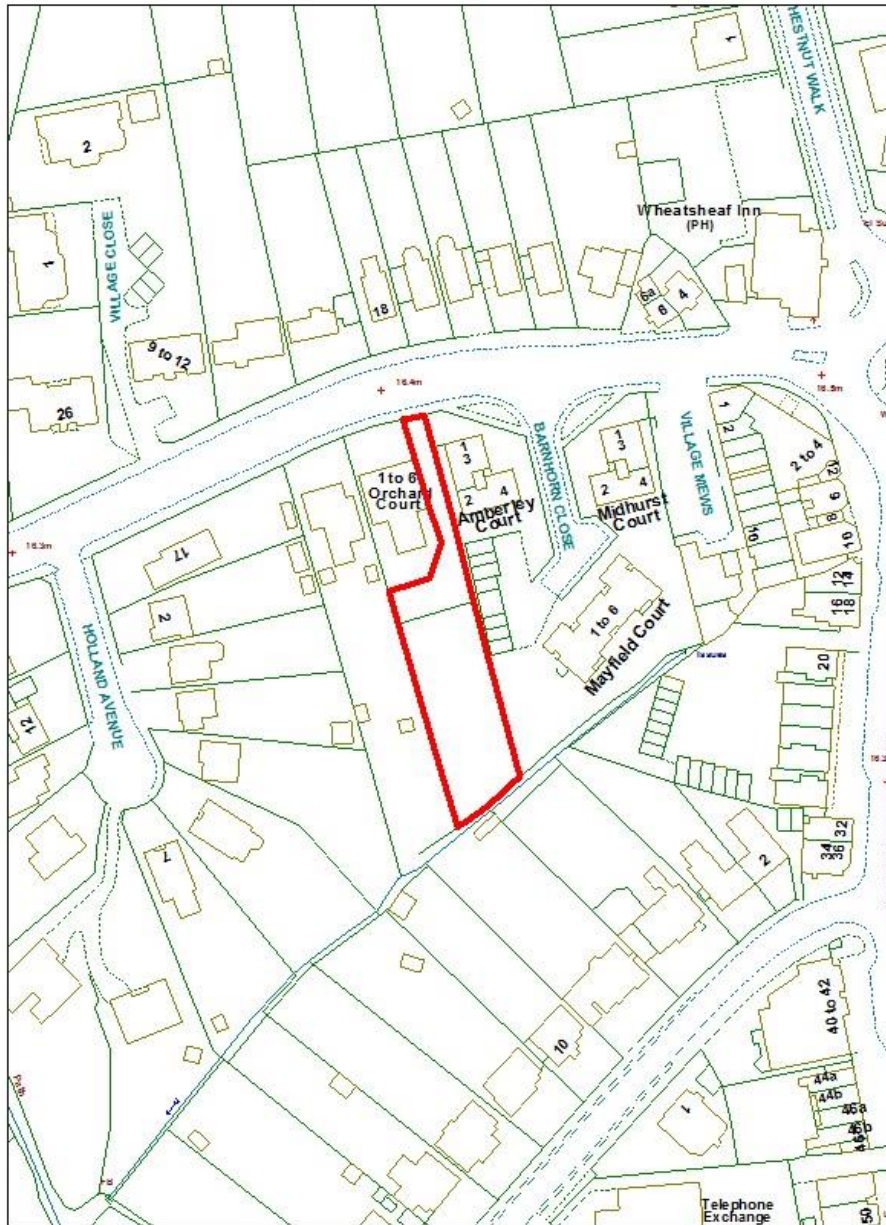
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SITE PLAN

BEXHILL

RR/2018/2292/P

13 Barnhorn Road - Land rear of



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Not To Scale

RR/2018/2292/P

BEXHILL 13 Barnhorn Road, Land at rear

Proposed erection of bungalow and changes to existing parking arrangements for 13 Barnhorn Road

Applicant: Mr M. Huntly and Mr J. Manlow
Agent: Pump House Designs
Case Officer: Mr E. Corke (Email: edwin.corke@rother.gov.uk)
Parish: BEXHILL
Ward Mmbers: Councillor T.W. Graham

Reason for Committee consideration: Referred by Councillor M.J. Kenward

Statutory 8 week date: 9 November 2018

Extension of time agreed to: 18 December 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

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

- DS3: Proposals within Development Boundaries

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

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

1.3 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
- DHG12: Accesses and Drives

- 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 backland area to the rear of a block of six flats – Orchard Court – which are located on the south side of Barnhorn Road, some 100m to the west of the Little Common local shopping centre. The site specifically comprises the parking and turning area of the flats and an area of fenced off scrubland beyond.
- 2.2 Bordering the site to the east is Barnhorn Close, comprising three two-storey blocks of flats together with a garage block. To the south is a drainage ditch, beyond which are the rear gardens of properties in Meads Road. To the west is no. 15 Barnhorn Road, which is a detached bungalow on a long and narrow plot.
- 2.3 In policy terms, the site is located within the defined development boundary for Bexhill.

3.0 HISTORY

- | | | |
|-----|----------------|--|
| 3.1 | RR/2002/1292/P | Outline: Erection of a four bedroom detached house and two detached garages with alteration to existing access – Refused. |
| 3.2 | RR/2003/1334/P | Outline: Erection of two storey block containing four 2-bed flats and two 1-bed flats – Appeal allowed. |
| 3.3 | RR/2003/1461/P | Erection of new dwelling – Refused. |
| 3.4 | RR/2006/3421/P | Erection of two storey block containing 4 no two bed flats and two no. one bed flats pursuant to outline planning permission RR/2003/1334/P – Granted. |
| 3.5 | RR/2017/489/P | Erection of chalet bungalow – Refused. |
| 3.6 | RR/2017/2461/P | Proposed erection of chalet bungalow – Refused. |

4.0 PROPOSAL

- Background*
- 4.1 Two successive schemes (Application Refs: RR/2017/489/P & RR/2017/2461/P) for the erection of a 3-bed chalet bungalow were refused planning permission previously because of the harm that would have been caused to the living conditions of neighbouring residents in relation to outlook. The backland position of the site was a contributing factor in both decisions.

Current proposal

- 4.2 The current scheme is a revised proposal for the construction of a conventionally designed single-storey 2-bed bungalow.
- 4.3 The new bungalow would be accessed from Barnhorn Road via the existing vehicular access, which currently serves the flats at Orchard Court. The scheme includes a reconfiguration of the parking arrangements for the flats at Orchard Court to accommodate an access drive. Two off-street parking spaces are proposed for the bungalow. The existing flats would retain seven off-street spaces, with three repositioned on land within the applicant's ownership.
- 4.4 The detached bungalow has a fully hipped roof and a materials pallette comprising brick to the elevations and plain concrete tile to the roof. The overall dimensions of the building are 9.5m width x 13m depth x 5.5m height to ridge.
-

5.0 CONSULTATIONS

5.1 Planning Notice

- 5.1.1 Four objections from three addresses. The reasons for objecting are summarised as follows:
- Errors on the application form – the site is currently vacant fenced off waste land and new vehicular access and right of way will be required.
 - New right of way will be required – no approach has been made to the owners of the flats at Orchard Court.
 - Access to the site would be across land outside of the applicant's ownership.
 - Loss of parking spaces at Orchard Court.
 - Application should be refused for the same reasons that it was refused with the previous applications.
 - Overdevelopment.
 - Loss of trees.
 - Loss of view.
 - Loss of property value.
 - Loss of secure environment at Orchard Court.
 - Disruption during the construction period.
- 5.1.2 One letter of support from one address. The reasons for support are summarised as follows:
- Will improve outlook to the rear of Orchard Court.
 - Small bungalow will not impact much with traffic movements or excessive noise.
 - Will provide someone with a pleasant place to live close to the village.
-

6.0 APPRAISAL

6.1 Planning issues

6.1.1 The application site is located within the defined development boundary for Bexhill and as such there is a presumption in favour of development, subject to all other material considerations.

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.
- Highway issues.
- Parking provision.

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 latest National Planning Policy Framework (published since the previous refusals) 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 The site is located in an established residential area with a mix of building types including two-storey houses, flat units and bungalows. The proposed new bungalow would not therefore be out of place as a building type. It is also the case that a satisfactory amount of useable garden space would be provided for future occupiers of the dwelling.

6.2.4 However, the proposed bungalow would be located in an isolated position in a largely undeveloped backland area to the rear of Orchard Court, which has a verdant character and appearance with a mixture of vegetation, trees and grass. This verdant character and appearance is contributed to by the side garden of Mayfield Court to the east, the rear gardens of dwellings on Meads Road to the south, and the rear gardens of dwellings on Holland Avenue & No. 15 Barnhorn Road to the west.

6.2.5 At a height of 5.5m and a footprint of some 112sqm, the size of the bungalow combined with its location in an isolated position in a largely undeveloped backland area, would appear as an intrusive building causing unacceptable harm to the verdant character and appearance of this area. That visual intrusion would be experienced from the rear/side windows and rear/side gardens of neighbouring properties in the vicinity of the site.

6.2.6 The proposal would fail to maintain the area’s prevailing character, in conflict with the above policies.

6.3 Living conditions of adjoining residents

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

- 6.3.2 The critical relationship here is between the proposed dwelling and the rear garden of No. 15 Barnhorn Road to the west in relation to outlook. In this respect, the new bungalow would be positioned adjacent to the lower end of the neighbouring rear garden. It would be set back from the common boundary by some 3.4m and would present a long 13m flank elevation at an overall height of 5.5m.
- 6.3.3 It is considered that the proposed dwelling would be in close proximity to the rear garden of No. 15 Barnhorn Road, which, combined with the height and bulk of its flank elevation, would result in a development that would be harmfully dominant in terms of the outlook from the rear garden of No.15, in conflict with the above policy.
- 6.4 Highway issues
- 6.4.1 Policies CO6 (ii) and TR3 of the 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 The proposal would result in increased use of the vehicular access from Barnhorn Road, which could potentially be detrimental to highway safety. However, the scheme is for a single 2-bed dwelling only, which would not result in a significant increase in traffic using the access. As such, it is not considered that the proposal would be detrimental to highway safety.
- 6.5 Parking provision
- 6.5.1 Policy TR4 (i) of the Core Strategy requires the residual needs of the development for off-street parking to be met having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.
- 6.5.2 The provision of two off-street parking spaces for the proposed dwelling, together with the retention of seven off-street parking spaces for the flats at Orchard Court, would meet the residual needs of the development for off-street parking.
- 6.5.3 The submitted site plan shows that a cycle store would be provided in the garden of the bungalow. This would provide two covered and secure cycle parking spaces, which is satisfactory in relation to providing alternative travel options to the use of the car.
- 6.6 Other matters
- 6.6.1 Residents of Orchard Court are concerned that access to the site would be over land within their ownership. However, for the purposes of making the planning application, the applicant has served the requisite notice on these owners. There is also concern that the three repositioned parking spaces for Orchard Court would be on adjoining land. Ultimately, these are private issues 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.

- 6.6.2 Neighbouring residents are concerned about loss of view, loss of property value and disruption during the construction period. However, these are not material planning considerations. One neighbouring resident is concerned that the existing secure environment at Orchard Court would be compromised by the development. However, this is unlikely to be the case, as the proposal is for a single 2-bed dwelling only, which would not result in a significant increase in people movements adjacent to the flats.
- 6.6.3 Any potential cumulative impacts on the air quality at Ashdown Forest and Lewes Downs Special Areas of Conservation (SACs) have been assessed. Having regard to the conclusions of the HRAs undertaken for the adopted Core Strategy, supplemented by available evidence of commuting data for this locality, there is no discernable prospect of additional traffic from the proposed development impacting on the Ashdown Forest or Lewes Downs SACs in particular. Specific consideration has been given to the likely level of non-local (i.e. commuting) trips that can be estimated to be generated by the proposed development and the likely distribution of those trips, having regard to recorded commuting flows from this locality. Assuming two trips from a single vehicle to any destination, the proposal is found likely to generate less than a hundredth 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.
- 6.6.4 Finally in all other respects the accommodation and layout provided would accord with the aims of the relevant new DaSA policies.
-

7.0 SUMMARY

- 7.1 The government is seeking to boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. The application site is within the built-up area of Bexhill and there is therefore no objection in principle to a residential development, provided this can be achieved without harm to the local environment.
- 7.2 This revised proposal for the construction of a 2-bed bungalow would provide an additional dwelling in a sustainable location, which would make a contribution – albeit modest – to the District’s housing supply and would bring about social and economic benefits. Taken collectively, these are all benefits of the scheme. However, these benefits would not outweigh the harm that would be caused to the character and appearance of the area and the living conditions of adjoining residents, as detailed above. As such, planning permission should be refused for the proposed development.
-

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposed development is liable for CIL.
-

RECOMMENDATION: REFUSE (PLANNING PERMISSION)

REASONS FOR REFUSAL:

1. The proposed bungalow, by reason of its large size and location in an isolated position in a largely undeveloped backland area which has a verdant character and appearance, would appear as an intrusive building causing unacceptable harm to the character and appearance of this area. The proposal would fail to maintain the area's prevailing character, in conflict with Policy OSS4 (iii) of the Rother Local Plan Core Strategy and Paragraph 122 of the National Planning Policy Framework.
2. The proposed bungalow, by reason of its close proximity to the rear garden of no. 15 Barnhorn Road and the height and bulk of its flank elevation, would be harmfully dominant in terms of the outlook from the rear garden of no.15, in conflict with Policy OSS4 (ii) of the Rother Local Plan Core Strategy, which seeks to ensure that development does not unreasonably harm the amenities of adjoining properties.

