

Report to	-	Planning Committee
Date	-	14 February 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/2017/1705/P</u>	4	BEXHILL	Spindlewood Drive – Land off
<u>RR/2018/2680/P</u>	54	ETCHINGHAM	King John's Nursery, Sheepstreet Lane

6.2 ALL OTHER APPLICATIONS

REFERENCE	PAGE	PARISH	SITE ADDRESS
<u>RR/2018/3111/P</u>	68	BEXHILL	4 Beeching Close
<u>RR/2018/3044/P</u>	74	BEXHILL	18 & 20 Collington Park Crescent – Land between
<u>RR/2018/3075/P</u>	87	BEXHILL	3 Little Twitten
<u>RR/2018/2972/P</u>	99	BEXHILL	7 Pleyden Rise
<u>RR/2018/2491/P</u>	108	CATSFIELD	Spring Cottage – Land adj, Church Lane
<u>RR/2018/2600/P</u>	117	WESTFIELD	Great Buckhurst Farm, Bluemans Lane
<u>RR/2018/3039/P</u>	124	WESTFIELD	The Old Chicken Barn, Hoads Farm, Moat Lane
<u>RR/2018/2937/P</u>	135	WESTFIELD	Bellevue, Main Road
<u>RR/2018/731/P</u>	144	CAMBER	Pontins, Lydd Road



RR/2017/1705/P

BEXHILL Spindlewood Drive – land off

Outline: Residential development for circa 160 dwellings with all matter other than access reserved

Applicant: Mr Ainslee
Agent: Morgan Carn Partnership
Case Officer: Ms J. Edwards (Email: jo.edwards@rother.gov.uk)
Parish: BEXHILL
Ward Members: Councillor K. Harmer

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

Statutory 13 week date: 1 November 2017

Extension of time agreed to: 28 February 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 is of principal relevance to the proposal:

- DS3: Development Boundaries

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

- PC1: Presumption in favour of sustainable development
- OSS1: Overall spatial development strategy (additional dwellings required)
- OSS2: Use of development boundaries
- OSS3: Location of development
- OSS4: General development considerations
- BX1: Overall strategy for Bexhill
- BX3: Bexhill – development strategy
- SRM2: Water supply and wastewater management
- CO3: Improving sports and recreation provision
- LHN1: Achieving mixed and balanced communities
- LHN2: Affordable housing
- EN1: Landscape stewardship
- EN2: Stewardship of the historic built environment
- EN3: Design quality
- EN5: Biodiversity and green space
- EN7: Flood risk and development
- TR2: Integrated transport

- TR3: Access and new development
- TR4: Car parking

1.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations, particularly:

- Paragraph 11 – presumption in favour of sustainable development.
- Paragraph 67 – supply of deliverable housing sites.
- Paragraph 109 – development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe.
- Paragraph 165 – major developments should incorporate sustainable drainage systems unless there is clear evidence this would be inappropriate.
- Paragraphs 170 – conserving and enhancing the natural environment, Paragraph 177 – the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined. In a consultation paper published October 2018, the Government signalled its intention to amend this part of the National Planning Policy Framework to say, *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that there will be no adverse effect from the plan or project on the integrity of the habitats site.”* It is not known when the proposed amendments to the National Planning Policy Framework will be published.
- Section 16 – conserving and enhancing the historic environment.

1.4 For applications for planning permission affecting the setting of a listed building Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty on 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.

1.5 The Council submitted the Development and Site Allocations Local Plan (DaSA) for public examination on 18 January 2019. Within the DaSA the application site is a proposed site allocation:

“Land off Spindlewood Drive, Bexhill” where proposed Policy BEX9 states:

“Land off Spindlewood Drive, Bexhill as shown on the Policies Map, is allocated for residential development. Proposals will be permitted where:

- i) some 160 dwellings are provided, of which 30% are affordable;*
- ii) highway access is provided from Spindlewood Drive and Barnhorn Road, alongside offsite highway works to make the development acceptable in highway terms;*
- iii) a pedestrian footpath link is provided to Barnhorn Road and footpath improvements are made at the Spindlewood Drive access;*
- iv) improvements are made to existing local bus stop infrastructure and a financial contribution towards improving local bus services;*

- v) *provision is made for the retention and enhancement of existing boundary planting, particularly in relation to the existing Tree Preservation Orders on adjacent sites and the north and north-eastern boundaries of the site as indicated on the Detail Map;*
- vi) *suitable provision is made for children's play space in the form of both a Locally Equipped Area for Play (LEAP) and a Local Area for Play (LAP);*
- vii) *a green corridor is provided through the centre of the site between two areas of existing adjacent woodland areas for ecological and public recreational use, as indicated on the Detail Map. The corridor will include the retention and enhancement of the existing pond only for ecological value and not as part of the SuDS system, which should form part of an enhanced buffer to the adjacent Ancient Woodland;*
- viii) *elsewhere, a woodland buffer to protect the Ancient Woodland to the south west of the site of at least 15m depth will be required;*
- ix) *provision is made for any significant archaeological artefacts identified through a trial trench investigation to be preserved in situ on the site;*
- x) *a connection is provided to the local sewerage system at the nearest point of adequate capacity, in collaboration with the service provider.*
- xi) *in accordance with Policy DEN5 'Sustainable Drainage', at least two forms of appropriate SuDS are incorporated and an Appropriate Assessment under the Habitats Regulations demonstrates beyond reasonable scientific doubt that these can be delivered on the site without harming the integrity of the Pevensey Levels Special Area of Conservation/RAMSAR site;*
- xii) *provision is made for any protected species found to be using the site, and where necessary, includes appropriate mitigation and / or compensation for any loss of habitat, including retaining physical linkages through the central wildlife corridor as indicated on the Detail Map; and*
- xiii) *care is taken in respect of the amenity of adjoining residential properties to the north, north east and south east and to the existing character of the countryside and farm complex to the south west and west."*

1.6 Having regard to paragraph 48 of the National Planning Policy Framework varying degrees of weight can be apportioned to policies of the DaSA dependent on the stage of plan preparation, the level of unresolved objections received and the degree of consistency between the policies and the National Planning Policy Framework. The DaSA has now been submitted to the Planning Inspectorate for Examination and whilst in some cases 'significant weight' can be given to the policies of the Submission DaSA in the case of Policy BEX9 only 'some' weight can be given to it in light of the number of objections received against the allocation.

1.7 Other DaSA policies relevant and to be given weight at this outline stage are:

- DRM3: Energy Requirements
- DEN4: Biodiversity and Green Space
- DEN5: Sustainable Drainage

2.0 SITE

2.1 This application relates to 8.07 hectares (19.9 acres) area of land situated to the south of Barnhorn Road (A259T) and to the south west of Spindlewood Drive. To the south east it is bound by the rear gardens of properties on Maple Walk, Hazelwood Close and Old Harrier Close. To the west it is

adjoined by a caravan park and the buildings of Barnhorne Manor farm comprising two dwellings one being GII listed, the other curtilage listed and agricultural buildings of varying age. To the north, the site is bound by the gardens of properties on Barnhorn Road and to the north east, by properties in Spindlewood Drive and Mulberry Close.

- 2.2 The site currently comprises five agricultural fields divided by mature hedgerows and tree belts. An area of ancient woodland lies immediately adjacent to the south west of the site beyond which lie agricultural fields, interspersed with woodland areas and wooded shaws and hedgerows that take in the Pevensey Levels. The latter are designated as a European Ramsar Site and Special Area of Conservation (SAC) and as a Special Site of Scientific Interest (SSSI).
- 2.3 Physically the land lies between 19m and 4m Above Ordnance Datum (AOD) and slopes from the north, eastwards and towards an existing watercourse, the Cole Stream along the south eastern boundary.
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3.0 HISTORY

- 3.1 The site has a history of refused planning applications for residential development covering all, part, or more land than the current application including land that is now developed at Spindlewood Drive. The most recent related to the largest field immediately adjacent to Spindlewood Drive (RR/1999/2270/P) that was subsequently dismissed at appeal. However, in view of the passage of time and current local and national planning policies previous decisions should not influence the determination of the current application which must be considered and determined in the context of current policy and all other material considerations.
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4.0 PROPOSAL

- 4.1 The application is made in outline with all matters reserved for future approval other than access. As originally submitted the application envisaged that the only point of vehicular access to the development would be from Spindlewood Drive however, during the course of its consideration, an additional access via the existing driveway to Barnhorne Manor Farm has been added to the proposal that has also resulted in the amendment of the red line boundary.
- 4.2 The application is accompanied by a site layout, also amended in the course of the application. Since layout is not for approval at this stage this is submitted for illustrative purposes only however, it demonstrates how a scheme of this scale (approximately 23 dwellings per hectare) could be accommodated whilst incorporating a minimum 15m buffer to the ancient woodland, a central 'natural' landscaped open space corridor, ecological areas, two local areas of play (LAPS) and one centrally located equipped area of play (LEAP), incidental landscaping, sustainable drainage measures and internal roads and footways.
- 4.3 No indicative mix of dwelling types and sizes is given although the proposal is to provide 30% of all dwellings as affordable. All development is intended to be of one to two storeys with some buildings incorporating rooms in the

roof. Although also not for approval now the external materials suggested include traditional red/ brown brick elevations, clay roof tiles with vertical clay hanging tiles and off white painted timber weatherboard.

- 4.4 The application as originally submitted was accompanied by a design and access statement, planning and affordable housing statement, statement of community involvement, transport assessment, ecological assessments (Phase 1 and 2), flood risk and sustainable drainage assessment, archaeological assessment and energy statement.
 - 4.5 Formal amendments to the proposal incorporating a second vehicular access from Barnhorn Road were submitted on 23 February 2018 together with an addendum to the transport assessment.
 - 4.6 Further amended plans and additional information including a revised site layout, transport assessment addendum, statement of significance for the Barnhorne Manor gates and posts, and correspondence between the applicant's ecology consultant and Natural England were submitted on 21 May.
 - 4.7 Further information, principally including information to enable the Council to undertake an 'Appropriate Assessment' under the Habitat Regulations was received on 27 June, 16 October and 7 December 2018 respectively.
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5.0 CONSULTATIONS

5.1 Highways England

- 5.1.1 In response to the proposals as originally submitted Highways England commented, *"there is currently insufficient information provided by the applicant on which to base an informed decision in relation to the potential impacts of the development on the Strategic Road Network.* In particular concerns were raised about accident analysis, trip generation and effects, traffic surveys (out of date and undertaken in school holiday), trip distribution and assignment and impact on Little Common Roundabout.

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

- 5.1.2 Following the receipt of further information on 23 February and 21 May 2018 respectively, Highways England has no objection and recommended on 7 June that *"condition[s] be attached to any planning permission that may be granted".* The suggested conditions, which relate essentially to provide the Barnhorn Road and Spindlewood Drive accesses as shown on the drawings to be approved and to prepare a Construction Traffic Management Plan for approval before any work on the site commences, are detailed in correspondence available to view online.

5.2 Highway Authority – East Sussex County Council (ESCC)

- 5.2.1 ESCC did not comment on the application as originally submitted, choosing to defer formal comment until Highways England had confirmed that its concerns had been satisfactorily addressed. On 13 June 2018 it commented in summary that it has no objection to the proposal subject to conditions that are specified.
- 5.2.2 The authority's comments are extensive and detailed covering the following matters; site access; trip generation and highway impacts having regard to the junctions – Spindlewood Drive/site access, Barnhorn Road/ site access, Maple Walk/Meads Road/Spindlewood Drive and Cooden Sea Road/Meads Road/Church Hill Avenue; accessibility, internal layout, parking, construction management plan and travel plan. It concludes:

“Subject to the above recommendations being taken into account I have no major concerns regarding the site access from a highway safety or capacity perspective.

With regards to the impact further afield I am satisfied that the assessment carried out confirms that the highway network and junctions in the vicinity of the site are able to accommodate the additional traffic likely to be generated by the development proposal. Highways England has also confirmed that they are satisfied with the assessments carried out on the Barnhorn Road access and the Little Common Roundabout.

As an outline application details regarding the housing mix, parking provision and internal layout are yet to be finalised and therefore cannot be assessed fully at this stage.

To conclude, with the above in mind I do not object to the proposal and include a summary of highway measures to be provided to ensure highway safety for the site and surrounding network, capacity accommodation on the network, sustainability, accessibility to local services and encouraging provision for travel modes other than the private car.

Section 106/278 Agreement

The off-site works and financial contribution that I wish to secure as part of this development via a section 106/278 agreement are:

- *The vehicular access into the site on Spindlewood Drive with appropriate width and radii (as detailed above).*
- *New access to include 2m wide footways on both sides and a crossing point with tactile paving across the site access.*
- *A pedestrian crossing on Spindlewood Drive close to the east of the site access to include dropped kerbs and tactile paving.*
- *Improvements to the bus stops on Cooden Sea Road.*
- *Relocation of the westbound Barnhorn Road (The Broadwalk) bus stop.*
- *Improvements to the westbound and eastbound bus stops on Barnhorn Road (as detailed above).*
- *Financial contribution towards improved bus service on Cooden Sea Road and Barnhorn Road (as detailed above).*
- *The realignment of the Cooden Sea Road/Meads Road junction (as detailed above).*

These improvements are necessary to ensure the development site complies with government policy for accessible developments by non-car modes of travel.

The Barnhorn Road access and improvements to the bus stops on Barnhorn Road are to be agreed and secured via legal agreement with Highways England.

5.3 Sussex Police

- 5.3.1 As application is in outline have no detailed comments to make at this stage. At reserved matters stage would encourage the applicant to update the Design and Access statement to include appropriate measures for crime prevention and community safety using the principles of Secured by Design and the attributes of safe, sustainable places.

5.4 Southern Water

- 5.4.1 Full comments are available to view on line. SW has advised that an initial desk top study indicates that it cannot accommodate the foul water disposal needs of the proposal without the development providing additional infrastructure. Without this the proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in an around the existing area contrary to paragraph 109 of the National Planning Policy Framework (2012). If the Local Planning Authority is minded to approve the application a planning condition is proposed.
- 5.4.2 Comments also refer to the presence of a foul sewer under the Spindlewood Drive access point, sustainable urban drainage and the need for oil trap gullies or petrol /oil interceptors where hard standings are proposed should be required.

5.5 County Archaeologist

- 5.5.1 *Further to our consultation letter dated 9 August 2017, where we outlined that a planning decision could not be determined as the site had not been subject to archaeological field survey; the applicant has now commissioned an archaeological geophysical survey. The results have identified a number of potential archaeological features, including features immediately adjacent to the historic (medieval) farm complex. Frustratingly this area of interest is masked by high levels of ferrous “contamination” so the character, extent and potential date of these features is unclear; as is its significance. The appropriate option to clarify the significance and any risk in relating to developing this site, should be further investigation through trial trenching. However the applicant is unprepared to explore this risk at the moment.*

In this instance, as a geophysical survey has been conducted, it would be appropriate for further fieldwork assessment to be carried out prior to the design and submission of the reserved matters application, and if necessary significant elements of archaeology excluded from the site layout / development. In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject to further archaeological assessment defined by a programme of archaeological works and the results

used to inform a sympathetic design enabling the retention in-situ of the archaeological remains within the development.

5.5.2 Conditions are proposed.

5.6 Flood Risk Management Team (ESCC)

5.6.1 Commented on 15/3/2018, no objection – *The information provided is satisfactory and enables the Lead Local Flood Authority (LLFA) to determine that the proposed development is capable of managing flood risk effectively. Although there will be a need for standard conditions which are outlined in this response.*

5.6.2 *Detailed Comments: The current proposals are for discharging surface water runoff from all rainfall events including the 1 in 100 (plus climate change) at the mean annual runoff rate, Qbar (9.1 l/s in the supporting calculations). Although this reduces downstream runoff rates for extreme events, it will increase runoff rates for those rainfall events with an annual probability of occurring greater than 1 in 2.33. We request that surface water runoff from rainfall events greater than 1 in 2.33 be limited to the existing Greenfield runoff rate. The surface water storage provided while limiting at this discharge rate should incorporate a 10% increase in impermeable areas to take into account potential urban creep.*

BGS data indicates that groundwater is less than 3m below ground level at the application site. Therefore the detailed design of the attenuation pond should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the pond and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided with the reserved matters application, should the application be granted planning permission. The Pevensey Levels SSSI is less than 100m south-west of the site. Therefore we expect the development to incorporate at least one additional water treatment stage using sustainable drainage systems upstream of the proposed pond. This should be demonstrated in the information supporting any reserved matters or full application for this site where the layout will be fixed.

5.6.3 *The watercourse discharges into the Pevensey and Cuckmere Water Level Management Board (PCWLMB) area. The PCWLMB might require surface water discharge contribution, which the applicant should discuss with the Board. Any works affecting the existing watercourse on site will require consent from the County Council as the LLFA. Ordinary watercourse consent for such works should be secured prior to construction of the works.*

5.6.4 The LLFA confirmed its position with some additional condition requests in subsequent correspondence dated 8 November and 19 December 2018.

5.7 Environment Agency (EA)

5.7.1 The EA initially commented that it had no objection to the proposal on flood risk grounds as the site lies within Flood Zone 1 (low risk) however a range of environmental permits might / will be required relating to 'flood risk

activities' and other works such as new bridges, resurfacing of existing right of way, proposed trees / planting with 16m of the main river. In response to the second round of consultation on 14 March 2018 it commented again requesting that certain conditions were attached to any grant of planning permission.

5.7.2 On 5 July 2018 the EA commented further as follows:

"We have received additional information in regards the above proposal and wish to review our position in relation to this new information. Please note this response of July 2018 supersedes all previous responses on this application. Please update your records. Objection ...Please be aware that a recent (April 2108) court ruling - Court of Justice of the European Union (CJEU) in the matter of People Over Wind and Sweetman v Coillte Teoranta (C-323/17) - has potentially altered the current UK position in relation to Appropriate Assessments under the Habitats Directive 92/43/EEC.

