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| Report to | - | Planning Committee |
| Date | - | 17 January 2019 |
| 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

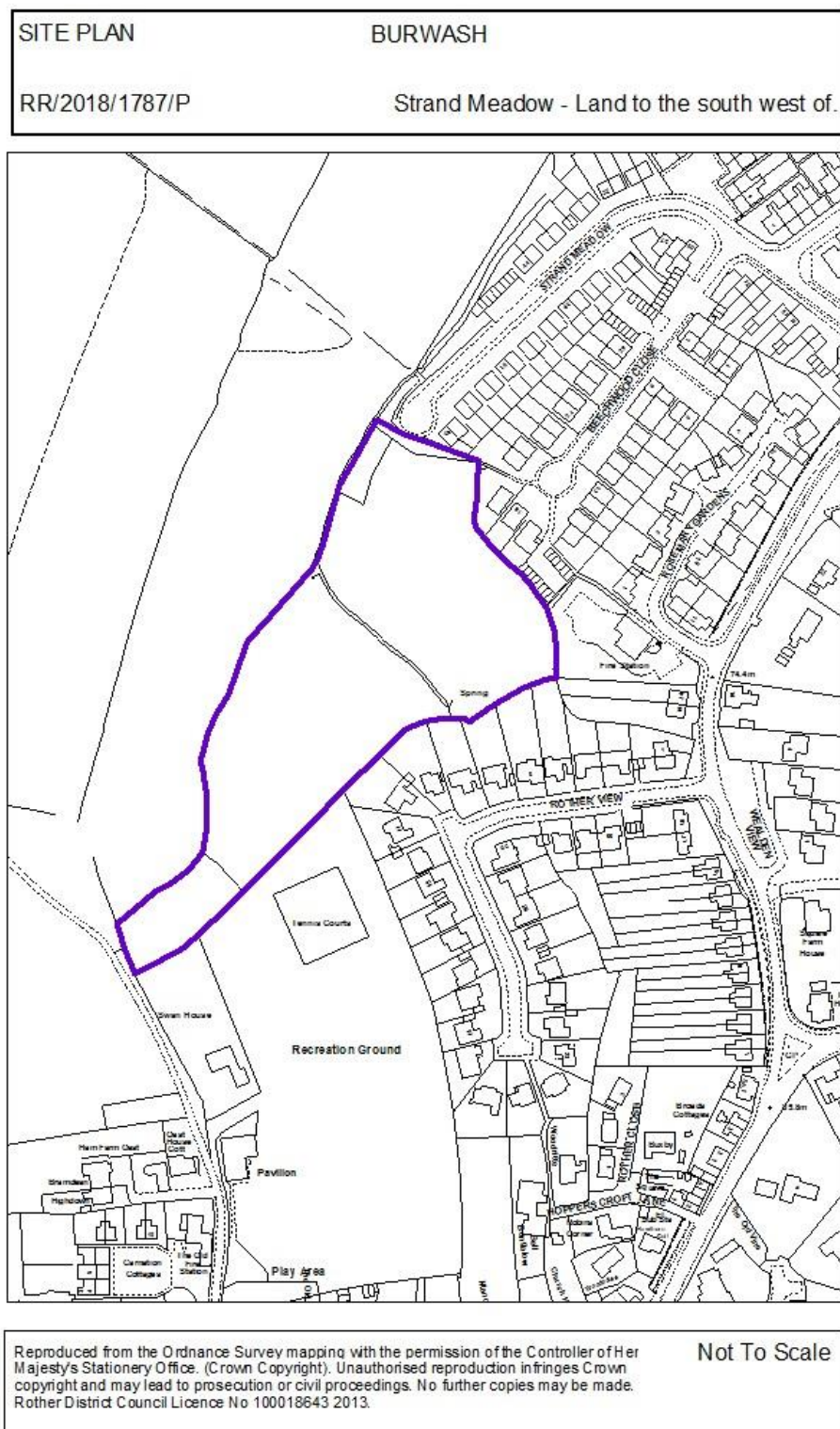
The report on planning applications is presented in the following order as shown below:

6.1 APPLICATIONS ATTRACTING A PETITION (PUBLIC SPEAKING)

| REFERENCE | PAGE | PARISH | SITE ADDRESS |
|---------------------------------------|-------------|---------------|---|
| <u>RR/2018/1787/P</u> | 4 | BURWASH | Strand Meadow – Land to the south west of |
| <u>RR/2018/362/P</u> | 30 | PETT | Westcott, Chick Hill |

6.2 ALL OTHER APPLICATIONS

| REFERENCE | PAGE | PARISH | SITE ADDRESS |
|---------------------------------------|-------------|---------------|--------------------------------|
| <u>RR/2018/2089/P</u> | 41 | BATTLE | Cedarwood House, Hastings Road |
| <u>RR/2018/2090/L</u> | 41 | BATTLE | Cedarwood House, Hastings Road |
| <u>RR/2018/2464/P</u> | 53 | HURST GREEN | 54 London Road, Royal George |
| <u>RR/2018/2930/P</u> | 59 | IDEN | Francisca, Grove Lane |



RR/2018/1787/P

BURWASH Strand Meadow – Land to south west of**Erection of 30 market dwellings together with access, parking, open space and recreational land**

Applicant: Park Lane Homes (South East) Limited
Agent: Town & Country Planning Solutions
Case Officer: Mrs S. Shepherd
(Email: sarah.shepherd@rother.gov.uk)
Parish: BURWASH
Ward Member(s): Councillors J. Barnes and Mrs E.M. Kirby-Green

Reason for Committee consideration: Head of Service Strategy & Planning referral: Major housing site with local interest

Statutory 13 week date: 8 October 2018
Extension of time agreed to: 25 January 2019

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:

VL1: Land off Strand Meadow, which states:

“Land south west of Strand Meadow, Burwash, as shown on the Proposals Map, is allocated for housing and recreational purposes. Proposals will be permitted where:-

- (i) no more than 17 dwellings are provided, of which 40% are affordable;*
- (ii) an appropriate planting scheme is carried out at the time of the development to landscape the land between the new housing and dwellings in Rother View;*
- (iii) a footpath is provided to link the new development to the existing recreation ground and Ham Lane;*
- (iv) land set aside for recreational purposes is appropriately laid out and provision made for its subsequent management and public access;*
- (v) both residential and amenity/community uses are progressed in tandem; and*
- (vi) developer contributions are made to provide for highway improvements in Strand Meadow to improve access conditions.”*

1.2 Saved Policy DS3 of the Rother District Local Plan (2006) is also part of the current ‘development plan’; it is relevant insofar as the majority of the site lies within the defined development boundary. The only area that is excluded is that part of the site comprising proposed use for recreational purposes including allotments.

- 1.3 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS1: Overall spatial development strategy (additional dwellings required)
 - OSS2: Use of development boundaries
 - OSS3: Location of development
 - OSS4: General development considerations
 - RA1: Villages
 - SRM2: Water supply and wastewater management
 - CO1: Community facilities and services
 - CO3: Improving sports and recreation provision
 - LHN1: Achieving mixed and balanced communities
 - LHN2: Affordable housing
 - EN1: Landscape stewardship
 - EN3: Design quality
 - EN5: Biodiversity and green space
 - EN7: Flood risk and development
 - TR2: Integrated transport
 - TR3: Access and new development
 - TR4: Car parking
- 1.4 Where development is proposed 'within' a development boundary, there is a presumption in favour of development, subject to compliance with other policies.
- 1.5 The 'Proposed Submission' version of the Development and Site Allocations (DaSA) Local Plan) is now at the proposed submission stage and carries 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
- 1.6 The following policies of the DaSA carry significant weight being an expansion of existing adopted policies:
- DEN1: Maintaining Landscape Character (existing Policy EN1 refers)
 - DEN2: The High Weald AONB ((existing Policy EN1 refers)
 - DEN4: Biodiversity and Green Space (existing Policy EN5 refers)
- 1.7 The National Planning Policy and Planning Policy Guidance are also material considerations. The following parts of the National Planning Policy Framework are particularly relevant to the development proposal:
- Paragraph 11: the presumption in favour of sustainable development.
 - Paragraph 38: decision-making.
 - Paragraph 47: determining applications.
 - Paragraph 67 – 68: identifying land for homes.

- Paragraph 73: maintaining supply and delivery (five year supply).
- 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.
- Section 15: conserving and enhancing the natural environment, including paragraph 172 in respect of the High Weald Area of Outstanding Natural Beauty (AONB) and paragraph 175 reference enhancement of biodiversity.

1.8 The Burwash Neighbourhood Plan is in the early stages of preparation with no sites publicly identified or other policies presented. As such no weight can be afforded to it and no arguments of prematurity can be used.

2.0 SITE

2.1 The site, as is the whole village of Burwash and much of the district, is situated within the High Weald AONB. With the exception of the amenity/recreation area to be utilised as allotments, the site lies within the development boundary for Burwash village with an existing field access from the southern end of Strand Meadow.

2.2 The land which has a significant gradient falling from south-east to north-west is allocated within the Rother Local Plan for housing, landscaping and amenity purposes. It is relatively hidden from the wider landscape, nestling on the side of a narrow valley that runs in a northerly direction from the main ridge upon which the village stands. The land slopes down to a ghyll on its north-west boundary. There are a number of trees to the northwest boundary with the ghyll, around the field edges (three small fields make up the site) and within the area subject to improved landscaping. The trees having a trunk diameter exceeding 75mm at a height of 1.5m above ground level are protected by area order Tree Preservation Order (TPO) 267.

2.3 The site adjoins Strand Meadow to the north, and the gardens of properties at a higher level in Beechwood Close to the north-east and Rother View to the south-east. The recreation ground is set at a higher level and adjoins the southern boundary of the site, with rising fields to the west. Public paths run along the northern boundary between Beechwood Close and Strand Meadow with public rights of way via Ham Lane to the south-west and through the fields to the west.

3.0 HISTORY

3.1 RR/2011/2205/P Outline: proposed residential development with access from Strand Meadow. Approved subject to section 106 agreement and conditions.

3.2 RR/2011/2206/P Use of land for informal recreation and creation of footpath link. Approved subject to section 106 agreement and conditions.

- 3.3 RR/2017/586/P Outline: Proposed residential development with access from Strand Meadow. Approved subject to conditions and section 106.
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4.0 PROPOSAL

- 4.1 Outline permission has previously been granted for the development of this site on two separate occasions, as set out at section 3.0 above. This application is a 'full' application with details for 30 residential dwellings, access, parking, drainage and landscaping. The proposals have not been submitted as a reserved matters application as unlike the previous outline it is not now proposed, for viability reasons, to provide affordable housing.
- 4.2 As previously approved, the site covers some 1.8ha in total, comprising 0.83ha for residential development, 0.78ha to be enhanced landscape and 0.24ha for amenity (allotment) and recreational use. Access as previously approved, remains from the southern end of Strand Meadow, incorporating off-site highway works to provide additional parking spaces on the approach to the existing turning head.
- 4.3 The site layout is not dissimilar to the indicative plan presented at outline, being a linear layout reflecting the linear form and gradient constraints of the site. It continues to provide a mixed development of 30 units comprising 2 x 1 bed flats, 2 x 2 bed flats, 4 x 2 bed houses and 22 x 3 bed houses. The units are located on the eastern side of the access road and are all to be market units.
- 4.4 The designs of the units have been amended to provide a mix of locally referenced materials, utilising bricks, tiles, stone cills, tile hanging and Hardiplank cladding and references local vernacular features by adding relief and detail to the elevations with bays, balconies, cladding, canopies and dormers.
- 4.5 As previously the details include a turning head within the site with a new footpath link to the recreation ground/amenity land. The higher slopes of the site to the south east are again retained for improved landscaping and ecology. Further landscaping enhancements are to be undertaken along the western boundary with the ghyll.
- 4.6 Updated reports and additional statements are submitted and include: Viability Appraisal; amended drainage scheme; Ecological Assessment Report; Arboricultural Assessment; Flood Risk Assessment; Transport Report; and Design & Access Statement and Archaeological Assessment.
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5.0 CONSULTATIONS

- 5.1 The amended proposals have been the subject of reconsultation and comments summarised below incorporate all comments received at the time of writing.

5.2 Burwash Parish Council

5.2.1 Resolved to object to the previous outline application and also object to this full application. Comments are summarised as follows:

- Position, size and scale – The proposal does not accord with Policy VL1 which only references the provision of 17 dwelling units not 30.
- Design, size and scale – Poor design. Use of uPVC and composite cladding not reflective of the area and would not deliver high quality homes the community expects.
- Is in the AONB – Intensification of development poses unsuitable impact and effect on the AONB and harms the landscape. High Weald Unit also objects.
- Environmental impact – Will harm the TPO trees, dark skies, local wildlife and fauna. County Ecologist requires mitigation and monitoring. Application should be rejected due to lack of information on these points.
- Impact on infrastructure – including sewerage system, school and doctors. Should be refused until the sewer diversion with Southern Water and the licence from the Environment Agency for the treatment plant have been obtained.
- Geographical site constraints – land unsuitable for building due to the numerous streams in the area and flood risk issue not satisfied. And concerns reference shifting land in the area.
- Access – Strand Meadow is narrow and there is a lack of parking. Issues for access by refuse trucks and emergency vehicles.
- Traffic impacts – junction with Shrub Lane is poor; junction with A265 is an issue; bus No. 31 is replaced by No. 231 and not available on Saturday; Denton Homes development at appeal and would add to the traffic further.
- Removal of affordable housing – is contrary to policy. Viability documents unclear. If scheme is unviable with affordable housing it should be refused.
- Understanding the housing need for the village – does not reflect the need identified by the village in recent neighbourhood plan survey. Want smaller sites, two bed bungalows and three bed houses for social rent.
- Viability – all information should be open to scrutiny and application should be returned until full disclosure can be provided. It is hoped that the DVO has full access in order to make a considered decision.

5.3 Highway Authority

5.3.1 Noting the existing permission for the site and the previous comments made, has no objection subject to conditions and completion of legal agreements. The following comments are made:

Access

5.3.2 The access road into the site would form a continuation of Strand Meadow as indicated on the submitted plan (Drawing 2018/4357/001A). A 5.5m wide carriageway width leading into the site will be provided. A 1.8m pedestrian footway would continue into the site along the eastern side of the access road for approximately 21m. A raised table would be provided upon entry to the site and beyond this the 5.5m wide carriageway would be retained as a shared surface. An uncontrolled pedestrian crossing would also be provided

by way of a dropped kerb and tactile paving to maintain a link between the public footpaths crossing the end of Strand Meadow. Additionally, a footpath link would be provided south of the site which would pass through the playing field and then connect to the recreation ground.