NOTE:

1. This refusal of planning permission relates to the following drawings:
No. 5888/LBP (LOCATION BLOCK PLAN) dated AUGUST.
No. 5888/1/B (PROPOSED DWELLING) dated OCT 2018.
No. 5888/2/B (PROPOSED SITE PLAN) dated NOV 2018.

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

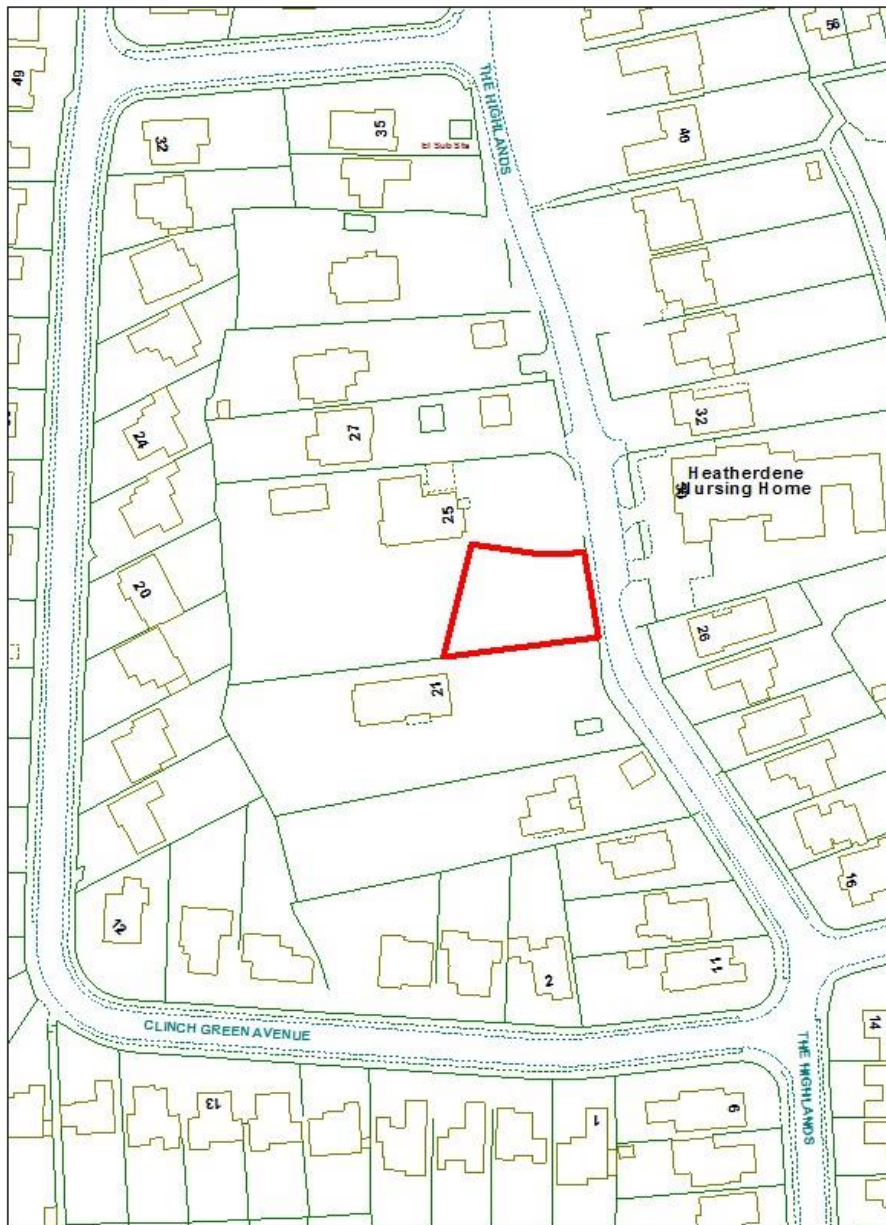
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SITE PLAN

BEXHILL

RR/2018/2665/P

25 The Highlands, Harmony - Land at



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Not To Scale

RR/2018/2665/P

**BEXHILL 25 The Highlands, 'Harmony' – land at
Erection of 1 no. 2 bed bungalow served by new
vehicular access**

Applicant: DHSB Management Limited
Agent: CLM Planning
Case Officer: Mr M. Cathcart
(Email: mark.cathcart@rother.gov.uk)
Parish: BEXHILL
Ward Member(s): Councillors J.J. Carroll and M.R. Watson

Reason for Committee consideration: Agent is related to a member of staff

Statutory 8 week date: 10 December 2018

Extension of Time: 18 December 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

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

- DS3: Proposals with development boundaries

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

- PC1: Presumption in favour of sustainable development
- OSS2: Use of development boundaries
- OSS3: Location of development
- OSS4: General development considerations
- BX1: Overall strategy for Bexhill
- BX3: Development strategy
- EN3: Design quality
- TR3: Access and new development
- TR4: Car parking

1.3 The 'Proposed Submission' version of the Development and Site Allocations (DaSA) Local Plan) is now at the proposed submission stage and it should now carry weight in planning decisions. The following general policies of the DaSA are relevant to the proposal:

- DHG3: Residential internal space standards
- DHG4: Accessible and adaptable homes
- DHG7: External residential areas
- DHG11: Boundary treatments

- DHG12: Accesses and drives
- DEN5: Sustainable drainage

1.4 The National Planning Policy Framework and National Planning Practice Guidance are also material considerations, including the following parts of the National Planning Policy Framework:

- Paragraph 11: the presumption in favour of sustainable development
- Paragraph 38: decision-making
- Paragraph 47: determining applications
- Paragraph 70: development of residential gardens
- Paragraphs 102-103: promoting sustainable transport
- Paragraphs 117-118: require that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses
- Paragraph 122: achieving the appropriate density of development
- Section 12: achieving well-designed places
- Annex 2 Glossary: previously developed land

2.0 SITE

2.1 The Highlands is an informally laid-out residential roadway in the northern part of Bexhill, fronted on either side by a mixture of detached, mainly residential, properties in garden plots. The road is on a gentle incline and slopes downward in a southerly direction.

2.2 The application site originally formed part of the garden of No. 25, a detached house, but has been separated by the erection of a close-boarded fence to form the proposed development plot. It remains, however, within the same ownership as No. 25. The proposed plot has a frontage of about 18m and an average depth of about 28m. It has largely been cleared of vegetation (trees /shrubs) although the roadside hedge has been retained.

2.3 The application site is within the Bexhill development boundary as defined in the Rother District Local Plan (2006).

3.0 HISTORY (Relevant)

3.1 RR/2017/2705/P Proposed dwelling served by new vehicular access – Refused.

3.2 RR/2018/1254/P Proposed dwelling served by new vehicular access – Refused.

4.0 PROPOSAL

4.1 This is a proposal for the erection of a detached single storey dwelling (bungalow) within the plot. The dwelling would be served by a new vehicular access to the road. The walls of the dwelling would be constructed in facing brickwork and it would incorporate a hipped roof covered with plain tiles.

5.0 CONSULTATIONS

5.1 Planning Notice

16 No. objections have been received from local residents and from Hastings Badger Protection Society Ltd. which can be summarised as follows:

- The proposed dwelling built in the front garden of No.25 would look out of place in this part of the road, where the other houses are set back.
- It will be overbearing to the adjacent properties to the north and south.
- Would result in a loss of outlook to the frontage of the site.
- The proposed dwelling's close proximity to the road is out of character with the established layout of the locality.
- All the houses in this part of The Highlands have large front gardens and the houses are set a long way back from the road
- The 'plot' has already been cleared ready for building, including the felling of a decent mature oak tree, this part of The Highlands now looks naked and the general loss of wildlife has been noted by many residents.
- On the application the agent has responded 'no' to the question relating to the presence of protected and priority species; there is a large badger sett in the rear garden of the proposed development.
- I would question the survey previously carried out about the badgers - there is no mention that badger tunnels can be up to 300m long.
- Any building work on this site will disturb the badger sett(s); I moved here in 1984 and the owner told me then that the badgers were well established – 34 years later I would expect that the animals still have an extensive network of tunnels throughout number 25 and beyond.
- Hastings Badger Protection Society say that they have been contacted by local residents regarding the presence of badgers on the site; their comments on the application state that an ecological report done by a qualified registered person for BS42020 is required; all species protected by law must be considered; if there is a badger sett on the property the site owner is responsible for the welfare of all protected species.
- There will be massive upheaval with the amount of construction traffic.
- I fear nobody will be safe backing out of their driveways to face oncoming traffic.
- The nursing homes will struggle to park visitors and staff cars in the road as they do now.
- Will the developer be held responsible for any damage to the unadopted part of The Highlands, possibly caused by large delivery vehicles attending the site?
- This proposed development is on the bend of The Highlands and is at the narrowest part of the road.
- The road is only 11' 4" wide at its narrowest point.
- Should this application be granted as a two bedroom bungalow there would be nothing stopping the new owner from extending into the loft and making it a three or 4 bedroom house, with on-site parking for only two cars; resultant on road parking would block the road.
- All in all this proposed building will ruin this peaceful road.

- I think this is the third attempt to obtain planning consent for a dwelling in the front garden; whilst it has been amended (again) it will still be totally out of place.
- Photos supplied by the agent are for bungalows on a different part of the road and are not relevant to this application.
- There is no photograph showing the properties on the west side going north from the site – these are the properties that are set back from the road.
- Building a property in the front garden of No. 25 could set a precedent for anyone else to do the same and it would ruin the appearance of this peaceful area.
- If one dwelling only is required for the applicant's daughter it would be more appropriate to build this in line with No. 25 and the property to the south – with a garden of equal depth to the adjoining properties.
- The proposed property will be opposite the care home and this will be an inappropriate position for privacy for service users and visitors. We are having problems with the sewer at the care home, adding more property to this system may be too much to cope. Also we have no pathways on the road and we often have to walk out into the road due to parked cars, this is a blind bend and I can see the potential for an accident.
- We notice that a new Agent has been appointed who happens to be related to a member of council staff as shown at Question No 24 (Authority Employee/Member) on the application form. This has been answered as 'yes'. The question then goes on "if yes, give name, role and how related" but this information has not been given. Surely, this is an invalid answer and also raises a serious question of 'influence' on any decision.

6.0 APPRAISAL

6.1 This is the third planning application for the erection of a new dwelling on the site in recent years. Two previous applications were refused planning permission. The previous proposal (ref: RR/2018/1254/P) for a dwelling was refused in June this year, for three reasons (summarised):

- (i) The proposed subdivision of the existing residential garden is a particularly contrived arrangement; the resultant plot for the dwelling would still be small and confined, out of keeping with the modest/good-sized residential plots in the surrounding area. Furthermore, the small size of the proposed new residential plot would result in any dwelling here having an unduly overbearing effect on the adjacent properties to the north and south, resulting in a loss of outlook from these properties towards the frontage of the site, in an area characterised as open and spacious. The proposal is contrary to the aims of Paragraph 53 of the National Planning Policy Framework and Policy OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy.
- (ii) The small and confined external amenity areas would result in insufficient outdoor garden space for future occupiers of the three bed family dwelling, which moreover, would be overlooked by the neighbouring dwellings. This limited external space would contribute to a significant sense of enclosure detrimental to living conditions, contrary to Policy OSS4 (i) Rother Local Plan Core Strategy.

- (iii) Notwithstanding the reduction in size and scale from the previous proposal, the two storey dwelling, by reason of its size, scale and close proximity to the roadside, would appear as a large and incongruous feature within the street scene, out of character with the established layout of the locality. As such the proposal is contrary to Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

6.2 The current revised proposal seeks to address the previous reasons for refusal. The plot depth is deeper than the refused applications (by about 3m). In addition the proposed dwelling now has a reduced scale and is single storey. The amount of outside amenity area with the proposed dwelling has increased as a consequence. The rear garden depth (now varies between 7.5m – 9m). Whilst this is somewhat less than the 10m depth required under Policy DHG7 of the submission version of the DaSA – which it is considered can now carry some weight in planning decisions – in terms of providing adequate amenity area for future occupiers this would not be unacceptable in relation to the size of the proposed unit. The scale of the proposed dwelling has now been reduced to single storey only with a hipped roof and accordingly the previous issue of the proposed building having an unduly overbearing effect on the adjacent properties to the north and south, resulting in a loss of outlook from these properties towards the frontage of the site, would now largely be addressed. A remaining issue however is whether or not the principle of creating a building plot in this location would be acceptable in relation to the impact on the street scene and planning policies designed to protect the character and appearance of the area.

6.3 The National Planning Policy Framework at paragraph 70 recognises that plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. At paragraph 122 it states that planning policies and decisions should support development that makes efficient use of land, taking into account (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens). This is reflected in the Rother Local Plan Core Strategy, which at Policy OSS4 (iii) requires that all new development respects and does not detract from the character and appearance of the locality.

The character of the area:

6.4 The pattern of built development in this part of The Highlands fronting the western side of the road is characterised by detached properties in fairly generous rectangular garden plots – each of a similar depth. The buildings themselves sit side-by-side and follow a general building line and are set some distance back from the road. No. 25 sits in a somewhat relatively larger rectangular garden plot and the dwelling itself, being positioned towards its northern (side) boundary, has a significant area of side garden. The application site comprises the forward most part of this side garden - nearest to the road. The remaining garden/curtilage of no. 25 forms an 'L' shape – abutting the rear and northern side of the application site. The position and configuration of the application site means that instead of sitting between the dwelling (No. 25) and the neighbouring property to the south (No. 21) the proposed dwelling would project forward from the general form of the building line along this side of the road; thereby impacting on the character and appearance of the locality.