This, essentially, says that, if risks are present, mitigation measures can no longer be used at the likely significant effect stage of the Habitats Regulations Assessment (HRA) process when deciding whether an Appropriate Assessment of the plan or project is required. In the light of this recent case law, reliance on mitigation measures designed to avoid or reduce harmful effects at the likely significant stage is now vulnerable to legal challenge. In this case (RR/2017/1705/P), the applicant has proposed mitigation measures to address potential impacts on the Pevensy Levels SAC & Ramsar as set out in Aspect Ecology's Ecological Appraisal (2016) excerpt above. It is Natural England's view that the proposal is likely to have a significant effect on the Pevensy Levels SAC and Ramsar site (Natural England, 2018). We do not believe that precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the proposed works on the Pevensy Levels SAC & Ramsar have been presented in the Aspect Ecology Report. Therefore we defer to Natural England's opinion and echo their advice in recommending they proceed to the Appropriate Assessment stage to ensure there is no likely adverse effect on the integrity of the site. We therefore object to the proposed development, as submitted, because the assessment of the risks to nature conservation are inadequate...

Overcoming our objection: An Appropriate Assessment is required prior to the development of detailed plans, to enable an assessment of the level of risk posed by the development.

- The Appropriate Assessment should identify the risks from water quality (Sustainable Drainage Systems) and foul water (Sewage) on the Pevensy Levels SAC & Ramsar features and demonstrate how the development will avoid adverse impacts.*
- It should propose mitigation for any adverse ecological impacts or compensation for loss and include wildlife/ habitat enhancement measures.*
- It should also propose post-project appraisal, management plans and management responsibilities with details of how biodiversity enhancement will be incorporated into the development and maintained over the long term."*

- 5.7.3 Further to the submission of further information by the Applicant in October 2018 and a report by a local resident in response to that information, the Environment Agency wrote on 20 November 2018 maintaining its objection.
- 5.7.4 Further to the submission of further and revised information by the Applicant on 6 December and the preparation of a draft Appropriate Assessment by the Council for Environment Agency and Natural England's comments and agreement on 19 December 2018, the EA provided further comment on 2 January 2019;

"Thank you for consulting us on the above details. We have reviewed the letter report and detailed revised design of the surface water management system produced by Herrington Consulting Limited; and the draft Habitats Regulation Assessment Appropriate Assessment provided by Rother District Council. We previously recommended an objection, but the proposed development will now be acceptable, providing the conditions set out under 'Biodiversity' are imposed on any permission granted.

Groundwater *The revised assessment and design scheme is satisfactory. The revised approach is to develop a pond that is above ground so that groundwater is not intercepted. However this will still be lined and will provide some protection against hydrostatic upwelling if groundwater levels rise. In addition to this, as requested a Simple Index Approach calculation has been produced and we find the pollution mitigation measures acceptable.*

We previously recommended that groundwater levels are monitored through different seasonal periods, particularly during recharge events in spring. This has not been undertaken and we recommend that this is completed and any groundwater level monitoring data is used to assess against the current design and provide any necessary changes that are appropriate.

Biodiversity *As outlined above, we have reviewed the submitted reports and can remove our objection providing the following conditions are imposed on any planning permission granted..."*

5.8 Natural England

- 5.8.1 Natural England (NE) has provided a number of responses to the proposal initially on 21 August 2017 seeking further information to inform a substantive response and specifically:
- to determine if likely significant effects of the development of the Penvensey Levels SAC/Ramsar Site can be ruled out. In this regard it requested full drainage scheme details to be provided; and
 - to establish if the application site would provide 'functional land', that is providing supporting habitat for bird species (including over-wintering birds) for which the SSSI is designated, in which case the site would also be considered part of the designation.
- With regard to protected species, the response referred the Local Planning Authority to NE's standing advice.

- 5.8.2 Subsequent responses from NE to additional information provided by the Applicant were received on 19 March and 15 June 2018. In the latter NE accepted that the site was unlikely to be 'functional land' but raised the matter (and additional information requirements) arising from the Court of Justice European Union (CJEU) decision on the interpretation of the Habitats

Directive in the case of 'People Over Wind and Sweetman vs Coillte Teoranta, April 2018.

- 5.8.3 Subsequent responses from NE on 27 November 2018 and lastly on 3 January 2019 provide additional comment on the Applicant's report (amended) 'Information to Inform an Appropriate Assessment'. The advice provided on 27/11 was in summary (full comments available to view online);

"Whilst NE considers that mitigation measures are available to address the issues raised by the proposal, there are still a number of uncertainties that need to be resolved, to ensure that the full set of necessary mitigation measures are secured. This is necessary for an Appropriate Assessment to be able to determine, beyond reasonable scientific doubt, that an adverse effect on Pevensy Levels will be avoided. The applicant should therefore comment on:

- The measures that will be taken to address dewatering issues during construction of the wetland, and how any silt mobilised will be prevented from entering the SAC/Ramsar.*
- The implications of a groundwater gradient for the design of the wetland, particularly in terms of any additional ballast that might be necessary, and whether this would have any additional implications for the Pevensy Levels.*
- Whether the displacement of groundwater from the construction of the wetland is likely to impact on the hydrological regime of the SAC/Ramsar, and if so whether any mitigation is necessary.*

NE recommends seeking comment on the above issues to inform the Appropriate Assessment and to confirm that the mitigation measures presented in the Information to inform an Appropriate Assessment (IIAA Report) (Aspect Ecology, October 2018) are based on the worst-case groundwater scenario, and therefore present the full set of mitigation measures necessary.

Nevertheless, NE recognises the work undertaken by the applicant and presented in the IIAA Report. Therefore, subject to clarification and comment on the above three points, NE would be able to advise that we have no objection to the proposal subject to securing appropriate mitigation."

- 5.8.4 On 3/1/2019 NE commented, in summary:

"Summary of NE's advice

No objection - subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Pevensy Levels Special Area of Conservation/Ramsar site; and*
- damage or destroy the interest features for which Pevensy Levels SSSI has been notified.*

NE has reviewed the additional information supplied by the applicant in response to our letter dated 13 November. Our view is that the information is sufficient to address the questions raised. Further comment is set out below. However, our view is that the mitigation measures set out in our previous letter are sufficient. For ease of reference, they are repeated below.

In order to mitigate any adverse effects on Pevensey Levels, and make the development acceptable, the following mitigation measures are required and should be secured:

- a) Fill material for land raising must be inert and free from contaminants that could potentially enter Pevensey Levels;*
- b) The Construction Environment Management Plan (CEMP) must include (but not be limited to) the measures set out at paragraph 5.2.2 of the Information to inform an Appropriate Assessment (IIAA Report) (Aspect Ecology, October 2018) (IIAA Report), and in particular, set out the measures necessary to prevent silt entering the SAC/Ramsar and avoid water quality impacts on the Pevensey Levels.*
- c) The detailed SUDS design must include permeable paving, oil interceptors, swales, filter strip and wetland. The wetland should include all the features described in the Indicative Wetland Layout drawing in the IIAA Report. Any amendments to this SUDS strategy at the detailed design stage should be subject to consultation with NE and should be reassessed under the Habitats Regulation*
- d) The detailed SUDS design should be informed by groundwater level monitoring covering a full winter and into the spring.*
- e) As groundwater levels at the application site are high, an impermeable liner will be necessary. A secondary, sacrificial liner is also required to reduce the risk of leaks or accidental tearing during desilting.*
- f) A section 106 agreement should secure the option to bring in additional land for mitigation if the detailed design demonstrates it is necessary.*
- g) Specialist management of the SUDS is vital and should be secured in perpetuity.*
- h) A detailed management and maintenance schedule should be produced for all the SUDS features described above. The schedule should include the requirement to report to a suitable authority, and allow for step-in rights for the local authority should the management company fail to provide an acceptable service.*
- i) The detailed design must test the assumption that displacement of floodwater will be insignificant, and mitigate any impacts on the SAC/Ramsar if necessary*
- j) Connection to mains sewerage is necessary. The pumping station to lift effluent to the rising main must include backup pumps to secure against the event the primary pump fails.*

We advise that appropriate planning conditions or obligation are attached to any planning permission to secure these measures.

NE's advice on other natural environment issues is set out below.

Further information – Herrington Consulting's Technical Addendum (December 2018)

In our previous letter (dated 13 November) NE asked for clarification regarding groundwater levels and whether the worst-case scenario had been considered. This was to ensure that all necessary mitigation measures had been included.

The technical addendum includes a redesigned wetland and sections through the SuDS showing the predicted groundwater gradient. It also considers the implications of three groundwater level scenarios, including the groundwater being close to the surface, i.e. the worst-case scenario. If groundwater levels were this high, the Technical Addendum states that the wetland could be created at the current land level by building a higher bund. Subsequent discussion with Herringtons Consulting has clarified that, even with the base of the wetland at this higher level, there is sufficient gradient

for the SuDS features in the housing portion of the proposal to work without any further land raising being necessary. This will need to be confirmed at the detailed design stage. It is imperative that the SuDS features upstream of the wetland are included, even if the wetland is created at the current land level, as the different stages are necessary to provide sufficient water quality treatment. If your authority is minded to approve the application, NE recommends the SuDS condition is worded so that it is clear that if the necessary stages of treatment cannot be incorporated at the detailed design stage, then full planning permission cannot be granted.

The redesigned wetland and different groundwater scenarios show that, engineering solutions are possible for each eventuality without having additional impacts on the Pevensey Levels. The redesigned wetland reduces the need for excavation and so reduces the risk that additional ballast will be needed to counteract groundwater pressure. It also reduces the risk that groundwater will be encountered during construction, so reduces the amount of dewatering necessary. Therefore, NE considers that the mitigation measure at b) above is sufficient to address the risk of silt being mobilised when dewatering.

In relation to the third point raised in our previous letter, the option of constructing the wetland at ground level removes the need to consider the impact of displaced groundwater on the hydrological regime of the Pevensey Levels.

Habitats Regulations Assessment

It is not ideal to have different scenarios on which to carry out an Appropriate Assessment. However, as this is an outline application, and detailed groundwater monitoring is not yet available, it has been agreed that the worst-case groundwater scenario should be assessed. NE's view is that the Technical Addendum demonstrates that there is an engineering solution even in this worst-case, and that the mitigation measures set out above are sufficient to cover this eventuality.

However, as noted under c) and d) above, the detailed SuDS design will have to be informed by groundwater modelling over the winter and into spring, and will need to be reassessed under the Habitats Regulations. This will ensure that the assumptions made at this stage are tested, and any changes to the design are taken account of.

The groundwater scenario testing has been aimed at reducing the risk of unforeseen consequences (both for the SAC/Ramsar and the applicant) being revealed at the detailed design stage. However, full planning permission cannot be granted if the Habitats Regulations Assessment of the detailed SuDS design cannot demonstrate that an adverse effect on the integrity of the SAC/Ramsar will be avoided. NE recommends adding an informative to any permission granted to make this clear.

5.9 SGN Pipelines

- 5.9.1 The mains record indicates that there are no low/medium/intermediate gas mains on or affecting the site. A colour plan of the attached plan and gas safety booklet should be passed to a senior person on the construction site.

5.10 ESCC – Ecology

- 5.10.1 In summary the County Ecologist advises that the information provided by the Applicant is satisfactory and enables the Local Planning Authority to determine that whilst the proposed development is likely to have an impact

on biodiversity, those impacts can be mitigated through the application of planning conditions.

- 5.10.2 Surveys carried out are broadly in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement. They will need updating at Reserved Matters stage given their date (2015) to ensure the agreed measures remain appropriate.
- 5.10.3 The site is not subject to any nature conservation designation. Pevensey Levels SAC, Ramsar and SSSI lies to the south west, c. 60m from the proposed attenuation pond and c. 150m from the main development. As such, the Conservation of Habitats and Species Regulations 2017 apply / *concur with the view of Rother District Council that with the proposed mitigation, the development will not have an adverse effect on the integrity of the SAC.*
- 5.10.4 The commitment to provide a minimum 15m buffer between the development and the ancient woodland, to be planted as semi-natural habitat is in line with NE's standing advice, and is sufficient to protect the woodland. The nature of the buffer zone should be detailed in an Ecological Design Strategy (EDS) and its long term management should be detailed in a Landscape and Ecological Management Plan (LEMP), both of which should be required by condition.
- 5.10.5 The majority of the site is improved grassland with tall ruderal vegetation, trees and tree lines, hedgerows, a pond, ditches and spoil piles. The grassland supports limited grassland flora and is of homogenous structure and is of relatively low ecological value. The habitats of greatest value are the hedgerows, trees and onsite pond and ditches. The outline application proposes the retention of the majority of these features. Their protection, and management should be addressed through the EDS and LEMP and through a Construction Environmental Management Plan (CEMP: Biodiversity).
- 5.10.6 All species of bats are European Protected Species. The site, most notably the linear features (trees and hedgerows), offsite woodland and onsite pond, provide moderate foraging potential for bats, and several trees on site have been assessed as offering bat roost potential. Within the outline application, those trees with potential are scheduled for retention. If the layout changes at the reserved matters stage such that trees with bat roost potential may be lost, further surveys will be required. Artificial light can negatively impact on bats behaviour. It is recommended all lighting design should take account of national guidance, and a lighting design strategy for light-sensitive biodiversity should be required.
- 5.10.7 Badgers are protected under the Protection of Badgers Act 1992. Badger setts have been identified on site, and the site is likely to be used for foraging and commuting. All setts are to be retained with a minimum buffer zone of 20m. Given the highly mobile nature of badgers, pre-construction surveys should be undertaken to assess any change in use of the site and to inform appropriate mitigation, compensation and enhancement. General safeguards should be put in place during construction to avoid harm to badgers, which should be detailed in a CEMP. It is also recommended that boundaries and fences within the site are made permeable to badgers to allow their movement through the site and to maintain access to sufficient foraging and watering areas.

- 5.10.8 The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.
- 5.10.9 The hazel dormouse is a European Protected Species. The presence of dormice should be assumed likely in areas of woody habitat (including plantations, hedgerow and scrub) within their range, particularly in the south of England. The majority of habitats within the site (improved grassland) are of limited value to dormice, but the hedgerows and boundary woodland have the potential to support the species. As these habitats are to be retained, protected and enhanced through the outline application, no surveys have been undertaken. If the reserved matters application requires creation of breaks in these hedgerows, surveys will be required to inform appropriate mitigation, including the need for a European Protected Species licence. NE's standing advice is that surveys can be limited to visual searches for nests and nuts if the work involves only losing a small amount of habitat, e.g. gaps in hedgerows or removing a small amount of bramble scrub.
- 5.10.10 The great crested newt is a European Protected Species. Great crested newts are present in the pond onsite and in an offsite pond to the northwest of the site (within 250m). These are likely to be part of the same metapopulation. As such, a European Protected Species licence will be required, for which updated surveys must be carried out. The mitigation strategy outlined in the Ecological Appraisal report is appropriate and should be incorporated into the detailed design for the site at the reserved matters stage. The onsite pond should be retained with a 50m buffer of semi-natural habitat which should be enhanced for great crested newts, with connectivity to boundary habitats and offsite ponds. Gully pots should not be used within the development, but dropped kerbs should be provided and consideration should be given to the provision of newt culverts/tunnels.
- 5.10.11 The site supports a low population of slow worms. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Given the size of the population likely to be present, and the proposals for the retention of boundary habitats and the provision of an Ecological Enhancement Area, the population can be retained on site. The proposal to protect reptiles through careful habitat manipulation and clearance is acceptable. A method statement for habitat clearance should be provided in either the EDS or the CEMP. The Ecological Enhancement Area should include enhancements for reptiles.
- 5.10.12 The site has the potential to support hedgehogs. The hedgehog is listed as a Species of Principal Importance under Section 41 of the NERC Act and populations have shown a significant decline. A precautionary approach should be taken to site clearance and property boundaries should be made permeable to hedgehogs. The site is unlikely to support any other protected species. If protected species are encountered during development, works

should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

5.10.13 The invasive non-native species Himalayan Balsam is present on site; this should be removed following best practice guidance.

5.10.14 In addition to the mitigation measures discussed above, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and National Planning Policy Framework. Opportunities include, but are not limited to, the provision of SUDs features, new hedgerow, tree and shrub planting, the creation of wildflower grassland, and the provision of bird, bat, insect and hedgehog boxes. The landscape scheme, particularly the hedgerow enhancements and semi-natural planting within the ancient woodland buffer zone, should use appropriate native species of local provenance. Wildlife boxes should be woodcrete if possible and should target species of local conservation concern. The long term management of new and retained habitats should be detailed in a LEMP. Appropriate conditions are recommended.

5.11 Community and Economy – Housing and Asset Development Officer

5.11.1 In summary has commented, the scheme is not an allocated site under the current local plan; however, it has been put forward as a preferred site for delivery under the DaSA Local Plan. In principle this scheme is supported by Housing Development subject to planning approval. The application is policy compliant with LHN2 with 30% onsite provision of the 160 dwellings proposed, totalling 48 affordable dwellings. A policy compliant tenure mix (65% affordable rent: 35% intermediate) is referred to in the Planning and Affordable Housing Statement (page 10). This will be included in the section 106 agreement. The type and size of affordable housing units is to be determined as part of the Reserved Matters application. An indicative housing mix that would be sought based on current needs at this time is included in the table below.

Property type	Affordable Rented (65% minimum)	Intermediate Housing (35% minimum)	Total
1 Bedroom apartment and bungalow	4	0	4
2 Bedroom apartment and chalet bungalow	4	3	7
2 Bed House	9	4	13
3 Bed House	10	8	18
4 Bed House	4	2	6
Total number of Affordable Rented units	31	17	48

5.11.2 The applicant will be required to enter into a section 106 agreement to secure the affordable housing provision to include the affordable housing number, tenure mix and dwelling type, as well as design and space standards. The Council will expect to secure nominations rights on 100% of the first lets and 75% of all re-lets thereafter through the Choice Based

Letting system or its replacement scheme. As part of the Reserved Matters application, the applicant will be expected to comply with Policy LHN1 (vi) and paragraph 15.30 of the Rother Local Plan Core Strategy, ensuring the affordable housing dwellings are pepper potted in accordance with this policy. Based on current need the Affordable Housing Development team requires 5% of dwellings to be built to M4 (3) standards, totalling two affordable homes. All of the affordable homes must be built in accordance with the Nationally Described Space Standards (2015) and designed in accordance with the Building Regulations 2010. It is recommended that a proportion of market housing should be allocated as smaller dwellings (primarily two beds) to enable a greater number of local residents to access the market to include first time buyers and downsizers.