5.3.3 As part of the access arrangement the existing turning head on Strand Meadow will be retained and formalised and would be separated from the main through route by carriageway markings. This facility would allow for turning by cars and service vehicles not associated with the development site and tracking drawings have been provided to show that this can be accommodated. Along the northern side of Strand Meadow the existing footway would be removed for a section of approximately 50m, allowing the carriageway to be widened to provide an additional area of on-street parking. A pedestrian crossing with dropped kerbs and tactile paving will be provided where the footpath ends to the north of the new parking area. In order to retain a 4.8m carriageway width along this section of road, the carriageway will be widened slightly to the south. The footway along the southern side of Strand Meadow would therefore be narrowed to a width of approximately 2.7m which is considered to be appropriate.

5.3.4 It is considered that these measures will allow for additional on street parking and subsequently help alleviate some of the congestion problems that occur along Strand Meadow. In particular, the widening of the carriageway will allow refuse vehicles and emergency vehicles to travel along this section of Strand Meadow without any obstructions.

5.3.5 I have no major concerns regarding the site access and the off-site works proposed and the submitted details are satisfactory for planning purposes; however, the proposed works will need to be secured via a 278 legal agreement and at this stage further layout and construction details will be required. This should also include details of any alterations required to the retaining wall on the northern side of the Strand Meadow turning head. The works will also need to be Stage 1 and 2 Road Safety Audit and any issues raised will require addressing in satisfactory manner.

Trip Generation and Highway Impact

5.3.6 The level of traffic likely to be generated by the development has previously established through the undertaking of a traffic survey of the existing residential dwellings accessible from Strand Meadow. Based on the surveyed trip rates, the proposed development of up to 30 residential units would generate 20 trips in the AM Peak and 16 trips during the PM Peak. A total of 139 trips would be generated daily.

5.3.7 The TRICS database has also been interrogated to compare the proposal with similar developments in similar locations within the UK. Data obtained from the TRICS database has suggested that the proposed development will generate approximately 15 two-way trips during the AM and PM peak periods and a total of 137 trips daily. These figures are similar to those obtained from my own interrogation of the TRICS database. I am therefore satisfied that the methodology used to calculate trip rates provides an accurate description of the vehicle movements likely to be associated with the proposed development.

5.3.8 The site access is a continuation of Strand Meadow and has therefore not been tested for capacity. No assessments of the nearby Strand

Meadow/Shrub Lane junction has been undertaken as part of the proposal; however, taking into account the level of traffic likely to be generated by the development and the relatively modest traffic flows on Shrub Lane I am satisfied that the junction will continue to function without risk of congestion. This also takes into account the potential impact of the residential development off Shrub Lane (RR/2017/456). (Now refused). I am also satisfied that the visibility available at the Strand Meadow/Shrub Lane junction (approximately 2.4m x 90m+) is adequate.

- 5.3.9 With regards to the impact further afield it is noted that potential stress points were identified on Shrub Lane and these were investigated in detail as part of the pre application consultation for the nearby residential development proposal (RR/2017/456). The locations are adjacent to the Strand Meadow junction where the bus makes a turn and potentially causes obstruction to the free flow of traffic; and a second point is at the junction with A265 where on-street car parking may cause delay and congestion for vehicles passing at this point.
- 5.3.10 At the Shrub Lane/ Strand Meadow - it is known that this section of highway encounters a bus requiring to turn every two hours and there has until recently been construction works taking place in a site on the south side of Shrub Lane opposite the junction with Strand Meadow. The conflicts identified are not considered to be severe as they are overcome within a short time period, between three seconds and one minute eight seconds. The likelihood of causing tailbacks is minimal. Within the week, only 16 conflicts arose in those stated periods, with only one conflict taking one minute eight seconds to clear. I am aware that the site opposite the junction with Strand Meadow has been under construction for some time and on-street parking demand has been high with large construction vehicles requiring access. These factors may have influenced the operation of this section of the network, and would be temporary.
- 5.3.11 A second stress point was identified near the junction with the A265, where a greater number of conflicts occurred amounting to 290 over the week with duration varying between two and 41 seconds. At this point, beyond the junction the road previously experienced on-street parking where the carriageway narrows and this forced vehicles to wait for clearance to pass. However, a highway scheme for parking restrictions (double-yellow lines) in Burwash has now been implemented and this includes the Shrub Lane/A265 junction to protect it from congestion. Parking restrictions along Shrub Lane with Strand Meadow have also been provided to protect the junction for purposes of turning a bus. These parking restrictions will assist the free flow of traffic and manoeuvre requirements and be beneficial to the local area.
- 5.3.12 Overall I have no major concerns regarding the level of traffic generated by the development and the impact that this will have on Strand Meadow and the surrounding highway network.

Internal Layout

- 5.3.13 It is understood that the road will not be put forward for adoption; however, I would like to make the following comments and observations:
- I am satisfied that the tracking drawings submitted indicate that the site layout can accommodate the largest refuse and emergency vehicles likely to serve the development.

- A 6m distance is required to the rear of parking spaces to enable vehicles to turn in a convenient manner. Following the receipt of an amended plan I am now satisfied that cars could maneuver into parking spaces 23 to 29; however, a vehicle using parking space 30 would be required to reverse a considerable distance before being able to turn. The lack of turning for this parking space is far from ideal; however, as this is likely to cause only inconvenience rather than a safety hazard it does not give me any significant cause for concern.
- Further information would be required regarding the surfacing, drainage and lighting within the site.
- The Highway Authority would wish to see the roads within the site laid out and constructed to standards at, or at least close to, adoption standards.
- The site will for the most part be served via a shared surface. This is not ideal and the provision of a continuous footway alongside the main carriageway would be preferred, especially as a pedestrian link is to be provided to the south of the site. However, it is acknowledged that vehicle speeds on the cul-de-sac are likely to be particularly low and as a result I am satisfied that the shared surface would operate satisfactorily and not discourage the use of the pedestrian link.

Parking

- 5.3.14 The East Sussex Residential Parking Demand Calculator has been designed to calculate the number of parking spaces required at new residential development on a site specific basis. The calculator predicts levels of car ownership using information relating to the site location (ward), unit type, size and the number of allocated spaces.
- 5.3.15 The car parking requirement for a residential development consisting of 2 x 1 bed flats, 2 x 2 bed flats and 4 x 2 bed houses, 22 x 3 bed houses according to my own use of the demand calculator is 65 spaces. This is based on larger houses being allocated two parking spaces and smaller houses and flats being allocated one parking space.
- 5.3.16 It should be noted that parking spaces would need to meet the required minimum dimensions of 2.5m x 5m to be counted towards the overall provision.
- 5.3.17 The amended plan (Drawing No. 4702 / 18 / 48) indicates that 62 car parking spaces are proposed. This number falls slightly below the level required; however, an objection based on this minor shortfall could not be justified.
- 5.3.18 Cycle Parking – Safe, secure and covered cycle parking facilities need to be provided at new developments. The level of cycle parking will need to meet the requirements of the East Sussex County Council (ESCC) Guidance which indicates that one space should be provided per unit for one and two bedroom dwellings and two spaces per dwelling with three bedrooms or more.

Accessibility

- 5.3.19 Burwash village centre is within walking distance of the site and pedestrian connectivity is generally good.

- 5.3.20 The village centre provides a public house, convenience store, several church's, community centre, primary school, doctor's surgery and village hall.
- 5.3.21 A public footpath also runs along the site's north-eastern boundary, providing a direct link south-east to Shrub Lane and continuing north-west of the site. Additionally, a footpath link is to be provided south of the site which would pass through the playing field and then connect to the recreation ground to the south. Further details regarding this footpath are required and these should be agreed with the ESCC Rights of Way Team.
- 5.3.22 The closest bus stops to the site are located close to the Strand Meadow/Shrub Lane junction. The bus stop supports the 231 service connections to Uckfield and Etchingham. The services run from 0750 and 1742, including school services. The 253 service bus stop is found on the High Street and provides a school service. Although the services are not ideal for journeys to work, rail services are available at Stonegate (6.3km) and Etchingham Station (4.4km) providing services to London and Hastings.
- 5.3.23 Taking the above observations into account the site is considered to be relatively well located from an accessibility perspective with various services and facilities in relatively close proximity the proposal. Public transport also provides a usable alternative to travel via private car. With this in mind the proposal could not be refused on accessibility grounds.

Construction Traffic Management Plan

- 5.3.24 This highway authority is keen to ensure that this development does not have an adverse effect on the existing highway infrastructure and therefore request that a Construction Traffic Management Plan is submitted to and agreed with ESCC prior to the commencement of works to be secured by a relevant planning condition. This would include a construction traffic routing agreement, hours of working, wheel washing, and secured compounds for materials storage, machinery and contractor parking.

5.4 Environment Agency

5.4.1 Comments that:

"The drainage proposal suggests that treated effluent from the package treatment plant will be discharged to a watercourse to the south of the development. This would be a large discharge into a small stream. A package treatment plant in this location would not be our preferred option. As per our previous letter we would strongly recommend connection to the foul sewer for the above development."

5.5 Southern Water

- 5.5.1 Have previously commented that there is insufficient capacity in the local sewer network to serve the development. However, the proposals indicate use of an on-site sewage treatment plant. If it is proposed to abandon/divert the existing sewer this will require an application for sewer diversion. Use of a sewage treatment plant will require a licence from the Environment Agency. Surface water drainage is an issue for the Lead Local Flood Authority.

5.6 Sussex Police

- 5.6.1 Has no major concerns but suggests additional mitigation against any identified local crime trends. Also comments that unallocated parking should be open to view by the dwellings with low boundaries to the frontages. Rear and side boundaries and gates should be minimum height of 1.8m with locks to gates and queries the need for a gate at end of the public footpath to the recreation ground.

5.7 County Archaeologist

- 5.7.1 Notes that:

“Although this application is situated within an Archaeological Notification Area, the site has now been subject to an archaeological evaluation excavation (in relation to consent RR/2017/582/P) and found to be of low archaeological interest. Therefore, I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.”

5.8 Rights of Way Officer

- 5.8.1 Has no objections. Comments that:

“Footpath 16c will be accommodated for by the main highway improvements. The quality of the footpath link to the village still seems to be crucial. Any footpath link is bound to be used by residents of the existing estate in preference to the longer walk via Shrub Lane as well as the demand from the thirty properties proposed. I revisited Ham Lane relatively recently and I remain of the view that it is unsuitable. A path via the recreation ground would really provide the only suitable connection.

Ideally I think an all-weather path connecting to the village should be provided. But I appreciate that any path is dependent on third party agreement with the Trustees and that the path connecting to the recreation ground is probably the limit of what can be required under the 106 agreement.”

5.9 Lead Local Flood Authority

- 5.9.1 Following the submission of further information including a ‘revised surface water drainage strategy’, has no objection in principal subject to conditions.

5.10 County Ecologist

- 5.10.1 Has no objections to the report or surveys and supports the proposed mitigation. Requests additional survey, methodology and mitigation details via conditions prior to construction, including a Landscape Ecological Management Plan, lighting strategy, (to reduce ecological impacts) and pollution prevention measures of the on-site flushes and stream.

5.11 High Weald Unit

- 5.11.1 Objects to the proposals, summarised as:

- Does not address the declining affordability of housing in the High Weald.
- Poor design and layout is uncharacteristic of the historic settlement of Burwash and would be detrimental to the character of the area and the AONB.
- Potential ecological impacts, including to the ancient woodland outside the site.

5.12 Community & Economy – Housing and Asset Development Officer

5.12.1 The Housing and Asset Development Officer has been closely involved with discussion regarding the changes to the proposed housing provision. The loss of affordable housing is regretted but in the light of consideration of the full Viability Assessment and discussions with the District Valuation Services (DVS), accepts that the proposed development would not be viable to provide affordable housing.

5.12.2 Following discussions with the DVS, a robust review mechanism is suggested for inclusion within a new section 106 agreement. This review should have several parts as follows:

- an 'early stage review' of providing affordable units on the site, triggered if the development has not been progressed within two years;
- methodology for calculating any commuted sum; and
- 'late review' to be triggered once 50% of homes are sold or occupied. This will allow actual costs to be reviewed including all construction costs and abnormalities, as well as actual sales values.

5.12.3 With regards to the housing mix, the scheme is amended to provide 8 x 1 and two bed units, 27% of the development. The remainder are three bed units. As previously commented a mix of smaller 2/3 bed market houses would support a greater range of housing options for local people including downsizers and first time buyers.

5.13 Ramblers (Sussex area)

5.13.1 Objects – too many dwellings will harm the landscape; access crosses a public footpath; increased traffic in the area; lack of detail reference pedestrian/cycle access to the village.

5.13.2 If the Committee is minded to approve, they should impose conditions in respect of protecting dark night skies, traffic calming and signage for the footpath crossing, adequate provision of pedestrian/cycle only access to the village via the recreation ground/Ham Lane.

5.14 Planning Notice

5.14.1 Some 485 objections have been received (some repeated), including three petitions from: local residents, the Parish Council and 'Burwash Save our Fields from Concrete'; and a letter from the Campaign to Protect Rural England. The points raised are summarised:

- There is a demonstrable local need for affordable housing and its loss is contrary to policy.

- Viability assessment should be proportionate, simple, transparent and publicly available.
- Loss of affordable housing.
- Lack of parking in Strand Meadow.
- Additional traffic will exacerbate existing highway problems via Shrub Lane and Strand Meadow.
- Noise and disturbance during construction.
- Sewage proposals insufficient.
- Design out of character and poor – contrived dormers, poor accessibility, no reference to wider village, too urban, no design principles.
- Density too high.
- Site conditions unsuitable for building.
- Field is of historical and ecological value and should be protected.
- Harm to the AONB.
- Harm to dark night skies, TPO trees and local ecology.
- Footpath link cannot be provided to the village.
- Conflicts with numerous policies.
- Lack of school places.

6.0 APPRAISAL

6.1 The principle of housing development on this site has already been accepted not only by the Inspector at the local plan inquiry (which adopted Policy VL1) but also with the grant of previous outline planning permissions, both as submitted in 2011 and as approved last year referenced RR/2017/582/P. That permission at Condition 6 states that the number of dwellings on the site “shall not exceed 30”. The access was a detailed consideration as part of the outline proposals and was accepted as detailed. This application proposes 30 units and has the same access.

6.2 The main issues to be considered with regard to this new application relate to the details of viability and loss of affordable housing, design and layout, parking, landscape impacts and ecology. Other issues raised by objectors with regard to details include drainage and density. By reason of orientation, siting and levels, (development is significantly lower the properties in Rother View and Beechwood Close), there would be no direct impacts from the new buildings on the amenities of neighbouring properties.

6.3 Viability/Affordable Housing

6.3.1 The full Viability Assessment has been the subject of detailed consideration by the DVS, whose report is available to view on the website. Following adjustments and further comment slight revisions have been made. The DVS concludes that: *“Based on the further reasoning and revised assumptions outlined in this addendum, I consider that the Extant and Proposed schemes cannot viably provide Affordable Housing in addition to the Community Infrastructure Levy (CIL) contribution.”*

6.3.2 The DVS also comments that: *“Whilst my appraisals result in marginally different values than the agent, the outcome of the revised appraisals above show that all the scenarios generate negative residual land values which would suggest that the extant and proposed schemes cannot viably provide*

Affordable Housing when providing the CIL contribution and whilst still achieving the minimum amount of developer's profit."