- 6.5 The supporting information with the application states that the development would be largely screened from view by the existing frontage hedge and the close boarded fence that has been erected to separate the application site from the host property; in this regard, part of the hedge would need to be removed to form the new vehicular access and visibility splay, and in any event, the presence of screening should not be used as a means of justifying development which is otherwise unacceptable in planning terms. This would also apply to the fence and its role as a device for screening the development, although this in itself forms a visually hard edge to the existing open frontage parking area to No. 25 and in this regard does little to contribute to the amenities of the area.
- 6.6 Whilst the application has been amended since the previous application submission it remains the case that the formation of the proposed building plot is contrived and it pays very little regard to the existing pattern of development in the locality. The proposed dwelling and its associated curtilage would sit forward of existing neighbouring properties and amount to a prominent and incongruous feature that would be detrimental to the appearance of the existing street-scene and out of keeping with the character of the area.
- Protected species:*
- 6.7 Badgers are a protected species, with legislation in place to protect them together with their setts from intentional disturbance and cruelty and from the results lawful human activities such as building development. Other species similarly protected include dormice, slow worms, and bats. Whilst the representations relating specifically to the presence of badgers are noted, a Preliminary Ecological Appraisal report has been submitted with the application. This identifies the presence of an active badger sett in the rear garden of No. 25 The Highlands. It adds that the closest sett entrance was found to be 25m away from the plot boundary of the subject site, and thus outside the minimum distance where a badger licence would become a requirement prior to the commencement of certain works. Mitigation in the form of a separation fence is proposed.
- 6.8 Any potential cumulative impacts on the air quality at Ashdown Forest and Lewes Downs Special Areas of Conservation (SACs) have been assessed. Having regard to the conclusions of the HRAs undertaken for the adopted Core Strategy, supplemented by available evidence of commuting data for this locality, there is no discernable prospect of additional traffic from the proposed development impacting on the Ashdown Forest or Lewes Downs SACs in particular. Specific consideration has been given to the likely level of non-local (i.e. commuting) trips that can be estimated to be generated by the proposed development and the likely distribution of those trips, having regard to recorded commuting flows from this locality. Assuming two trips from a single vehicle to any destination, the proposal is found likely to generate less than a hundredth of a single daily vehicle movement that would have the potential to have impact on the Ashdown Forest SAC. The proposal is found to have no impact on Lewes Downs SAC. Hence, it is concluded that any likely significant effects upon European sites, even in combination with other relevant plans and projects, can reasonably be screened out.
-

7.0 SUMMARY

- 7.1 The application is within the development boundary of Bexhill. Planning permission has previously been refused for the erection of a dwelling on this site. Whilst the application is a revised proposal that seeks to address the previous reasons for refusal, it remains the case that the formation of a new residential building plot projecting forward of existing adjacent dwellings and close to the highway would be out character with the prevailing pattern of development and detrimental to the appearance of the street-scene.
-

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 This is a type of development which would be liable for CIL payments.
-

RECOMMENDATION: REFUSE (FULL PLANNING)

REASON FOR REFUSAL:

1. The proposed subdivision of the existing residential garden of No.25 for the erection of a dwelling in the manner proposed is a particularly contrived arrangement. Whilst the application has been amended since the previous application submission it remains the case that the formation of the proposed building plot pays very little regard to the existing pattern of development in the locality. It would look out of place in this part of the road, where the other houses are set back with undeveloped frontages. The proposed dwelling and its associated curtilage would sit forward of existing neighbouring properties so as to introduce new built development substantially closer to the highway than adjacent development. As such it would amount to a prominent and incongruous feature that would be detrimental to the appearance of the existing street-scene and out of keeping with the character of the area. It would be contrary to Policy OSS4 (iii) of the Rother Local Plan Core Strategy and the advice relating to the development of existing gardens in the National Planning Policy Framework at paragraph 122 (d).

NOTE:

1. This refusal of planning permission relates to the following plans and drawings:
Location block plan: Drawing No. 5460/100/LBP
Proposed dwelling: Drawing No. 5460/100/1/B
Proposed dwelling – site plan: Drawing No. 5460/100/2/A

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

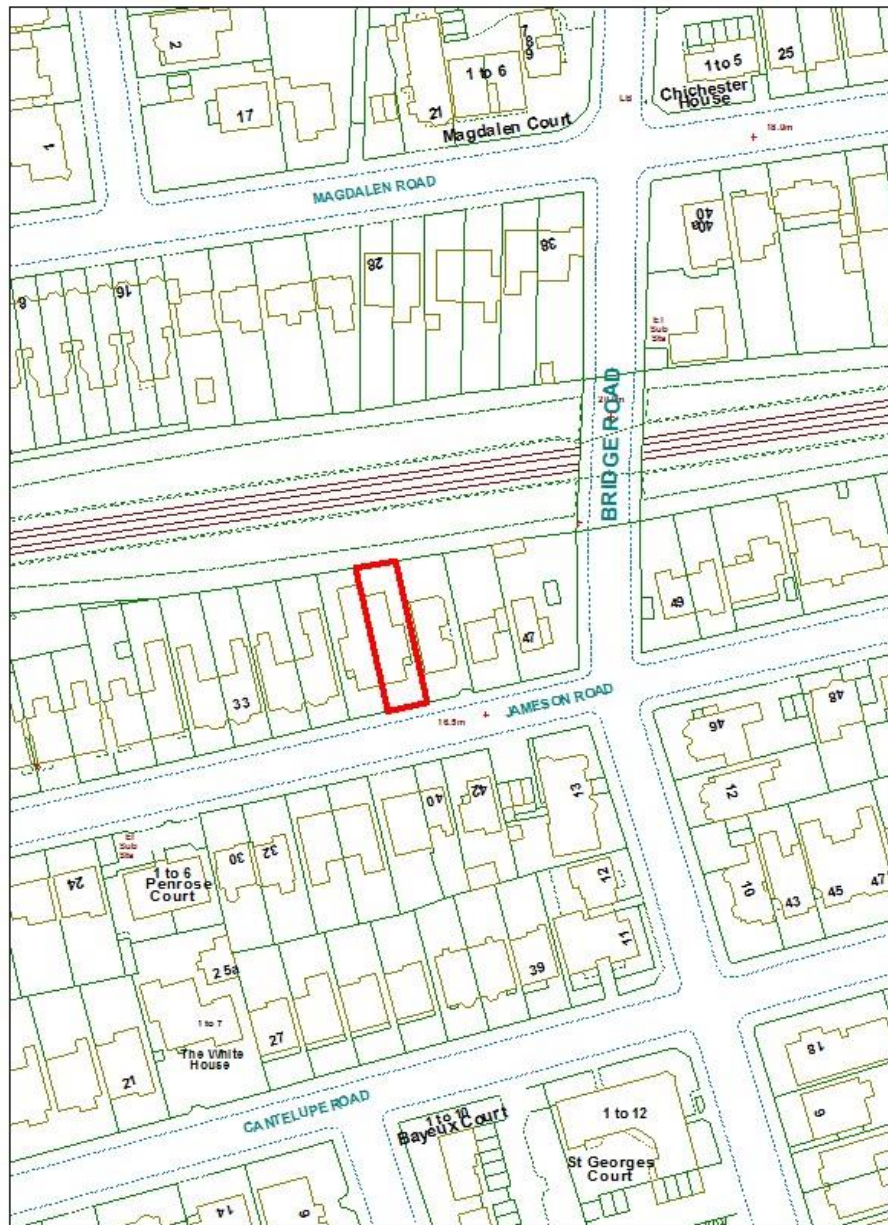
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SITE PLAN

BEXHILL

RR/2018/2805/P

41 Jameson Road



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Not To Scale

RR/2018/2805/P

BEXHILL 41 Jameson Road, Rippleside

Variation of Condition 1 imposed on RR/2017/1794/P to allow premises to be used as a house in multiple occupation (HMO) permanently

Applicant: Mr A. El-Zayat
Agent: Mr A. El-Zayat
Case Officer: Mr E. Corke (Email: edwin.corke@rother.gov.uk)
Parish: BEXHILL
Ward Members: Councillors P.R. Douart and I.R. Hollidge

Reason for Committee consideration: Previous application made by Rother District Council and the Council is supporting the applicant with this application

Statutory 8 week date: 31 December 2018

1.0 POLICIES

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

- PC1: Presumption in Favour of Sustainable Development
- OSS2: Use of Development Boundaries
- OSS3: Location of Development
- OSS4: General Development Considerations
- CO6: Community Safety
- TR4: Car Parking

1.2 The following documents are also material considerations:

- The Development and Site Allocations (DaSA) Local Plan Proposed Submission October 2018
- The National Planning Policy Framework
- The Planning Practice Guidance

2.0 SITE

2.1 The application relates to the currently vacant No. 41 Jameson Road, which is a large semi-detached, three-storey property located on the north side of the road. The building was last in use as a temporary accommodation unit for homeless persons – specifically providing seven individual bedrooms (three having en-suite bathrooms) with a shared kitchen, laundry room and lounge area. The use ceased in September this year.

- 2.2 The site is bounded by the railway to the rear, No. 43 Jameson Road (a detached bungalow) to the east, the highway to the south and the attached No. 39 Jameson Road (comprising five flats) to the west.
- 2.3 The site lies within a mixed residential area that includes purpose-built and converted flats, as well as houses and bungalows.

3.0 HISTORY

- | | | |
|-----|----------------|--|
| 3.1 | RR/80/1360 | Change of use from private dwelling to private hotel – Granted. |
| 3.2 | RR/86/1393 | Use as residential home (eight bedspaces) for mentally disordered persons – Refused. |
| 3.3 | RR/86/2390 | Use of private residence as a specialist home for the elderly mentally ill (of pensionable age) – Allowed on appeal. |
| 3.4 | RR/90/1979/P | Retention of specialist home for the mentally ill without complying with Condition 3 on RR/86/2390-personal permission – Granted. |
| 3.5 | RR/90/2637/PD | Retention of specialist home for elderly mentally ill without complying with Condition 3 of RR/90/1979 personal consent – Granted. |
| 3.6 | RR/2017/1794/P | Change of use of from residential care home to a temporary accommodation unit with seven individual bedrooms (three having en-suite bathrooms), with a shared kitchen, laundry room and lounge area – Granted for a temporary period of 18 months. |
-

4.0 PROPOSAL

Background

- 4.1 In September 2017 the Planning Committee resolved to grant temporary planning permission (Application Ref: RR/2017/1794/P) for a change of use of the premises from the previous specialist care home for the elderly (C2 use) to a temporary accommodation unit for homeless persons – specifically providing seven individual bedrooms (three having en-suite bathrooms) with a shared kitchen, laundry room and lounge area. Permission was granted for a temporary 18 month period to allow a trial run to monitor the impact of the use and whether any harm to neighbouring residential amenity might result.
- 4.2 The permission is still extant but the premises ceased being used as a temporary accommodation unit for homeless persons in September this year – 12 months after permission was granted. During that time Rother District Council took a direct role in the management of the premises.

Current proposal

- 4.3 At the suggestion of the Council, the applicant is now seeking to instruct a specialist temporary accommodation management company to manage the

premises, thereby reducing the Council's direct involvement. However, the applicant's preferred provider – Paramount Independent Property Service – is reluctant to embark on a management lease under the current temporary planning permission. The applicant therefore seeks permission to continue using the premises as a temporary accommodation unit for homeless persons – but on a permanent rather than temporary basis. This requires a variation of Condition 1 of the temporary planning permission, which states:

“The use hereby permitted shall be for a limited period of 18 months from the date of this decision. At the end of 18 months the use hereby permitted shall cease and the former use shall be restored.”

- 4.4 No other changes are proposed. The premises would continue to provide temporary accommodation for homeless persons with the number of residents limited to no more than 15 persons (adults and children) at any one time. On-site overnight support would be provided seven days a week.
- 4.5 The supporting information submitted with the application states that the preferred management company is a well-established provider of temporary accommodation with many local authorities in the Kent area regularly using their services. A detailed management plan and specification would be put in place prior to the property being used.
- 4.6 The need for temporary accommodation in the District is set out as follows in the supporting information:

“The Council continues to experience an increase in the numbers of people approaching the Council as homeless. Currently there are around 50 households in temporary accommodation at any one time. Due to a lack of suitable premises within the Rother District Council area currently all persons without accommodation approaching the Council as vulnerable are placed in temporary accommodation (TA) outside of the area for a short period of time whilst their homeless application is assessed and, if successful, permanent housing secured for them. Using property from within our own district has the following advantages over using property in other areas:

- *Compliance with the statutory guidance for providing accommodation within our own area.*
- *The vulnerable clients many of whom have children will not need to take those children out of education whilst we assess their housing situation.*
- *The vulnerable clients will continue to have access to their own support network as they remain within the District.*
- *The property will be inspected via our own Environmental Health Officer (EHO) team instead of relying on another EHO team in another district.*

As indicated above the national Homelessness Code of Guidance on temporary accommodation expects the Council to house its residents within our district. Securing accommodation is increasingly difficult as the Council is not only competing with our neighbouring councils/agencies for accommodation but also Councils from outside East Sussex.

This property will assist the Council in meeting their obligations to provide TA by providing seven units, three of which can be used for clients who have children.”

5.0 CONSULTATIONS

5.1 Sussex Police

5.1.1 Comments are awaited.

5.2 Environmental Services, Licensing & Community Safety

5.2.1 No comments to make.

5.3 Planning Notice

5.3.1 One objection from a neighbouring address raising the following concerns (summarised):

- Procedural issues (e.g. incorrect application has been submitted, application form hasn't been completed accurately, no evidence that the statutory application fee has been paid).
- Residents have been disturbed by police attending the property and on one occasion observing a resident running and shouting down the road, either drunk or under the influence of drugs.
- Discarded needles have been observed in the vicinity.
- Councillors should be informed of the numbers of times the police had to attend the premises before coming to a conclusion on the application.
- Will exacerbate existing parking problems.
- The project has not been a success.
- There is still public concern about the amount of funding that has been spent on the whole exercise.