5.12 Planning Notice

- 5.12.1 The application has been subject to three separate periods of statutory / public consultation in August 2017, February and May 2018.
- 5.12.2 Four separate petitions against the proposal have been received from: Maple Walk (North) Residents Association; Spindlewood Development Action Group (SPINDAG); Hazelwood Close residents and Maple Walk (South) Road Management Scheme respectively. In accordance with the Planning Committee's procedure for public speaking the lead petitioners have liaised with each other and a joint representative for all of those petitions will address the Committee.
- 5.12.3 In excess of 1,500 individual or household representations against the proposal have been received. Those objections have predominantly been received from the local Little Common, Cooden and Collington areas of Bexhill. A few have been received from further afield including some from the permanent addresses of people having caravans at the adjacent park. Some respondents have commented on numerous occasions and a number of duplicate representations have been received.
- 5.12.4 Amongst the representations received very detailed comments have been made by immediate neighbours to the proposed development on Barnhorn Road, Maple Walk and Spindlewood Drive and by the Spindlewood Drive Action Group (SPINDAG) established to resist the development of the land. Representations have also been received from the Sussex Ornithological Society, Sussex Wildlife Trust, the Woodland Trust, Campaign to Protect Rural England and Bexhill Heritage.
- 5.12.5 Given the volume of comment received the following represents a summary of matters raised. Notwithstanding that there are relatively few principal areas of concern under which comments have been grouped below. A summary of consultation responses to the third and final consultation period is provided separately below at paragraphs 5.12.5 – 5.12.7.

Traffic

- Further increases of road traffic with resultant increases of congestion and delays coming into Little Common and going out of the town is the primary area of concern for most respondents. There is a concern that the Transport Assessment as originally submitted and as amended following further traffic surveys and modelling in autumn 2017 underestimates the cumulative amount of traffic and congestion that will

be caused on the A259 at Barnhorn Road and at Little Common roundabout, by the development on top of the Barnhorn Green (Rosewood Park) development that is now being built. Respondents point to the fact that there are already delays on the A259 during extended periods of the day and consider that the situation can only get worse if the proposal is allowed.

- The increase in traffic on the A259 will cause additional noise and air pollution to the detriment of the health of local residents.
- There are concerns that Meads Road / Spindlewood Drive cannot cope with the amount of traffic that would be generated being parked up and therefore effectively a single carriageway and exiting onto Cooden Sea Road that is congested itself with traffic travelling towards the roundabout.
- The proposed second access from Barnhorn Road has not allayed concerns; it is considered that this will cause further delays and congestion on Barnhorn Road and that through traffic will use the development as a rat run to avoid hold ups at the roundabout.
- The proposed Barnhorn Road access design is considered dangerous by many.
- Residents of Maple Walk consider that the development will result in an increase of vehicular traffic through their private road as people either using it as a rat run or from the proposed development seeking to avoid hold ups at the roundabout or on Barnhorn Road use it to travel west. The applicant's proposal to install signs at the Spindlewood / Maple Walk junction to warn drivers against this is not considered adequate. Respondents point out that there are no pavements on this road and therefore road safety is a concern. There is a retaining wall near to some of the dwellings that is already showing signs of stress; additional traffic would damage it further. Damage from unrelated through traffic would cause increased maintenance costs for frontagers.

Environmental and Ecological Impacts

- The principal concern is that the site's proximity to the Pevensey Levels Special Area of Conservation (SAC), Ramsar Site and SSSI will harm the ecology of the area and the rare species that are present within it.
- It is considered that the applicant (and therefore the Council in its consultation documentation) hasn't provided sufficient information to NE to rule out any significant adverse impacts on the Ramsar Site and SSSI such that it can be confirmed that an Appropriate Assessment under the Habitat Regulations is not required.
- Site may be functional land to the Ramsar Site – i.e. land that provides supporting habitat for birds and therefore to be treated as part of the Ramsar site.
- In accordance with the National Planning Policy Framework the presumption in favour of development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.
- There is insufficient infrastructure available to deal with foul water drainage. Uncontrolled outfall of foul sewage could irreparably harm the ecology of the levels by pollution of water quality and potential for flooding on adjoining sites and properties.
- Development would harm the ecology of the Levels through air, noise and light pollution.

- Development would result in the loss of ‘best and most versatile’ agricultural land and threaten the future viability of the farm.
- Proposal is contrary to principal of directing development to land of least environmental or amenity value.
- Maintenance of sustainable surface drainage measures cannot be guaranteed.
- The presence and extent of any protected species on the site should be established before any permission is granted – site is a haven for wildlife.
- Impact on ancient woodland – NE standing advice buffer of 15m should be extended to 30m depth.
- Use of Barnhorn Road access will mean more major development activity in vicinity of ‘Pond 4’ where there are Great Crested Newts present.
- Proposal does not support opportunities for management, restoration and creation of habitats in line with the opportunities identified for the Biodiversity Opportunity Areas (BOAs) and targets set out in the Sussex Biodiversity Action Plan and therefore is contrary to Rother Local Plan Core Strategy Policy EN5(v).

Heritage Impacts

- The loss of these fields to development would strip the Grade II listed Barnhorne Manor and the dairy farm of its historic context *“that would represent the total loss of significance of this important local heritage asset”*.
- The curved walls and gateposts at the entrance would need to be demolished to provide the increased entry width required from Barnhorn Road. These may be / are curtilage listed.
- The plan should show how the design of the road through the site and footpaths would reduce impact on the setting of the listed buildings.
- Application has been made to Heritage England to amend category of listing of Barnhorne Manor from GII to GII* in view of age of asset that has medieval origins (772AD) with Tudor, and later Georgian and Victorian additions.
- Archaeological assessment carried out so far is not sufficient.
- The application has been made without any appreciation of the De La Warr estate (Maple Walk / Maple Avenue).

Local Infrastructure

- The local infrastructure available – schools, doctor’s surgery, parking etc. is not sufficient to accommodate further residential development in the area.
- Land should be used for a new school.
- Unreasonable increase to the local population will ruin the character of the village.
- No mention in energy statement to total renewable energy strategy as required by draft DaSA.
- Does not propose provision for public art and therefore is contrary to saved Policy CF6 of the 2006 Local Plan.
- There are no jobs in Little Common. New residential should be built near to jobs.

Miscellaneous

- Land is Green Belt – Government says should not be developed.
- Should not be considered in advance of adoption of the DaSA Plan.
- Will cause water shortages affecting Little Common residents.

- Houses will only be for the well off.
- Village will become a ghost town.
- Development should be directed to Sidley and around the new link road.
- Public consultation prior to the application was not sufficient.
- No demand for houses, will be holiday and rental homes.
- Not fair to build small houses here that will downgrade the value of ours.
- Applications to develop the land have previously been refused and appeals dismissed.
- The outlook and views enjoyed by existing residents over agricultural land and towards the South Downs/Beachy Head will be harmed.

5.12.6 In response to the third planning notice (27 May) additional comments made to date are summarised as follows.

5.12.7 Bexhill Heritage has commented that the *amended plans are fanciful and misleading so far as the Barnhorn Road junction walls and piers are concerned. The Highway Authority will not accept such a configuration on highway safety and adoption criteria grounds. It appears there is insufficient space available to retain a meaningful part of the existing gateway heritage feature and associated trees and shrubs. The plans do not deal with our objection regarding the setting of the listed buildings. The additional landscaped areas now proposed do not fall within the application site boundary or within any blue line definition. They cannot therefore be relied on to be carried out.*

The Woodland Trust *maintains an objection on basis of deterioration and disturbance of adjoining un-named ancient woodland.*

5.12.8 Other comments received concern:

Ecology

- Correspondence between Aspect Ecology and Natural England date 8 February and 27 April 2018 should be disregarded as the golf course does not provide a buffer between the site and the Pevensey Levels. Over 25% of the course is unimproved scrub, grassland, woodland and a large meadow which in aggregate covers more than 30ha. More than 70 species of bird have been observed on the course: far from being a buffer the course is a host and provides a rich source of food for many wild birds.

Drainage

- Due to the high water table the surface water attenuation pond proposed will require substantial engineering works to be delivered. These in themselves would have a seriously detrimental impact on the quantity of ground water over a large area of the Levels during the construction phase.
- The application must be refused because it has not been demonstrated the development will not adversely affect the Pevensey Levels.
- There is no defined / funded method of maintaining the SUDs.
- The proposed SUDs will result in increased flooding to the gardens of properties on Old Harrier Close.
- There are numerous inaccuracies in the report.
- Cooden Beach Golf Club has made comments of objection to the SUDs scheme.

- A local resident and member of SPINDAG has provided a detailed critique in a series of illustrated reports of the applicant's evolving surface water drainage strategy required to address the requirements of the Habitats Regulations Appropriate Assessment. These are available to read on the website and are specifically referenced. The reports received 20 December 2018, 2 & 16 January 2019 maintain fundamental concerns regarding the level of winter groundwater levels in relation to the proposed SUDs features base levels; the potential for contaminants to enter into the water environment of the Levels, the need to 'de-water' a large part of the area to construct the basins and the impact of any upward ground water pressure on the long term structural integrity of the SUDs. The report of 2 January specifically concerns the variability of rainfall and objections to the 'worst case' scenario solution proposed by the applicant's consultant. A final report dated 16 January dismisses the Council's Appropriate Assessment agreed by both Natural England and the Environment Agency as incomplete and revisits a number of concerns including the variability in the amount of winter rainfall over a number of years and the rate at which ground water levels can rise after individual heavy rainfall events.
- Other local residents have subsequently written in to support the conclusions of these reports.

Traffic and Highways

- The amended TA based on traffic survey at Little Common between 27 & 29 September 2017 is inaccurate because the survey was carried out during road works; therefore the TA is seriously flawed.
- The comments supporting the proposal from Highways England and ESCC are wrong, based on this flawed work and also on a relaxation of normal standards for trunk roads and should be disregarded.
- The type of housing intended will generate more trips than estimated (young people, families in employment). The trip generation figures are unbelievable and derived from inappropriate comparators (selected sites in Crewe, Lincoln and Hartlepool containing large components of bungalows therefore a more elderly, economically inactive population). The applicant has had an opportunity to rectify these but has not. Other recent housing development in East Sussex would suggest a peak trip generation to be significantly more.
- The proposed Barnhorn Road enlarged entrance is substandard and fundamentally dangerous and would encroach onto private land (there has also been a significant amount of correspondence between local residents and Highways England on this matter some of which is available to view on the webpage (18/7/2018)).
- Meads Road and Spindlewood Drive cannot cope with vehicles arising from an additional 160-170 dwellings. The junction from Meads Road onto Cooden Sea Road is on a rising 4.5% gradient and sightlines are poor. The developer has not provided vehicular swept path analysis for the Cooden Sea Road junction or for the Spindlewood Drive access.
- The development will create an undesirable 'rat run' and lead to more traffic using Maple Walk and Maple Avenue (both un-adopted). There will be a substantial and dangerous increase in the amount of traffic using Maple Walk that along a significant length is no more than 3.2m in width and without footways along most of its length.
- The information in both highway authority responses is wrong / inaccurate and should be disregarded by the Local Planning Authority.

Miscellaneous

- The value of 160 houses is not worth the risk to the Levels.
- Council should consider Pestalozzi Village in Sedlescombe as an alternative location.
- The time to determine the application should not have been extended to allow the applicant further time to consider these matters.
- The proposal could adversely impact on archaeology associated with Cooden Moat and its setting.

5.12.9 While the application has been under consideration the Council's Proposed Submission DaSA was published for final representations between 26 October and 7 December 2018. During that period a number of detailed representations of objection to the proposed site allocation for residential development were received. The Plan was submitted to the Planning Inspectorate for Public Examination on 18 January 2019, the main areas of outstanding concern are:

- Potential impact of the development on the integrity of the Pevensey levels SAC/ Ramsar Site and SSSI in relation to SUDS drainage.
- The design, functioning and safety of the proposed enlarged access on Barnhorn Road, and resulting increase in traffic generally.
- Potential for rat running between Barnhorn Road and Spindlewood Drive.
- Impact of development on the setting of the historic medieval farm complex; and the Barnhorne Manor Farm gate posts and walls.
- The site is not required to be developed to meet the Council's housing targets.
- The development would cause unacceptable harm to the amenities of existing, neighbouring residents.

6.0 APPRAISAL

6.1 The principal issues to be considered concern those of planning policy in relation to sites subject to Appropriate Assessment under the Habitats Regulations, residential development and housing supply, along with; the management of potential significant impacts on the Pevensey Levels Special Area of Conservation / Ramsar Site in relation to drainage and flood risk; sustainability and accessibility; highway and access matters; landscape, ecological and tree implications; impacts on heritage assets (archaeology and designated and undesignated building and structures); and the residential amenity of the occupiers of existing residential properties. Other material considerations include affordable housing, financial implications and planning contributions.

6.2 Habitat Regulations, Planning Policy and Five Year Housing Supply

6.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

6.2.2 It is well established in planning law that the Habitat Regulations carry more weight than National Planning Policy and outweigh any other consideration where it is a factor. The Regulations effectively forbid a council from

permitting any plan or project that may adversely affect a Special Area of Conservation (SAC) or Ramsar Site (European Sites). Where the council is satisfied that a plan or project may affect a European Site the Council as the 'competent authority' must undertake an Appropriate Assessment (AA) in consultation with the 'appropriate nature conservation body' – that in England is NE – and other 'relevant bodies' such as the Environment Agency. The Applicant must provide sufficient information to enable the Council to undertake the AA, demonstrating what factors can be introduced to mitigate and negate the likely effects. Paragraph 70(3) of the Regulations says; Where the assessment provisions apply, outline planning permission must not be granted unless the Council is satisfied (whether by reason of the conditions and limitations to which the outline planning permission is to be made subject, or otherwise) that no development likely adversely to affect the integrity of a European site or a European offshore marine site could be carried out under the permission, whether before or after obtaining approval of any reserved matters.

6.2.3 Paragraph 11 of the National Planning Policy Framework sets out the application of the '*presumption in favour of sustainable development*'. For decision making this requires

- c) *approving development proposals that accord with an up to date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless;*
 - i) *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
 - ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.*

6.2.4 Footnote 6, which states: "*The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as SSSI; land designated as Green Belt, Local Green Space, an AONB, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change*" is relevant in this case as such policies include those relating to habitats sites.

6.2.5 In respect of the five-year supply issue at 1 October 2018, the latest date for which figures are available, the Council could only demonstrate a 3.9 year supply of available housing sites including a 20% buffer. This means that the 2006 Development Boundaries and the Council's other policies for the supply of housing must be viewed at present as being 'out-of-date' for the purposes of paragraph 11 of the National Planning Policy Framework (footnote 7 refers). As a consequence, planning applications fail to be considered in the context of paragraph 11 d) Notwithstanding which, the proposal is subject to Appropriate Assessment under the Habitat Regulations

so that part 11 d) i) applies together with the current wording of Paragraph 177. This means that in this case the National Planning Policy Framework's presumption in favour of development does not apply. However, this does not mean that planning permission should be refused: the scheme should be considered first and foremost in accordance with the Habitat Regulations requirement for an Appropriate Assessment and if that is satisfied, thereafter in accordance with the development plan and all other material considerations.

- 6.2.6 The Rother Local Plan Core Strategy development strategy (Policy OSS1) is to plan for at least 5,700 dwellings (net) in the district over the plan period 2011-2028 OSS1 (a) identifies Bexhill as the focus for new development in the district where approximately 3,100 new dwellings are to be provided over this period. Policy OSS2 acknowledges that in order to deliver the additional housing required that existing development boundaries will need to be reviewed and extended. Policy BX3 (iii) states that over and above development opportunities within the existing urban area new housing and business development will be focused on the strategic site at NE Bexhill as well as further sites to the north and west of the town. Supporting text paragraph 8.56 says, *“Development to the west of Little Common, both north and south of Barnhorn Road (A259), will also be considered. Again, the area enjoys an attractive pastoral character, but without impacting on the wider landscape for the greater part. It also benefits from reasonable access to shops and services at the Little Common district centre. Access would need to be created directly off the A259, supplemented by existing estate roads”*.
- 6.2.7 The suitability of the application site for future development was assessed within the Council's Strategic Housing Land Availability Assessment (SHLAA) Review 2013. The SHLAA was an initial assessment prepared to support the Rother Local Plan Core Strategy as an 'evidence base' document. It did not allocate land for housing or pre-empt or prejudice any Council decisions about particular sites but in the context of this application it is of relevance. Within the SHLAA the application site, excluding the most southerly field was identified as a 'broad location' for future housing development within 6 – 10 years together with the adjoining caravan park.
- 6.2.8 Following on from the SHLAA, the application site is shown lying within the scope of a 'potential broad location for future development' in West Bexhill identified in the Rother Local Plan Core Strategy key diagram on page 216 that illustrates the main elements of the strategic spatial strategy set out in Policy OSS1.
- 6.2.9 Subsequently, and following further assessment and pre-application discussions to the current planning application, the application site (excluding the southernmost field) but not the caravan site was identified as a preferred site for development (Ref: BX116) within the 'DaSA Local Plan Options and Preferred Options for Public Consultation' (PODaSA), consulted on between December 2016 and February 2017. Within the PODaSA the land is identified as being adjacent to the existing development boundary and relatively well located in terms of access to services and bus services on Barnhorn Road and with a viable vehicular access point from Spindlewood Drive alone, based on advice from both highway authorities at that time. This proposed allocation now including the southernmost field for SuDs and a

second vehicular access from Barnhorn Road has been brought forward into the Council's Submission DaSA.