- 6.3.3 There may be an argument that the developers profit should be reduced but this is not generally supported by either the Government having regard to appeals, or financial institutions who will need to offer funding for the development. Furthermore the DVS does not consider the developer profit to be excessive. The applicant has also advised that any profit must be split with the land owner, who is not the applicant, and that it is also needed to meet the extensive costs that have already arisen over the preceding 10 years.
- 6.3.4 The DVS supports the proposal to include a review mechanism within a section 106 commenting that: *"Higher abnormal costs due to the topographical constraints of the site have had a material impact on the viability of this scheme. The applicant has highlighted that these abnormal costs were assessed on the basis of site investigations that took place earlier this year. The Council may therefore wish to consider a cost review mechanism for the scheme in order to analyse the actual costs incurred for the scheme at a later stage in the development. If these abnormal costs are lower than currently estimated, the appraisal could demonstrate a surplus."*
- 6.3.5 The viability issues have been the subject of extensive discussion with the DVS and the Council's own Housing and Asset Development Officer, as well as the applicant. While the loss of affordable housing is regrettable and accepted not to be policy compliant, on the basis of the evidence provided and the expert advice of the DVS, the scheme is accepted not to be capable of providing affordable housing. Given the expert advice of the DVS, there is no supportable reason to refuse the application on viability grounds and loss of affordable housing. However, any grant of planning permission should be accompanied by a section 106 which includes a review mechanism, including but not limited to, construction costs and sales values.
- 6.3.6 With regard to the housing mix, some additional two bed units have been provided, although based on the same floorspace of a small three bed unit. The floorspace provisions of all units meet the Government standards and the proposed DaSA policy requirements. Unlike many other private developer schemes, this scheme does not provide any four or five bed units and as such is aimed at the lower end of the market. As noted by the Housing Officer the mix of mostly two and three bed units would support a greater range of housing options for local people including downsizers and first time buyers. It is noted that the mix of one and two bed units is just below policy compliance (27% rather than 30%) but only one more unit would be required to be policy compliant and this is not considered to be a justified reason for refusal.

6.4 Design/Layout

- 6.4.1 The application site is steeply sloping on the lower levels but it is this lower area where development should be focused to avoid impacts on neighbours and to limit views of it within the wider landscape. It is the higher parts of the site, to be retained as an enhanced landscape buffer, which is more open to view. The steep nature of the site requires piling for construction of the dwellings and has resulted in all the units being split level and cut into the hillside. This scenario acknowledges the concerns of objectors who have

commented on the soil structure of the site, and it is this in part that has led to the high abnormal costs for development of the site and the viability issues.

- 6.4.2 The application site is linear and the layout follows this linear form along the lower level. The development is split into three parts. Plots 1 – 14 located in the first field area. The existing field boundary vegetation is then to be retained creating a landscape space some 15m wide between the side walls of plots 14 and 15. The next field is then sub-divided by the turning head and a second landscape area some 12m wide between the side walls of plots 22 and 23. The footpath link to the proposed allotments and recreation ground continues from the end of the road meandering southwards, through the existing vegetation and another field boundary. Existing boundary trees and hedges are to be retained with additional planting to create more fragmentation within the development and to enhance the landscape buffer area.
- 6.4.3 The design as initially submitted was not considered to be suitable, in essence being a simplified replica of the town houses already in Strand Meadow, which are a full three-storey to the front and two-storey to the rear. It is also noted that 61 and 63 Strand Meadow at the southern end adjacent the site have accommodation within the roof with front and rear dormers adding a fourth storey to the front. The applicant was asked to reduce the height of the buildings, provide some articulation to the elevations and to reconsider the proposed materials.
- 6.4.4 Amended plans have been provided. These significantly reduce the ridge heights, (typically by some 3m) and include accommodation within the roof, significantly reducing the height to the rear, where the eaves level is typically only 4m. The height to the front however, is exaggerated by the amount of under-build to the raised lower ground floor, necessitated by the steep gradient of the site. The use of bays, Juliette balconies and interchanging of materials is considered to provide more interest to the elevations, breaking up the monotony and providing some horizontal elements to the otherwise verticality of the scheme. The use of bricks, tiles, tile hanging and cladding, and uPVC fenestration, are considered acceptable in this location away from the village centre.
- 6.4.5 The comments of objectors regarding the lack of reference to the historic core of the village are noted. However, there is no direct link or relationship between the site and the historic core of the village. The reference at this point is to the adjoining modern housing estates to its north and east. The articulation and materials proposed are considered to be an improvement upon those of the immediate surroundings. They are not directly comparable to those used in the historic core of the village but in this removed location, outside the conservation area and with no adjacent listed buildings, replication of the historic core is not a justifiable request. The quality of the materials is considered acceptable in context with the surrounding properties which are all located within the High Weald AONB.

6.5 Access and Parking

- 6.5.1 The access issues in respect of the route via Shrub Lane and Strand Meadow have previously been considered in some depth both at the Local Plan Inquiry and by the Committee at its meeting in July 2017, in respect of

the previous permission. The access route is policy compliant, being set out in Policy VL1.

- 6.5.2 While noting the continuing concerns of objectors, the highway plans provided indicate a scheme to alter footpaths and provide specific roadside parking etc. within Strand Meadow, which have been drawn up in consultation with the Highway Authority. The highway works reflect the matters considered at the Local Plan Inquiry and would need to be included in planning and highway legal agreements.
- 6.5.3 As set out in the Highway Authority comments at paragraph 5.3.9, highway safety measures have been implemented at the Shrub Lane/A265 and Shrub Lane/Strand Meadow junctions. Other than these improvement works and the proposals for improvements to the existing southern end of Strand Meadow, there has been no other change to the highway situation or policies to justify a change in decision in respect of the access.
- 6.5.4 With regard to parking, all units have one allocated space, mostly immediately adjacent the dwelling frontage. A further 32 unallocated spaces are then provided at intervals along the western side of the access road. While this provision falls slightly short of that highlighted by the ESCC Parking Demand Calculator, (65 spaces), an objection based on this minor shortfall could not be justified, as set out at paragraph 5.3.17.
- 6.5.5 The Highway Authority has further acknowledged concerns regarding traffic and parking in the local area and specifies the need for a 'construction traffic management plan' prior to development to mitigate any adverse effects of the construction phase of development. This would be the subject of a condition as is normal practice for developments of this size.

6.6 Landscape Impacts

- 6.6.1 The High Weald AONB covers some 82% of the District and as such development within the AONB cannot be avoided. The High Weald AONB designation washes over the village and therefore any development in or around the village will be located within the AONB. Paragraph 172 of the National Planning Policy Framework attaches 'great weight' to the conservation and enhancement of the landscape character and scenic beauty of the AONB. The High Weald Management Plan sets out the components of the area which include its geology, landform, water systems and climate; settlement pattern; routeways; woodland; and field and heath.
- 6.6.2 The site lies on the east side of a characteristic steep sided narrow valley with springs leading down to the north-west boundary. Ancient woodland (Shrub Wood) lies some 200m north of the site entrance, separated by the housing on Strand Meadow and Hornbeam. The site borders existing residential development to its northern and eastern boundaries. There is a public footpath in the field to the west running parallel with the site but the tree belt within the ghyll along the north-west site boundary affords screening to much of the developable area. The Local Plan Inspector considered the site to be a small inconspicuous extension of the existing cul-de-sac where development would have limited landscape impact in the AONB.
- 6.6.3 Having regard to the landscape components the proposed development is located at the lower level of the site within the valley, retains the historic field

boundaries, trees and streams and as such retains the key components of the landscape in which it sits. There are no impacts from the development with regard to the ancient woodland to the north. Field boundaries are to be retained and strengthened. The streams are to be maintained and managed not only in terms of water quality but also with regard to their ecology and biodiversity. There are no impacts to the historic routeways and a further footpath link is proposed. The development is to be split level, built into the hillside. The height of the dwellings has been reduced. By maintaining and adding additional tree planting this would assist in screening the development and interspersing the development among the trees, unlike the development of Rother View, which sits prominently in the landscape 'above' the height of the proposed new buildings. While noting the comments of objectors and the High Weald Unit, given the history of the site, the conclusions of the Local Plan Inspector and the nature of the site, although there would be local impacts there are no wider impacts from the development on the wider AONB. As such it is concluded that the proposal would conserve and enhance the overall character and appearance of the site within the AONB.

6.7 Ecology

6.7.1 Ecology and biodiversity are key components of the AONB and both national and local policy seek to conserve and enhance them. The application is accompanied by an Ecological Assessment, with update information following the comments of the County Ecologist, and an Arboricultural Assessment. There have been no changes to the findings of the reports since initially undertaken in 2010 and 2016, with the same species found on site. The site and the development proposed would not impact upon any statutory site of nature conservation interest. The proposed layout reflects protection and maintenance of the main features of the site in terms of both wildlife and trees. Protection, monitoring and mitigation form part of the documentation. A TPO covers the site and this is also considered within the Arboricultural report.

6.7.2 The County Ecologist has no objections subject to implementation of appropriate recommended mitigation measures and imposition of suitable conditions. As such the proposed development could be accepted without unacceptable harm to protected species and preserved trees.

6.8 Drainage

6.8.1 Several residents have drawn attention to drainage matters saying that the existing sewer is at capacity and that the site is very wet and has springs. These are matters that have been considered by Southern Water (SW), the Environment Agency (EA) and the Lead Local Flood Authority (LLFA).

6.8.2 The proposals for foul drainage include the use of an independent sewage treatment plant. While this may be acceptable, details have yet to be agreed with the statutory authorities. If for some reason an acceptable agreement is not forthcoming with the EA, then SW have a duty to provide connection to the drainage system. The applicant remains in discussion with both statutory undertakers. While some elements of the detail require agreement with the statutory undertakers, there is no reason to believe that the site suffers from insurmountable drainage problems.

- 6.8.3 With regard to surface water drainage, the LLFA accepts that a suitable scheme can be provided on the site and subject to conditions has no objection.
- 6.8.4 Finalisation of drainage details and management of the systems would be required as normal via conditions.
- 6.9 Density
- 6.9.1 Objectors have commented that they believe the density of development to be too high. The density for the developable part of the site is 36dph, set within a wider area of landscaping. In planning terms it is more relevant to consider the context of the development and it is noted that the character and layout reflects that of the neighbouring development in Strand Meadow. The plot sizes of the town houses in Strand Meadow measure approximately 6.5m wide by around 25m deep, with the exception of No. 63, which is triangular in shape and only 20m at its deepest point with a width varying from 8.5m at the front to 4m at the rear. With the exception of plot 30, a larger end plot, the proposed plot sizes of the dwellinghouses vary between 5 and 6m in width and 28 and 38m in depth. The width is slightly narrower than the Strand Meadow properties but the length is greater and the dwellings are interspersed by the spaces afforded by retention of the field boundary and the turning head/landscaped area, which provide a greener setting to the new development. Having regard to all the details, the density is considered to be acceptable in this location.
- 6.10 Other Matters
- 6.10.1 Objectors have made reference to the footpath link with the recreation ground. Contrary to their contentions, the applicant confirms that discussions with the Burwash Playing Field Association have taken place and will continue in the event that planning permission is granted.
- 6.11 Section 106
- 6.11.1 In the event that planning permission is granted this would need to be subject to the satisfactory completion of a section 106 planning obligation. The CIL Regulations 2010 provide three tests for section 106 Planning Obligations. Obligations should be:
- *Necessary to make the development acceptable in planning term*
 - *Directly related to the development*
 - *Fairly and reasonably related in scale and kind to the development.*
- Any matter included with a section 106 Agreement must meet all of these tests.
- 6.11.2 The following matters are considered at this time for inclusion within a section 106 Agreement and are considered to be related to the development, proportionate and necessary:
- Review mechanism of the costs and values associated with the development, (having reference to the lack of provision of affordable housing).

- The provision of and future management of the landscape area and amenity public open space, with landscaping.
- The provision of recreational (allotment) land.
- The provision of a footpath to join with the recreation ground.
- The implementation of ecological and arboricultural mitigation measures.
- Off-site highway works to include:
 - A new vehicular access into the site as a continuation of Strand Meadow.
 - The existing turning head on Strand Meadow retained and formalised and separated from the main through route by carriageway markings.
 - Removal of approximately 50m of the existing footway along the northern side of Strand Meadow allowing the carriageway to be widened to provide an additional area of on-street parking.
 - A pedestrian crossing with dropped kerbs and tactile paving provided where the footpath ends to the north of the new parking area.
 - Widening of the carriageway to retain a 4.8m width along this section of road by narrowing the footway on the south side of Strand Meadow to a width of approximately 2.7m.

6.11.3 In addition to the section 106 obligation, the off-site highway works will also require a section 278 Highway Agreement.

7.0 SUMMARY

- 7.1 The site lies within the development boundary for Burwash and the proposed scheme fulfils the criteria set out at Policy VL1 of the Local Plan 2006, save for the increase in the number of dwelling units, which has already been agreed in principle with the grant of outline permission, reference RR/2017/582/P.
- 7.2 The site is no longer considered to be viable to provide affordable housing although any grant of permission should include a review mechanism within a section 106.
- 7.3 The design and layout of the scheme is considered to be acceptable having regard to the context of surrounding development.
- 7.4 The development proposed retains existing and historic landscape features with additional enhancements proposed and as such would not be harmful to the character and scenic beauty of the High Weald AONB.
- 7.5 The proposal includes off-site highway works to address highway concerns in Strand Meadow and provides parking and turning facilities to meet highway requirements.
- 7.6 Subject to mitigation measures the development can be achieved without unacceptable effects upon the important flora, fauna and trees on the site.