5.4 All comments are available to view on the website.

6.0 APPRAISAL

6.1 In granting a temporary planning permission for use of the premises as a temporary accommodation unit for homeless persons, the principle of the use was accepted subject to there being no harm to neighbouring residential amenity. As such, the main issue relating to the current proposal for a permanent planning permission is the impact on the living conditions of adjoining residents.

6.2 Living conditions of adjoining residents

6.2.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy seeks to ensure that development does not unreasonably harm the amenities of adjoining properties.

6.2.2 The property was used as a temporary accommodation unit for homeless persons for a period of one year from September 2017 to September 2018. During this trial run the Council's Environmental Health Service received no complaints from the public regarding noise or disturbance. Sussex Police have yet to comment on this proposal for a permanent permission. Subject to any comments received from the Police, and based on the Council receiving no complaints during the 12 month trial run, it is not considered that granting

a permanent permission would give rise to unreasonable harm to neighbouring residential amenity. Specific details relating to the management of the premises by future management companies can be secured by condition. For these reasons there is no objection to a permanent permission.

6.3 Other matters

6.3.1 A neighbouring resident is concerned that correct procedures have not been followed regarding the submission of this application (e.g. incorrect application has been submitted, application form has not been completed accurately, no evidence that the statutory application fee has been paid). The neighbour's comments regarding procedural issues are available to view in full via the website. With regard to the use of the premises, the temporary planning permission (Application Ref: RR/2017/1794/P) granted in September 2017 permitted a change of use of the premises from the previous C2 use to a temporary accommodation unit for homeless persons – specifically providing seven individual bedrooms (three having en-suite bathrooms) with a shared kitchen, laundry room and lounge area. Condition 1 of that permission stated that the use shall be for a limited period of 18 months, expiring on 20 March 2019. The current proposal does not propose a change of use. The authorised use of the premises is effectively a house in multiple occupation – as referred to in the application description – as there are seven bedrooms available for multiple occupants (the extant permission allows up to 15 residents at any one time). Permission is sought to continue using the premises as a temporary accommodation unit for homeless persons – but the permission now being a permanent one. As such, the submission of an application to vary Condition 1 of the extant permission is the correct procedure for dealing with this.

6.3.2 The neighbour has queried whether the applicant's address is correct on the application form. This was found to be incorrect and the application form has been amended accordingly. The neighbour is also concerned that the statutory application fee has not been paid. However, the Council has received the correct application fee of £234.

6.3.3 In addition to the above, the neighbour is concerned about the lack of car parking provision and the amount of funding spent on the whole exercise. With regard to car parking, it was acknowledged in the previous report to Planning Committee for the temporary planning permission that the new use would be likely to generate a greater demand for on-street parking than the previous care home use. However, it continues to be the case that given the new residents would be homeless persons, and some of these would be children, the number of residents with cars is likely, in all probability, to be more limited. Furthermore, this is a sustainable location, close to the town centre, where there is less reliance on use of private vehicles to access services and facilities on a day-to-day basis. Additionally, the Highway Authority previously advised that:

“Taking into account the previous use of the site the proposed residential use to temporarily accommodate homeless persons/families is unlikely to have a significant impact on the level of traffic or parking demand generated.”

6.3.4 For the above reasons it is not considered that a significant level of traffic or demand for on-street parking in the surrounding roads would be generated by the continued use of the premises as a temporary accommodation unit for

homeless persons. As such, there is no objection to the proposal on highway/parking grounds.

- 6.3.5 It should also be noted that conversion of the building into an alternative residential use such as flats (the attached No. 39 Jameson Road comprises five flats) would also be likely to generate a greater demand for on-street parking than the previous care home use.
- 6.3.6 The neighbour's concern about the amount of funding spent on the whole exercise is not a material planning consideration.
-

7.0 SUMMARY

- 7.1 The Council has a housing obligation to provide accommodation for homeless people within the district. In this respect permission is sought for a specific form of residential accommodation to be provided on a permanent basis following a trial run in which the Council received no complaints from the public regarding noise or disturbance. No external changes are to be made to the building and the proposal would not adversely affect the character and appearance of the area. It is also unlikely to result in a significant level of traffic or demand for on-street parking in the surrounding roads. Subject to comments from Sussex Police, a permanent permission is recommended.
-

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposal is not liable for CIL.
-

RECOMMENDATION: GRANT (PLANNING PERMISSION) DELEGATED (SUBJECT TO SUSSEX POLICE COMMENTS)

CONDITIONS:

1. The use 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 use hereby permitted shall be carried out in accordance with the following approved document and plans:
Supporting information, as submitted with Application No. RR/2018/2805/P, accepted on 05-11-18
Site Location Plan, as approved under Condition 2 of the temporary planning permission granted under application no. RR/2017/1794/P on 20 September 2017
Block Plan, as approved under Condition 2 of the temporary planning permission granted under application no. RR/2017/1794/P on 20 September 2017

Proposed Floor Plans, as approved under Condition 2 of the temporary planning permission granted under Application No. RR/2017/1794/P on 20 September 2017.

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 use hereby permitted shall not commence until a detailed management plan and specification for the premises has been submitted to and approved in writing by the Local Planning Authority. The premises shall thereafter be managed in accordance with the approved management plan and specification unless an alternative management plan and specification is first agreed in writing by the Local Planning Authority.

Reason: This pre-commencement condition is required in the interests of protecting the residential amenities of neighbouring properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

4. The premises shall be used as temporary accommodation for homeless persons only and for no other purpose.

Reason: The application has been assessed on the basis of a specific use providing accommodation for homeless people and any other use of the premises should be separately assessed having regard to Policy OSS4 of the Rother Local Plan Core Strategy.

5. The number of residents shall be limited to no more than 15 persons.

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

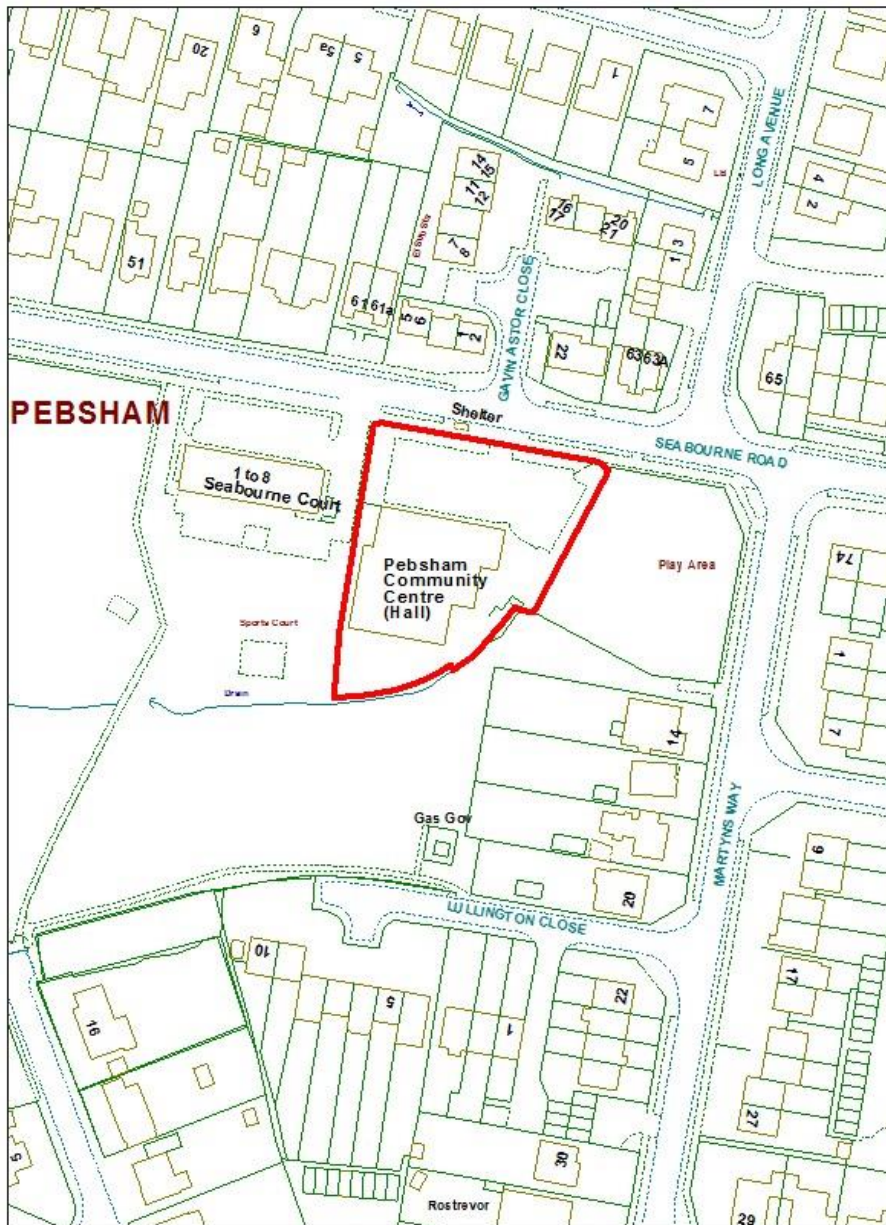
[View application/correspondence](#)

SITE PLAN

BEXHILL

RR/2018/1638/P

70 Seabourne Road, Pebsham Community Centre



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Not To Scale

RR/2018/1638/P**BEXHILL 70 Seabourne Road, Pebsham
Community Centre****Change of use to D1 listed to cater for nursery (child care). Side access (entrance) moved to allow access to childcare**

Applicant: Pebsham Community Association
Agent: Michael D. Hall Building Design Services Limited
Case Officer: Mr K. Deeprise
(Email: kevin.deeprise@rother.gov.uk)
Parish: BEXHILL
Ward Member(s): Councillors C.A. Clark and S.D. Elford

Reason for Committee consideration: Council-owned land**Statutory 8 week date: 18 December 2018**

1.0 POLICIES

- 1.1 The following policies of the Rother Local Plan Core Strategy (2014) are relevant to the proposal:
- PC1: Presumption in Favour of Sustainability
 - OSS4: General Development Considerations
 - BX1: Overall Strategy for Bexhill
 - CO1: Community Facilities and Services
 - CO6: Community Safety
 - TR4: Car Parking
- 1.2 The following policies of the Development and Site Allocations (DaSA) Local Plan (Proposed Submission – October 2018) are relevant to the proposal:
- DCO1: Retention of Sites of Social or Economic Value
- 1.3 The National Planning Policy Framework and Planning Policy Guidance are also relevant considerations.
-

2.0 SITE

- 2.1 The application site falls within the Development Boundary for Bexhill. A children's playground is located on the eastern side of the site, residential flats and commercial/retail premises to the west, and to the rear of the site are residential properties and open green space.
- 2.2 The Pebsham Community Centre is situated on the southern side of Seabourne Road directly opposite Gavin Astor Close. It comprises a large hall and a bar area. The bar is currently closed and boarded up. This

application relates to a section of the bar area on the western side of the building.

3.0 HISTORY

3.1 None relevant.

4.0 PROPOSAL

4.1 This application seeks planning permission for the change of use of part of the community centre to a children's nursery (Use Class D1) including internal and external alterations.

4.2 A new access entrance would be provided on the west facing side elevation of the building. There would be an outside play area to the rear. Parking spaces are to be provided within the existing car park to the front.

4.3 In terms of staffing there would be six members with one manager present in addition at all times. The number of children anticipated is up to a maximum of 30. The hours of use proposed are 07:45am until 18:00pm weekdays.

5.0 CONSULTATIONS

5.1 Planning Notice

5.1.1 No representations received.

6.0 APPRAISAL

6.1 The main issues for consideration are the use proposed, the effect of the proposal on the character and appearance of the locality, the impact on neighbouring amenities and car parking provision.

6.2 Local Plan policies emphasise the importance of community facilities in towns and villages. They also discourage the loss of existing facilities. These policies are consistent with the National Planning Policy Framework. While a small section of the former bar area would be lost as a result of the proposal, the remainder of the building would be left unaltered. However it is considered that the proposed use would also benefit the local community and its residents and make appropriate use of a currently vacant section of the building.

6.3 Only minor external works are proposed which include the formation of a new access entrance to the west facing side elevation. These works would have a neutral impact on the external visual appearance of the existing building and the character and appearance of the surrounding area.

6.4 The community centre is predominantly surrounded by play areas and open green space. While there are some residential properties nearby, it is not envisaged that the proposed use would have an adverse impact on these

properties. In addition, the hours of use proposed are not considered unreasonable for this type of use.

- 6.5 In terms of car parking provision, there are spaces proposed within the existing car park which is more than adequate in size for vehicles to manoeuvre.

7.0 SUMMARY

- 7.1 The proposed change of use application is considered appropriate for the building and would benefit the local community and its residents. It is not envisaged that the use would adversely impact on the amenities of neighbouring properties and the hours of use proposed are not considered unreasonable. Car parking is to be provided within the existing car park which is more than adequate in size for vehicles to manoeuvre.

- 7.2 The application is supported and planning permission should be granted.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The development is the type of development where CIL would not be chargeable should permission be granted.