- 6.2.10 Having regard to paragraph 48 of the National Planning Policy Framework varying degrees of weight can be apportioned to the policies of the Submission DaSA dependent on the amount of unresolved objection to them. As set out in paragraph 1.6 above, while in some cases 'significant weight' can be given, in the case of Policy BEX9 only 'some weight' can be given to it in light of the number of representations against the allocation received. However, at paragraph 49 the National Planning Policy Framework warns that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in limited circumstances where a proposal *is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging plan* and the plan is at an advanced stage but not yet formally adopted. This is not the case here as the Key Diagram shown in the adopted Rother Local Plan Core Strategy already identifies Bexhill and more specifically this western part as a location where a significant amount of new residential development is expected to be provided.
- 6.2.11 Given the current lack of five year supply of housing sites and adopted Local Plan policies that identify this part of west Bexhill for further housing growth, the contribution that development here would make to housing supply should be given significant weight in the 'planning balance' to be made if the Habitat Regulation requirements are first satisfied.
- 6.3 Appropriate Assessment of Likely Significant Effects on Pevensey Levels Special Area of Conservation, Ramsar Site and SSSI - Surface and Foul Water Drainage and Flood Risk
- 6.3.1 The application site, in common with a significant part of west Bexhill, other western parts of the district and extensive parts of Wealden district extending towards Hailsham and Eastbourne, lies within the Pevensey Levels hydrological catchment area that drains into the Pevensey Levels Special Area of Conservation (SAC), Ramsar Site and SSSI.
- 6.3.2 As required by the Habitats Regulations the Council's adopted Rother Local Plan Core Strategy and Submission DaSA have been the subject of 'screening' and where necessary, Appropriate Assessment (AA), in relation to the potential significant likely effects of proposed policies and allocations contained therein on the integrity of the European Sites (SAC and Ramsar) in consultation with NE and the Environment Agency. The Habitats Regulation Assessment (September 2018) which supports the Development Policies and Site Allocations within the DaSA, identified at the screening stage that Policy BEX9 could have a 'likely significant effect, meaning that surface water quality and disturbance issues could arise in the absence of mitigation. Therefore further consideration, including of mitigation measures built into the DaSA or Rother Local Plan Core Strategy policy during AA was required. Following that AA, it was concluded "*...an adequate protective framework exists (from policy DEN5) to ensure that the development site would not lead to an adverse effect on the integrity of any internationally designated sites.*" The full HRA (September 2018) can be viewed at <http://www.rother.gov.uk/CHttpHandler.ashx?id=30715&p=0>

- 6.3.3 Arising from Policy SRM2 (iii) of the Rother Local Plan Core Strategy and Policy DEN5 (vi) of the Submission DaSA these policies require appropriate sustainable drainage measures to be incorporated within schemes within the hydrological catchment area to mitigate the potential of adverse effects on the habitats sites. Prior to April 2018 and notwithstanding that sufficient detail of the proposed SUDS would be required at outline stage, a proposal providing at least two stages of SUDs in this area in accordance with Policy DEN5 (vi) would be sufficient to enable a proposal to be 'screened out' of a requirement for a full AA. The 'People Over Wind and Sweetman v Coillte Teoranta' Court of Justice of the European Union (CJUE) judgement in April 2018 fundamentally alters the position, meaning that measures proposed to satisfactorily mitigate any likely significant effects can now only be taken into account at AA stage and not in screening out a development from this requirement.
- 6.3.4 As a consequence, the Applicant has had to provide a significant amount of additional information to inform an AA by the Council. The scope of that information was established with the Local Planning Authority, NE, Environment Agency and LLFA / Pevensey and Cuckmere Drainage Board in September 2018 and the results were thereafter presented in the Applicant's report, '*Information to Inform an Appropriate Assessment*' (IIAA) dated 2 November 2018. Subsequently in response to specific concerns being raised by a local resident regarding the potential for very high winter groundwater levels on the site that had not been considered, the Applicant was asked to address the 'worst case' scenario whereby groundwater level meets ground level in an amended IIAA report received 6 December. On the basis of this amended report the Council carried out its Appropriate Assessment in consultation with NE and the Environment Agency that concludes that any likely significant effects of the proposal on the Pevensey levels SAC and Ramar Site can be avoided through mitigation. The Council's Appropriate Assessment is contained in the Committee appendix document.
- 6.3.5 On the basis of the revised IIAA and in consultation with both NE and the Environment Agency, the Council through the AA, is now satisfied that subject to conditions and / or planning obligations there are without reasonable doubt technical/ engineering means by which a SUDs and foul water drainage scheme can be satisfactorily delivered on the site without any likely significant effects of the habitats sites. In accordance with paragraph 70(3) of the Habitat Regulations the conditions that would be attached to an outline permission if it is granted and other limitations secured through the required section 106 legal agreement would ensure that no development likely to adversely affect the integrity of the habitat sites could be carried out under the permission, either before or after obtaining approval of any reserved matters. The full details of the SUDs scheme to be approved at reserved matters stage and based on a full winter / spring groundwater level monitoring would also be required to be appropriately assessed separately.
- 6.3.6 While local objectors maintain that the Council's AA is not complete and this matter has not been adequately addressed the Council's solicitor has advised that case law confirms that whether this is accepted by other parties or not, in reaching a decision on this matter the Council is entitled to take the view of NE as being authoritative.
- 6.3.7 In terms of the disposal of foul water, Southern Water commented early in the application that its initial assessment identified that existing infrastructure

would not be able to accommodate the development and requested a condition for a scheme to provide this to be submitted for approval with the reserved matters. Taking account of the low lying character of the application site and its close proximity to the SAC/Ramsar the Applicant has provided an undertaking that foul water will be directed to the mains network and in the event that outline permission is forthcoming is prepared to make this an obligation through the s.106 legal agreement.

6.3.8 In terms of flood risk, the County Council as LLFA having initially sought further information is satisfied that subject to a detailed scheme the content of which would be specified by a condition, the proposed development is capable of managing flood risk on site effectively through the system of swales and attenuation basin proposed that will collect, slow down and store surface water for controlled release into the adjoining watercourses at existing greenfield rates and provide sufficient capacity to deal with storm events.

6.3.9 To conclude on this matter, the Council's Appropriate Assessment under the Habitat Regulations (included in the appendix) establishes that the development, subject to appropriate mitigation to be secured by conditions and other obligations under a legal agreement, can avoid any likely significant effects on the Pevensey Levels SAC and Ramsar and that conclusion is supported by NE. The application can now therefore be determined in accordance with the development plan and other material considerations.

6.4 Sustainability and Accessibility

6.4.1 In relative terms the application site is sustainably located as it is in reasonably close walking distance to the day to day shops and services that are found in and close to the Little Common District Centre and the local bus services on Cooden Sea Road and Barnhorn Road. The location of development here is in accordance with the Council's development strategy as set out in Policies OSS1, OSS2, OSS3 and BX3 of the Rother Local Plan Core Strategy that seek to direct the required new residential development to, and amend development boundaries to accommodate that growth, in those locations where there is capacity and access to existing infrastructure and services, and any planned or necessary improvements to them and where the landscape impacts of development are minimised.

6.4.2 There are concerns by many local residents regarding the capacity or lack of existing local services including GP and dental facilities. Regarding GP services although this is an increasing problem nationally, officers regularly consult with the Clinical Commissioning Group to identify any additional requirements to meet growing local medical needs in the district as a whole. Dental practices are private enterprises and therefore their provision is largely dependent on individual practitioners identifying and seeking to meet a gap in the local 'market'. In overall terms however, Little Common is well placed to accommodate such facilities including on the site identified at the Barnhorn Green (Rosewood Park) development for a GP surgery with up to ten practitioners that remains available should an operator be found and a funding stream identified. The planned growth in population of the area in walking distance would be expected to help maintain and enhance the good range of local shops, restaurants and other services existing in the district centre.

- 6.4.3 There remains a particular concern locally that the existing Little Common Primary School cannot cope with any further growth in population and it has been suggested by some respondents that the application site should be alternatively used to provide for a new one. The Planning Committee will recall however that this matter was considered in detail in connection with planning application RR/2015/3115/P relating to the replacement of the proposed school site within Rosewood Park with an additional 67 dwellings that was considered by Committee in December 2016. In connection with that application the County Council as the Local Education Authority (LEA) commented;

*"Provision of additional Primary and Secondary school places in Bexhill
Page 49 of the Education Commissioning Plan 2015-2019 (ECP)*

<https://new.eastsussex.gov.uk/educationandlearning/management/download> sets out the position in Bexhill in terms of primary places. For primary admissions purposes Bexhill is considered one community area and therefore Children's Services' place planning strategy covers the whole town. Children's Services strategy for the town is that planned additional provision will be at the new school on land within the Worsham Farm development site. Forecasts show that this will provide sufficient primary places in the town to cover the Core Strategy period to 2028. Children's Services confirm that the proposed site is not required for education purpose and that they do not believe any further education provision is required in the west of Bexhill before 2028. Little Common School the closest existing school to the development site currently admits children from all over the town. Over time they expect there to be a push back of children to schools closer to their home address thereby freeing up space at Little Common for children living more locally. They do not believe there is any justification for providing more primary school places in the Little Common area at this time."

- 6.4.4 The LEA's position is based on a full understanding of the Council's overall housing requirement and its proposed distribution over the Rother Local Plan Core Strategy period and therefore is considered to remain current unless otherwise advised by it. In summary, it is expected that over time, the local school will be increasingly populated by children living locally and that pupils currently travelling into Little Common will be placed in other schools, existing and proposed, closer to their place of residence. School placements are determined by the LEA and / or individual schools in accordance with published criteria.
- 6.4.5 The local highway authority has specified a suite of local walking and bus service improvements that it requires in order to fully integrate and enhance the accessibility of the proposed development within the locality. These are set out in its comments at paragraph 5.2.2 above and are considered further in section 8.0 below.

6.5 Highway and Traffic Impacts

- 6.5.1 Prior to submitting this application the Applicant engaged in extensive pre-application discussions with officers and also with both highway authorities (HAs), ESCC and Highways England (HE) from 2015 onwards. Notwithstanding that some concerns were raised by the Local Planning Authority, at that time both HAs agreed that they were satisfied with the proposal then to gain vehicular access to the site solely from Spindlewood Drive and with the predicted impacts of a development of this scale on the

local and strategic road network in the vicinity derived from work undertaken using the County's 'Saturn' model. That model takes account of the impact on the highway network of all planned development within the Rother Local Plan Core Strategy period (2011 to 2028) and traffic volume and distribution resulting from it. The application was submitted in July 2017 on that basis and the modeling used was set out in the Transport Assessment as originally submitted.

- 6.5.2 Subsequent to the application being submitted however, HE raised a number of concerns with the detailed content of the submitted proposals and Transport Statement and subsequently the Applicant engaged with HE to undertake new traffic surveys in September 2017 and re-analysis, that in February 2018 led to a fundamental amendment to the proposal supported by HE to provide a second access to the development via the existing access from Barnhorn Road at Barnhorne Manor Farm. Subsequently this access and the one proposed at Spindlewood Drive have been the subject of an independent road safety audit carried out on the instruction of HE and under its supervision to test the draft highway access arrangements. HE raise no objection to the proposal as now amended. Throughout the application process ESCC as local highway authority has raised no concern about the proposal subject to the imposition of conditions, highway improvements and planning obligations secured by legal agreements.
- 6.5.3 Data obtained from TRICS suggests the proposed development of 160 dwellings would generate approximately 93 two-way trips during the AM peak period and 106 two-way trips during the PM peak. Whilst ESCC considers this a robust indication of the vehicle movements likely to be associated with the proposed development a sensitivity test of impacts on the Little Common Roundabout was also carried out using a trip rate suggested by HE of 0.7 two way trips per dwelling. This results in an increased predicted overall trip generation equating to 119 two-way trips during the AM (85 departures, 34 arrivals) and 119 two-way trips during the PM peak period (85 arrivals, 34 departures). In terms of distribution, the traffic model assigns traffic from the site on the basis of two determining factors; proximity to the Barnhorn Road junction and the deterrence factor relating to delays at the Little Common Roundabout. All traffic travelling from or to the west would be expected to use the Barnhorn Road junction together with a total of 10% of vehicles from the development travelling north, east and south. All remaining traffic generated by the site would be expected to use the Spindlewood Drive access. The HAs are satisfied that the additional trips resulting from the development distributed between the two accesses proposed can be satisfactorily assimilated into the local and strategic road network within their existing capacities and safely. However, HE would not accept a scenario that put more traffic than modelled travelling eastwards through the Barnhorn Road access / egress because that would require a far more substantial highway intervention, involving traffic light controls. HE doubt that the highway has the physical capacity at this point to accommodate such improvements here.
- 6.5.4 The HAs are both satisfied with the proposed access designs that on Spindlewood Drive would comprise a simple priority access junction and on Barnhorn Road, a modification of the existing access to the farm to provide a dedicated right hand turn lane and ghost island with junction radii formalised and the width of the access road, currently approximately 4m, increased to 6m. An existing bus stop on the south side of Barnhorn Road outside of No.

73 would need to be relocated away from the junction. The application also proposes off-site improvements (widening) of the Meads Road / Cooden Sea Road junction to improve its functionality.

- 6.5.5 Both HAs' are satisfied that the proposed access arrangements can be delivered within land within the public highway or on land under the control of the Applicant; that the proposed junctions will operate safely and without unacceptable detriment to the local road network. A number of off-site improvements in terms of signage and footway improvements are proposed in this respect. The HA's do not consider that there is a significant likelihood of rat running through the site due to the two access solution principally for the reasons that the route can be made substantially longer both physically and in terms of the time it would take to travel through it, more obstructed and convoluted in the detailed internal design than the direct route available along Barnhorn Road and that the route would not be visible to through traffic. These are matters reserved for future consideration and approval in the event that outline planning permission is granted.
- 6.5.6 To conclude on these matters, the Local Planning Authority is advised by the County Council as the local highway authority responsible for the local road network and Highways England as the strategic highway authority responsible for the A259 Barnhorn Road and the Little Common roundabout that the traffic and highway impacts of the proposed development can be satisfactorily accommodated by the local and strategic road networks both in terms of safety and capacity subject to necessary highway improvements, conditions and planning obligations relating particularly to improving access to the development by sustainable means of transport including walking, cycling and bus. Paragraph 109 of the National Planning Policy Framework is clear that development '*should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. This is not considered by the HAs to be the case here and therefore notwithstanding the objections maintained by local objectors and residents to numerous aspects of the proposal in this respect, the advice of the statutory consultees is that the proposal is satisfactory in these respects and that permission should not be refused on these grounds.

6.6 Landscape, Ecology and Tree including Ancient Woodland Impacts

- 6.6.1 The landscape capacity of the application site to accommodate development was assessed within the Council's Landscape Assessment 2008 to inform the Rother Local Plan Core Strategy. Within that document the site comprises the major part of location "Barnhorn Manor 5A" described as an area of mixed grazing and recreation (caravans) enclosed by treed hedges and a block of woodland. The site is considered in the assessment to have a strong urban fringe character, with relationship to urban edge and flavour of countryside but very much transitional in character. The well-being of ancient woodland is important to the integrity of 5A, so caravans will need to be removed in woods. The landscape condition of the area is assessed as being poor but there is scope to strengthen the landscape structure provided by the tree belts and hedges. Overall the study concluded that this area has high capacity to accept change (i.e. development) mainly residential of medium to high density, 30 – 40+ dwellings per hectare. The outline proposal seeks to work with the natural attributes of the site, enhancing the existing tree belts and hedgelines and significantly enhancing the local landscape

value of the central open field and in this respect is considered acceptable subject to detailed proposals that should be tested in a specific landscape and visual assessment once the detailed site layout and site levels are established.

- 6.6.2 The application as originally submitted was accompanied by an Ecology report that includes the results of a Phase 1 desk top /site walkover survey undertaken April 2015 and extended Phase 2 (on site survey) carried out in to particular aspects between May and October 2015. In addition more detailed surveys of badger setts, tree features suitable for bat habitat, Great Crested Newts (GCN) on site habitat and on and off site presence and reptiles were carried out within this period. The report provides a detailed analysis of the findings and recommendations for mitigation and enhancement that are summarised in the County Ecologist's response set out at section 5.10 to this report and includes the retention and enhancement of all existing tree lines and hedgerows other than to create essential openings for vehicles and SUDs features including swales and ponds. The County Ecologist is satisfied that the information provided enables the Local Planning Authority to assess the likely ecological impacts and to conclude that the proposed mitigation is sufficient to meet its responsibilities and the objectives of the Rother Local Plan Core Strategy Policy EN5 and DaSA Policy DEN4. Specifically there is potential to achieve ecological enhancements in the central field that is to be retained, in the buffer areas to the ancient woodland and in the existing tree lines and hedgerows and in connection with the proposed SUDs features.

6.7 Impact on Heritage Assets

Archaeology

- 6.7.1 The application site lies immediately north of the site of Cooden Moat, a medieval moated site and Scheduled Ancient Monument with 13th century origins. An Archaeological Notification Area encompassing the suggested location of a former medieval village and a possible Roman bloomery extends across the extreme north-western corner of the application site. The County Archaeologist therefore advised that the site had potential to contain significant important remains not picked by the initial desktop report prepared in support of the application. A subsequent geophysical (magnometer) survey in late 2017 identified a number of linear anomalies, potentially being archaeological features in that part of the site adjoining the historic (medieval) farm complex. However, this area is currently masked by high levels of ferrous 'contamination' and so the character, extent and potential significance of these features is not known. The County Archaeologist considers that if archaeological remains are present here they could be of such significance to warrant preservation in situ and therefore recommends that if outline permission is granted that conditions are attached requiring further investigation to be carried out prior to the reserved matters application, so that archaeologically significant areas are removed from the final proposed development layout. The magnometer survey identified no anomalies in the two application site fields closest to Cooden Moat.

Heritage assets

- 6.7.2 The application site comprises a small proportion of the grazed agricultural land historically associated with the medieval farmstead at Barnhorne Manor

Farm. The grade II listed designated heritage asset of Barnhorne Manor lies approximately 100m from the western edge of the proposed developed area and 75m south of the existing road access from Barnhorn Road where it would turn into the development site. The listing entry contains the following description; *“There are two houses now using the name Barnhorne or Barnhorn Manor. This is the eastern most one of the two which is marked on the map as Barnhorn Farm but was the original house of the Manor of Barnhorn. Timber framed building refaced with flints with dressings and quoins of red brick. Tiled roof. Casement windows. Two storeys. Four windows”*.