- 7.7 It is considered that suitable drainage measures can be put in place subject to consideration of additional details and agreement with the statutory undertakers.
- 7.8 The proposed scheme is not considered to directly harm residential amenity.
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8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 Although not envisaged at the time of allocating the site within the Local Plan in 2006, development of the site for residential is now CIL liable. This will be noted to have impacted on the viability of the site.
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RECOMMENDATION: GRANT (FULL PLANNING) DELEGATE (SECTION 106 OBLIGATION – REVIEW MECHANISM (HAVING REGARD TO REMOVAL OF AFFORDABLE HOUSING), TO SECURE: LANDSCAPING OF ADJACENT LAND, PROVISION OF FOOTPATH, LAYOUT OF RECREATIONAL LAND AND ITS MAINTENANCE, CONTRIBUTIONS TO HIGHWAY IMPROVEMENTS AND THE IMPLEMENTATION OF ECOLOGICAL AND ARBORICULTURAL MITIGATION MEASURES)

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 documents:
Drawing No. 4702/LP dated January 2017
Drawing No. 4702-18-12/B dated 6/9/18
Drawing No. 4702-18-13/C dated 24/10/18
Drawing No. 4702-18-10 dated June 2018
Drawing No. 4702-18-14/B dated 5/11/18
Drawing No. 4702-18-15/C dated 31/10/18
Drawing No. 4702-18-16/C dated 31/10/18
Drawing No. 4702-18-20/A dated 24/10/18
Drawing No. 4702-18-21/A dated 24/10/18
Drawing No. 4702-18-22/A dated 24/10/18
Drawing No. 4702-18-23/B dated 14/11/18
Drawing No. 4702-18-24/B dated 14/11/18
Drawing No. 4702-18-25/A dated 14/11/18
Drawing No. 4702-18-26/A dated 14/11/18
Drawing No. 4702-18-27/A dated 14/11/18
Drawing No. 4702-18-30/C dated 14/11/18
Drawing No. 4702-18-31/B dated 14/11/18
Drawing No. 4702-18-32/B dated 14/11/18
Drawing No. 4702-18-33/B dated 14/11/18
Drawing No. 4702-18-34/B dated 14/11/18
Drawing No. 4702-18-35/B dated 14/11/18
Drawing No. 4702-18-36/B dated 14/11/18

Drawing No. 4702-18-37/A dated 24/10/18
 Drawing No. 4702-18-40/A dated 1/11/18
 Drawing No. 4702-18-41/A dated 1/11/18
 Drawing No. 4702-18-42/A dated 1/11/18
 Drawing No. 4702-18-43/A dated 1/11/18
 Drawing No. 4702-18-44/A dated 1/11/18
 Drawing No. 4702-18-45/A dated 1/11/18
 Drawing No. 4702-18-46/A dated 1/11/18
 Drawing No. 4702-18-47 dated October 2018
 Drawing No. 4702-18-48 dated October 2018
 Drawing No. 4702-18-RE-ST dated November 2018
 Drawing No. 4702-18-RE-1-6A dated 15/11/18
 Drawing No. 4702-18-RE-7-10A dated 15/11/18
 Drawing No. 4702-18-RE-11-14A dated 15/11/1
 Drawing No. 4702-18-RE-15-18A dated 15/11/1
 Drawing No. 4702-18-RE-19-22A dated 15/11/1
 Drawing No. 4702-18-RE-23-26A dated 15/11/1
 Drawing No. 4702-18-RE-27-30A dated 15/11/1
 Drawing No. 2018/4357/001-A dated June 2018
 Drawing No. 2018/4357/002 dated June 2018
 Drawing No. 2018/4357/003 dated June 2018
 Drawing No. 16760-jmla-TP-00-DR-D-2200-S4-P04 (subject to condition below)
 Drawing No. JOB 4702/A, external finishes, submitted November 2018
 Ecological assessment, addendum and mitigation by The Ash Partnership (subject to requirements of condition below)
 Arboricultural assessment by The Ash Partnership
 Transport report by RGP Transport Planning and Infrastructure Design Consultants
 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 ground works shall commence until full details, including future management and maintenance proposals, of a scheme for the provision of foul drainage to serve the development site has been submitted to and approved in writing by the Local Planning Authority, in association with the Environment Agency and Southern Water and none of the dwellings shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.
 Reason: To ensure that satisfactory foul drainage of the site can be provided, that the development will not increase the risk of flood and will improve water quality and to ensure the future maintenance of the drainage systems, in accordance with Policies SRM2 and EN7 of the Rother Local Plan Core Strategy.

4. No ground works shall commence until full details of the drainage system set out in the Surface Water Drainage Strategy (report reference 06760-jmla-TP-00-RP-S-2100-S4-P03) has been provided. The details must include discharge rates; hydraulic calculations; the condition of the ordinary watercourse to take runoff with details of any improvements to it; details of the outfall; and details of impacts from high groundwater. Proposals are to be informed by groundwater monitoring and include a full maintenance and management plan with details of who will be responsible for management and evidence that the responsibility arrangements will remain in place

throughout the lifetime of the development. The scheme shall be implemented in accordance with the approved details before the development is occupied, with evidence submitted to corroborate its completion, and thereafter maintained.

Reason: Early consideration of the drainage infrastructure is required to ensure that suitable drainage can and is provided to serve the development and that it will not increase the risk of flood and will improve water quality and to ensure the future maintenance of the drainage systems, in accordance with Policies SRM2 and EN7 of the Rother Local Plan Core Strategy.

5. No development shall take place until an ecological design strategy (EDS), addressing all matters set out in the Ecological Assessment, addendum and mitigation and in particular: mitigation strategies for dormice and the prevention of pollution of the on-site flushes and stream, has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that any adverse environmental impacts of development activities are mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, in accordance with Policy EN5 of the Rother Local Plan Core Strategy and National Planning Policy Framework paragraph 170.

6. No development shall commence until a Landscape Ecological Management Plan, (LEMP), including long-term design objectives, management responsibilities and a timetable for implementation and maintenance schedules for all landscaped areas related to that phase has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved, in accordance with the agreed programme and timetable of implementation and any subsequent variations shall be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policy EN5 of the Rother Local Plan Core Strategy, paragraphs 170 of the National Planning Policy Framework.

7. The new highway access shall be in the position shown on the approved plans Drawing No. 2018/4357/001A, dated June 2018 and laid out and constructed in accordance with the required highway standards and all works shall be completed prior to the occupation of any dwelling hereby approved.

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

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

- a) the anticipated number, frequency and types of vehicles used during construction;
- b) the method of access and egress and routing of vehicles during construction;

- c) the parking of vehicles by site operatives and visitors;
- d) the loading and unloading of plant, materials and waste;
- e) the storage of plant and materials used in construction of the development;
- f) the erection and maintenance of security hoarding;
- g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- h) mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- i) details of public engagement both prior to and during construction works;
- j) detailed measures to manage flood risk, both on and off the site, during the construction phase; and
- k) details of a scheme for the control of noise and dust during construction.

Reason: To maintain the free flow of traffic along the highway and to prevent contamination and damage to the adjacent roads and watercourses and to ensure that it does not unreasonably harm the amenities of local properties, in the interests of highway safety, for the benefit and convenience of the public at large and to avoid flood risk and ecological impacts, having regard to Policies OSS4 (ii), CO6 (ii), EN5, EN7 and TR3 of the Rother Local Plan Core Strategy.

9. No development shall commence until a scheme of the working hours during the construction has been submitted to and approved in writing by the Local Planning Authority. Unless alternative times are specifically agreed construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 08:00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.

Reason: Having regard to the single access to the site past existing housing, a pre-commencement condition is required to ensure construction activity does not harm the amenities of local residents in accordance with Policies OSS4(ii) and CO6 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

10. Prior to commencement of above ground works, details of the proposed footpath link, including siting, gradients and surfacing, shall be provided to and approved in writing by the Local Planning Authority. The footpath shall be provided in accordance with the approved details before the occupation of the penultimate dwelling constructed on the site and thereafter maintained in accordance with the approved details.

Reason: To ensure improved footpath integration with the village centre and its services in accordance with Policy VL1 of the Rother District Local Plan (2006) and Policy TR2 of the Rother Local Plan Core Strategy.

11. Before above ground level works take place on any building, details of the siting and form of bins for the storage and recycling of refuse for all dwellings within the site (internally or externally), and a collection point, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented and thereafter continued, with all bins and containers available for use, maintained and replaced as need be.

Reason: To safeguard the visual amenities of the locality and in the interests of providing a sustainable development in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

12. No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, height, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
Reason: To ensure a high quality public realm taking account of the characteristics of the locality in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.
13. No above ground works shall commence until the following soft landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.
- a) Indications of all those existing trees and hedgerows on the land to be retained, together with measures for their protection in the course of development.
 - b) Design, layout and appearance of structural and amenity green space, including verges.
 - c) Planting plans, including landscape and ecological mitigation (buffer planting and green buffers).
 - d) Written specifications (including cultivation and other operations associated with plant and grass establishment).
 - e) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - f) Details for implementation.
- Reason: To ensure the creation of a high quality public realm and landscape setting that enhances the landscape and scenic quality of the High Weald AONB in accordance with Policies EN1 and EN3 of the Rother District Local Plan Core Strategy.
14. Prior to the occupation of the development, a landscape management plan, including management responsibilities and maintenance schedules for the communal hard and soft landscape/open space areas, including any street furniture and minor artefacts therein, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.
Reason: To ensure a high quality public realm taking account of the characteristics of the locality and enhancing the landscape character and quality of the High Weald AONB in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy.
15. If within a period of 10 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 enhance the appearance of the development and the landscape of the High Weald AONB in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.
16. No part of the development shall be occupied until the car parking spaces and turning facilities for the relevant part have been constructed and provided in accordance with the approved plans Drawing No. 4702/18/48,

dated October 2018. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide on-site parking/turning and thereby 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.

17. No dwelling hereby approved shall be occupied until cycle parking areas have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and those areas shall thereafter be retained for that use only.

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

18. No part of the development shall be occupied until the road(s), footways and parking areas serving that part of the development have been constructed, surfaced, drained and lit, (lighting to be minimal if required), in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and having regard to the biodiversity, character and appearance of the locality, in accordance with Policies OSS4 (iii), CO6 (ii), EN1, EN3, EN5 and TR3 of the Rother Local Plan Core Strategy.

NOTES:

1. This permission is the subject of an obligation under section 106 of the Town and Country Planning Act 1990.
2. With regard to Condition 4 the applicant is advised to refer to the detailed comments of the LLFA dated 14 September 2018.
3. With regard to Condition 6 works shall ensure compliance with the guidance found in BS5228-1: 2009 +A1:2014, Code of Practice for noise and vibration control on construction and open sites.
4. The applicant is advised of the need to enter into section 38 and section 278 agreements with the ESCC Highway Authority.
5. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid-out and constructed to standards at, or at least close to, adoption standards.
6. This development will be subject to the Community Infrastructure Levy (CIL) and all interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

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.

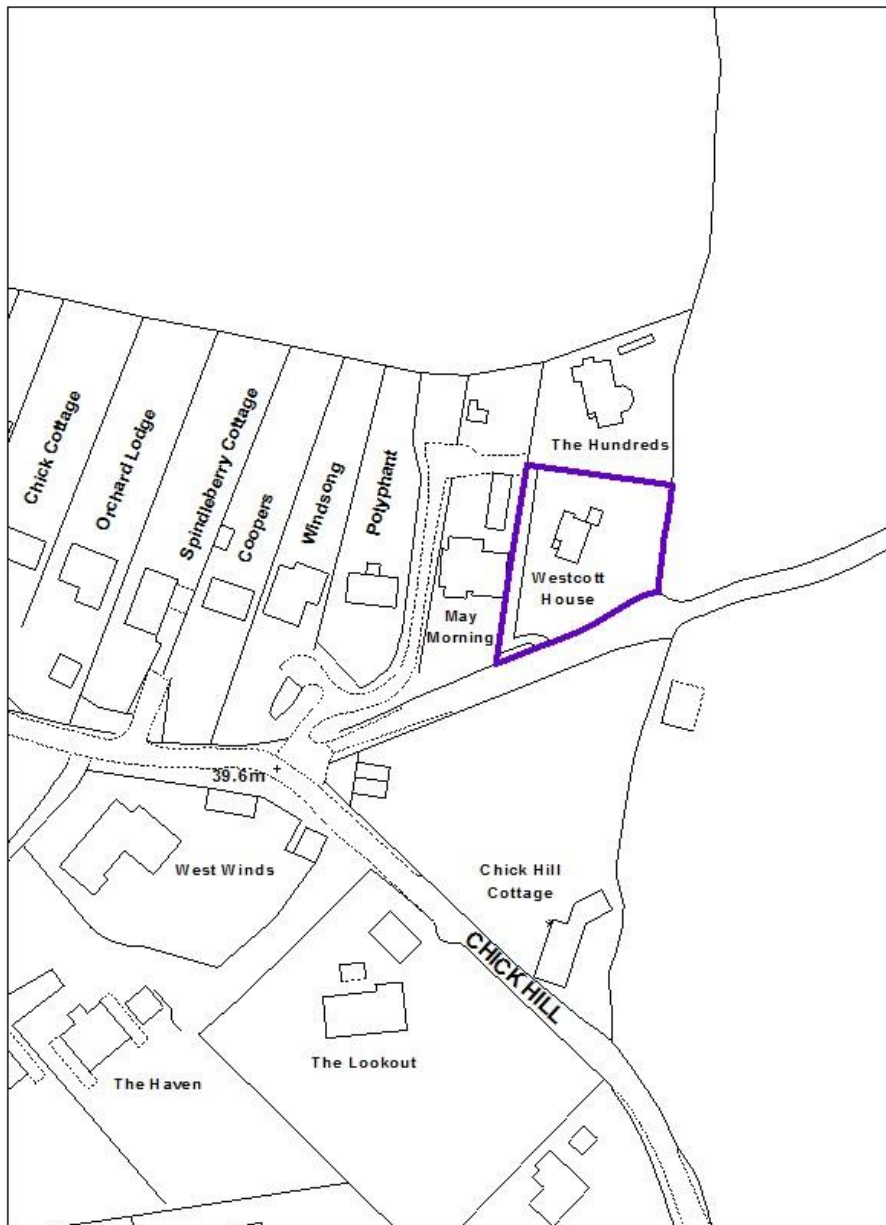
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SITE PLAN

PETT

RR/2018/362/P

Westcott, Chick Hill



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Not To Scale

RR/2018/362/P

PETT Westcott, Chick Hill

Inclined stepped walkway constructed in brick, with retaining gabion walls and a hand rail. Inclined entrance way and level parking area constructed of permeable block paving. Six foot panel fence, replacing the existing dilapidated fence

Applicant: Mr R. Romanoff
Agent: Dawson & Associates
Case Officer: Mr S. Batchelor
(Email: samuel.batchelor@rother.gov.uk)
Parish: PETT
Ward Member(s): Councillors R.K. Bird and C.J. Saint

Reason for Committee consideration: Applicant is related to a Councillor

Statutory 8 week date: 9 April 2018

Extension of time agreed to: 22 August 2018

This application is included in the Committee site inspection list.

Members may recall that this application was previously on the agenda for the 16 August 2018 Planning Committee. It was withdrawn from the agenda at the meeting following an unresolved matter relating to land ownership.

In short, the matter of concern relates to the inclined entrance way which is proposed to be built into the steeply sided bank along the existing access track from Chick Hill. Ownership of this bank is disputed and, given that in the original application submission the applicant stated that they owned the bank, it was considered prudent to withdraw the application from the agenda until the ownership matter had been resolved to the satisfaction of the Local Planning Authority.

In order to resolve this matter, the applicant placed a public notice in the local press in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). They also signed the appropriate ownership certificate within the application form.

Although these actions have not resolved the land ownership dispute, it does mean that in planning terms the correct process has now been followed and the application can now be determined. The previous committee report with changes as necessary is reproduced below.