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 drawings/details:
Drawing No. 4668.LP dated September 2018
Drawing No. 4668.SP dated September 2018
Drawing No. 4668.2 dated September 2018
Correspondence from agent dated 23 October 2018
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in the "Planning Practice Guidance – Use of Planning Conditions – Paragraph: 022 Reference ID: 21a-022-20140306."
3. The use of the premises hereby permitted shall be used for children (nursery school) on weekdays from 07:45am to 18:00pm only and shall be used for no other purpose including any purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure the appropriate use of the premises and to protect the residential amenities of neighbouring properties in accordance Policy OSS4 (ii) of the Rother Local Plan Core Strategy (2014).

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

[View application/correspondence](#)

SITE PLAN

EWHURST

RR/2018/2452/P

Dykes Farmhouse, Bodiam Road, Staplecross



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Not To Scale

RR/2018/2452/PEWHURST Dykes Farmhouse, Bodiam Road,
StaplecrossFormation of sand school for private use and garden
ground level changes

Applicant: Mr N. and Mrs C. Goodsell
Agent: Pump House Designs
Case Officer: Mr E. Corke (Email: edwin.corke@rother.gov.uk)
Parish: EWHURST
Ward Members: Councillor A.E. Ganly

Reason for Committee consideration: Referred by Councillor A.E. Ganly**Statutory 8 week date:** 23 November 2018**Extension of time agreed to:** 18 December 2018

This application is included in the Committee site inspection list.

1.0 LEGISLATION AND POLICIES

- 1.1 Section 66 (Decision on Application) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.2 The following 'saved' policy of the Rother District Local Plan 2006 is relevant to the proposal:
- CF5: Equestrian Development
- 1.3 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS3: Location of Development
 - OSS4: General Development Considerations
 - RA2: General Strategy for the Countryside
 - RA3: Development in the Countryside
 - CO6: Community Safety
 - EN1: Landscape Stewardship
 - EN2: Stewardship of the Historic Built Environment
- 1.4 The Development and Site Allocations (DaSA) Local Plan Proposed Submission version October 2018 is now at the proposed submission stage and carries weight in decision making. Those relevant to the proposal are:
- DCO2: Equestrian Developments
 - DEN1: Maintaining Landscape Character
 - DEN2: The High Weald Area of Outstanding Natural Beauty (AONB)

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

2.0 SITE

- 2.1 Dykes Farmhouse is a Grade II listed building – defined as a heritage asset in the National Planning Policy Framework. It is situated in a cluster of other residential properties and farm buildings on the west side of Bodiam Road. The application specifically relates to part of the garden to the south of the dwelling and part of a green and undeveloped field beyond this.
- 2.2 The High Weald AONB in the vicinity of the site is characterised by attractive rolling countryside used for agriculture and grazing, interspersed with mature vegetation and trees.
-

3.0 RELEVANT HISTORY

- 3.1 RR/2017/2538/P Formation of sand school for private use with floodlights and filling in "Dell" to create level surface from garden – Refused.
-

4.0 PROPOSAL

- Background*
- 4.1 In March this year planning permission (application ref: RR/2017/2538/P) was refused for the formation of a 30m by 40m sand school for private use with floodlights in a sloping field immediately to the south-west of existing outbuildings – some 40m away from the dwelling. The reason for refusal was as follows:

“The proposed sand school with lighting would result in a large area of alien materials and lighting, introducing an obvious man-made feature into an otherwise unspoilt rural location. The creation of the sand school requires a significant alteration to the existing undulating landscape strongly characteristic of the High Weald AONB. This proposal would represent a significant visual intrusion into this sensitive and attractive part of the AONB, which has the highest status of protection in relation to landscape and scenic beauty. The introduction of lighting would be harmful to the dark night sky and would also result in harmful impacts on the surrounding ecology of the area. The proposal would be harmful to the landscape character and scenic beauty of the High Weald AONB, in conflict with Paragraph 115 of the National Planning Policy Framework, Policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (v) and EN1 (i) & (vii) of the Rother Local Plan Core Strategy and saved Policy CF5 (i and iii) of the Rother District Local Plan (2006).”

- Current proposal*
- 4.3 The current scheme is a revised proposal again for the formation of a sand school for private use but on a different site. The new site is located on part of a green and developed field some 56m to the south of the dwelling and some 60m to the south-east of the previously proposed site.

- 4.4 The new sand school measures 20m by 40m and would be enclosed by a 1.2m high chestnut post and rail perimeter fence. The surface material consists of sand topped with recycled rubber. The proposal includes some re-profiling of the land to create a level surface and additional landscaping in the form of a screen hedge at the southern end. No floodlights are proposed.
- 4.5 Permission is also sought to install sleeper retaining walls and a new ramp in part of the garden to the south of the dwelling.
-

5.0 CONSULTATIONS

5.1 Ewhurst Parish Council

- 5.1.1 Support subject to a planning condition prohibiting illumination.

5.2 Planning Notice

- 5.2.1 One letter of objection from a local property raising the following concerns:

“The proposed sand school will directly face Dykes Farmhouse which is a Grade 2 listed building situated within an Area of Outstanding Natural Beauty - AONB. The field boundaries around the site are also identified as historical features in the AONB. The sand school will also be in direct view of our cottage, is close to our boundary fence and the roadside hedge. The visual impact for us and others will be of coloured poles, jumps and fencing as well as the variation to the landscape - see RR/2017/2538/P Refused. There will also be noise and disturbance. The sand school can be seen from the road, especially by tourist coaches travelling to and from Bodiam Castle - which would surely spoil their enjoyment of countryside views. It can also be seen by ramblers/walkers from the public footpath. Suddenly seeing a horse and rider jumping higher than the hedge could be a dangerous distraction to road users on this busy road. Does Private Use mean the sand school can only be used for private equestrian/recreational purposes and not for any commercial riding, livery, training other people's horses or any other business use. We have concerns that the latter may happen.”

6.0 APPRAISAL

- 6.1 The main issue is the effect of the proposed sand school on the character and appearance of the countryside and High Weald AONB.

6.2 Character and appearance

- 6.2.1 Rother District is a popular area for equestrian activities. Its countryside provides an attractive environment for horse riders and there is a good network of bridleways throughout the district. Equestrianism is recognised as a countryside pursuit and has a role in supporting the rural economy. Policy RA2 (vii) of the Rother Local Plan Core Strategy is supportive of recreation and leisure facilities in the countryside where they are compatible with the rural character of the area.

- 6.2.2 However, a balance needs to be struck between meeting the desires of the equestrian community and at the same time safeguarding the intrinsic value

and locally rural character and landscape features of the countryside. This is especially the case in the High Weald AONB, whose conservation and enhancement is afforded great weight.

- 6.2.3 The High Weald landscape is particularly vulnerable to development with equestrian facilities such as sand schools not always easily accommodated without some impact on the fields, small woodlands and farmstead meadows which make up the essential character of the AONB.
- 6.2.4 The Government's approach to the natural environment is set out in the National Planning Policy Framework and advises that valued landscapes should be protected and enhanced. Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. Policies OSS3, OSS4, RA2, RA3 and EN1 of the Rother Local Plan Core Strategy, along with Policies DEN1 and DEN2 of the emerging DaSA Local Plan are consistent with the advice of the National Planning Policy Framework. These policies all seek to ensure that development respects the character and qualities of the landscape and countryside, especially where they are protected by national designation for their scenic beauty.
- 6.2.5 Saved Policy CF5 of the Local Plan (2006) specifically addresses equestrian development in the district. The policy requires development in connection with new and existing equestrian establishments to meet a series of five criteria. Criterion (i) requires that there should be no significant adverse effect on the landscape character of the area while criterion (ii) states that the development will normally involve the change of use of an existing building or be adjacent to such a building.
- 6.2.6 Policy DCO2 of the emerging DaSA Local Plan also addresses equestrian development. The policy can be given significant weight. This policy states:
- "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 conservation of the High Weald AONB."*
- 6.2.7 The policy requires proposals to accord with a series of five criteria (as applicable). Criterion (i) requires the siting, scale and design, including materials and boundary treatment, of any new buildings or facilities to be appropriate to their rural setting. Criterion (ii) requires proposals to not be sited in particularly prominent or isolated locations where new development would be inappropriate. Criterion (iv) requires any associated floodlighting, earthworks, new access routes or ancillary structures, including storage facilities, manure bays, hardstandings, fencing and jumps, to not have an adverse impact on the surrounding countryside, biodiversity or local residential amenities.
- 6.2.8 The proposed sand school would be located at the top end of a currently green and undeveloped field, in a relatively isolated position away from existing buildings. The submitted drawing shows that engineering works would be required to re-profile the land to provide for the manège, supported by banks, which would disrupt the natural gradient of the sloping land. In addition, the sand school would involve the replacement of a large area of grass with a mix of man-made materials that would be alien to the

appearance of the area and would adversely affect the patterns of fields and meadows that characterise this part of the AONB.

- 6.2.9 The sand school would be well screened from Bodiam Road to the east by a mature hedge on the field's roadside boundary. However, it would be visible to residents of the neighbouring property to the south-east, Pightle Cottage, and due to the rolling topography of the area, would also be visible in some views from the wider landscape, particularly from high ground to the west. Some views of the sand school would also be likely from the Public Footpath (no. 10b) to the south, although given the sloping topography with the footpath descending below the level of the sand school, these views would be limited.
- 6.2.10 For the above reasons it is considered that the proposed sand school would be harmful to the rural character of the countryside and the landscape and scenic beauty of the High Weald AONB.

6.3 Other matters

- 6.3.1 The proposed sand school would be located some 56m away from the Grade II listed Dykes Farmhouse, on a separate parcel of land. As such, it would be both physically and visually separate from the listed building and so it is not considered that its proposed presence would harm the setting of the heritage asset.
- 6.3.2 The residents of the neighbouring property Pightle Cottage are concerned that the sand school would result in noise and disturbance. However, it would be well separated from their property and would be used for private purposes only. As such, the sand school would be unlikely to result in harmful levels of noise and disturbance.
- 6.3.3 The neighbouring residents are also concerned that the proposal could be detrimental to highway safety with horses jumping close to Bodiam Road providing a dangerous distraction to road users. However, Bodiam Road is not a busy road and use of the sand school for private purposes would be unlikely to result in a significant number of jumping horses during the course of a day. As such, the potential for the development to be detrimental to highway safety is considered to be low.
- 6.3.4 The neighbours have sought clarification on the meaning of private use. This means that the sand school could only be used for private equestrian/recreational purposes and not for any commercial riding, livery use, training or other business use. The applicant has stated that the sand school would be used by his daughter.
- 6.3.5 The proposed installation of sleeper retaining walls and a new ramp in part of the garden to the south of the dwelling are considered to be small-scale garden works, which would not harm the rural character of the countryside, landscape and scenic beauty of the High Weald AONB or the setting of the Grade II listed farmhouse.
-

7.0 SUMMARY

- 7.1 In Rother a balance needs to be struck between meeting the desires of the equestrian community and at the same time safeguarding the intrinsic value and locally rural character and landscape features of the countryside. This is especially the case in the High Weald AONB, whose conservation and enhancement is afforded great weight. The High Weald landscape is particularly vulnerable to development with equestrian facilities such as sand schools not always easily accommodated without some impact on the fields, small woodlands and farmstead meadows which make up the essential character of the AONB.
- 7.2 In this case it is considered that the proposed sand school would be harmful to the rural character of the countryside and the landscape and scenic beauty of the High Weald AONB. The proposal therefore conflicts with local and national policies relating to the protection and enhancement of valued landscapes, particularly those designated for their landscape and scenic beauty. As such, planning permission should be refused.
-

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

RECOMMENDATION: REFUSE (PLANNING PERMISSION)

REASON FOR REFUSAL:

1. The proposed sand school would be located at the top end of a currently green and undeveloped field, in a relatively isolated position away from existing buildings. Engineering works would be required to re-profile the land to provide for the manège, supported by banks, which would disrupt the natural gradient of the sloping land. In addition, the sand school would involve the replacement of a large area of grass with a mix of man-made materials that would be alien to the appearance of the area and would adversely affect the patterns of fields and meadows that characterise this part of the AONB. For these reasons the proposal would be harmful to the rural character of the countryside and the landscape and scenic beauty of the High Weald AONB, in conflict with Paragraphs 170 & 172 of the National Planning Policy Framework, Policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (v) and EN1 (i) & (viii) of the Rother Local Plan Core Strategy (2014), saved Policy CF5 (i) & (ii) of the Rother District Local Plan (2006), and Policies DCO2 (i) & (ii), DEN1 and DEN2 of the Development and Site Allocations Local Plan Proposed Submission version (October 2018), which also have weight.