- 6.7.3 There is a second house within the curtilage of Barnhorne Manor Farm, lying a little way to the west of the Manor house, and converted in the 1960s from a historic agricultural building. For the avoidance of doubt, this is not the other house using the name Barnhorn Manor. (The other Barnhorn Manor was originally known as “Nutbrowns” and lies approximately 1km away, to the west of Ashridge Court care home). Nevertheless the second house at the farmstead would be considered to be curtilage listed and therefore is subject to the same statutory and policy considerations as the main house. A small agricultural farm building forms part of the eastern wall to the Manor house garden and would also be considered to be curtilage listed. A group of other historic farm buildings lie outside of the garden walls of the Manor house to the east. Despite the separation of these buildings from the core farmstead complex by the track running north/south, the Council considers these would still be considered to be curtilage listed, due to their proximity and functional relationship with the Manor house. The gates, walls and gateposts marking the entrance to the Barnhorne Manor Farm complex on Barnhorn Road are located some 150m or so to the north of the Manor House. Though it is quite possible that they may have replaced an older structure, the statement of significance submitted with the amendments of February 2018 provides evidence to date the gates to the mid 1980’s, having been brought in from elsewhere. There is no evidence to suggest that the existing walls and gate posts pre-date this time and they are very clearly of relatively recent construction albeit in the style of the curtilage walls and gate posts to the Manor. Thus while these have local interest in signifying the entrance to the historic farm they are not considered to be heritage assets, either designated or non-designated.
- 6.7.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to Local Planning Authority when considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.7.5 Paragraph 193 of the National Planning Policy Framework states that *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be) This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Substantial harm to or loss of; a) grade II listed buildings...should be exceptional...”*

- 6.7.6 Paragraph 195 goes onto say *“where a proposed development will lead to substantial harm to (or cause total loss of significance of) a designated asset, local planning authorities should refuse consent...”*
- 6.7.7 In terms of impact on the setting of the heritage assets by way of views, the present character of the setting of the Manor house and the curtilage listed is very much an enclosed, contained setting, with the backdrop of suburban rear gardens to the north, and the recreational use of the caravan site to the south and south-east. The historic buildings are presently screened in almost every direction by its historic walls and mature tree cover, particularly when seen from the direction of the farm / caravan site access, while the outlying historic farm buildings are currently visually screened from the application site by the surrounding modern farm buildings. The heritage assets are therefore presently not seen or appreciated in the same visual setting as the application site, including the access road leading to it from Barnhorn Road. The only open view to the Manor house and the curtilage listed buildings from the countryside is from the south-west, from a small field between two densely treed hedgerows. Other than that, the top of the roof of the Manor can be seen from within the caravan site and oblique views are available a short distance to the west from the private farm track that runs along the south side of two houses (the Manor house and the curtilage listed house).
- 6.7.8 National Planning Policy Guidance makes clear that although views of or from a heritage asset will play an important part in its setting, the way in which we experience an asset in its setting is also influenced by other environmental factors, including the historic relationship between places. In the case of a farmstead, the setting could in principle be informed by the historical and functional composition of immediate farmland, pasture and other landscape features with the built heritage assets of a farmstead. However, that is not considered to be the case in this instance; the existing caravan site immediately adjacent has already compromised that historic functional relationship with the application site to the east to some degree, whilst the location and lack of visual connection between the application site and the heritage assets to the west means it contributes negligibly as open agricultural land to the compositional aspect of the character of the setting of the heritage assets. It is therefore not considered that the historic functional compositional relationship of the application site with the heritage assets contributes to their significance. Of greater contribution to the setting of the farmstead is the agricultural land that flows to the south and south-west of the Manor house and its curtilage listed buildings, and with which the heritage assets are more immediately compositionally connected, though still with limited views, as described above. That relationship will not be affected by the proposed development.
- 6.7.9 Given the very limited visibility of the heritage assets within the wider landscape, particularly from the application site, and the lack of legible historic functional compositional relationship of the application site with the heritage assets, officers do not consider that the application site is significant in the character of setting of the various identified heritage assets. It is not considered that the significance of the various identified heritage assets is dependent on the retention of the application site as open agricultural land. These considerations, along with the fact that the more immediate physical and functional connection of the farmstead with the farmland to the south-west is retained, mean that the character of the setting of the heritage assets is not considered to be adversely affected by the proposed development,

and the proposal for outline permission would not harm the significance of the designated or non-designated assets. Therefore, having regard to section 66 of the planning (Listed Building and Conservation Areas) Act 1990, it is considered that the proposed development would preserve the setting of the listed buildings. It should be noted that matters of layout and scale fail to be considered under a future reserved matters application, and consideration will be given at that stage to the impact on the setting of the heritage assets of the location and scale of buildings proposed.

- 6.7.10 Notwithstanding this assessment, in the event that planning permission is granted, the Applicant has indicated that they are prepared to enter into a legal obligation to direct some of the proceeds of the sale of the land towards the renovation of the designated / undesignated farm assets and to retain the remaining land associated with the farm in agricultural use. However, it should be noted that the proposed development is not proposed as 'Enabling Development' under the Historic England policy statement "Enabling Development and the Conservation of Significant Places" (2nd ed, 2008) or as referred to in paragraph 202 of the National Planning Policy Framework.
- 6.7.11 With regard to the Barnhorn Road walls, gate posts and gates, it is considered desirable that they are retained within the completed development in some coherent form due to their local interest. If outline planning permission is granted a condition would be required to ensure their careful dismantling, storage and reinstatement post completion of the development, in a similar position as far as is practicable within the completed scheme.

6.8 Impact on adjacent properties

- 6.8.1 Policy OSS4 (ii) requires that all development should not unreasonably harm the amenities of adjoining properties.
- 6.8.2 The properties most likely to be affected by the proposal are those immediately adjacent to the Barnhorn Road access (Nos. 73 and 77 Barnhorn Road) and two large 'backland' houses at 55a and 55b Barnhorn Road.
- 6.8.3 The development would lead to a significant increase in the amount of traffic passing over the access road adjacent to the rear gardens of Nos. 73 and 77. While No. 73 is already fairly well screened both visually and in terms of noise impact by fencing and mature tree and shrub planting, No. 77 has a lightweight post and wire fenceline facing onto the road. The Applicant has undertaken to enter into a planning obligation to provide an appropriate noise attenuation barrier and additional landscaping along this boundary and this would be secured through the section 106 legal agreement. The details of road surfacing, traffic management measures including speed to limit the potential for noise nuisance in connection with the more intensive use of the road would be addressed through the reserved matters details if outline permission is granted.
- 6.8.4 The houses at No. 55a and 55b Barnhorn Road are sited close to the northern boundary of the application site and the newly completed 55b in particular borrows heavily from the open agricultural land it overlooks for visual amenity. In the course of the application amendments have been made to the indicative site layout to show the internal road redirected away from the

site boundary in the vicinity of the houses and to provide an appropriate landscaped buffer between the existing and proposed uses. Subject to design detail, disposition and orientation of buildings, roads and open spaces within the development that would be established at reserved matters stage, notwithstanding that the outlook for these properties would inevitably change, it would be expected that an acceptable level of amenity could be retained.

6.9 Affordable Housing and other section 106 Matters

6.9.1 In the event that outline 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.

6.9.2 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:

- Affordable housing at 30% in accordance with the mixed set out by the Affordable Housing Development Officer and nominations agreement.
- Surface Water Drainage – provision for any additional land required.
- SUDS maintenance – water company or public organisation to adopt with step in rights (with mechanism to recoup costs).
- Foul water – only to mains sewer.
- Noise attenuation to neighbours on Barnhorn Road (Nos. 73 and 77 adjoining farm access).
- Provision and management of landscape, ecological areas and public open spaces and play areas.
- Use and (re) development of farm buildings / restoration of historic buildings.
- No further development on farm land.
- Vehicular access into the site on Spindlewood Drive with appropriate width and radii.
- New access to include 2m wide footways on both sides and a crossing point with tactile paving across the site access.
- A pedestrian crossing on Spindlewood Drive close to the east of the site access to include dropped kerbs and tactile paving.
- Improvements to the bus stops on Cooden Sea Road.
- Relocation of the westbound Barnhorn Road (The Broadwalk) bus stop.
- The realignment of the Cooden Sea Road/Meads Road junction.
- Financial contribution towards improved bus service on Cooden Sea Road and Barnhorn Road – £50k.
- Green Travel Plan initiatives – including bus passes / discounted season tickets (on request) for residents on first occupation for a specified period to be agreed.

- 6.9.3 In addition to the section 106 the off-site highway works will also require section 278 Highway Agreements with Highways England (A259) and ESCC for the local roads network.
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7.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposal is development where CIL will be chargeable. CIL is, however, calculated at the Reserved Matters (rather than the outline) stage, as where CIL is chargeable the amount can only be calculated when precise floor areas of properties are known. In the event that outline planning consent is granted this would therefore need to be assessed at the detailed application stage.
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8.0 SUMMARY

- 8.1 The Council cannot currently demonstrate five year supply of deliverable housing sites including a 20% buffer and therefore its policies for the supply of housing cannot be considered to be up to date. Paragraph 11 of the National Planning Policy Framework generally requires that housing development proposals are to be considered in terms of the presumption in favour of sustainable development however, following the 'People Over Wind' CJEU decision in April 2018 that ruled that measures to mitigate any significant likely impacts on a European Habitat Site can only be considered at Appropriate Assessment stage, in accordance with the current wording of 177 of the National Planning Policy Framework the presumption in favour of sustainable development does not apply here. That does not mean that planning permission should be refused. While the requirements of the Habitat Regulations carry the upmost weight, where their requirements are satisfied, the planning decision should then be made in accordance with the development plan and all other material considerations.
- 8.2 In undertaking its Appropriate Assessment under the Habitat Regulations and determining that any likely potential significant effects on the habitat sites can be effectively mitigated the Council is entitled to rely on the advice it receives from NE that is the relevant Nature Conservation body. NE and the Environment Agency are satisfied that subject to conditions and legal obligations and also subject to further appropriate assessment at detailed design stage that is necessary in any event, that the likely potential significant effects of the development can be satisfactorily mitigated.
- 8.3 The County Council as LLFA and working in partnership with the Pevensey and Cuckmere Water Level Management Board is satisfied subject to conditions and obligations that the development can satisfactorily manage on site surface water drainage without increasing the likelihood of flooding elsewhere. Southern Water requires that the applicant make provision to connect into the existing foul drainage network.
- 8.4 The application site is shown lying within the scope of a 'potential broad location for future development' in West Bexhill identified in the adopted Rother Local Plan Core Strategy key diagram that illustrates the main elements of the strategic spatial strategy set out in Policy OSS1. It is also a proposed site allocation for housing development within the Council's Submission DaSA Plan. Development here would make a significant

contribution towards the district meeting its housing delivery requirement of at least 5,700 new dwellings net during the Local plan period (2011-2028) in a sustainable location for new housing provision.

- 8.5 Following amendments to the proposal to include a second vehicular access to the development site from Barnhorn Road, the highway authorities are satisfied that the local and strategic road networks will continue to operate safely and within existing capacity subject to conditions, all necessary highway improvements and measures to promote sustainable forms of transport including walking and bus use.
- 8.6 The development can be satisfactorily accommodated within the existing, enhanced landscape structure of the site without detriment to the landscape character of the wider open countryside. On site trees and hedgerows will be predominantly retained and enhanced for landscape and biodiversity value. Subject to conditions the existing ecological value of the site and adjoining ancient woodland can be protected and enhanced including for the protected species that use it.
- 8.7 The proposal would not harm the setting or significance of the designated / non-designated heritage assets at Barnhorne Manor Farm. The retention of any potential significant archaeology in situ can be ensured by condition.
- 8.8 The proposed development would not cause unacceptable harm to the residential amenities of neighbouring properties subject to detailed design and measures to be secured through a legal agreement.
- 8.9 It is necessary for a section 106 legal agreement to be entered into in respect of the matters identified at paragraph 6.8.2 above in order to make the development acceptable. Subject to ongoing discussions with the Applicant these are considered to be directly related to the development and reasonable in scale and kind.

RECOMMENDATION: GRANT (OUTLINE PLANNING) DELEGATED FOR COMPLETION OF A SECTION 106 AGREEMENT RELATING TO:

- **Affordable housing at 30% in accordance with the mixed set out by the Affordable Housing Development Officer and nominations agreement.**
- **Surface Water Drainage – provision for any additional land required.**
- **SUDS maintenance – water company or public organisation to adopt with step in rights (with mechanism to recoup costs).**
- **Foul water – only to mains sewer.**
- **Noise attenuation to neighbours on Barnhorn Road (Nos. 73 and 77 adjoining farm access).**
- **Management of landscape, ecological areas and public open spaces and play areas not otherwise covered by conditions.**
- **Use and (re) development of farm buildings / restoration of historic buildings.**
- **No further development on farm land.**
- **Vehicular access into the site on Spindlewood Drive with appropriate width and radii.**
- **New access to include 2m wide footways on both sides and a crossing point with tactile paving across the site access.**

- **A pedestrian crossing on Spindlewood Drive close to the east of the site access to include dropped kerbs and tactile paving.**
 - **Improvements to the bus stops on Cooden Sea Road.**
 - **Relocation of the westbound Barnhorn Road (The Broadwalk) bus stop.**
 - **The realignment of the Cooden Sea Road/Meads Road junction.**
 - **Financial contribution towards improved bus service on Cooden Sea Road and Barnhorn Road – £50k.**
 - **Green Travel Plan initiatives – including bus passes / discounted season tickets for a specified period to be agreed.**
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CONDITIONS

1. Before any part of the approved development is commenced approval of the details of the appearance, landscaping, layout and scale of the site, (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only as approved.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
4. The development hereby permitted shall be carried out in accordance with the following approved plans and particulars: Drawing 1743-SK-P-204 D received 20/12/2018 with regard to access only, T277_37A dwg Rev A and T277_38 dwg (June 2018) both as contained within the 'Designer's Response to Stage 1 Safety Audit dated 6/6/2018.
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.
5. The landscaping details to be submitted pursuant to Condition 1 shall include the following:
 - a) Details of all hard landscaping.
 - b) Details of all trees to be retained.
 - c) Design, layout and appearance of structural and amenity green space, including verges.

- d) Planting plans, including landscape, ancient woodland buffer areas, ecological mitigation areas and proposals to maximise the ecological and habitat value of the SUDs wetland.
- e) Written specifications (including cultivation and other operations associated with plant and grass establishment).
- f) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- g) Details for implementation.

The development shall thereafter be carried out in accordance with the details as approved in writing by the Local Planning Authority and in accordance with an agreed implementation programme.

Reason: To ensure the creation of a high quality public realm and landscape setting that protects and enhances the character and appearance of the locality in accordance with Policies OSS4(iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

6. The Reserved Matters shall be accompanied by full details of existing and finished ground levels within the development and a landscape and visual assessment of the detailed scheme that together demonstrate how the completed development will sit within the wider built and open landscape.

Reason: To ensure the satisfactory development of the site in accordance with Policy OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy.

7. The Reserved Matters application shall be accompanied by a report containing the results of a programme of archaeological works that have been undertaken in accordance with a Written Scheme of Investigation that has first been submitted to and approved in writing by the Local Planning Authority. The Reserved Matters details shall take account of the findings of the archaeological works and make provision for the retention of any significant archaeological remains in situ unless otherwise agreed in writing by the Local Planning Authority. The development shall thereafter not be brought into use for its permitted use until provision is made for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground is safeguarded in the development or otherwise recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

8. The Reserved Matters shall be accompanied by a fully detailed scheme for the careful dismantling of the existing boundary walls and gate posts to Barnhorne Manor Farm access between Nos. 173 and 177 Barnhorn Road and their storage and thereafter re-siting and reconstruction in accordance with a method statement to be approved in writing by the Local Planning Authority. The walls and gate posts shall thereafter be dismantled and stored prior to the commencement of any other development including the approved improvements to this access and rebuilt prior to the first occupation of any dwelling only in accordance with the approved scheme and thereafter be permanently retained.

Reason: To ensure the creation of a high quality public realm and landscape setting that protects and enhances the character and appearance of the

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

9. No other part of the development hereby permitted shall commence until the highway improvements to the A259 Barnhorn Road junction with Barnhorne Manor Farm access as shown on Exigo Drawing No. T277-37A.DWG Rev A attached to the Designer's Response to Stage 1 Safety Audit dated 6/6/2018 (or such other works substantially to the same effect as may be approved in writing by the Local Planning Authority) have first been completed and opened for use.

Reason: A pre development condition is required to provide suitable and safe construction traffic access to the site and for existing users of the farm complex and caravan site during the construction period and thereafter in the operational phase in accordance with Policy TR3 of the Rother Local Plan Core Strategy and to ensure that the A259 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

10. No development shall take place, including the site access improvements referred to in Condition 9, any ground works or works of demolition, until a Construction Traffic Management Plan (CTMP) 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 to be used during construction, including a restriction on HGV movements to and from the site during network peak hour periods of 8.00 – 9.00 am and 5.00pm – 6pm on all days;
- b) the method of access and egress and routeing of vehicles during construction, that will be from the Barnhorn Road access only;
- c) the parking of vehicles by site operatives and visitors, the loading and unloading of plant, materials and waste;
- d) the storage of plant and materials used in construction of the development;
- e) the erection and maintenance of security hoarding;
- f) 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
- g) details of public engagement both prior to and during construction works.

Reason: The CTMP is required before any development is commenced in the interests of road safety in accordance with Policy TR3 of the Rother Local Plan Core Strategy, to ensure that the construction of the development does not result in avoidable congestion on the A259, and to ensure that the A259 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

11. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP will include the following details:

- a) Results of a full site investigation that has been carried out to identify any potential sources of contamination and proposals for appropriate safeguards to ensure that no contamination is transferred, to be implemented throughout the construction works.

- b) Details of the source of any inert fill material for land raising including evidence to demonstrate that it is free from contaminants that could potentially enter the Pevensey Levels.
- c) Include, but not be limited to, the measures set out in paragraph 5.2.2 of the Aspect Ecology report, *"Information to inform an Appropriate Assessment Under the Habitat Regulations"* October 2018 and in particular, set out the measures necessary to prevent silt entering the SAC/Ramsar and avoid water quality impacts on the Pevensey Levels during the construction phase.
- d) Detailed measures to manage flood risk, both on and off the site, during the construction phase.
- e) Risk assessment of potentially damaging construction activities.
- f) In accordance with section 7.4.3 of the Aspect Ecology Ecological Appraisal a method statement to prevent the spread of Himalayan Balsam during any operations and measures to be taken to ensure that any soils brought to the site are free of the seeds, root or stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended.
- g) Complaints and public consultation procedure.

Thereafter the construction of the development shall be carried out strictly in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: The CEMP is required before any development is commenced to protect the Pevensey Levels SAC/Ramsar/SSSI from any accidental contamination or damage in accordance with Policies EN1 and EN5 of the Rother Local Plan Core Strategy and paragraph 170 of the National Planning Policy Framework.

12. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of "biodiversity protection zones";
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction that may be provided as a set of method statements);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities on the existing biodiversity value of the site are mitigated in accordance with Policy EN5 (viii) and (ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii) and (iii) of the Rother Submission Development and Site Allocations Local Plan October 2018.