1.0 POLICIES

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

- Policy OSS4: General Development Considerations
- Policy RA2: General Strategy for the Countryside
- Policy RA3: Development in the Countryside
- Policy EN1: Landscape Stewardship
- Policy EN3: Design Quality
- Policy EN5: Biodiversity and Green Space
- Policy EN7: Development and Flood Risk

1.2 The following policies of the Development and Site Allocations (DaSA) Local Plan proposed submission – October 2018 are also now relevant and carry weight:

- DHG11: Boundary Treatments
- DHG12: Accesses and Drives
- DEN1: Maintaining Landscape Character
- DEN2: The High Weald Area of Outstanding Natural Beauty
- DEN4: Biodiversity and Green Space
- DEN5: Sustainable Drainage

1.3 The National Planning Policy Framework and Planning Practice Guidance are material considerations. The High Weald AONB Management Plan 2014-2019 and section 85 of the Countryside & Rights of Way (CROW) Act are also relevant.

2.0 SITE

2.1 Westcott is a detached house situated in an elevated position at the top of Chick Hill with good sea views. The property is currently accessed only via steps leading up from an unmade track. There is no vehicular access onto the property. The property itself is outside but adjacent to the High Weald Area of Outstanding Natural Beauty (AONB), with the land immediately to the east and beyond part of the AONB. Due to the elevated position of the dwelling, it is visible from this nationally important designation.

3.0 HISTORY

- | | | |
|-----|----------------|--|
| 3.1 | RR/2018/673/P | Demolition of existing extension, outbuildings and raised balcony. Construct 2-storey extension and internal alterations – Approved 20 April 2018. |
| 3.2 | RR/2017/1118/P | Demolition of existing extension, outbuildings and raised balcony. Construct two-storey extension – Withdrawn 21 June 2017. |
| 3.3 | RR/2011/2067/P | Erection of two storey side extension – Approved 8 November 2011. |

4.0 PROPOSAL

4.1 This application proposes removing the current flight of steps and replacing them with a new driveway on the south side of the property. A pedestrian

(new steps) and vehicular entrance is proposed, along with the replacement of an existing dilapidated fence with a new fence on top of an existing bank. The drive would serve a parking area within the main site with space for turning.

- 4.2 The proposed driveway would be taken from the existing farm track. The scheme would involve cutting into an existing bank, and would necessitate the removal of some vegetation, including two holly trees previously heavily pollarded, two beech tree saplings, a laurel tree and mixed ferns and rough brambles.
- 4.3 The new driveway would be constructed in permeable block paving. The pedestrian steps would be brick built. Following concerns over the proposed brick walling either side of the new driveway, an amended plan has been received, showing a retaining gabion wall, in 1m x 1m blocks, and approximately 8.2m in length.
-

5.0 CONSULTATIONS

5.1 Parish Council

5.1.1 General comment:

- Council has noted the environmental concerns put forward by neighbours and other objectors, which it shares.
- The site does present many logistic problems that make it difficult to see how what is proposed could be achieved without both damage to the lane and potential road safety problems.
- Should planning be granted there should be a requirement to provide ample screening of the new drive using a mixture of native species.
- Perhaps consideration given to more sympathetic material than brick. Also a thorough structural survey should be undertaken to assess the stability of the bank.

5.2 High Weald AONB Unit

- 5.2.1 Although not consulted on the application the High Weald AONB Unit provided correspondence to clarify a matter relating to the character of the access track from Chick Hill to the proposed residential access. They confirm that although the track is not on the AONB routeways dataset (GIS information used by officers to understand the location of historic routeways within the AONB) this is because the dataset only shows historic routeways that are also roads or Public Rights of Way. Although this track is neither of those the High Weald AONB Unit inform that from the information they hold the track would appear to be a historic routeway, previously connected to the north east.

5.3 Planning Notice

- 5.3.1 Following the original planning notice one petition and over 40 letters of objection were received, including comments from the Campaign for the Protection of Rural England (CPRE). Concerns include:

- Loss of existing vegetation.
- Damage to existing wildlife.
- Surface water run-off would be increased by driveway.
- Existing track of great historical importance.
- Increase of mud deposits on main road.
- Will spoil appearance of rural historic country lane.
- Track is protected as part of an AONB (High Weald), Schedule Ancient Monument (Napoleonic Sunken Lane which is part of the Royal Military Canal).
- Track should be left untouched for future generations to enjoy.
- Track is unsuitable for cars.
- Alternative routes are available.
- Track is not in applicant's ownership.
- Applicant was aware of lack of vehicular access when he purchased property.
- Regular vehicular use of the lane will cause damage to the soft surface track.
- Proposed alterations may structurally undermine 'Westcott' and the neighbouring property.
- Visually inappropriate in the country location.
- No environmental impact assessment provided with the application.
- Works will cause considerable environmental damage and possible loss
- In breach of local policies.
- Works would endanger walkers who are not expecting a car to suddenly come down the route at speed.
- Insufficient detail within application.

5.3.2 In response to some of these comments the applicant's agent provided correspondence stating:

- Amended plans have been submitted to change the design of the driveway walls.
- Justification of the proposed route, including why other routes are not acceptable, has been submitted.
- Clarification of the ecology impact.
- Clarification of replanting which would be carried out by the applicant.
- An engineer has been appointed and further details regarding surface water run-off and water management can be submitted under condition if the proposal is approved.
- Structural details of the driveway can be submitted under condition if the proposal is approved.
- The track itself, while not actually part of the proposal, is not within the ownership of other parties. It is not owned but is the subject of two cautions on the land, relating to a right of access, with one belonging to the farmer and one to the applicant.

5.3.3 Since the application was originally publicised the applicant, in order to address an on-going issue relating to a land ownership dispute and to satisfy the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), placed a public notice in the local press and signed a different ownership certificate. The application was subsequently re-publicised and an additional letter of objection was received. Comments include:

- The land from the track to the top of the bank (the boundary of Westcott) is not owned by the applicant.
- Consent is not provided by the land owner to build the inclined access from the track.

6.0 APPRAISAL

6.1 Issues for Consideration

6.1.1 The main issues to consider are:

- The effect of the proposed development on the rural character of the locality, including the track itself;
- Any impact on the character and scenic beauty of the adjacent High Weald AONB;
- Surface water run-off; and
- Ecology.

6.1.2 With regard to objection letters referring to other routes being utilised, the agent has provided details of other routes which have been considered, and why these other routes are not considered feasible. While it is a case of assessing the proposal as submitted, the agent has at least shown that alternative options have been considered.

6.1.3 Issues such as land ownership and construction traffic have been raised; however this particular application is being assessed purely on the merits of the proposal as submitted. The impact of construction traffic is not a material planning consideration, and neither is any dispute over land ownership. Suffice to say in the event of a permission being granted, this would not give the applicant any rights over land not within their ownership. Any access issues, or land ownership issues, would be private matters between the applicant and other landowners affected.

6.2 Impact on the Rural Character of the Locality

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

6.2.2 Policy RA2 (viii) of the Core Strategy states that one of the overarching strategies for development in the countryside is to generally conserve the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.

6.2.3 Policy RA3 (v) of the Core Strategy seeks to ensure that all development in the countryside is of an appropriate scale, will not adversely impact on the on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management.

6.2.4 Policy EN3 of the Core Strategy requires development to be of good design quality, contributing positively to the character of the site and its surroundings.

- 6.2.5 Although not yet adopted significant weight is afforded to Policies DHG11 and DHG12 of the DaSA which seek to ensure that boundary treatments, accesses and drives maintain an appropriate rural character.
- 6.2.6 It is acknowledged that the proposal will involve cutting back of part of the bank and existing vegetation, which will have a greater visual impact upon the rural character of this access lane than the discrete flight of steps existing at present. However, the impact is localised – visible only when nearby – and the retaining gabion walls now proposed will allow vegetation to be planted to provide screening of the walls. This will help to minimise the visual impact of the proposal on the lane (which is signed as a permissive path). Furthermore, a condition can be imposed to ensure that an appropriate permeable brick is used.
- 6.2.7 With regard to the impact on the track itself, it is noted that no works are proposed to the track (the annotation on Drawing No. 18105/001A regarding the ‘proposed’ raised footpath is an error as this footpath already exists) as this falls outside of the owner’s ownership. While the track would be used for vehicular traffic should the proposal be approved, the applicant has confirmed a right of way to pass over the track. Again, any dispute about this right of access is a private legal matter and not a material planning consideration.
- 6.2.8 With regard to the proposed panel fence, this would simply replace an existing fence. It would however be prudent to request details of landscaping to be planted in front of the fence, so as to help screen it within the rural country lane street scene.
- 6.3 Effect of the Proposed Development on the Character and Scenic Beauty of the adjacent High Weald AONB
- 6.3.1 Policy EN1 (Landscape Stewardship) of the Core Strategy relates to the protection of the nationally important designation of the High Weald AONB. In addition, the High Weald AONB Management Plan, in conjunction with section 85 of the CROW Act, requires authorities to have a regard to the AONB designation, including routeways.
- 6.3.2 Although not yet adopted significant weight is afforded to Policies DEN1 and DEN2 of the DaSA which reinforce the landscape considerations of Policy EN1 and the statutory requirement to conserve and enhance the AONB.
- 6.3.3 The development is not within any identified archaeological notification area nor is the site or the access track serving the proposed development within the AONB – the boundary of which can be found to the east. The track is also not a historic adopted road or Public Right of Way within the AONB, however, the track, as confirmed by the High Weald AONB Unit, does appear to be a historic routeway with their records showing it as a connection to north east.
- 6.3.4 Notwithstanding the location outside of the AONB, it is necessary to consider the impact of the development on its setting and, in this respect, while the proposal may be partially visible in views from the east (i.e. from within the AONB itself), the proposed gabion walls, which can be planted, will in time provide screening for the driveway itself. The existing banks also provide some screening so one would only be aware of the driveway when very near

to it. Furthermore, the provision of a vehicular driveway within the bank would not be dissimilar to driveways provided to other properties in the area through banks and hedgerows. Despite the objections to the contrary, for the reasons given, the proposal is not considered to have a detrimental impact upon the intrinsic character and scenic beauty of the setting of the High Weald AONB or the historic character of the track.

6.4 Surface Water Run-off

6.4.1 Concern has been expressed regarding the potential for surface water run-off from the driveway entering the farm track and causing deterioration of the track. This is acknowledged with appropriate surface water management also being a requirement of Policy EN7 of the Core Strategy and Policy DEN5 of the emerging DaSA.

6.4.2 Permeable paving is proposed and the submitted plans show a channel drain proposed to be inserted at the entrance to the proposed driveway, adjacent to the track. In addition, an engineer has been instructed by the agent to deal with issues such as structural stability and drainage. It is apparent that drainage to prevent surface water run-off can be provided but there are no technical details to explain that this is proficient. It is considered that a condition to require further information on the drainage arrangements can be imposed should permission be granted. This will ensure the development does not have an adverse impact on the track with regard to water management.

6.5 Ecology

6.5.1 Policy EN5 (viii) of the Core Strategy seeks to ensure that development retains, protects and enhances habitats of ecological interest, including ancient woodland, water features and hedgerows, and provides for appropriate management of these features.

6.5.2 Although not yet adopted significant weight is afforded to Policy DEN4 of the DaSA which expands on Policy EN5 and requires development to support the conservation of biodiversity.

6.5.3 The site is not part of any protected ecological site but, it is acknowledged that existing vegetation will be lost as a result of the bank being cut into to form the new driveway. The agent has confirmed the following:

“The severity of vegetation loss is minimal and the least disruptive route was chosen for this reason... the following would be removed:

- *2 x holly trees that have been already heavily pollarded showing stump and sprout regrowth;*
- *2 x beech tree saplings;*
- *1 x medium laurel tree; and*
- *Mixed ferns and rough brambles.*

No formal monitoring of habitats has been undertaken, however there is no evidence to suggest the presence of badger setts, or runs over the proposed area. The trees and vegetation is not visually being nested in as the trees have been previously heavily pollarded and offer no likely nesting area, visually there was none apparent during my recent site visits.

Being a rural area, it is likely that some wildlife does encompass this area, however the current concrete / paved access steps reduces the vegetation present and hedges / branches are regularly cut back to maintain safe access.”

- 6.5.4 In addition, the agent has stated that the applicant has already begun replanting new areas further down the perimeter of the site to compensate for any damaged vegetation over and above that which would be lost as a result of the works.
- 6.5.5 While the loss of the vegetation will have an impact on existing wildlife, it is considered that this impact is limited in terms of actual harm, and in time further replanting will provide for habitats. It is also noted that the actual removal of ferns, brambles and trees does not in itself require formal planning permission, and this could be undertaken whether or not the proposal is granted. Overall, the proposed development is not considered to cause harm in terms of biodiversity.

7.0 SUMMARY

- 7.1 The proposed driveway will have an impact on the visual appearance of the rural country lane. However, the impact is localised and can be partly mitigated against by existing vegetation along the track and additional vegetative screening of the retaining gabion walls.
- 7.2 The site is outside of the High Weald AONB, and while there may be views from this designated area of national importance, the views would be limited and the screening will help ensure there will be no harm to the intrinsic character and beauty of this designated area.
- 7.3 Concerns over surface water drainage and structural stability of the proposed driveway can be mitigated with conditions to request further details.
- 7.4 The area affected has low potential with regarding to protected species and habitats. The development as a result is not considered to harm biodiversity.
- 7.5 Ultimately the proposal accord with the relevant paragraphs contained within the National Planning Policy Framework and does not conflict with relevant policies in the Rother Local Plan Core Strategy or the emerging DaSA Local Plan. The scheme is recommended for approval.

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:
'Site Plan' dated 19 Jan 2018
Drawing No. 18105/001A undated
Drawing No. 18105/002 undated
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

3. No development shall commence until a scheme for the provision of surface water drainage for the approved driveway has been submitted to and approved in writing by the Local Planning Authority.
Reason: The details required are integral to the development to ensure the surface water run-off from the driveway is suitably managed and does not freely run onto the farm track, in accordance with Policy EN7 of the Rother Local Plan Core Strategy.

4. No development above ground level shall take place to construct the retaining gabion walls or the new fencing, as shown on Drawing Ref 18105/002, until the soft landscaping details have been submitted to and approved by the Local Planning Authority, which shall include the following:
 - a) indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development;
 - b) planting plans;
 - c) written specifications (including cultivation and other operations associated with plant and grass establishment);
 - d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, to be planted to screen the gabion walls and the fencing; and
 - e) implementation programme.
Reason: To ensure the development is in keeping with the rural country lane and landscape setting in accordance with Policies OSS4 (iii), RA2 (viii), RA3 (v) and EN3 of the Rother Local Plan Core Strategy.