NOTE:

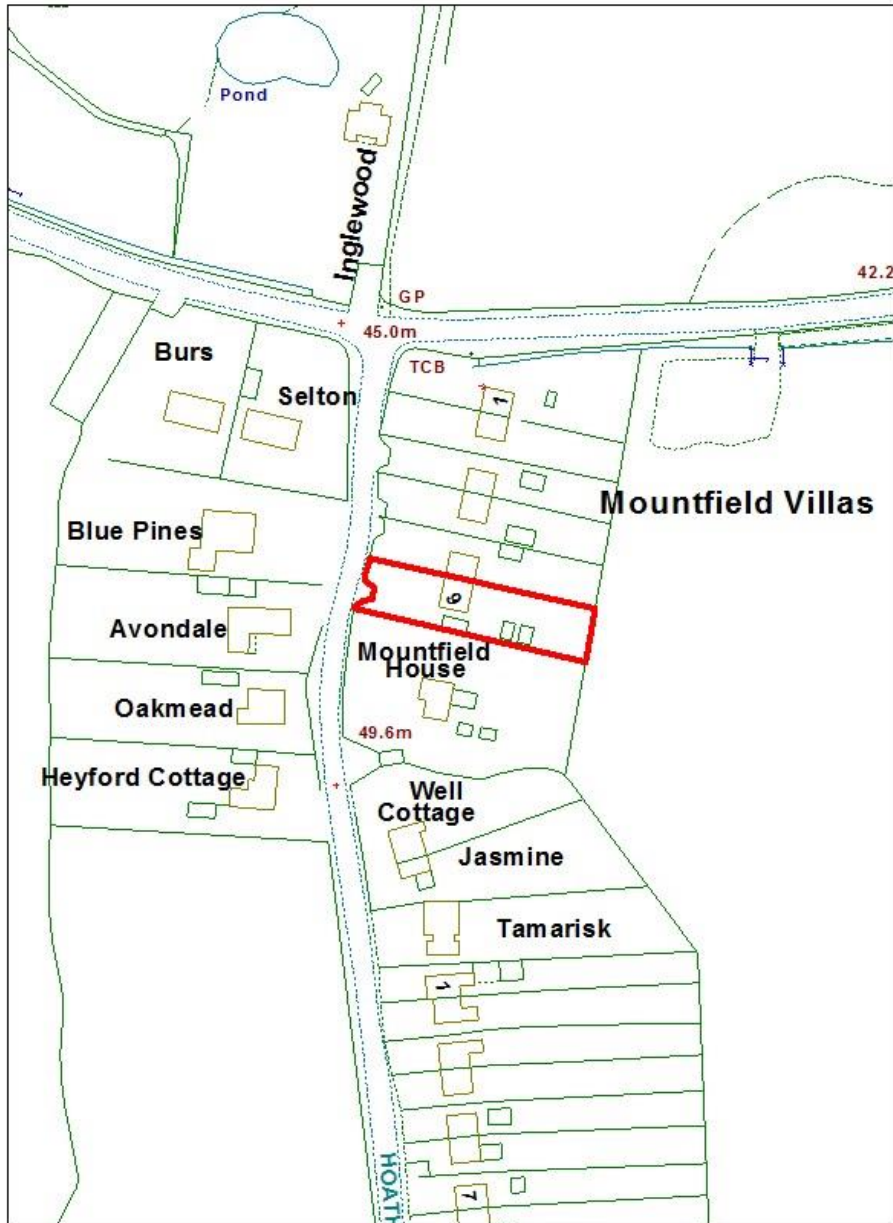
1. This refusal of planning permission relates to the following drawing:
- No. 5966/1/A (PROPOSED MANEGE), dated OCT 18.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country

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

[View application/correspondence](#)

SITE PLAN	MOUNTFIELD
RR/2018/2212/P	6 Mountfield Villas, Hoath Hill



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Not To Scale

RR/2018/2212/P

MOUNTFIELD 6 Mountfield Villas, Hoath Hill**Proposed two storey side extension single storey rear extension, porch and internal alterations**

Applicant: Mr and Mrs D. Betson
Agent: Cotech CAD
Case Officer: Ms K. West (Email: kim.west@rother.gov.uk)
Parish: MOUNTFIELD
Ward Member(s): Councillors Mrs E.M. Kirby–Green and Mr J. Barnes

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

Statutory 8 week date: 29 October 2018
Extension of time agreed to: 14 December 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:
- HG8: Extensions and alterations to existing dwellings
- 1.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS4: General Development Considerations
 - EN1: Landscape Stewardship
 - EN3: Design Quality
 - RA3: Development in the Countryside
- 1.3 The following policy in the Development and Site Allocations (DaSA) Local Plan – October 2018 is also to be given significant weight:
- DHG5: Extensions, Alterations and Outbuildings
- 1.4 The National Planning Policy Framework and Planning Policy Guidance are also relevant considerations.

2.0 SITE

- 2.1 This application relates to a semi-detached dwelling located on the eastern side of the road. It is situated outside any development boundary and within the High Weald Area of Outstanding Natural Beauty (AONB).

- 2.2 The property sits at a slightly higher level than that attached dwelling to the north and at a lower level than the detached dwelling in a larger plot to the south. The house currently benefits from a lean-to type porch to its southern side. The porch has a mono-pitch roof. In addition there is an existing detached garage also to the southern side. There is also an existing detached outbuilding to the rear, which is shared with the neighbour to the north.
-

3.0 HISTORY

- 3.1 None relevant.
-

4.0 PROPOSAL

- 4.1 This application seeks permission to erect a two storey side extension, single storey rear extension, porch and internal alterations.
- 4.2 The application has been amended to take account of initial concerns raised including the design. Both extensions are reduced in size and set further off the side boundaries. The proposal therefore now comprises:

Two storey side extension

The two storey hipped roof side extension to the south would have a width of 3.7m. The roof would meet the existing hipped roof of the dwelling. It would have two windows to the front elevation at ground and first floor and a window at first floor to the rear. A window is indicated at ground floor to the southern elevation. The extension would be set in 2.37m from the southern boundary. Concrete interlocking tiles to the roof are proposed to match the existing dwelling. The new walls would match those of the existing dwelling or be in keeping with the existing dwelling. The existing detached garage would be removed to accommodate the extension.

Porch

A single storey pitched roof porch is proposed to the front of the new two storey extension. It would be constructed in brick with concrete interlocking tiles to match the existing dwelling.

Single storey rear extension

It is proposed to extend the property to the rear with a single storey flat roof extension. On the basis of the amended plans the extension would now be set in 1.35m from the northern boundary with No.5 and also recessed 450mm from the flank side wall of the two storey extension. It would measure 2.6m in depth and 3.1m in height. Two roof lanterns are to be installed into the roof with bi-fold doors and window to the rear elevation and a door to the northern elevation accessing a small enclosed courtyard that is formed by the house, side wall of the extension, wall of the existing outbuilding and the boundary fence. The flat roof is to be single ply membrane and face brick is shown to match the existing dwelling.

- 4.3 The surface water run-off from both extensions is intended to run to a new soakaway.
-

5.0 CONSULTATIONS

5.1 Parish Council

5.1.1 Mountfield Parish Council objects to the application as originally submitted. Believe it is too large and the proposed extensions appear to be the same size as the existing property.

5.1.2 *Amended plans*

Mountfield Parish Council objects to the amended proposal.

5.2 Planning Notice

5.2.1 Two letters/emails of objection on the original proposal summarised as follows:

- No planning notice.
- No new downpipe shown on plans for side extension.
- Extension double size of house so would double the amount of water.
- New downpipe needed.
- Limit light into garden and kitchen window.
- Doesn't show how it will look from the side elevation.
- Rear south east elevation is not correct as it doesn't show the brick outhouse in front of it.
- Would look out of place.
- Modern look not in keeping with the existing.
- Any glare that might reflect off the proposed large windows.
- Maintenance would be difficult due to small access gaps.
- Shadow other properties and will look down on them.
- Finished height of the rear extension would be higher than the brickwork of the existing.
- Gardens are fairly quiet with lovely views, rear extensions on these properties have been refused due to blocking light and overshadowing.
- Huge size of the side extension is the size of another house.

5.2.2 Comments on amended scheme from the attached semi No. 5

- Do not feel this would make the impact any less.
- Still have a huge impact on limiting the amount of daylight and sun entering rear windows and garden and cause overshadowing.
- Amended plans show a door facing the eastern side elevation which is totally unacceptable, due to the height differences. Would be overlooked and have a loss of privacy.
- Not look aesthetically pleasing.
- Finished height would be higher than the existing house.

6.0 APPRAISAL

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

6.2 Character and appearance

- 6.2.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy and Policy HG8 of the Local Plan (2006) states that extensions to dwellings will only be permitted where they are in keeping with the character of the existing dwelling, and where they would respect and not detract from the character and appearance of the locality. This is echoed by the DaSA Policy DHG5.
- 6.2.2 There are already a number of examples of two-storey extensions within this road and therefore there would be no objection to a similar extension in principle.
- 6.2.3 Although the two storey extension would be visible from the highway, the proposed development, as now amended, would be acceptable. It would integrate successfully with the existing property, in design and scale, replicating the existing roof form, maintaining the eaves and ridge heights, utilising matching materials, using windows of similar proportions, matching fenestration details, etc. Therefore, it is considered that the proposal would not look out of place within the site itself, nor would it unbalance the semi-detached pair in an inharmonious way. This element of the proposal will respect the character and appearance of the main dwelling and wider locality.
- 6.2.4 The rear single storey extension would be situated behind the two storey element proposed and consequently it would not be visible within the frontage street-scene. The existing shared outhouse would be retained and would help to screen the new terraced area to the rear from wider views into the site. The rear extension incorporates a flat roof, which is not typical of the area, but as it would be obscured this is not considered unacceptable. The rear extension otherwise uses materials that would match or closely match those of the host dwelling. Taking all of the above into account it is considered in this instance that the single storey extension would respect the character and appearance of the main dwelling and wider locality.
- 6.2.5 The porch addition to the frontage is modest. Its simple form and matching materials will ensure it does not look out of place.

6.3 Living conditions

- 6.3.1 The single storey extension has been the subject of revisions and is now proposed to be set in 1.35m from the shared boundary to the north. Surface water run-off from both the pitched roof to the side elevation and the flat roof to the rear elevation is intended to run to a new soakaway thereby protecting neighbouring amenity from surface water flooding. There would be a glazed door to the northern side elevation to allow access to the garden courtyard area which would be created by the extension, however, no other windows are shown on this side elevation so no overlooking is envisaged. The existing shared outhouse would be retained and would help to screen the new terrace area from view of the neighbouring attached dwelling. There may be some limited impact upon neighbouring amenity as a result of overshadowing by the rear extension but this would not be unacceptable given the separation distance and the flat roof design. Notably an extension of this limited depth – only 2.6m would in other circumstances be within the 'permitted development' limits.

- 6.3.2 The two storey extension has also been revised to indicate a separation distance to the southern boundary of 2.370m. This distance, coupled with existing screening along the southern boundary with a high mature hedge, should ensure that there would be no significant impact on neighbours.
- 6.3.3 There is existing mutual overlooking of the rear gardens between the site and neighbouring properties and as such, it is not considered that the proposal would increase overlooking to the extent that it would be harmful given the new windows are orientated in the same direction as the existing.
- 6.3.4 Based on the above, it is not considered that the proposals would have any unacceptable detrimental impact on the residential amenities of the adjoining properties.
- 6.4 *Other matters*
- 6.4.1 Mention has been made in regard to the site notice not being present on the site. This comment was received prior to the notice being posted and it is confirmed the application was publicised correctly.
-

7.0 SUMMARY

- 7.1 The proposed development is considered acceptable in terms of its impact on the existing dwelling, locality and AONB and neighbouring amenities. The application is supported and planning permission should be granted.
-

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The development is not liable for CIL.
-

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:
Proposed site and Block plan,
Ground and first floor – Drawing No. P-361(18)03 Rev. B dated, 8.11.18
Proposed elevations Drawing No. P-361(18) 04 Rev. B dated, 8.11.18
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

3. The materials to be used in the construction of the external surfaces of the two storey extension the porch and the walls of the single storey extension hereby permitted shall match in materials, colour and texture those used in the existing building unless an alternative finish is first submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development is in character with its surroundings in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy.

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

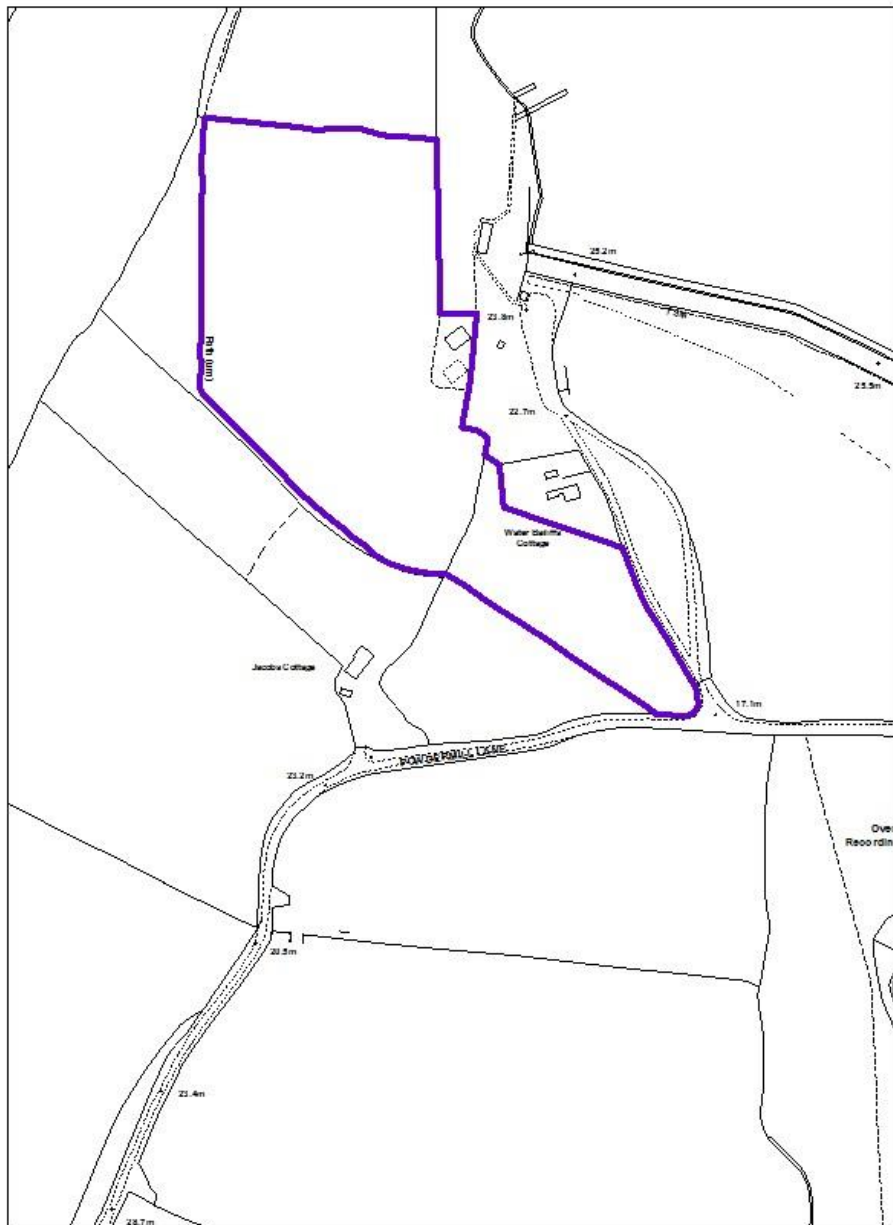
[View application/correspondence](#)

SITE PLAN

SEDLIESCOMBE

RR/2018/1235/P

Water Bailiffs Cottage, Reservoir Lane.