13. No development shall take place until an ecological design strategy (EDS) in general accordance with part 7 of Aspect Ecology's Ecological Appraisal dated October 2016 ref: ECO3510 EcoApp. Vf and addressing reptile capture and relocation; retention and protection of existing species and habitats during construction, and the creation, restoration and enhancements of semi-natural habitats has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location /area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures; and
 - j) details for disposal of any wastes arising from works.
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
- Reason: A pre-commencement condition is required to ensure that any adverse environmental impacts from any stage of the development can be mitigated, and compensated to properly ensure the protection of protected species and their habitats identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5(ii), (v) and (viii) of the Rother Local Plan Core Strategy and Policy DEN4 of the Submission Development and Site Allocation Local Plan October 2016.
14. The measures contained within the CEMP Biodiversity, EDS and LEMP required by Conditions 12, 13 and 20 to be submitted to and approved in writing by the Local Planning Authority are to be informed by further ecological surveys commissioned to:
- i) establish if there have been any changes in the presence and/or abundance of protected species including badgers, great crested newts, reptiles, dormouse and bat unless otherwise agreed in writing by the Local Planning Authority; and
 - ii) identify any likely new ecological impacts that might arise from any changes in that regard.
- Reason: As species are mobile and habitats can change and become more or less suitable, it is important that the surveys reflect the situation at the time of any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences and to properly ensure the protection of protected species and their habitats identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5(ii), (v) and (viii) of the Rother Local Plan Core Strategy and Policy DEN4 of the Submission DaSA Local Plan October 2016.
15. No development shall commence until details for the protection of existing trees on the site and adjacent to it to be retained have been submitted to and approved in writing by the Local Planning Authority. The details shall include indications of all existing trees and hedgerows on the land and adjacent to it

including details of those to be retained, together with a scheme for protection, which shall include locations for protective fencing, ground protection and no dig surface construction methods.

The approved scheme shall be put in place before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

- a) No fire shall be lit within 10m from the outside of the crown spread of any tree which is to be retained.
- b) No equipment, machinery or structure shall be attached to or supported by a retained tree.
- c) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

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

Reason: These details are required prior to commencement of works to ensure that retained trees are not damaged or otherwise adversely affected by building operations and soil compaction and to enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

16. The Reserved Matters application shall be accompanied by a drainage strategy and implementation timetable detailing the proposed means of foul water disposal to the main sewer network for approval in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme and none of the dwellings shall be occupied until the drainage works to serve the development have been provided. The scheme shall thereafter be retained as approved for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: These details are integral to the whole development to ensure the satisfactory drainage of the site and to prevent pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.

17. The Reserved matters application shall be accompanied by a detailed surface water drainage scheme design including the timing of its implementation for the approval in writing of the Local Planning Authority. The scheme details shall:

- a) Unless otherwise agreed in writing by the Local Planning Authority, include permeable paving, oil interceptors, swales, filter strip and wetland and the wetland shall include all of the features described in the SUDs Layout Plan Drawing No. 1764-P3-10 in the Herrington Technical Addendum to the FRA/SWMS report Rev 1 dated 6 December 2018.
- b) Limit surface water runoff from the proposed development to the greenfield runoff rates for rainfall events with an annual probability of occurring greater than 1 in 2.33 and 9.1 l/s for rainfall events with an annual probability of occurrence less than 1 in 2.33, including those with

a 1 in 100 (plus 40%) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) must be submitted with the detailed drainage drawings and should take into account the connectivity of the different surface water drainage features proposed.

- c) Show the details of the outfalls and how they connect to watercourses including cross sections and invert levels. The detailed design should also include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely and test the assumption that displacement of floodwater will be insignificant, proposing mitigation for any impacts on the SAC / Ramsar if necessary.
- d) Contain the results of investigations into the condition of the ordinary watercourses which will take surface water runoff from the development and identify any improvements to those watercourses required. Any required improvements to the condition of the watercourse shall be carried out prior to construction of the outfall.
- e) Show the detailed design of the SuDs system informed by the findings of continuous groundwater monitoring between autumn and spring as a minimum at the proposed locations of the wetland, filter strip, swales and any other SuDs feature. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If groundwater is found to encroach into the proposed drainage features, measures to manage the impact of high groundwater on hydraulic capacity and structural integrity must be incorporated into the design and any impacts of the displacement of groundwater on the Pevensey Levels identified and mitigated. These measures are expected to include amongst other features a suitable impermeable liner and sacrificial liner to reduce the risk of leaks or accidental tearing during de-silting.
- f) Include a detailed assessment through 2D hydrodynamic modelling, of the impact of any proposed raising of ground levels on surface water runoff rates and patterns and incorporate any measures necessary to ensure that there is no resulting overland surface water runoff to existing development or increased runoff downstream.
- g) Include a maintenance and management plan for the entire drainage system to ensure that the designed system as proposed takes into account the design standards of those who will be responsible for maintenance. The management plan must:
 - i) Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and provide evidence that the appropriate authority is satisfied with the submitted details.
 - ii) Provide evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

Thereafter the development shall only be completed in accordance with the approved scheme and evidence (including photographs) to show that the surface water drainage system has been constructed in accordance with the final approved scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the development.

Reason: These details are integral to the whole development and are therefore required prior to commencement of works to inform the layout and quantum of development, prevent the increased risk of flooding elsewhere, to protect water quality and levels in the Pevensey Levels Ramsar Site / Special Area of Conservation and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 155 and 165 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

18. Before any works hereby permitted are begun, details of the foundations, piling configurations, drainage and services, to include a detailed design and method statement shall be submitted to and approved in writing by the Local Planning Authority, such details to show where necessary, the preservation of surviving archaeological remains which are to remain in situ.

Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground to remain in situ is safeguarded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

19. Unless alternative times are specifically agreed in writing 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: So as not to unreasonably harm the amenities of adjoining occupiers in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

20. Prior to the first occupation of the development a Landscape and Ecological Management Plan (LEMP) for all landscaped areas (except for private domestic gardens) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
- g) details of the body or organisation responsible for implementation of the plan;
- h) on-going monitoring and remedial measures;
- i) details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery; and
- j) how contingencies and / or remedial action will be identified, agreed and implemented in the event where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP shall thereafter be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features to properly ensure the protection of protected species and their habitats identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5 (ii), (v) and (viii) of the Rother Local Plan Core Strategy and Policy DEN4 of the Submission Development and Site Allocation Local Plan October 2016.

21. Prior to any occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding site and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local planning Authority.

Reason: To ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5(ii), (v) and (viii) of the Rother Local Plan Core Strategy.

22. Prior to the first occupation of the residential development hereby permitted the highway access to Spindlewood Drive shall be provided and opened to the traffic in accordance with Drawing No. T277-38 DWG dated June 2018 or other such scheme to the same effect as may be approved in writing by the Local Planning Authority.

Reason: To provide adequate and safe vehicular and pedestrian access to the completed development in accordance with policy TR3 of the Rother Local Plan Core Strategy and to ensure that the A259 Barnhorn Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

23. No part of the development shall be first occupied until visibility splays of 2.4m by 43m have been provided at the proposed site vehicular access onto Spindlewood Drive. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: To provide adequate and safe vehicular and pedestrian access to the completed development in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

24. No part of the development shall be occupied until the car parking spaces and all turning areas have been constructed and provided in accordance with plans and details submitted to and approved in writing by the Local Planning

Authority as part of the Reserved Matters application. The areas shall thereafter be retained for those uses and shall not be used other than for the parking or turning of motor vehicles.

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

25. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority as part of the Reserved Matters application. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

26. No part of the development shall be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. as part of the Reserved Matters application.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large in accordance with Policies TR3 and OSS4 of the Rother Local Plan Core Strategy.

27. 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 in accordance with Policies OSS4 (iii), and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

28. If within a period of five years from the date of occupation any retained tree, planted tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] it shall be replaced with another tree of such size and species as may be agreed with the Local Planning Authority.

Reason: To enhance the appearance of the development within the local landscape in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

NOTES:

1. This planning permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990.
2. Highways England advises that the improvement to the A259 Barnhorn Road access as shown on Drawing No. T277_37A dwg. Rev A has been accepted by Highways England only on the basis of the proposed development plus existing uses. Any further intensification of use of this access by further

development would require a more substantial upgrade of this junction in line with the relevant requirements of the Design Manual for Roads and bridges.

3. The applicant is reminded of the need to enter into section 278 agreements with Highways England and the Local Highway Authority.
4. The applicant's attention is drawn to the content of Southern Water's correspondence dated 24/8/2017.
5. The applicant's attention is drawing to the content of correspondence from SGN Pipelines dated 28 July 2017.
6. Pursuant to Condition 16 the pumping station required to lift effluent to the rising main must include back up pumps to secure against the event of primary pump fails.
7. The applicant is advised that the application site drains surface water run off to the Pevensey and Cuckmere Water Level Management Board's drainage district, which starts at the south eastern corner of the application site. Therefore the applicant should apply for consent to discharge surface water runoff into the Management Board's area as required by Byelaw 3, which is the process by which the Board agrees the proposed discharge. The development shall be subject to the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy. This policy is available at:
https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf
Although the consenting process as set out under the Board's Byelaws is separate from the planning system, the ability to implement a planning permission may be dependent on the granting of these consents. As such it is strongly recommend that the application to discharge surface water runoff into the Board's watercourses is made to the Board prior to submission of the reserved matters planning application.
8. Any amendment to the surface water drainage strategy set out in condition 17 i) or v) at the design stage should be subject to consultation with Natural England and will be required to be reassessed under the Habitats Regulations.
9. The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.
10. Non-compliance with a Himalayan control scheme as part of the CEMP condition could render the applicant liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).
11. The Applicant is referred to the full content of the Environment Agency's correspondence dated 2 January 2019.
12. 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 (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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SITE PLAN

ETCHINGHAM

RR/2018/2680/P

King John's Nursery, Sheepstreet Lane.



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Not To Scale

RR/2018/2680/P

ETCHINGHAM
Lane

King John's Nursery, Sheepstreet

Change of use of part of the site to allow hosting of wedding ceremonies**Applicant:** Mr H. Cunningham**Agent:** Mr S. McKay**Case Officer:** Mr M. Worsley(Email: matthew.worsley@rother.gov.uk)**Parish:** ETCHINGHAM**Ward Members:** Councillors Mrs M.L. Barnes and R.V. Elliston**Reason for Committee consideration:** Head of Service Strategy & Planning referral: Previous application refused by the Planning Committee.**Statutory 8 week date:** 20 December 2018**Extension of time agreed to:** 21 February 2019

This application is included in the Committee site inspection list.

1.0 POLICIES

1.1 The following policies contained within the adopted Rother Local Plan Core Strategy are relevant to the proposal:

- PC1: Presumption in favour of sustainable development
- OSS3: Location of development
- OSS4: General development considerations
- RA2: General strategy for the countryside
- RA3: Development in the countryside
- CO6: Community safety
- EC3: Existing employment sites
- EN1: Landscape stewardship
- TR3: Access and new development
- TR4: Car parking

1.2 The Development and Site Allocations Local Plan (DaSA) has now been submitted (as of January 2019) for examination. Varying degrees of weight are now afforded to the policies contained within this emerging development plan document with the following being considered relevant to the proposal:

- Policy DEC3 (existing employment sites and premises) is applicable and carries significant weight as it does not significantly change the requirements of Rother Local Plan Core Strategy Policy EC3.
- Policies DEN1 (maintaining landscape character) and DEN2 (the Area of Outstanding Natural Beauty [AONB]) are of relevance and carry

significant weight given that they follow the general principles set out in Policy EN1 of the Rother Local Plan Core Strategy.

- Policy DEN7 (environmental pollution) is also applicable and carries significant weight given it aligns with paragraphs 178-181 of the National Planning Policy Framework.

- 1.3 The various provisions contained within the National Planning Policy Framework relating to sustainable economic growth, supporting a prosperous rural economy, protecting the living conditions of neighbouring properties, protecting highway safety and conserving and enhancing the natural environment are also applicable.
-

2.0 SITE

- 2.1 The site is located to the south side of Sheepstreet Lane. It lies within the countryside and is within the High Weald AONB. Occupying the site are two rows of former poultry houses which have been converted and are currently used as a plant nursery, with other ancillary uses including a tea room. There is an existing vehicular access with parking for the plant nursery provided in front of the former poultry houses.
-

3.0 HISTORY

- 3.1 RR/2017/2109/P Change of use from nursery barn to occasional use for wedding ceremonies and receptions. Refused.

Reasons for refusal:

1. The use of the building for weddings and receptions, together with the associated outdoor activities, including vehicle movements, would generate unacceptable levels of noise and disturbance that would unreasonably harm the amenities of neighbouring properties contrary to Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraphs 17 and 123 of the National Planning Policy Framework.
 2. The proposed use would introduce unacceptable levels of noise to the peaceful surroundings and as such would adversely impact on the tranquil and relatively remote nature of this part of the High Weald AONB, which is valued for its recreational and amenity value, contrary to Policies OSS4 (iii) and EN1 (i) (vii) of the Rother Local Plan Core Strategy and paragraphs 115 and 123 of the National Planning Policy Framework.
- 3.2 RR/2011/516/P To turn part of storage area in the plant nursery growing shed into a tea room. No external changes to be made. Approved Conditional.
- 3.3 RR/2008/2894/P Change of use from agricultural building into an interpretation centre of local heritage. Refused.
- 3.4 RR/2008/2461/P Change of use from agricultural building to plant nursery including nursery shop selling sundry items; including statuary locally made handcrafts, environmental products and other garden related products. Approved Conditional.

4.0 PROPOSAL

- 4.1 Permission is sought to change the use of part of the nursery barn on the west side of the site for daytime wedding ceremonies. It is effectively a scaled down version of the wedding ceremony and reception use refused under reference RR/2017/2109/P.
- 4.2 The ceremonies would be between 2-4 hours long and would take place between the hours of 9am – 5pm, with the premises having to be vacated by 6pm. It has been explained that the number of guests would be capped at 60. No amplified music or drums would be allowed but a violinist or classical guitarist would be permitted. After the ceremony guests would be provided with drinks whilst the bride and groom have photographs in the garden. No receptions or any other entertainment would be permitted.
- 4.3 Within an accompanying statement originally submitted with the application, the number of ceremonies proposed per year was unclear. On the front page the number stated was 12 and on the third page the number stated was eight. Clarification was sought from the Local Planning Authority. Permission for an unlimited number of ceremonies per year is now sought.
- 4.4 The existing vehicular access would be utilised with improvements to visibility proposed. Parking would be provided within the existing car park and on temporary matting to be laid in the field to the west of the nursery barn.

5.0 CONSULTATIONS

5.1 Parish Council

- 5.1.1 Object.
*'Etchingham Parish Council (EPC) resolved to object to the application for Change of Use as the supporting documents are contradictory and inconsistent so cannot be relied on to provide adequate provision to avoid unsafe traffic conditions on Sheepstreet Lane as these events begin and end - even assuming that adequate parking can be found on site which may be debatable - and a negative environmental impact on both the surrounding countryside and the neighbouring residents. There is little likelihood of creating local employment if this is granted.
A previous similar application has already been refused by Rother District Council and EPC considers that there is no valid reason to upturn this decision in the current application.'*

5.2 Highway Authority

- 5.2.1 No objection subject to the imposition of conditions relating to improved visibility splays at the vehicular access and the provision of on-site parking.
- 5.2.2 In respect of the highway impact, the Highway Authority comment that the road serving the site (Sheepstreet Lane) is relatively narrow in places; however, the carriageway width remains sufficient to accommodate two-way traffic. It is acknowledged that the traffic generated by wedding ceremonies will be concentrated to relatively short periods of time whilst guest arrive and

leave the site; however, as the number of vehicles arriving/leaving during this period is unlikely to exceed 30 they remain satisfied that the additional traffic could be accommodated on the surrounding highway network without being to the detriment of highway safety.

5.3 Environmental Health

- 5.3.1 No objection subject to the imposition of conditions to manage the proposed use.

5.4 Planning Notice

- 5.4.1 A petition by 21 signatories objecting to the scheme has been received and a representative will have the opportunity to speak at the Planning Committee meeting.

- 5.4.2 A total of 13 objections have been received raising the following issues:

Amenity

- Unreasonable levels of noise would be created.
- Nature of the events has not changed compared to the refused scheme.
- Applicant does not mention other events that are held at the site, including markets on 18 days of the year and parties.
- Guidance within "Planning Noise Advice Document: Sussex" should be considered.
- Wedding venue is a place of entertainment.
- A noise report should be required.
- A residential area is a sensitive receptor.
- Adequate level of insulation should be provided. Doors and windows should be kept closed.
- Impact of arrival and departure should be considered.
- Ancillary activities such as deliveries, waste collection and bottle recycling should be considered.
- Four hour ceremonies sound excessive and suggest some form of reception would take place.
- Within previously refused scheme Environmental Health had concerns over the impact of the proposed use during the day.
- Environmental Health has raised a number of potential issues with the revised scheme.
- Weddings have previously been held at the site, which were unlicensed, loud and disturbed local residents.
- Will Applicant continues to heavily rely on multiple conditions and a noise management plan which will be difficult for the applicant to implement and the Council to enforce.
- Within para 6.5.9 of the Planning Committee report for the previously refused scheme it stated: "Managing noise and activity from the weddings and receptions via the imposition of conditions, in conjunction with a noise management plan, would not be enforceable".

Highway and pedestrian safety

- Cyclists, pedestrians and horse riders could be adversely affected by the increase in traffic.
- Sheepstreet Lane unsuitable for increased usage – narrow and no lighting.

- Highway Authority appears to be unaware of the number of events that already take place at the nursery.
- Proposal would add to the existing level of traffic and activity.
- Rother District Council policies state that proposals should reduce the need to travel and should not perpetuate unacceptable traffic or travel conditions.
- Proposal would be incompatible with these policies – remote from any settlement and would result in “tidal traffic”.
- Other events at the site have resulted in vehicles parking on the road.
- Unclear whether additional parking facilities have been provided already.

Character and appearance

- Adverse impact on quite rural lane.
- Adverse impact on tranquil AONB.

Other

- Inconsistencies within the application.
- There are protected species present in the local area.

- 5.4.3 One set of supportive comments have been received commenting that the proposal would improve the local economy.
- 5.4.4 One set of general comments have been received commenting that if the scheme is granted conditions must be imposed to manage any concerns.