5. No development above ground level shall take place until hard landscaping details, including details of the proposed permeable paving, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
Reason: To enhance the appearance of the development in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

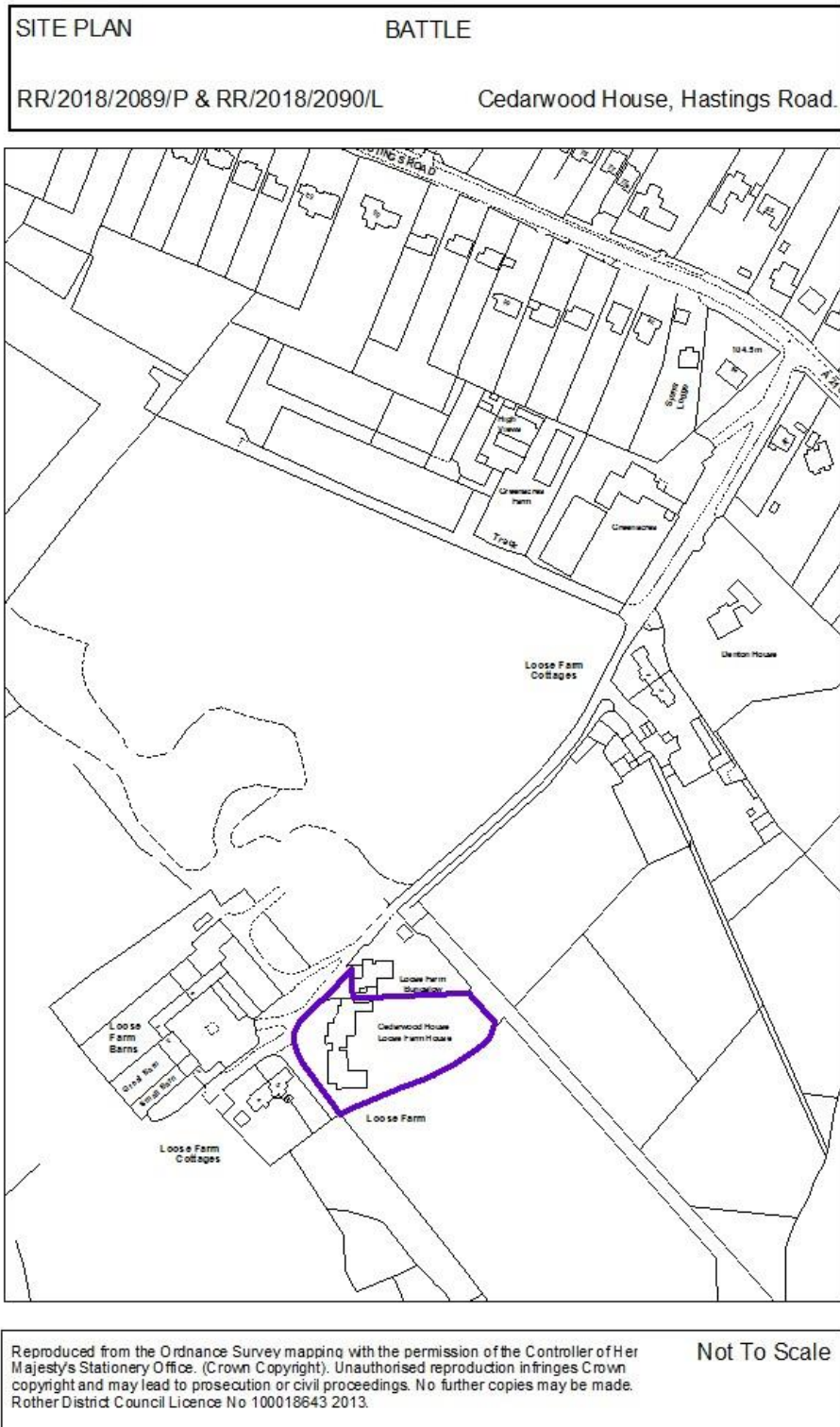
NOTES:

1. The applicant is advised that the granting of this permission does not authorise any use of the farm track to the south of the dwelling for construction traffic. Any issues arising from the use of this track is a private matter between the applicant and any other relevant landowners / parties with an interest in the track in question.

2. The applicant is advised that should there be any dispute regarding land ownership, this would be a private matter between the applicant and any other interested party.

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.

[View application/correspondence](#)



| | | |
|-----------------------|---------------|---|
| RR/2018/2089/P | BATTLE | Cedarwood House, Hastings Road |
| | | Two storey 11 bedroom extension to the rear of Cedarwood House with glazed link. Associated landscaping works to both front and rear of existing buildings, to include parking, ambulance bay and bin stores |
| RR/2018/2090/L | BATTLE | Cedarwood House, Hastings Road |
| | | Two storey 11 bedroom extension to the rear of Cedarwood House with glazed link. Associated landscaping works to both front and rear of existing buildings, to include parking, ambulance bay and bin stores |

| | |
|------------------------|--|
| Applicant: | Cedarwood House Limited |
| Case Officer: | Mrs S. Shepherd (Email: sarah.shepherd@rother.gov.uk) |
| Parish: | BATTLE |
| Ward Member(s): | Councillor G.C. Curtis |

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

Statutory 8 week date: 23 October 2018
Extension of time agreed to: 22 January 2019

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 (residential amenity, local character and appearance and compatibility with neighbouring uses)
 - RA3: Development in the countryside (that is appropriate in scale, not harmful to landscape character)
 - EN1: Landscape Stewardship (in protecting the character and landscape of the Area of Outstanding Natural Beauty [AONB])
 - EN2: Stewardship of the historic built environment (to preserve and maintain the architectural and historical importance of listed buildings and their settings)
 - EN3: Design quality (contributing positively to the character of the site and surroundings)
 - TR4: Car parking (to meet the needs of the development for off-street parking)

- 1.2 The following policies in the Development and Site Allocations Local Plan Proposed Submission – October 2018 (DaSA) are relevant and carry some weight:
- DEN1: Maintaining Landscape Character
- 1.3 The National Planning Policy and Planning Policy Guidance are also material considerations with particular regard to section 15, conserving and enhancing the natural environment (paragraph 172 relating to protection and enhancement of the AONB) and section 16 conserving and enhancing the historic environment.
- 1.4 The Battle Neighbourhood Plan is in the early stages of preparation with no sites publicly identified or other policies set out. As such no weight can be afforded to it.
- 1.5 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when considering whether to grant listed building consent, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 1.6 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.
-

2.0 SITE

- 2.1 Cedarwood House is a care home situated off the south side of Hastings Road towards the end of Loose Farm Lane. The lane is dual width at its start but reduces to a single width concrete access road before reaching the application site.
- 2.2 The property is Grade II listed and was added to the Statutory List in 1987, it has an extensive single storey 'L' shaped extension, the major part of which pre-dates listing. It lies outside the development boundary for Battle within the countryside of the High Weald AONB.
- 2.3 The proposed extension is situated within the rear garden which is roughly level and contained by good boundary screening for the most part. The nearby bungalow to the north side was originally intended for use as staff accommodation but has since been separated and is now a private dwelling, independent from the nursing home.
- 2.4 The access is shared with a pair of farm cottages at the end of the Lane and the business and other dwellings contained within the converted farm yard barns also at the end of the Lane. At present parking is provided along the frontage of the site immediately adjacent the Lane and the adjacent bungalow, with use of the garden to the front western side in good weather if required. A number of bollards have been placed along the side of the lane and opposite the application site on land outside the applicant's ownership.

3.0 HISTORY

- | | | |
|-----|------------------------------------|---|
| 3.1 | RR/84/1461 | Change of use of house and bungalow to rest home and staff accommodation and single storey extension. Approved Conditional. |
| 3.2 | RR/84/2125 | Extension to approved rest home to provide additional accommodation. Approved Conditional. |
| 3.3 | RR/2002/590/P & RR/2002/1029/L | Lift shaft and plant room. Planning permission and Listed Building Consent granted subject to conditions. |
| 3.4 | RR/2004/1465/P & RR/2004/1461/L | Single storey extension to modern wing at rear. Planning Permission and Listed Building Consent granted subject to conditions. |
| 3.5 | RR/2011/862/P & RR/2011/863/L | Proposed extension to care home. Planning Permission and Listed Building Consent Refused. |
| 3.6 | RR/2013/2024/P & RR/2013/2025/L | Two storey 11 bedroom extension to the rear of Cedarwood House with glazed link. Associated landscaping works to both front and rear of existing buildings, to include parking, ambulance bay and bin stores. Planning Permission and Listed Building Consent Refused. Appeal dismissed on limited grounds. |
| 3.7 | RR/2015/1455/P & RR/2015/1456/L | Two storey 11 bedroom extension to the rear of Cedarwood House with glazed link. Associated landscaping works to both front and rear of existing buildings, to include parking, ambulance bay and bin stores. Planning Permission and Listed Building Consent granted subject to conditions. |
-

4.0 PROPOSAL

- 4.1 This application is for the same proposals as previously approved in 2015. The applicant requires slightly longer to implement the scheme. The 2015 planning permission and listed building consent expired on 25 August 2018.
- 4.2 The 2015 applications were submitted in the light of the previous refusals and sought to respond to the comments of the Planning Inspector in his decision letter regarding the previous appeals. As such the proposed amendments were restricted and the extension itself remained much as before. The changes were confined, (a) to the parking/turning and landscaping proposals to the front and side of the buildings and (b) to the link between the proposed extension and how it relates to the listed building. These were the only two concerns supported by the Planning Inspector.
- 4.3 The parking/turning and landscaping to the front and side areas remains as previously approved, with exception to the disabled parking space which following a query regarding land ownership, has been moved slightly westwards to ensure that it is wholly on land within the applicants ownership. As before an ambulance bay is proposed adjacent to the front of the listed

building. Seven parking spaces are splayed around the front garden area with a turning space in between. An additional two parking spaces with turning (primarily for staff) is located to the side. Boundary planting to the front garden and the side with the field track is to be retained with some additional infill planting and new planting to the building. The new parking/turning area is to be surfaced with bound gravel. The site store/compound is to be located to the rear with two proposed options for access from the farm tracks to the north east and southern sides of the site, to be resolved by the applicants and subject to condition as part of the construction management plan.

- 4.4 The proposed extension and link between the extension and the listed building are as previously approved, having been the subject of extensive negotiation with planning and conservation officers.
 - 4.5 The application is again accompanied by the traffic survey and a Transport Statement with an assessment of parking requirements, swept path analysis and traffic impacts.
 - 4.6 The bin enclosure is also specified on the block plans.
-

5.0 CONSULTATIONS

5.1 Battle Town Council

- 5.1.1 Has no objection.

5.2 Highway Authority

- 5.2.1 Has no objection subject to imposition of conditions, noting that this application is similar to that previously submitted in 2015 (RR/2015/1455/P). With this in mind highway comments remain relatively unchanged. Comments as follows:

5.2.2 Site Access

It is acknowledged that the existing vehicular access serving the site has substandard visibility in each direction at its junction with Hastings Road (A2100); however, taking into account the level of traffic currently using the access the minor increase in vehicular movements associated with the proposed extension to the care home is unlikely to be perceptible. The impact of the proposal is therefore considered to be insignificant and raising an objection on these grounds could not be justified.

5.2.3 Parking

The County Councils parking guidance indicates that a residential care home of this type requires one car parking space per four beds. The care home currently provides 20 beds and is served by five on-site parking spaces. The existing parking provision is therefore in accordance with the above guidance.

The proposed development will increase the number of beds to 30 and provide a total of 10 car parking spaces within the site. This level of parking slightly exceeds the level generally required and is therefore acceptable.

A parking survey has also been carried out to calculate the number of vehicles parked at the care home throughout the day. The survey results showed that for much of the day, no more than five cars were parked on site. Between 12:30 and 14:00, parking increased with a maximum number of vehicles parked peaking at eight for a brief period. Only one additional member of staff will be employed following the extension. I therefore remain satisfied that the level of parking proposed is appropriate.

Cycle parking standards require the provision of one parking space for every 10 staff on duty at any one time. The proposals provide a Sheffield Stand that can accommodate parking for two cycles.

5.2.4 On-Site Turning

The submitted information indicates that measures have been put in place to ensure that smaller vehicles, no greater than 6m in length, will be used to deliver goods to the site. Tracking drawings have been provided to show that delivery vehicles of this size are able to turn within the site. It is acknowledged that on some occasions larger delivery vehicles may need to visit the site; however, this is likely to be relatively infrequent and I am therefore satisfied that the proposed turning facilities are sufficient to accommodate the type of vehicles that will generally be used. This is considered to be a significant improvement on the existing layout where no on-site turning facilities are provided.

5.2.5 Construction Management Plan

Due to the limited space available on site for larger vehicles to park and turn and in order to reduce the impact on the access road a construction management plan should be submitted and agreed prior to commencement of development.

5.2.6 Conclusion

I am satisfied that the proposed parking provision is appropriate for a development of this type and provides a welcome improvement on the existing parking space to number of beds ratio. The on-site turning facilities are also welcomed and this will enable vehicles to enter and leave the site in a forward gear and therefore reduce the risk of conflict occurring with other vehicles on the approach road.

5.3 Planning Notice

5.3.1 12 objections (not all from different properties) received raising the following issues:

- Ownership is incorrect in relation to boundary of car park with Loose Farm Bungalow.
- If permission is granted the construction strategy should ensure that the access lane is open and free for use by others at all times and traffic associated with the care home does not use neighbouring land for parking or turning.
- Existing traffic issues will be exacerbated.
- Access with Hastings Road is dangerous.
- Tracking drawings and parking not to scale.
- Construction access options outside of Homes ownership.

- The boundary is corrected but other documents not changed so not valid.
-

6.0 APPRAISAL

6.1 As previously the main issues for consideration are:

- Impact on the listed building.
- Impact on the AONB.
- Traffic and highway matters.
- Impact on neighbours.

6.2 Impact on Listed Building

6.2.1 There is a statutory requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The Appeal Inspector had previously accepted the two-storey extension stating, *“The proposed two storey range would be attached to the existing projecting wing furthest from the historic building, and that causes no harm. The new range running parallel but at some distance away would be acceptable and would provide for an attractive and no doubt useful secure courtyard”*.

6.2.2 The Inspector had however objected to the proposed link and this element was subsequently redesigned for the 2015 application which was approved by the Planning Committee. The proposals were the subject of considerable negotiation to ensure that existing openings were reused and that the extension and link respected the character and architectural quality of the listed building.

6.2.3 There have been no changes to the proposed scheme nor to planning policies. As such the proposal continues to preserve the setting and importance of the listed building.

6.3 Impact on the AONB

6.3.1 Cedarwood care home was formerly the original farmhouse and sits in a farmstead with a pair of cottages to its western side, a more modern bungalow to the north-east and converted farm buildings to the north-west. The property is much altered and extended, prior to listing, and has boundary screening to its southern, eastern and western sides. The extension is fairly compact and closely related to the existing buildings. If viewed from the surrounding countryside it would be seen against the backdrop of the existing two-storey care home and also viewed as part of the cluster of buildings around the former farm yard area. Some view of the extension is expected but given its size, design and use of traditional details and materials, this is not considered to be such as to result in detriment to the landscape character or quality of the High Weald AONB.