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Not To Scale

RR/2018/1235/P

SEDLESCOMBE
Lane**Water Bailiffs Cottage, Reservoir**

A small scale, family-run glamping and camp site with 5 No. glamping pods, 9 No. tent camping pitches, facilities hut, access roads and paths

Applicant:**Mr and Mrs S. Burgess****Agent:****Pump House Designs****Case Officer:****Mr M. Worsley**(Email: matthew.worsley@rother.gov.uk)**Parish:****SEDLESCOMBE****Ward Member:****Councillor A.E. Ganly****Reason for Committee consideration: Member referral: Councillor A.E. Ganly****Statutory 8 week date: 18 September 2018****Extension of time agreed to: 21 December 2018**

This application is included in the Committee site inspection list.

1.0 POLICIES

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

- OSS4: General development considerations
- RA2: General strategy for the countryside
- RA3: Development within the countryside
- CO6: Community safety
- EC4: Business activities elsewhere in the district
- EC6: Tourism activities and facilities
- EN1: Landscape stewardship
- EN2: Stewardship of the historic built environment
- EN3: Design quality
- EN5: Biodiversity and green space
- TR4: Car parking

1.2 The Proposed Submission version of the Development and Site Allocations (DaSA) Local Plan has been approved at full Council and therefore the policies within it carry some weight. Policy DEC2 (holiday sites) is of particular relevance and states:

All proposals for camping, caravan and purpose-built holiday accommodation must:

- (i) safeguard intrinsic and distinctive landscape character and amenities, paying particular regard to the conservation of the High Weald Area of Outstanding Natural Beauty (AONB) and undeveloped coastline, and be

- supported by landscaping proposals appropriate to the local landscape character;
 - (ii) conserve or enhance sensitive habitats and species;
 - (iii) not significantly detract from the needs of agriculture;
 - (iv) not unreasonably harm amenities of residents in nearby dwellings;
 - (v) not be in an area at risk of flooding, unless a site specific flood risk assessment has demonstrated that the development will be safe and will not increase flood risk elsewhere; and
 - (vi) accord with other relevant policies of the Plan.
- 1.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
-

2.0 SITE

- 2.1 The property is a detached dwelling set within substantial grounds which are covered by woodland (not ancient woodland). The site is located within the countryside, is within the High Weald AONB and is in close proximity to the Powdermill Reservoir, Brede High Woods and Hurst Wood Site of Nature Conservation Importance (SNCI). A public footpath runs through the site along the southern boundary. The neighbouring property to the southwest is a Grade II listed building. The site lies to the south of a reservoir that is used by a fly fishing club.
-

3.0 HISTORY

- 3.1 No relevant history.
-

4.0 PROPOSAL

- 4.1 Permission is sought to set up a glamping and camping business at the site. This would involve erecting 5 No. small wooden glamping units within the woodland measuring approximately 7m x 4.4m. Each would have two rooms, with a small kitchen and shower room.
- 4.2 To the southeast of the site 9 No. tent pitches are proposed together with parking spaces for the glamping units and a facilities building for the tent pitches.
- 4.3 It was originally proposed to include 4 No. all-weather pitches for touring caravans. However, concerns were raised by the Local Planning Authority over highway safety and the impact on the character and appearance of the area, given that touring caravans could be present on site all year round. The all-weather pitches and use of the site by touring caravans were subsequently deleted from the proposal.
-

5.0 CONSULTATIONS

5.1 Parish Council

5.1.1 Object.

'Parish Council does not support this planning proposal for the following reasons:-

Issues with access: The Applicant does not own the access into the site and has no right of way. The accessibility to the site is generally poor, via narrow lanes (Reservoir Lane) which is almost single tracked.

Amenities: There are no amenities within walking distance of the proposed development.

There is a grade II listed property - Jacobs Cottage - close by which will be affected by noise and light pollution.

There are concerns with damage to trees in an AONB ancient woodland.

The development can be easily seen from the public footpath running through the site.'

5.2 Highway Authority

5.2.1 11 July 2018:

Recommended refusal due to the access roads to the site being too narrow and poorly aligned, with a lack of passing places. In addition, visibility at the access to the site was considered inadequate.

Additional information was requested to consider the application, including details of actual driver sight lines at the access together with a seven day speed and volume survey.

5.2.2 5 October 2018:

Following receipt of the requested additional information the original objection is withdrawn. Adequate driver sight lines can be achieved and the generation of an additional 70 vehicle movements per day is not considered to result in severe conditions on the highway network. Conditions are requested to provide adequate visibility splays and the provision of enhanced passing places along the lane (works to be secured via s171 or s278 with the Highway Authority).

5.3 East Sussex County Council Footpath Officer

5.3.1 The trodden route of the footpath crossing the site takes a less straight line than shown on the submitted plan. Is unable to tell from the plans whether the tent pitches would encroach on the footpath. Requests that a condition is attached to any permission to ensure the footpath remains on its established line and remains free from obstruction.

5.4 Ramblers

5.4.1 Object.

- Inappropriate development within the AONB.
- In close proximity to Brede High Wood, therefore potentially harmful to protected species and fauna.
- The lane is very narrow and unsuitable for additional traffic.
- A public footpath crosses the site – concerns during construction and over privacy.

5.5 Environmental Health

5.5.1 No objection in principle. Request further information on the treatment and storage of foul waste.

5.6 Community and Economy (tourism)

5.6.1 Any comments will be reported.

5.7 Planning Notice

5.7.1 12 objections received (summarised):

- Access lanes are very narrow and not suitable for motorhomes.
- Safety would be compromised.
- When vehicles meet on the lane, one has to reverse due to the narrow width.
- Caravans and motorhomes would be difficult to reverse along the lane and there is a lack of passing places.
- Adequate safe access cannot not be provided.
- Increase in noise level.
- Lane unsuitable for increased traffic.
- Proposal is too large.
- Too close to Water Bailiffs Cottages.
- Adverse impact on AONB.
- The development would not be 'small scale' as described within the application.
- Size of the development within the AONB would disturb the tranquil fishing activities at the reservoir.
- Development would conflict with the National Planning Policy Framework.
- Development would be adjacent to the Hurst Wood Complex and would marginalise the biodiversity.
- No need for additional camping activities in this area.
- Proposal comprises significant built form in the otherwise undeveloped, natural environment, within the AONB.
- Adverse impacts will be intensified by the domestic paraphernalia that will be present when the campsite is operational.
- This would result in a loss of tranquillity and irreversible damage to the special characteristics of the AONB in this location.
- Development would be visible from the public right of way and would degrade the environment.
- No reference is made to internal or external lighting.
- Any external lighting would be intrusive on its rural surroundings and the dark night sky.
- Development is not of an appropriate scale for this woodland setting and would conflict with policy RA3 of the Core Strategy.
- Site is in close proximity to two grade II listed buildings, Jacobs Cottage and Jacobs Farmhouse.
- Jacobs Cottage is around 70m from the proposed works which provides little separation between the modern and functional forms of the proposed campsite and the historic cottage.

- The campsite will interrupt views from the cottage and its presence will affect the undeveloped woodland setting that the listed building lies within.
- The setting of both listed properties would be affected by the proposal, contrary to national planning policies.
- Further ecological survey work is recommended within the preliminary report. No evidence that this has been carried out.
- A comprehensive drainage and waste scheme should be submitted.
- Water supply and pressure in the vicinity is poor. The proposed development would make the situation worse.
- Safety concerns over the use of the campsite by children and the nearby reservoir.

5.7.2 Two sets of general comments received from the same person (summarised):

- Concerned about access, especially caravans and motorhomes.
- Road is in a poor state of repair.
- Agree with other comments raised over the suitability of the commercial project and the environmental concerns.

6.0 APPRAISAL

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

- Local economy.
- Character and appearance of the locality, including the AONB.
- Setting of the neighbouring listed building.
- Highway safety.
- Living conditions of neighbouring properties.
- Ecology.

6.2 Economy

6.2.1 Policies EC4 and EC6 together with paragraph 83 of the National Planning Policy Framework are generally supportive of the creation of new units of tourism accommodation, subject to other policy considerations. The proposal is for 5 No. units of good quality glamping pods together with 9 No. camping pitches, which would bring economic benefits to the area.

6.3 Character and appearance

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

6.3.2 Policy RA2 provides that the general strategy for the countryside is to (viii) generally conserve the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.

6.3.3 Policy RA3 states that proposals for development in the countryside will be determined on the basis (v) ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape

character or natural resources of the countryside and, wherever practicable, support sensitive land management.

- 6.3.4 Whilst policy EC6 is generally supportive of tourism uses, criterion (vii) requires proposals to be compatible with other Rother Local Plan Core Strategy policies.
- 6.3.5 Policy EN1 provides that the management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (inter alia) (i) the distinctive identified landscape character, ecological features and settlement pattern of the AONB; and (vii) tranquil and remote areas, including the dark night sky.
- 6.3.6 Policy EN3 requires all development to be of a high quality design.
- 6.3.7 Water Bailiff's Cottage is set back from the lane by around 100m and benefits from woodland to the northwest, west and south of the dwelling. To the north is a reservoir which is used by a fly fishing club.
- 6.3.8 The Arboricultural Report accompanying the application explains that three individual trees, three areas of trees and four areas of woodland on and off site were surveyed.
- 6.3.9 The area of woodland which the glamping pods would be sited within consists of a Douglas fir plantation. A small number of the trees would need to be removed to accommodate the development. However, this should have little visual impact on the woodland or wider landscape, given the dense cover of trees.
- 6.3.10 The location of the tent pitches, facilities building, access road and parking spaces would impact on two areas of mixed broadleaves. A proportion of the trees would need to be removed from these areas and would be noticeable from within the site. However, in the wider landscape there should be very limited impact, given that the trees on the boundaries would be largely retained. An oak tree and a small group of goat willow would also be removed to accommodate the new access. In respect of the oak tree, its removal would have some impact from within the site but would have no discernible impact from outside of the site. Turning to the goat willow, they have no amenity value beyond the confines of the site and their removal is therefore supported.
- 6.3.11 The 5 No. glamping pods would be relatively small scale structures that would be clad in timber. They would be scattered throughout the woodland which is densely populated by trees. Whilst glimpses of the structures may be possible from the public footpath, they would not be visible in the wider landscape due to the level of tree cover. This aspect of the proposal would appear as a relatively non-intrusive and low key form of development that, given the timber cladding proposed, should blend in with its woodland setting.
- 6.3.12 In respect of the proposed development at the eastern end of the site, this has been amended since the application was first submitted. The previously proposed 4 No. all weather pitches to serve motorhomes have been deleted. Instead, 9 No. tent pitches would be provided, to be served by a facilities

building, together with an access road and parking spaces for the glamping units. No motorhomes or caravans would be permitted to use the site.

- 6.3.13 Although this aspect of the proposal would introduce a reasonable amount of permanent development to the eastern end of the site, a large proportion of this would be surfacing. The only permanent above ground development would be the facilities hut, which would be set behind the cottage, and a bin store. The tent pitches could be grassed, and the access track and parking areas could be surfaced with material suitable for its rural setting. Tents are not generally occupied during the winter months and the applicants are willing to have the use of tents limited at the site to between March and October. This would mean that tents would only be present on site during times when the trees are in leaf which would reduce their landscape impact. In respect of the facilities hut, this would have a similar appearance to the glamping pods, with a flat roof and timber clad elevations. It would be set well into the site and would benefit from an element of tree screening. For these reasons it should not form a prominent or intrusive feature in the landscape.
- 6.3.14 No specific external lighting details have been submitted. However, the reptile survey explains that low level 6W LED lighting would be utilised. This should have limited impact on the rural surroundings and the dark night sky. Nevertheless, in the event that permission is granted, details could be requested via condition to ensure that any lighting is not intrusive.
- 6.3.15 Overall it is considered that the proposed development would not adversely impact on the character and appearance of the locality, including the landscape and scenic beauty of the AONB.

6.4 Setting of the neighbouring listed building

- 6.4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.4.2 Policy EN2 states that development affecting the historic built environment, including that both statutorily protected and the non-statutorily protected, will be required to (iii) preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic building typologies.
- 6.4.3 The listing description for Jacobs Cottage states:
Formerly two cottages, now one house. C17 or earlier timber-framed building with plaster infilling, ground floor rebuilt in red brick. Hipped tiled roof. Casement windows. Two storeys. Four windows.
- 6.4.4 The cottage is set back from the north side of the lane by around 30m. To the west is an undeveloped field and to the north and east is woodland. The cottage occupies a very rural setting.
- 6.4.5 The proposal is for a relatively low key non-intrusive form of development that would be integrated into the site by utilising small scale structures and sympathetic materials. Whilst glimpses of some of the development may be

possible from the listed cottage, the woodland setting of the property would be preserved.