6.0 APPRAISAL

- 6.1 The main issues to consider include the impact of the proposal on:
- The local economy.
 - The character and the appearance of the locality and the landscape and scenic beauty of the AONB.
 - Highway and pedestrian safety and parking provision.
 - The living conditions of occupants of nearby properties.

6.2 Local economy

- 6.2.1 Policy RA3 (ii) of the Rother Local Plan Core Strategy supports suitable employment and tourism opportunities in the countryside, including by the conversion, for employment use, of farm buildings generally in keeping with the rural character, and by the sensitive, normally small-scale growth of existing business sites and premises.
- 6.2.2 Policy EC3 (ii) of the Rother Local Plan Core Strategy permits the intensification, conversion, redevelopment and/or extension of existing employment sites having regard to other policies of the Plan.
- 6.2.3 The proposed change of use of the barn to allow for wedding ceremonies would diversify and help support an existing established rural business and should add to employment opportunities in the local area. The applicant has indicated that the income generated from the weddings would enable existing employees to be offered more stable employment. Additional visitors would also be attracted to the local area which would be of benefit to the economy. These positive economic factors weigh in favour of the scheme.

6.3 Character and appearance

- 6.3.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy requires all development to respect and not detract from the character and appearance of the locality.
- 6.3.2 Policy RA3 states that proposals for development in the countryside will be determined on the basis of (ii) supporting suitable employment and tourism opportunities in the countryside, including by the conversion, for employment use, of farm buildings generally in keeping with the rural character, and by the sensitive, normally small-scale growth of existing business sites and premises; and (v) ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management.
- 6.3.3 Policy EN1 of the Rother Local Plan Core Strategy provides that management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (i) the distinctive identified landscape character, ecological features and settlement pattern of the AONB; and (vii) tranquil and remote areas, including the dark night sky.
- 6.3.4 Paragraph 170 of the framework states that planning decisions should contribute to and enhance the natural and local environment by (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
- 6.3.5 Paragraph 172 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. It adds that the scale and extent of development within these designated areas should be limited.
- 6.3.6 The site is located along a country lane, a significant distance from any town or village. Despite there being some other residential properties scattered along the lane the surroundings are very rural in character and are considered to be peaceful and tranquil.
- 6.3.7 The proposed change of use would require no external alterations to the former poultry house and therefore the visual impact of this aspect of the proposal would be neutral.
- 6.3.8 In respect of the additional parked vehicles, these would be accommodated on land to the west of the building. Low impact surfacing consisting of a grid system would be laid. When vehicles are not parked on the land it would not be easily noticeable. However, parking vehicles on the land during events would have some impact on the immediate surroundings. Currently the land is a small undeveloped field although it must be acknowledged that it is very well contained within the wider landscape. The applicant's dwelling is to the north, the former poultry buildings are to the east and there is a screen of mature trees to the south and west. For these reasons it is considered that

the parked vehicles would have minimal visual impact on the wider landscape and scenic beauty of the AONB.

- 6.3.9 Another issue to consider is the impact of noise and activity on the rural character of this part of the AONB, which is currently quiet during the day and even more so at night. Compared to the previously refused scheme, the maximum number of guests has been reduced from 150 to 60. In addition, no evening or night time usage would take place and no receptions would be permitted.
- 6.3.10 The surroundings are considered to be tranquil and relatively remote. Whilst the proposed use would increase noise and activity during the day, this would be to a lesser extent than would have been created by the previously refused scheme.
- 6.3.11 The exclusion of evening and night time usage together with no receptions being permitted would also reduce the impact of the use on local residents quite significantly. Although there is the existing plant nursery site and other residential properties along Sheepstreet Lane, the surroundings have remained relatively undisturbed by noise to date and should continue to be protected for their recreational and amenity value. The proposed use would introduce some increased noise to the very peaceful surroundings. However, this would be far more limited than would have been created under the refused scheme and should not adversely impact on the tranquillity of this part of the AONB provided conditions were imposed and complied with relating to the scale and operating time of any ceremonies.

6.4 Highway and pedestrian safety and parking

- 6.4.1 Policy CO6 of the Rother Local Plan Core Strategy facilitates a safe physical environment by (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.
- 6.4.2 Policy TR4(i) of the Rother Local Plan Core Strategy requires development to meet the residual needs of the development for off-street parking having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.
- 6.4.3 Representations objecting to the proposal have raised concerns over the proposed use increasing traffic along the lane and there not being sufficient parking at the site meaning that vehicles would park on and obstruct the lane.
- 6.4.4 The Highway Authority has commented that that they have no major concerns relating to the proposed use and its impact on the local road network. They acknowledge that Sheepstreet Lane is narrow in places but they consider it is still capable of accommodating two-way traffic. Each ceremony could generate up to 30 vehicles but the Highway Authority is satisfied that the local road network could accommodate this increase without severe implications for highway safety.
- 6.4.5 Visibility at the existing access could be improved, which could be subject of a condition, and adequate parking provision is able to be provided on site.

- 6.4.6 Overall, the proposed use would not have a significant impact on the surrounding highway network and adequate parking provision could be provided on site.

6.5 Living conditions

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

- 6.5.2 Policy DEN7 of the DaSA states:

Development will only be permitted where it is demonstrated that there will be no significant adverse impacts on health, local amenities, biodiversity or environmental character as a result of lighting, noise, odour, contaminated land, hazardous and non-hazardous substances and/ or airborne particulates associated with development, including where appropriate, the cumulative impacts of existing and proposed developments. In particular:

- (i) in relation to noise, consideration will also be given to the character of the location and established land uses; also, in the case of new noise-sensitive development, users of the new development should not be likely to experience unacceptable adverse effects resulting from existing levels of noise; and*
- (ii) in relation to lighting, the proposed scheme is necessary and the minimum required, and is designed to minimise light pollution including light glare and sky glow and to conserve energy, through the use of best available technology, having regard to the lighting levels recommended by the Institute of Lighting Professionals (ILP) for the relevant environmental zone.*

- 6.5.3 Paragraph 180 of the Framework states:

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁰;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

- 6.5.4 There are a number of neighbouring residential properties close to the building to be used for weddings and receptions including, The Pavilion (on the application site and currently occupied by the applicants), Shortridge Farm (70m), Shortridge House (80m), King John's Lodge (100m), The Dutch

House (135m), Tamarind (160m), Barden (260m) and Shoyswell Manor (280m). There are other properties further away that could still be affected by the proposed use.

- 6.5.5 During the course of the previously refused application a noise impact assessment was carried out. The Council's Environmental Health Service has used this assessment as the basis for their comments on the current application as it contains pertinent information.
- 6.5.6 The Environmental Health Service has acknowledged the differences between the current proposal and the previously refused scheme, including:
- The site will only be used for wedding ceremonies. Receptions would be held elsewhere.
 - Such ceremonies would be held for approximately two to four hours.
 - Ceremonies would involve a maximum number of guests of 60.
 - Ceremonies would only occur between 9am and 5pm, but seven days a week has been requested.
 - Ceremonies will not involve amplified music.
 - Ceremonies may involve a violinist or classical guitarist or similar.
- 6.5.7 The proposed wedding ceremonies have the potential to create noise and activity that would adversely impact on nearby residential properties. The previously submitted noise assessment outlines that background noise levels (LA90) on site vary between 26dB(A) and 36dB(A) on average during the day and ambient noise levels (LAeq) vary between 43dB(A) to 49dB(A).
- 6.5.8 Using the information provided within the previously submitted noise assessment, Environmental Health has advised that for the proposed hours, a ceremony inside (with a violinist) producing a total reverberant sound level of approximately 80dB would be similar to background sound levels outside the nearest receptors.
- 6.5.9 Similarly, rough calculations using an outside (non-reverberant) sound level of 60dB for conversation would probably be acceptable outside nearest receptors. However, it is possible that a violinist, for example, playing outside at 78dB(A) could be heard at the nearest noise sensitive receptors, especially on a Sunday when background and ambient sound levels are lower.
- 6.5.10 It is also acknowledged that in addition to normal conversation, there will be short lived but potentially louder sound levels due to clapping and cheering at the end of a ceremony. It is possible that clapping would be heard outside nearest receptors as would possibly, some car door slamming or shouting when guests arrive and leave, especially during the quietest times. From the data the quietest times are Friday afternoons and Sundays.
- 6.5.11 Sundays are considered as sensitive because nearby residents would most likely be at home and wanting to relax, including in the garden. Additionally, nearby residents would most likely have their windows open and be outside during the summer months, which also corresponds with the most popular wedding season.
- 6.5.12 In assessing the previously refused scheme it was explained that managing noise and activity from the weddings and receptions via the imposition of

conditions, in conjunction with a noise management plan, would not be enforceable. This was mainly due to the view that guests who have enjoyed a good celebration are unlikely to take notice of signs requesting them to be quiet when they vacate the premises. The noise management plan submitted for the previous proposal raised a number of questions but it is notable that one action to control noise was for the band to be quieter. This would be difficult with an acoustic band because there is no volume control which can be adjusted.

- 6.5.13 The ceremony use now proposed will finish during the day, thus guests will not be vacating the site late at night. In addition, any music that is played will only be for a short period of time during the day and should not be as loud as an acoustic band playing to 150 guests at an evening reception, as proposed as part of the previous scheme. The proposal now under consideration is considered to be significantly different to the refused scheme and one that could potentially operate successfully without adversely impacting on the living conditions of local residents. However, this would be dependent on conditions being imposed to manage the use and these conditions being complied with.
- 6.5.14 For the reasons explained it is considered that, if mismanaged, the proposed use could potentially generate unacceptable levels of noise and activity that could unreasonably harm the amenities of neighbouring properties. However, with the imposition of a number of restrictive conditions, a low key wedding ceremony use may be able to operate from the site without adversely impacting on the living conditions of local residents.
- 6.5.15 Conditions could reasonably be imposed to:
- Prevent any ceremonies being performed on Sundays.
 - Limit the number of guests to 60 per ceremony.
 - Provide a straw bale screen along the southwest side of the barn.
 - Ensure that the location of the parking of vehicles and gathering of guests shall only occur in the locations shown on the submitted plans.
 - Limit the operating hours for the wedding ceremonies to 09.00 to 17.00 Monday to Saturday.
 - Limit the number of ceremonies to one per day.
 - Prevent amplified music from being played.
 - Limit the number of acoustic musicians to one per ceremony.
 - Ensure the doors in the barn facing neighbouring properties remain closed during ceremonies.
 - Secure a temporary permission.
- 6.5.16 The applicant has been consulted on the suggested conditions and would accept all of those listed above apart from the suggested one year temporary permission. Instead, they have requested a temporary three year permission.
- 6.5.17 In respect of temporary permissions, the Planning Practice Guidance states at Paragraph: 014 Reference ID: 21a-014-20140306 (Revision date: 06 03 2014):

Under section 72 of the Town and Country Planning Act 1990 the Local Planning Authority may grant planning permission for a specified temporary period only. A condition limiting use to a temporary period only where the proposed development complies with the development plan, or where

material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity.

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

- 6.5.18 Having regard to the advice contained within the Planning Practice Guidance, a trial run is considered to be appropriate in the circumstances. The applicant's concerns about only permitting a one year temporary permission are noted and it is accepted that this may be an insufficient length of time to properly assess the impact that the use has on local residents, especially if the applicant only manages to secure a handful of bookings within the first year. A three year temporary permission would allow a longer period of time for any potential issues to be identified and is considered reasonable.

7.0 CONCLUSION AND PLANNING BALANCE

- 7.1 The proposed change of use to allow daytime wedding ceremonies would help support and diversify an existing rural business which would bring economic benefits to the locality. In addition, there is no highway safety or parking concerns provided visibility splays at the access are improved and all of the parking is provided on site.
- 7.2 Nevertheless, the use could give rise to unacceptable levels of noise and disturbance to local residents, although this would be to a much lesser extent than the previously refused scheme. In the circumstances it is considered that a temporary three year permission would allow the proposed use to be tested to see whether it can operate successfully without adversely impacting on the living conditions of neighbouring properties.
- 7.3 For the reasons explained the proposed change of use would comply with policies within the Rother Local Plan Core Strategy and DaSA together with the various provisions contained within the National Planning Policy Framework. On this basis the application can be supported.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The use hereby permitted shall be discontinued and the land restored to its former condition on or before the 28 February 2022 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority three months prior to the expiration of the permission.
Reason: The wedding ceremony use is potentially detrimental to the amenities of nearby residential properties and this permission is granted temporarily to enable the Local Planning Authority to monitor and assess the effects of the proposal, having regard to the criteria set out in Policy OSS4

(iii) of the Rother Local Plan Core Strategy and paragraph 180 of the National Planning Policy Framework.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing No. 2018-045v1-Location dated 25 October 2018; and
Drawing No. 2018-045v1-PropBlock dated 25 October 2018.
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. The wedding ceremony use hereby permitted shall not commence until visibility splays of 2.4m by 100m have been provided at the vehicular access onto Sheepstreet Lane in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The splays shall be provided in accordance with the approved details before the first wedding ceremony takes place and shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
Reason: In the interests of highway safety in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
4. The wedding ceremony use hereby permitted shall not commence until the car parking has been constructed and provided in accordance with the approved plan, drawing no. 2018-045v1-PropBlock dated 25 October 2018. The parking area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To provide adequate car-parking space for the change of use in accordance with policy TR4 (i) of the Rother Local Plan Core Strategy.
5. The wedding ceremony use hereby permitted shall not commence until a straw bale screen, measuring at least 2m high and 8m long, has been installed to the southwest of the event barn in accordance with details and plans to be submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the living conditions of the occupants of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraph 180 of the National Planning Policy Framework.
6. No wedding ceremonies shall take place on Sundays.
Reason: To protect the living conditions of the occupants of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraph 180 of the National Planning Policy Framework.
7. The number of guests shall be limited to a maximum of 60 people per ceremony.
Reason: To protect the living conditions of the occupants of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraph 180 of the National Planning Policy Framework.
8. The parking of vehicles and gathering of guests relating to the wedding ceremony use hereby permitted shall only occur in the locations shown on

the approved plan, Drawing No. 2018-045v1-PropBlock dated 25 October 2018.

Reason: To protect the living conditions of the occupants of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraph 180 of the National Planning Policy Framework.

9. The wedding ceremony use hereby permitted shall only be carried out between the hours of 09.00 to 17.00 Monday to Saturday and the number of ceremonies shall be limited to one per day.

Reason: To protect the living conditions of the occupants of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraph 180 of the National Planning Policy Framework.

10. No amplified music shall be played from the site.

Reason: To protect the living conditions of the occupants of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraph 180 of the National Planning Policy Framework.

11. Only one acoustic musician is permitted to play per ceremony.

Reason: To protect the living conditions of the occupants of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraph 180 of the National Planning Policy Framework.

12. During the wedding ceremonies hereby permitted, the doors and windows of the ceremony building which face the neighbouring properties towards the east and southeast shall remain closed at all times.

Reason: To protect the living conditions of the occupants of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraph 180 of the National Planning Policy Framework.

NOTE:

1. Noise can constitute a statutory nuisance and is subject to the provisions of the Environmental Protection Act 1990 and other relevant law.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, for additional information to be submitted 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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RR/2018/3111/P

BEXHILL

4 Beeching Close

Change of use from assumed existing B1 use to Sui Generis Use as an “Ambulance Community Response Post” for the provision of staff welfare facilities whilst providing emergency cover in the area

Applicant: South East Coast Ambulance Service NHS Foundation Trust

Agent: N/A

Case Officer: Mr K. Deeprise
(Email: kevin.deeprise@rother.gov.uk)

Parish: BEXHILL

Ward Member(s): Councillors B. Kentfield and M.J. Kenward

Reason for Committee consideration: Council-owned land

Statutory 8 week date: 6 February 2019

Extension of time agreed to: 19 February 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:

- PC1: Presumption in Favour of Sustainability;
- OSS3: Location of Development;
- OSS4: General Development Considerations;
- BX1: Overall Strategy for Bexhill;
- CO1: Community Facilities and Services;
- CO2: Provision and Improvement of Healthcare Facilities;
- CO6: Community Safety;
- EC3: Existing Employment Sites;
- TR4: Car Parking.

1.2 The Development and Site Allocations Local Plan (DaSA) has now been submitted (as of January 2019) for examination. Varying degrees of weight are now afforded to the policies contained within this emerging development plan document with the following being considered relevant to the proposal:

- DCO1: Retention of Sites of Social or Economic Value;
- DEC3: Existing Employment Sites and Premises.

1.3 The National Planning Policy Framework and Planning Policy Guidance are also relevant considerations.

2.0 SITE

- 2.1 This application relates to one of several small business units in Beeching Close – which is located to the west of Beeching Road. The site is part of the wider Beeching Road Industrial Estate and falls within the Development Boundary for Bexhill as defined in the Rother District Local Plan (2006).
- 2.2 Unit 4 (the site) forms part of a row of units with other separate business premises nearby. Its last known use was for signage production and the application states that the unit is currently vacant. The current lawful use of the premises falls within Class B1 (Business Use) of the Use Classes Schedule.
- 2.3 There are residential properties to the rear of the site and to the west. These properties are situated in Piltdown Close and Downlands Avenue respectively. To the south of the site within Beeching Close is a Council car park and recycling point, and to the east fronting Beeching Road there are further business premises, an ambulance station and a care centre.
-

3.0 HISTORY

- 3.1 RR/88/0279 Use of part existing car park for erection of workshop units
Granted.
-

4.0 PROPOSAL

- 4.1 This application seeks planning permission for the change of use of the existing B1 business unit to a Sui Generis use as an ambulance community response post. It would be used as a resting facility for up to two ambulance crews while providing emergency cover in the area.
- 4.2 Up to six staff at any one time would use the facility which would operate 24 hours a day all year round. It is envisaged however that there would be regular periods of 4-5 hours a day where no one is on site. 2 No. ambulance parking bays are to be provided nearby the unit in an area where parking spaces already exist. Minor external and internal alterations are proposed.
-

5.0 CONSULTATIONS

- 5.1 Planning Notice
- 5.1.1 One letter of support has been received.
-

6.0 APPRAISAL

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

6.2 Proposed use

- 6.2.1 Local Plan policies emphasise the importance of community facilities and services in towns and villages, while at the same time highlighting the need to retain sites of social and economic value. Despite the loss of an existing business use, this is considered to be outweighed by the benefits the proposed use would bring to the local community and its residents, bearing in mind also that the existing unit is currently vacant. Notwithstanding this consideration, any approved permission should be personal to the applicant, in the sense that when the premises ceases to be occupied by the applicant, its use as such would cease and revert back to its former B1 business use.