6.3.2 The proposed frontage alterations to provide additional car parking in a revised format with turning facility will be observed by any persons accessing nearby properties/land and visitors generally. The lawn area and some of the shrub planting is to be removed to open up the area for parking and turning.

New boundary planting is proposed, which will establish to reinforce the boundary line and screen the parking from the nearby cottages and converted barns.

- 6.3.3 It is considered that the proposal, as submitted, would have the effect of changing to a degree the character and appearance of the area but those changes would be local only and would not result in any harm to the wider landscape character or scenic beauty of the AONB.

6.4 Traffic and Highway Matters

- 6.4.1 As previously, objections are again made in respect of highway and traffic concerns. This was a matter subject of considerable consideration both by the Appeal Inspector and the Planning Committee. The parking arrangements were reconfigured, turning facilities are to be provided as well as an ambulance bay and disabled space. The provision of 10 parking spaces slightly exceeds that required to comply with highway standards and the likely increase in vehicle movements is considered to be insignificant. As such and having regard to other appeal decisions regarding the access, raising an objection on these grounds could not be justified.

- 6.4.2 Comments have been made that plans are not to scale. All plans are drawn to scale. The parking bays and tracking are considered to be accurate and the space within the site as set out on the plan is available as drawn. Comments regarding the route for construction vehicles are noted but as previously this could be the subject of a condition.

- 6.4.3 Other than the increased use of bollards by neighbouring owners to preclude use of their land by vehicles visiting the care home, there has been no change in highway circumstances or highway policy. The proposals remain as previously approved and thus there are no objections on highway grounds.

6.5 Impact on Neighbours

- 6.5.1 The residential amenity impacts may be broadly divided into two: the effects of the physical building and its use, and the effects of the additional vehicle movements.

- 6.5.2 The proposed extension itself situated at the rear of the principal building really only has the potential to impose upon the enjoyment of one private dwelling, namely Loose Farm Bungalow which closely abuts the northern boundary of the site and which was formerly used as staff accommodation by the previous owners of the care home. The extension however, is located some distance away with no significant windows overlooking the neighbour and an intervening hedge. As such there would be no loss of light, overshadowing or overbearing impacts.

- 6.5.3 As commented above, additional vehicle movements are not considered to be significant. Additional parking spaces are to be provided along with turning areas on the site. As such there should not be harmful impacts to neighbours from additional traffic movements.

7.0 SUMMARY

- 7.1 The proposals remain as previously approved. There are no changes in planning circumstances or changes to planning policy in respect of this site. As such there is no reason to come to a different conclusion and the proposals are thus again recommended for approval subject to conditions.
-

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The development is not CIL liable.
-

RECOMMENDATION: (RR/2018/2089/P) 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:
Drawing No. 348-PL-GA-001 rev.A dated December 2018
Drawing No. 348-PL-GA-102 rev.I dated 12 November 2018
Drawing No.348-PL-GA-103 rev.D 27 April 2015
Drawing No. 348-PL-GA-104 rev.D 27 April 2015
Drawing No. 348-PL-GA-105 rev.E 27 April 2015
Drawing No. 348-PL-GA-106 rev.E 13 May 2015
Drawing No. 348-PL-GA-107 rev.E 13 May 2015
Drawing No. 348-PL-GA-108 rev.E 13 May 2015
Drawing No. 348-PL-GA-200 dated 24 April 2015
Drawings No. 130919-TK12 rev.A and TK13, swept path analysis, contained within the Transport Statement by Motion
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. Before commencement of the relevant part of any development hereby permitted, samples/details of the materials to be used in the construction of the external surfaces of that part of the extension, link and hardsurfacing for the parking/turning area shall be 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 where practical reflects the character and/or appearance of the existing listed building and to preserve the visual amenities of the High Weald AONB in accordance with Policy OSS4 (iii), EN1 and EN2 of the Rother Local Plan Core Strategy.
4. No occupation or use of the extension or parking proposals hereby approved shall commence until details for the landscaping of the site have been

submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) accurate 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) a planting plan with schedule of plants/trees, noting species, plant sizes and positions for new boundary planting; and
- c) a timetable for implementation.

Reason: To safeguard the characteristics of the locality and enhance the appearance of the development in accordance with Policy OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy.

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

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

Reason: Having regard to parking and turning issues in this particular area and the comments of the previous appeal Inspector, it is considered necessary to provide on-site parking/turning for construction vehicles and thereby ensure that the proposed development does not prejudice the amenities of neighbours and the free flow of traffic or conditions of general safety along the highway in accordance with Policy OSS4 (ii) and TR4 of the Rother Local Plan Core Strategy.

6. No part of the development shall be occupied until space has been laid out within the site in accordance with the approved plan Drawing Nos. 348-PL-GA-102 rev.I dated 12.11.18, 130919-TK12 rev.A and TK13, for the parking and turning of vehicles and cycles and it shall thereafter be retained for those purposes only.

Reason: To provide on-site parking/turning and thereby ensure that the proposed development does not prejudice the amenities of neighbours and the free flow of traffic or conditions of general safety along the highway in accordance with Policy OSS4 (ii) and TR4 of the Rother Local Plan Core Strategy.

7. At the time of construction and prior to the first occupation or use of the extension or link hereby approved, the corridor windows at first floor level within the north elevation of the extension and link, as indicated on the approved drawings, shall be glazed with obscure glass of obscurity level

equivalent to scale 5 on the Pilkington Glass Scale and shall thereafter be retained in that condition.

Reason: To preserve the residential amenities of the locality in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

8. No floodlighting or other external means of illumination of the site or buildings shall be provided, installed or operated at the site without a separate planning permission.

Reason: To safeguard the visual amenities of the locality within the High Weald AONB in accordance with Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy.

9. The use of the extension shall not commence until a Delivery Plan relating to the servicing of the nursing home and detailing the intended transport arrangements for deliveries to and from the site has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include arrangements for the monitoring of such deliveries, details of which shall be regularly submitted to the Local Planning Authority on a six monthly basis or as otherwise may be requested. The approved Plan shall be implemented as soon as the use of the extension commences and shall thereafter be permanently complied with.

Reason: The limited access to the site and the restricted turning facilities available require that control over the size of vehicles delivering to the premises is exercised to limit the impact on the amenities of adjoining residents having regard to Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

NOTES:

1. Adequate provision must be made for the storage and disposal of food and other wastes. Refuse stores must be designed so they can be kept clean and should have a solid base. All bins must be pest proof and have closable lids. The refuse store must be properly managed, kept clean and free from pests at all times. Arrangements must be in place for regular and sufficient collection by a licensed waste company. Collections should not be before 07:00.
2. The applicant's attention is drawn to the associated listed building consent RR/2018/2090/L and the attached conditions.

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](#)

RECOMMENDATION: (RR/2018/2090/L) GRANT (LISTED BUILDING CONSENT)

CONDITIONS:

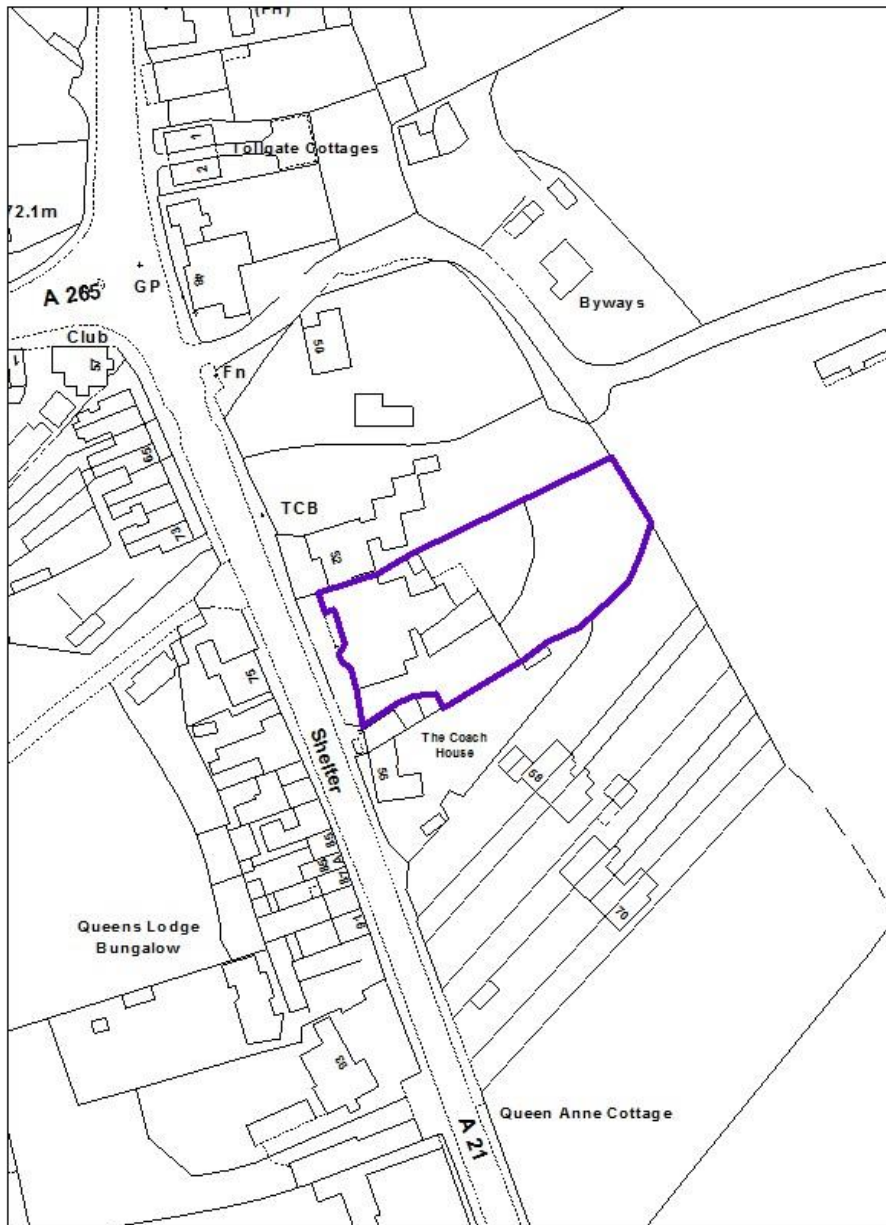
1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.
Reason: In accordance with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing No. 348-PL-GA-001 rev.A dated December 2018
Drawing No. 348-PL-GA-102 rev.I dated 12 November 2018
Drawing No. 348-PL-GA-103 rev.D 27 April 2015
Drawing No. 348-PL-GA-104 rev.D 27 April 2015
Drawing No. 348-PL-GA-105 rev.E 27 April 2015
Drawing No. 348-PL-GA-106 rev.E 13 May 2015
Drawing No. 348-PL-GA-107 rev.E 13 May 2015
Drawing No. 348-PL-GA-108 rev.E 13 May 2015
Drawing No. 348-PL-GA-200 dated 24 April 2015
Drawings No. 130919-TK12 rev.A and TK13, swept path analysis, contained within the Transport Statement by Motion
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. No works shall be carried out in respect of the proposed extension or link extension until the following details have been submitted to and approved in writing by the Local Planning Authority and the works thereafter shall be carried out in accordance with the approved details:
 - a) Details of all new joinery, including windows, doors and partitions, with elevations at a scale of 1:10 and with full size sections through cills, frames and opening lights.
 - b) 1:10 scale sections through proposed eaves details.
 - c) 1:10 typical sections through glazed link, indicating roof and floor slab structure.
 - d) 1:10 elevational details of dormer windows (including in-line roofed dormers).
 - e) No barge-boards to be applied to gable ends.Reason: To ensure that special regard is paid in the interests of protecting special architectural and historic character and detailing of the listed building in accordance with Policy EN2 of the Rother District Local Plan – Core Strategy (2014) and the National Planning Policy Framework and associated Planning Practice Guide regarding works to historic buildings.

NOTE:

1. Your attention is drawn to the associated planning permission RR/2018/2089/P and the attached conditions.

[View application/correspondence](#)

| | |
|----------------|------------------------------|
| SITE PLAN | HURST GREEN |
| RR/2014/2464/P | 54 London Road, Royal George |



| | |
|---|--------------|
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RR/2018/2464/P

HURST GREEN 54 London Road, Royal George

Erection of a single storey timber studio
(Retrospective)

| | |
|-----------------|--|
| Applicant: | Mrs Jo Lee |
| Agent: | Mr Adrian Watt |
| Case Officer: | Miss Andrea Ingram (Email: andrea.ingram@rother.gov.uk) |
| Parish: | HURST GREEN |
| Ward Member(s): | Councillor G.S. Browne and Mrs S.M. Prochak |

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

Statutory 8 week date: 18 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
 - RA1: Development within villages
 - EN2: Stewardship of the historic built environment
 - EN3: Design quality
- 1.2 The National Planning Policy and Planning Policy Guidance are also material considerations.
- 1.3 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.
-

2.0 SITE

- 2.1 The property, formerly the Royal George Hotel, is now a restaurant. It is a listed building fronting London Road within the village of Hurst Green. The site is within the High Weald Area of Outstanding Natural Beauty (AONB) and an archaeological notification area.
-

3.0 HISTORY

3.1 Relevant history:

- | | | |
|-----|------------------------------------|--|
| 3.2 | RR/2002/3116/P & RR/2002/3117/L | Erection of single storey rear extension, and formation of parking area and beer garden. Planning permission and Listed Building Consent Granted. |
| 3.3 | RR/2001/416/P | Conversion of store to kitchen, erection of extension to form store and prep room, removal of extract vent system, walls and chimney and blocking up of windows and doors. Approved. |
| 3.4 | RR/1999/275/P | Outline: two detached houses and two semi-detached houses. Refused. |
| 3.5 | RR/96/2154/P & RR/96/1887/L - | Installation of a ventilation flue. Planning permission and Listed Building Consent Refused. |
-

4.0 PROPOSAL

- 4.1 The application is retrospective and is in respect of a shed built at the rear of property. The erected building measures 2.18m to the top of the eaves and stands less than 2.5m at the ridge with a footprint of 4.8m by 4.8m. The exterior cladding is of timber material, painted light grey, with a grey composite roof and timber windows.
-

5.0 CONSULTATIONS

5.1 Parish Council

- 5.1.1 The Council is concerned that this building is very close to a listed property and is not in keeping with its surroundings. Councillors also noted that it was very close to neighbours and expressed concern about its potential use as auxiliary to the business due to potential noise issues. Note that it is in an archaeological notification area and as such a trench should be dug.

5.2 East Sussex County Council – County Archaeologist

- 5.2.1 No comments to be made in this instance.

5.3 Planning Notice

- 5.3.1 One objection has been received from a neighbouring property:

- Structure is too close to the listed wall.
- An archaeological survey should be carried out.