- 6.4.6 Although an objector has referenced the setting of the grade II listed Jacobs Farmhouse as being affected by the development, this property is located around 400m from the application site and is separated by intervening woodland and fields. The separation is considered sufficient for the setting of this building not to be affected by the development.

6.5 Highway safety

- 6.5.1 Policy CO6 (ii) requires all development not to prejudice road and/or pedestrian safety. Policy TR4 (i) requires adequate on-site parking to be provided.

- 6.5.2 The Highway Authority originally objected to the proposal due to the roads giving access to the site having inadequate width, poor horizontal alignment and a lack of suitable passing places, meaning that they were unsuitable to accommodate the increase in traffic proposed. They also raised concerns over the apparent lack of visibility at the access. The use of caravans or other towed accommodation was considered to add further to the highway safety concerns. The Highway Authority requested that a plan was provided to show actual visibility at the access together with a seven day speed and volume survey along Reservoir Lane, in order to reconsider the proposal.

- 6.5.3 A traffic survey detailing the volume and speeds of vehicles was subsequently submitted together with a plan showing driver sightlines that are achievable at the access.

- 6.5.4 On the basis of the traffic survey and plan the Highway Authority removed their objection. They commented:

'...The content of the traffic survey, which was carried out over a seven day period during a neutral period indicates the U6627 carries a total of 53 vehicles per average day at 85th percentile speed of 22.7mph for both east and westbound directions. The distribution of vehicles is:

Eastbound – 0800-2000hrs – between 1 and 3 vehicles per hour.

Westbound – 0700-2100hrs – between 1 and 4 vehicles per hour.

The 85th percentile speeds require a sightline distance of 30m from a set back point of 2.4m. From the submitted plan, I am satisfied that the required sightline is achievable and knowing the speeds are on average less than 20 mph, drivers edging out with caution are very unlikely to encounter a speeding vehicle.

In highway terms, this section of the network generates very low flows and the addition of a further 70 vehicles over the course of a day is not likely to represent severe conditions on the highway network.

However, it would be prudent for safety of both vehicles and non-motorised users that informally evolved passing places are considered for formalising in the most appropriate places, commensurate to the scale of development requiring planning consent, to assist movement to and from the site. It is recommended that an appropriately worded planning condition can accommodate this requirement.

Based on the additional information submitted, I would take the view that the proposed development would not represent a severe highway impact in safety or capacity terms on the basis that the traffic flows are very light and speeds averaging below 20 mph. I am mindful that the introduction of a

campsite will generate additional pedestrians and cyclists in which case would warrant additional road space for passing in order to reduce chances of vehicles having to carry out reverse manoeuvres in the carriageway, though it is understood that although requested offsite highway works will not guarantee prevention, the intention is to represent infrastructural improvements to accommodate the additional activity.

I wish to retract the earlier highway objection and am able to support the proposal subject to driver sightlines being maintained by the applicant and that subject to discussions with the highway authority, a selection of passing places be formalised...

6.5.5 It is acknowledged that the proposed development would result in the increase in traffic along the lane. However, given the results of the speed and volume survey work undertaken by the applicant, together with the expert advice provided from the Highway Authority, it is not considered that highway or pedestrian safety would be prejudiced by the proposal. Conditions could be attached to any permission to secure adequate visibility splays and improve passing places along the lane.

6.5.6 Parking spaces for the glamping pods would be provided near to the tent pitches to the southeast of the site. Room to park a vehicle on each of the tent pitches would also be provided. Adequate on-site parking facilities are proposed.

6.5.7 Overall the proposed development would not prejudice road or pedestrian safety.

6.6 Living conditions

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

6.6.2 The nearest neighbouring property that could be affected by the development is Jacobs Cottage. The garden of this property adjoins the southeast boundary of the site. However, the nearest glamping pod would be 40m from the boundary and the dense tree cover is proposed to be retained. Some increased noise and activity would be created by the proposed use. Nevertheless, the use would be relatively low key and the separation and tree cover would mean that the living conditions of the occupants of Jacobs Cottage would not be unreasonably affected by the development.

6.7 Ecology

6.7.1 Policy EN5 requires biodiversity, geodiversity and green space to be protected and enhanced.

6.7.2 The Preliminary Ecological Appraisal by The Mayhew Consultancy Limited concluded that there was no evidence to show that the proposed development would impact on great crested newts or badgers. However, it did advise that the proposal could impact on birds, bats, dormice and reptiles. Further survey work was recommended.

6.7.3 A Reptile Survey was subsequently carried out by Flag Ecology which also assessed the need to survey bats and hazel dormice.

- 6.7.4 The report explained that the glamping pods would be provided within a mature conifer plantation and that no trees would be felled. Low level 6W LED lighting would be utilised. None of the trees near the glamping pitches had cavities large enough for roosting bats. On this basis it was concluded that a bat survey was not required
- 6.7.5 In respect of dormice, the report states that the facilities building would be positioned within an area of hazel coppice which has the potential to support dormice. However, the erection of the building would only require one small sapling to be removed and on this basis a survey for dormice was not considered necessary.
- 6.7.6 Turning to reptiles, the sward area proposed for the tent pitches together with an area of nearby rough grassland was surveyed. No reptiles were found in the sward area proposed for the tent pitches. However, viviparous lizard and slow-worm were found in the rough grassland. It was concluded that whilst low numbers of reptiles may use the rough grassland, the sward area where the tent pitches are proposed is not considered suitable for significant numbers of species.
- 6.7.7 The survey work shows that the proposal should not have an adverse impact on protected species and their habitats. Ecological enhancements are suggested within section 5.2 of the Reptile Survey, which is encouraged by the National Planning Policy Framework, and could be secured via condition.
- 6.8 Other issues
- 6.8.1 The comments made by Environmental Health relating to foul water treatment and storage are noted. However, this issue will be dealt with under the Building Regulations, as will drainage.
- 6.8.2 Concerns have been raised over the mains water supply and how the existing pressure can be low. Some locals are worried that the development would place additional demand on the mains water supply. The company who supply water will ultimately be the ones who decide whether it is appropriate for the proposed development to connect to the existing supply or whether a new separate water main supply would be required.
- 6.8.3 Safety issues relating to the reservoir are appreciated, especially in relation to children. However, the reservoir is understood to be on private land with no public access. In addition, there are various advisory signs and buoyancy aids around the perimeter of the reservoir.
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7.0 SUMMARY

- 7.1 The proposed development would bring economic benefits to the area. It would have minimal impact on the surrounding countryside and landscape and scenic beauty of the AONB and there would be no adverse impact on the setting of the neighbouring listed building, highway safety, neighbouring properties or ecology. The proposal complies with Rother Local Plan Core Strategy policies together with the various provisions contained within the National Planning Policy Framework. For the reasons explained the application can be supported.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 Holiday lets are CIL liable if the accommodation is considered capable of being occupied as C3 dwellings. Given the very limited size of the proposed glamping pods it is not considered that the units are capable of being occupied as permanent dwellings, especially the units which include children's bunk beds within the wardrobes. For this reason the proposed development is not considered to be CIL liable.
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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. 5876/LBP dated May 2018
Drawing No. 5876/200/A dated 27.09.18
Drawing No. 5876/201 dated May 2018
Drawing No. 5876/202 dated May 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 in respect of the access road, parking area, tent pitches and facilities hut shall commence until tree protection measures have been provided in accordance with the details set out in the Mayhew Consultancy Ltd Arboricultural Report dated July 2018, and specifically, the plan contained within Appendix B and the protected fencing detailed within Appendix F. The protective fencing shall thereafter be retained in situ for the duration of the construction works.
Reason: To ensure the protection of trees during construction and thus the landscape and scenic beauty of the High Weald AONB in accordance with Policies OSS4 (iii), RA3 (v) and EN1 (i) of the Rother Local Plan Core Strategy.
4. No development above ground level in respect of the glamping pods or facilities hut shall take place until additional details or samples of the materials to be used in the construction of the external surfaces of the glamping pods and facilities hut hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To preserve the visual amenities of the area and the landscape and scenic beauty of the High Weald AONB in accordance with Policies OSS4 (iii), RA3 (v) and EN1 (i) of the Rother Local Plan Core Strategy.

5. No development in respect of the hard surfacing of any of the site shall commence until full details of permeable surfacing have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
Reason: To restrict surface water runoff and to preserve the visual amenities of the area and the landscape and scenic beauty of the High Weald AONB in accordance with Policies OSS4 (iii), RA3 (v), SRM2 and EN1 (i) of the Rother Local Plan Core Strategy.
6. The tent pitches hereby permitted shall not be hard surfaced and shall be covered in grass.
Reason: To restrict surface water runoff and to preserve the visual amenities of the area and the landscape and scenic beauty of the High Weald AONB in accordance with Policies OSS4 (iii), RA3 (v), SRM2 and EN1 (i) of the Rother Local Plan Core Strategy.
7. Before the glamping pods or tent pitches hereby permitted are first occupied, visibility splays measuring a minimum of 30m x 2.4m shall be provided at the site access onto Reservoir Lane and shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
8. Before the glamping pods or tent pitches hereby permitted are first occupied, a highway scheme for the enhancement of passing places along Reservoir Lane and Brede Lane shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The improved passing places shall be provided prior to first occupation or use of any tent pitch or glamping pod and thereafter retained in accordance with the approved details.
Reason: To ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
9. Before the glamping pods or tent pitches hereby permitted are first occupied, details of the soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. The planting shall be carried out in accordance with the approved details.
Reason: Reason: To protect the landscape and scenic beauty of the High Weald AONB and highway safety in accordance with Policies OSS4 (iii), RA3 (v), CO6 (ii) and EN1 (i) of the Rother Local Plan Core Strategy.
10. Before the glamping pods or tent pitches hereby permitted are first occupied, details of any external means of illumination within the site shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall be provided and thereafter maintained in accordance with the approved details.
Reason: To safeguard the special character of the rural area within the High Weald AONB in accordance with Policies OSS4 (iii) and EN1 (i) (vii) of the Rother Local Plan Core Strategy.
11. Before the glamping pods or tent pitches hereby permitted are first occupied, the ecological enhancements listed within section 5.2 of the Flag Ecology

Protected Reptile Survey dated 11 October 2018 shall be implemented. For the avoidance of doubt, either option 1 or 2, together with 3 may be provided. Reason: To enhance biodiversity at the site in accordance with Policy EN5 of the Rother Local Plan Core Strategy and paragraph 170 of the National Planning Policy Framework.

12. Before the glamping pods or tent pitches hereby permitted are first occupied, a site management plan detailing how noise and activity from the site is to be managed shall be submitted to and approved in writing by the Local Planning Authority. The site management plan shall include rules on how no large groups of people will be accepted, no stag or hen parties will be permitted, no parties will be permitted and no amplified or other music will be allowed. The site shall be managed in accordance with the approved management plan unless otherwise agreed in writing with the Local Planning Authority.
Reason: To protect the living conditions of nearby residents and to protect the tranquil nature of this part of the High Weald AONB in accordance with Policies OSS4 (ii) (iii) and EN1 (vii) of the Rother Local Plan Core Strategy.
13. The glamping pods hereby permitted shall not be occupied for more than 56 days in total in any calendar year by any one person.
Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies OSS4 (iii) EC6 and RA3 of the Rother Local Plan Core Strategy.
14. The owners/operators shall maintain an up-to-date register of the names of all owners and/or occupiers of individual glamping pods on the site, and of their main home addresses, and shall make the information available at all reasonable times to the Local Planning Authority.
Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies OSS4 (iii), EC6 and RA3 of the Rother Local Plan Core Strategy.
15. No amplified or other music shall be played at the site, including within the glamping pods or tents.
Reason: to protect the residential amenities of the locality and the tranquil nature of this part of the High Weald AONB in accordance with Policies OSS4 (ii) and EN1 (vii) of the Rother Local Plan Core Strategy.
16. The site shall only be used for the accommodation of glamping pods and tent pitches and no touring caravans (including motorised caravans) or static caravans shall be stationed thereon.
Reason: To protect the landscape and scenic beauty of the High Weald AONB and highway safety in accordance with Policies OSS4 (iii), RA3 (v), CO6 (ii) and EN1 (i) of the Rother Local Plan Core Strategy.
17. The tent pitches hereby permitted shall only to be occupied between 1 March and 31 October in any one calendar year.
Reason: To protect the landscape and scenic beauty of the High Weald AONB and highway safety in accordance with Policies OSS4 (iii), RA3 (v), CO6 (ii) and EN1 (i) of the Rother Local Plan Core Strategy.
18. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species

and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect the landscape and scenic beauty of the High Weald AONB and highway safety in accordance with Policies OSS4 (iii), RA3 (v), CO6 (ii) and EN1 (i) of the Rother Local Plan Core Strategy.

NOTES:

1. The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.
2. The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found and these should be sought before development commences.
3. This planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation. Further advice on the requirements of these Acts is available from Natural England, Sussex and Surrey Team, Phoenix House, 33 North Street, Lewes, East Sussex BN7 2PH.
4. The highway works required under Condition 8 will be subject to an appropriate agreement with the Highway Authority. The applicant is advised to contact the Highway Authority to discuss the requirements of the condition.
5. For the avoidance of doubt, the glamping pods hereby permitted do not fall within planning Use Class C3 (dwellinghouse) and therefore permitted development rights relating to C3 dwellinghouses are not applicable.

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

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