- 5.3.2 Four letters supporting the application has been submitted:

- The replacement structure is a great improvement on that previously in the garden.
 - The building is not visible from surrounding vantage points.
 - Not aware of any instances of excessive noise or disturbance.
 - Surprised to find that applicant was required to ask for retrospective planning permission.
 - A property adjoining a public house, they must expect some noise.
 - Should be supporting all efforts to maintain any business in the village.
 - Noise and disturbance from a licensed premise, falls under the Licensing Department of the Council not the Planning Committee.
-

6.0 APPRAISAL

6.1 Issues for Consideration

6.1.1 The key issues for consideration are:

- Listed building and its setting.
- Amenities of neighbouring properties.
- Character and appearance of the locality, including the landscape and scenic beauty of the AONB.

6.2 The Setting of the Listed Building

6.2.1 The listing description for the property states:

“Large early C19 building. Two storeys. Eight windows. Red brick. Stuccoed stringcourse. Eaves bracket cornice. Slate roof. Glazing bars intact. Bay of three windows at each end on both floors. Stuccoed portico on ground floor between the bays with three pairs of stuccoed Doric columns.”

6.2.2 Setting is defined in Historic England guidance. It is not restricted to visibility but to where there is tangible and perceived impact on setting.

6.2.3 The shed is relatively modest in size and although, is in close proximity to listed buildings, it is in a discrete location at the rear of the property. There are no foundations involved in the construction of the building and it rests on an existing concrete base so there is no harmful impact to the fabric of any listed structures. The building is a wooden structure and is more temporary in character. As such it is considered that there is no significant impact on the setting of the nearby listed buildings.

6.3 Amenities of Neighbouring Properties

6.3.1 The building is associated with the existing commercial use of the host building and garden as a restaurant. Therefore some level of activity associated with this use would be expected. However, the new building is small and any disruption from its use over and above the use of the existing restaurant and garden seems unlikely. There is no reason why its use should be significantly greater than that already, or could potentially be, experienced. Notwithstanding this, a condition controlling the hours of use of this building could be attached to the decision notice.

- 6.3.2 The building is modest and given the separation afforded to neighbouring properties, and the boundary screening between No. 52 and degree of distance with the property to the south, it is not considered that the activities associated with this use, beyond those which you may typically expect within a commercial property, would result in demonstrable harm being caused.

6.4 Character and Appearance

- 6.4.1 Policy OSS4 (iii) states that development should respect and not detract from the character and appearance of the locality.
- 6.4.2 The proposal is small in scale and given the existing character of the area at the rear of the restaurant with other structures and extensions present, the proposed building would not be out of place. Furthermore, the building is situated in a secluded location and is not evident in the wider area with high boundaries between the nearest neighbouring properties. The building is therefore well screened and its use as an occasional function room is unlikely to be discernable in the wider area.

6.5 Other Issues

- 6.5.1 The issues raised by the Parish Council, set out above, in relation to noise and proximity to the listed building have been dealt with above. The site is within an Archaeological Notification Area however the County Archaeologist has no comments due to the non-existence of invasive foundations.
- 6.5.2 The applicants have responded to the comments to the application as follows:
- The building replaces an existing dilapidated shed.
 - As such there would be no change in circumstance to the neighbour.
 - The Eurasian Restaurant is the only surviving public house in Hurst Green.
 - It makes an important contribution to the economy of the area.

7.0 SUMMARY

- 7.1 The location of the proposed development within the centre of the village in association with a commercial use development would be acceptable in principle. The proposed development has not resulted in harm to the fabric or setting of the nearby listed buildings and there will be no adverse impact on the character and appearance of the locality. There is no reason to believe that there would be an adverse impact on the amenities of neighbouring properties as the addition is modest and relates to the existing restaurant use. However to ensure that any disturbance is not to unreasonable levels as a result of the building a condition restricting the hours of use is attached to the decision. As such the proposed development complies with the Council's policies and is considered to be acceptable.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Site Location Plan, Drawing No. 005 dated 01-10-2018
Block Plan, Drawing No. 004 dated 01-10-2018
Elevation, Drawing No. 001 dated 01-10-2018
Floorplans/Elevations, Drawing No. 002 dated 01-10-2018
Ground Floor Layout, Drawing No. 003 dated 01-10-2018
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.
2. The studio hereby approved shall not be used for any purpose between the hours of 11:00pm and 8:00am.
Reason: To safeguard the amenities of the area in accordance with Policies OSS4 (ii) of the Rother Local Plan Core Strategy.

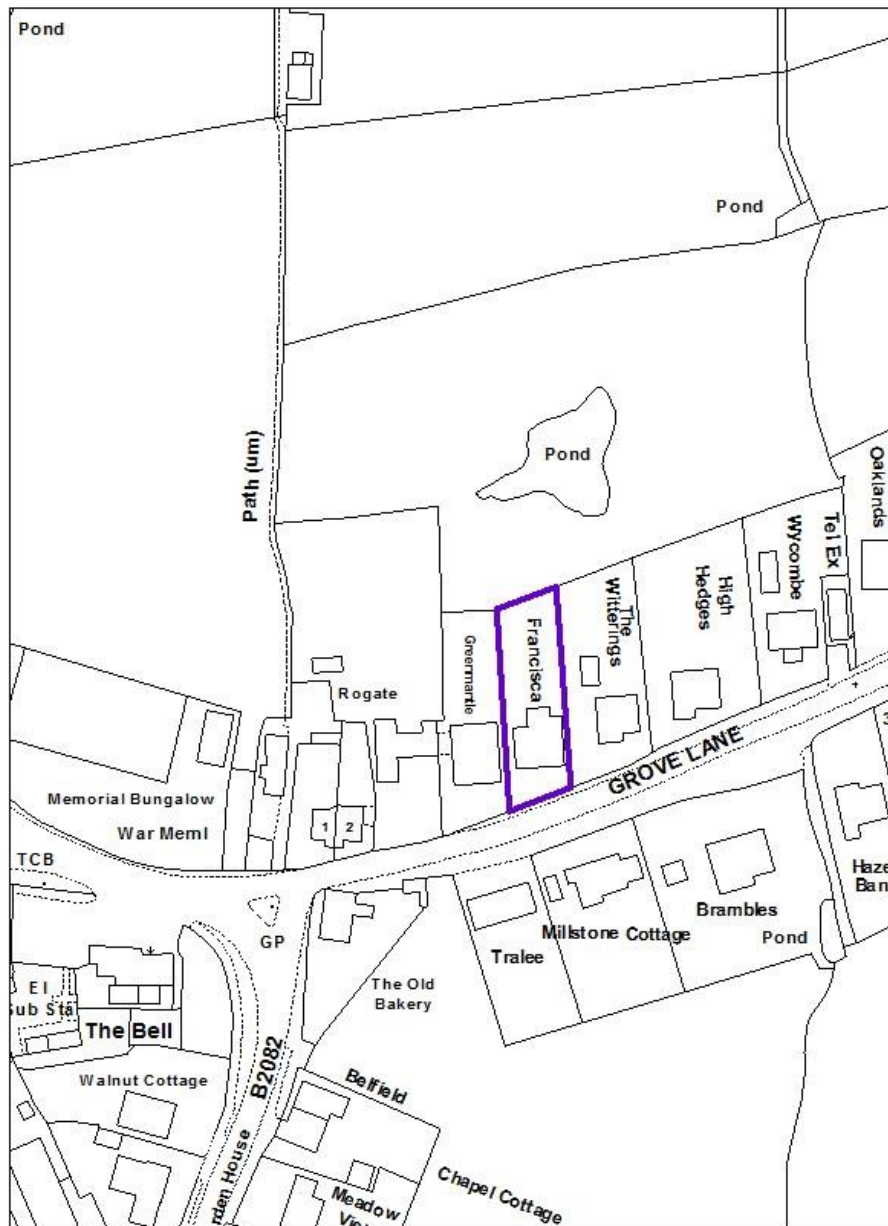
NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by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

[View application/correspondence](#)

IDEN

RR/2018/2930/P

Francisca, Grove Lane.



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Not To Scale

RR/2018/2930/P

IDEN Francisca, Grove Lane

Widening and re-cladding of rear extension with steps on either side to garden area. New vehicle access. Erection of new outbuilding. Associated refurbishment and repair of dwelling

Applicant:

Mr J. Pyrah

Agent:

RX Architects

Case Officer:

Mrs Ita Sadighi

(Email: ita.sadighi@rother.gov.uk)

Parish:

IDEN

Ward Member(s):

Councillors Mrs S. Hart and P.N. Osborne

Reason for Committee consideration: Applicant is a member of staff

Statutory 8 week date: 24 January 2019

This application is included in the Committee site inspection list.

1.0 POLICIES

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

- HG8: Extensions and alterations to existing dwellings. This policy requires that new extensions should not dominate the existing dwelling but, rather, are "*visually subservient*" to it and hence add to, and not detract from, its character and appearance.

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
- RA1: Villages

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

- DHG9: Extensions, Alterations and Outbuildings
- DHG12: Accesses and Drives

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

2.0 SITE

- 2.1 Francisca is a detached single storey dwelling situated within the village boundary, as defined within Rother District Local Plan (2006), and also within the High Weald Area of Outstanding Natural Beauty (AONB).
- 2.2 The property is set on a level plot close to the lane and its neighbours. The lane is characterised by low level properties within mostly verdant settings, which is typical of this rural village.
- 2.3 The property has external timber white weatherboarding under a tiled roof and requires extensive updating.
-

3.0 HISTORY

- 3.1 No recent history.
-

4.0 PROPOSAL

- 4.1 The proposal is for widening and re-cladding of the rear extension with steps on either side to garden area. New vehicle access. Erection of new outbuilding. Associated refurbishment and repair of dwelling.

- 4.2 There are three key elements to the proposal:

- Extend Rear Extension
The rear flat roof extension would be widened by approximately 0.6m and externally finished in vertical timber cladding. A new flat 'warm' insulated roof would raise its existing height by approximately 0.5m. New external steps to the garden would be added to both side elevations, giving access from the extension and new utility area.
- Proposed outbuilding
A proposed outbuilding would be erected in the rear garden. The building would measure approximately 4m x 7.2m with a ridge height of approximately 3.5m. The proposed building would be set in the north-east corner (in place of some old garden buildings) within the rear garden, and approximately 1m from the adjoining boundary. It would be externally finished with vertical timber cladding under a corrugated metal roof.
- Creation of vehicle access
The proposal would also create a new vehicle access/parking to the front west side of the property. Grove Lane is a quiet, unclassified lane. The new access and parking area would be finished in a porous material.

Other associated works to the property are mostly updating, changing or repairs to the existing white weatherboarding. New windows and some changes to the existing rear fenestration are also proposed. A new air source pump would replace the old oil tank. New hedge planting is proposed along the front boundary areas.

5.0 CONSULTATIONS

5.1 Parish Council

5.1.1 Iden Parish Council voted to support this application.

5.2.1 Highways Authority

5.2 Grove Lane is an unclassified road according to our highway terrier.

5.2.2 The visibility to the west of the proposed new access is likely to be severely restricted by the neighbouring hedgerow. Relocating the access centrally or to the east of the site frontage is likely to improve the visibility available and I would suggest that this is explored.

5.3 Planning Notice

5.3.1 No comments received.

6.0 APPRAISAL

6.1 The property is an older (1930s) style bungalow which requires extensive updating inside and externally. The main issues to consider with this application are:

- Character and appearance of proposal to host property and its setting within the village and AONB.
- Amenities of near neighbouring properties.

6.2 Character and Appearance

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

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

6.2.3 Policy DHG9: Extensions, Alterations and Outbuildings of Rother's Development and site Allocations Local Plan Proposed Submission (October 2018) also carries weight when considering this application.

6.2.4 The property is situated within a residential village setting. The proposed works to the main dwelling and new driveway would be in character, sympathetic to the property and this rural lane where other properties have been similarly refurbished and timber cladding is widely used.

6.2.5 The rear outbuilding is low level adjoining the boundary. It would be mostly obscured from public view but the use of external materials that would match those on the house will ensure that it would not look out of character.

6.3 Neighbouring Amenities

- 6.3.1 The proposal would create a new access and steps down from the rear extension via the new utility area. This would be near to the neighbouring boundary (The Mitterings). The new steps down would provide access to the garden only and are not considered to create an area of unneighbourly overlooking. The boundary between the properties also has mixed mature screening that would protect the current amenities.
- 6.3.2 A new window would be added to the side elevation for the utility area but, other windows are already in place adjoining this side boundary therefore this aspect would not significantly change the current outlook on the boundary. A new access door would be set in the rear elevation of the property and not overlook the boundary.
- 6.3.3 The proposed outbuilding would be set at the rear of the garden and approximately 1m from the adjoining boundary with 'The Mitterings'. It would only be approximately 3.5m high to a roof pitch with no windows set towards this neighbours' garden. The proposal would replace older existing outbuildings but with a design and scale that would not have a significant impact to the current amenities between these properties. The other boundary with 'Greenmantle' has mature screening and this proposal would not have any impact to this neighbours' amenity.
- 6.3.4 The proposed access and parking area to the front west side of the property would not have a detrimental impact to the adjoining neighbouring properties. The driveway will be used for residential parking, which is not considered to create undue levels of disturbance, and is consistent with other properties along the lane.

6.4 Other

- 6.4.1 The recommendations of the Highway Authority are noted but, as the new access would be from an unclassified road and the driveway is annotated as being porous, it benefits from 'permitted development' and planning permission is not required. Therefore it is not considered necessary or reasonable to seek amendments to this element of the proposal. A note to the applicant regarding the Highway Authority's comments is recommended.

7.0 **SUMMARY**

- 7.1 The proposal would sensitively update the existing property, keeping its original character and scale. It would improve the property's visual appearance within this rural village setting and will not have any significant impact to the adjoining neighbouring properties. While the Highways Authority has advised that relocating the access driveway to the east of the site frontage is likely to improve the visibility, because the road is unclassified the new access would be 'permitted development' and this aspect can only be advisory.

- 7.1.1 The proposal is therefore supported.
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8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

8.1 The proposal is not liable for CIL.

RECOMMENDATION: GRANT (PLANNING PERMISSION)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Site location plan Drawing No. 02118_50 dated 19 November 2018
Proposed Block Plan Drawing No. 02118_150 dated 19 November 2018
Proposed Ground & Roof Plan Drawing No. 02118_225 dated 19 November 2018
Proposed Ground Floor Plan with Landscape Drawing No. 02118_226 dated 19 November 2018
Proposed Elevations Drawing No. 02118_350 dated 19 November 2018
Proposed Outbuilding Drawing No. 02118_351 dated 19 November 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.

NOTE:

1. The Highways Authority has advised that relocating the access driveway to the east of the site frontage is likely to improve the visibility.

NATIONAL PLANNING POLICY FRAMEWORK:

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

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