6.3 Character and appearance

- 6.3.1 Only minor external and internal alterations are proposed which include the replacement of existing windows and a new internal stud wall partition. It is considered that these minor alterations would have a neutral impact on the external visual appearance of the existing premises and the character and appearance of the surrounding area.

6.4 Neighbouring amenities

- 6.4.1 There are residential properties to the rear of the site and to the west. These properties are situated in Piltdown Close and Downlands Avenue respectively.
- 6.4.2 The closest residential sites in Downlands Avenue are situated nearly 40m from the application unit. In addition there is a row of mature trees located between the two. The unit is within close proximity to the rear boundaries of the properties situated in Piltdown Close, approximately 5m at its closest point.
- 6.4.3 The relationship with the properties in Downlands Avenue is such that it is not considered that there would be any adverse impact on their amenities, and despite the close proximity to those properties in Piltdown Close, there is a degree of separation, and the application details anticipated traffic movements and noise implications which are considered to be minimal.
- 6.4.4 There is little anticipated movement through the early hours of the day, nonetheless, vehicle reversing alarms would be switched off and sirens would be used in accordance with the ambulance service driver training programme. The sirens are not normally used during the early hours of the day due to the limited traffic on the roads at such times. In terms of the occupation of the premises, its purpose is solely as a resting facility for staff only between emergency callouts and therefore would not generate significant or unacceptable levels of noise. Therefore, no harm to amenities is envisaged.

6.5 Parking provision

- 6.5.1 2 No. ambulance parking bays are to be provided nearby the unit in an area where parking spaces already exist. In addition, this part of Beeching Close is more than adequate in size for vehicles to manoeuvre.

7.0 SUMMARY

- 7.1 The proposed change of use application is considered acceptable and would benefit the local community and its residents. However, when the unit ceases to be used by the applicant, its use as such should cease and revert back to its former B1 business use. It is not envisaged that the use would adversely impact on the amenities of neighbouring properties and car parking is to be provided within the existing car park which is more than adequate in size for vehicles to manoeuvre.
- 7.2 The application is supported and planning permission should be granted.
-

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved drawings/details:
Design & Access Statement, as originally submitted with the application;
SECAmb Statement regarding Transport Implications, as originally submitted with the application;
Site Location Plan, as originally submitted with the application.
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in the "Planning Practice Guidance – Use of Planning Conditions – Paragraph: 022 Reference ID: 21a-022-20140306."
3. The use hereby permitted shall be carried on only by South East Coast Ambulance Service NHS Foundation Trust. When the premises cease to be occupied by South East Coast Ambulance Service NHS Foundation Trust, the use hereby permitted shall cease and return to its former use with Use Class B1(c) as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended).
Reason: To ensure the appropriate use of the premises and to protect the residential amenities of neighbouring properties in accordance with Policies EC3 and OSS4 (ii) of the Rother Local Plan Core Strategy (2014).

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

policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

[View application/correspondence](#)

SITE PLAN

BEXHILL

RR/2018/3044/P

18 & 20 Collington Park Crescent - Land between.



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Not To Scale

BEXHILL **18 & 20 Collington Park Crescent – land**
between

Erection of two 3 bedroom and one 4 bedroom houses with garages

Applicant: Precise Property Developments
Agent: Mr K. Hinton (KH Town Planning)
Case Officer: Mr M. Worsley
 (Email: matthew.worsley@rother.gov.uk)

Parish: BEXHILL
Ward Members: Councillors B. Kentfield and M.J. Kenward

Statutory 8 week date: 1 February 2019
Extension of time agreed to: 21 February 2019

This application is included in the Committee site inspection list.

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

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

- 1.3 The Development and Site Allocations Local Plan (DaSA) has now been submitted (as of January 2019) for examination. Varying degrees of weight

are now afforded to the policies contained within this emerging development plan document with the following being considered relevant to the proposal:

- DHG3: Residential internal space standards
- DHG4: Accessible and adaptable homes
- DHG7: External residential areas) are applicable

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

2.0 SITE

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

3.0 HISTORY

- 3.1 RR/2018/2145/P Erection of two 3 bedroom and one 4 bedroom houses with garages. Withdrawn.

This application was on the November 2018 Planning Committee agenda but was withdrawn before the meeting. The recommendation was to refuse planning permission for the following reasons:

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

- | | | |
|-----|------------|---|
| 3.2 | RR/77/2105 | Re-siting of plots and dwellings nos. 6-16 inclusive. Approved Conditional. |
| 3.3 | RR/77/0847 | Erection of 22 dwellings with garages. Approved Conditional. |
-

4.0 PROPOSAL

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

5.0 CONSULTATIONS

5.1 Planning Notice

- 5.1.1 17 objections received (summarised):

Use of land

- When the estate was built the land was intended as amenity space and was shown as such on the approved plans.
- Land has been used by locals to walk dogs, play and sit on and as a casual meeting place for all.
- Land was privately owned, but the previous owner allowed free access to it as a recreational area.
- Understood that the Council owns the site.
- In the past the Council has taken responsibility for the upkeep of the land, mowing the grass and appointing tree surgeons to care for the trees.
- Land was fenced off earlier in August 2018 to prevent access.
- There are no other comparable open spaces nearby. Elderly residents will have to cross the busy A259 to reach the nearest open space.

Character and appearance

- Overdevelopment.
- Dwellings proposed would be larger than others nearby.
- Dwellings would be out of keeping with others in the locality.
- Trees have been removed from the site.
- Trees should be reinstated.

Neighbouring properties

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

Highway safety

- Providing driveways will not stop people parking on the road.
- Already an issue with people parking on the road and blocking access to emergency vehicles and bin lorries.
- Construction vehicles would increase access issues.

Other

- Removal of trees has increased drainage issues.
- Existing issue with flooding on the site.
- Tree removal may have put neighbouring properties at risk from subsidence.
- Adverse impact on protected species.
- Homes would not be affordable.
- Council has maintained the land.
- Fence has been erected by the owner to prevent access.
- Precedent could be set allowing other green space to be built on.
- No access should be allowed to Salvington Crescent.
- No dimensions or scale bars provided on the plans.
- Flood barrier could be removed.

5.1.2 One set of supportive comments received (summarised):

- Proposed two storey dwellings out of keeping with the area.
- Trees removed.
- Removed trees should be reinstated.

6.0 APPRAISAL

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

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

6.2 Open space provision

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

August 2018 Rother has maintained the land until it was fenced off by the new owners. At that time it came to light that Rother District Council did not own the land and therefore had no rights to it.

- 6.2.2 Since the estate development was constructed the undeveloped area of land has remained in private ownership, left as open space. The plans approved under the 1977 planning permissions for the estate development clearly show an intention that the land should remain open and undeveloped. The difficulty is that there are no public rights of way across the land and with the site being privately owned, the owners appear to be within their rights to fence off the site and prevent access to the general public.
- 6.2.3 Nevertheless, a lack of public access is not fatal to its retention as an undeveloped parcel of amenity green space. There are a number of local and national policies and guidance which seek the retention of such land.
- 6.2.4 Paragraph 14.23 of the Rother Local Plan Core Strategy explains that, *“Leisure and sports facilities, along with outdoor spaces, can provide a number of functions within the urban fabric of towns and villages. As well as providing both formal and informal recreation opportunities, and thereby promote the enjoyment of more healthy lifestyles, they can contribute to a network of accessible green space, **help make places more attractive to live, work and visit, and are integral to the physical and mental well-being of any community.**”* (Emphasis added to highlight the function of open spaces beyond the spaces simply being actively used.)
- 6.2.5 Paragraph 14.24 of the Rother Local Plan Core Strategy explains that open spaces also perform an important function in terms of the structure of urban and rural areas. Open spaces in more urban areas play an important role in mitigating the impacts of climate change as their cooling and shading effects are likely to become increasingly important with hotter summer temperatures.
- 6.2.6 Policy CO3 of the Rother Local Plan Core Strategy states that the provision of sufficient, well-managed and accessible open spaces, sports and recreation facilities, including indoor sports facilities, will be achieved by (*inter alia*):
- (i) safeguarding existing facilities from development, and only permitting their loss where it results in improved provision (in terms of quantity and quality) as part of a redevelopment or elsewhere within the locality.
 - (iii) application of the quantity, access and quality standards of Rother’s Open Space, Sport and Recreation Study across all open spaces, including indoor sports facilities within the district.
- 6.2.7 The land is identified within the Rother District Council Open Space, Sport & Recreation Study (dated November 2007) as an amenity green space. In Section 9 of this study the recommended district wide local quantity standard is 1.73ha of amenity green space per 1,000 population. The recommended local quality standard states that smaller sites should, as a minimum, provide an important visual amenity function. In respect of the recommended local accessibility standard, amenity green space should be within a 10 minute walk (800m). The study analysed sites within Bexhill and identified 57 sites in total, including the application site. This amounted to a combined 34.03

hectares of amenity green space in Bexhill equating to 0.84 hectares per 1,000, significantly below the recommended district wide standard.

- 6.2.8 Paragraph 97 of the Framework states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 6.2.9 Paragraph: 001 Reference ID: 37-001-20140306 (Revision date: 06 03 2014) of the Planning Practice Guidance states that, *“Open space should be taken into account in planning for new development and considering proposals that may affect existing open space. **Open space, which includes all open space of public value, can take many forms,** from formal sports pitches to **open areas within a development,** linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure, as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development.”* (emphases added).
- 6.2.10 Within the Planning Statement accompanying the application it is stated that the Development Plan is out of date; that the site does not form a leisure, recreation or public open space and has no allocation or designation in the current Development Plan. It also states that the site does not have any specific area or asset protection under national planning policies. Reference is made to the Council not including the site for designation under the Field in Trust Initiative.
- 6.2.11 The Development Plan is not out of date as stated within the accompanying Planning Statement. However, given the Council’s lack of a five year housing land supply (3.9 years as at 1 October 2018), policies relating to the supply of housing are out of date and therefore carry reduced weight. Other policies, such as those relating to the retention of open space, are up to date and can be given full weight.
- 6.2.12 It is acknowledged that the site is in private ownership with no public access. However, local and national planning policies still seek to retain amenity green space. In respect of the Field in Trust Initiative, for sites to be considered under this scheme they were required to be greater than 0.2 hectares in size. The application site is below the threshold, hence it was not included.
- 6.2.13 In respect of the Council’s Open Space, Sport & Recreation Study 2007, the Planning Statement explains that the Council has not updated the study and no monitoring of its findings and recommendations has been carried out. The way in which the application site was identified to form part of the study is also criticised.

- 6.2.14 No formal monitoring of the Open Space, Sport & Recreation Study 2007 has been carried out by the Council. However, the need for and retention of amenity green spaces is considered, when necessary, as part of planning applications.
- 6.2.15 Within the Planning Statement it is explained that a review of planning applications for residential development that have been reported to the Planning Committee over the past 12 months demonstrates that the Council has not sought on site provisions or off site contributions in all cases. The Planning Statement does not detail which developments have not required open space to be included and it should also be noted that it is not a policy requirement to provide open spaces in all cases.
- 6.2.16 It is argued within the Planning Statement that as the public cannot access the land it is of little value to the local community. It is also explained that there is other accessible open space in walking distance of the application site. However, a number of local residents have raised concerns relating to its loss. In light of the broad definition of open space given in the Planning Practice Guidance, it is considered that the proposal conflicts with paragraph 97 a) of the Framework. In favour of retaining the open space, a number of local residents have expressed great concern over the proposed loss of the land and have explained that access to other amenity green space is some distance from their properties. This is likely to be exacerbated by the elderly nature of some of the residents meaning that walking to other open space may not be feasible. Although it is accepted that there is other open space provision in accessible catchment of the site, its loss to housing would increase the deficit of provision further within Bexhill where there is already a shortfall.
- 6.2.17 In summary, allowing the loss of the land to development would conflict with policy CO3 (i) which seeks to retain existing open spaces, together with criterion (iii) of the policy which applies the quantity, access and quality standards of the Open Space, Sport and Recreation Study. In this regard, the loss of the site would result in a reduction in the district wide 1.73 hectares of amenity green space per 1,000 population quantity standard. In addition, the proposal would conflict with the local quality standard for small sites as the development would result in the loss of an important visual amenity function.

6.3 Character and appearance

- 6.3.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy requires all development to respect and not detract from the character and appearance of the locality.
- 6.3.2 Policy BX1 states that the overall strategy to deliver the objectives for Bexhill is to (i) conserve and enhance the town's distinctive and independent character and residential function, supported by local services and jobs as much as possible.
- 6.3.3 Policy EN3 of the Rother Local Plan Core Strategy requires new development to be of high design quality by (i) contributing positively to the character of the site and surroundings, including taking opportunities to improve areas of poor visual character or with poor townscape qualities; and (ii) demonstrating robust design solutions tested against identified key design

principles, tailored to a thorough and empathetic understanding of the particular site and context.

- 6.3.4 Collington Park Crescent is characterised by a mixture of 1970s style bungalows, two storey dwellings and chalets. There is a strong building line on both sides of the road, with properties generally set back from the highway by around 7m. Plots are between 9-10m in width, with properties positioned fairly close to each other. The application site is found around half way along the road.
- 6.3.5 The proposed plot sizes would be comparable to existing ones, measuring around 10m in width across the frontage. Comments have been received stating that two storey dwellings would be out of character with the streetscene. However, whilst bungalows are present either side of the site and opposite, four doors either side of the site there are two storey dwellings present. Providing three two storey dwellings on the site would follow the already established pattern of built development along the street. The dwellings would follow the building line of other properties in the streetscene and would not appear unduly cramped. The properties would extend beyond the rear elevations of bungalows either side by around 2m, but this would not result in the proposal as appearing as an overdevelopment. The design of the dwellings is not particularly inspiring but would be in keeping with other two storey dwellings along the road. If the principle of losing the undeveloped plot of land is accepted, the proposal would not harm the character and appearance of the area.
- 6.3.6 Whilst the provision of additional dwellings within the town of Bexhill can be supported in principle, there are significant concerns over the loss of this undeveloped parcel of amenity green space. The land was purposely included as part of the housing estate design when it was developed in the late 1970s and contributes positively to the character and appearance of the locality, by providing a welcome visual break in an otherwise suburban and fairly homogeneous streetscene. It is essential that open undeveloped spaces that were purposely included as part of estate developments within the confines of settlements are not lost to development. The open undeveloped parcel of amenity green space is an important part of the local urban landscape and setting of the estate and its loss would be detrimental to the character and appearance of the locality.

6.4 Living conditions

- 6.4.1 Policy OSS4 of the Rother Local Plan Core Strategy requires all development to:
- (i) meet the needs of future occupiers, including providing appropriate amenities and the provision of appropriate means of access for disabled users; and
 - (ii) not unreasonably harm the amenities of adjoining properties.
- 6.4.2 The proposed dwellings would provide good sized family properties with rear gardens measuring at least 13m in length, in excess of the minimum requirement in the newly published DaSA Policy DHG7.
- 6.4.3 In respect of the bungalows either side of the site, it is acknowledged that the proposed two storey dwellings would be in relatively close proximity.

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

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

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

6.5 Flood risk and drainage

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

6.5.2 The site is not located within a high risk flood zone. However, surface water flood risk is still an important consideration. A stream runs across the southern boundary of the site. The southern part of the site is at risk of surface water flooding from a 1 in 100 year event.

6.5.3 The application form indicates that surface water drainage would be disposed of via soakaways. The applicant's planning consultant has previously explained that all drainage would meet current requirements and would be on the basis of sustainable principles. It is suggested that a condition could be imposed relating to drainage.

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

6.6 Highway safety

6.6.1 Policy CO6 of the Rother Local Plan Core Strategy facilitates a safe physical environment by (ii) ensuring that all development avoids prejudicing road and/or pedestrian safety.

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

- 6.6.3 Policy DHG7 (ii) of the DaSA provides that provision for car parking and safe and secure cycle storage should be made in accordance with Rother Local Plan Core Strategy Policy TR4 and East Sussex County Council's 'Guidance for Parking at New Residential Development'. Its siting and design should be considered at the outset and be appropriate to the location, layout and design approach of the development, respecting and being informed by the character of the locality.
- 6.6.4 The road is a quiet residential street which is lightly trafficked. Each of the three dwellings proposes off road parking for at least four vehicles. This is more than adequate provision. No highway safety issues are envisaged.
- 6.7 Biodiversity and green space
- 6.7.1 It is understood that five mature trees were removed from the site in August 2018. The trees were not protected by a Tree Preservation Order. However, there is a condition attached to planning permission reference RR/77/0847 which states:
- 'No trees on the site unless dead or dangerous shall be felled without the prior consent of the District Planning Authority.'*
- 6.7.2 The Local Planning Authority did not consent to the felling of the trees. Nevertheless, in circumstances such as these when no information is provided about the condition of the trees, it would be difficult to enforce their reinstatement.
- 6.7.3 Some mature trees are present close to the southern boundary of the site but appear to be on neighbouring land. The dwellings would be at least 13m from these trees. Whilst no tree survey accompanies the application, the separation should be adequate for the development not to unacceptably impact upon the condition of the trees. In the event that planning permission was granted a condition could be imposed to require tree protection measures to be provided during development, which would also need to include a construction management plan.
- 6.7.4 Turning to other wildlife and protected species, local residents have advised that the site is used by badgers and birds. No evidence has been provided to show that there is a badger set present on the site. However, it is accepted that the site may be used by foraging badgers and birds, together with other wildlife. In the event that planning permission is granted, the applicant would need to be reminded of their responsibilities to protect badgers, birds and other wildlife. Advisory notes are likely to be sufficient in the circumstances.

7.0 SUMMARY

- 7.1 The Council does not currently have a five year supply of housing land in place. The proposal, therefore, falls to be considered against paragraph 11 of the National Planning Policy Framework which sets out the presumption in favour of sustainable development and indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 7.2 The provision of three extra dwellings would represent a relatively small but useful contribution to the Council's housing land supply which would bring benefits to the social and economic roles of sustainable development, as set out in paragraph 8 of the National Planning Policy Framework. This factor weighs in favour of the scheme.
- 7.3 It has also been concluded that the living conditions of the occupants of neighbouring properties, the remaining trees and biodiversity should not be adversely affected by the proposal. Matters such as highway safety, flood risk and drainage could be managed via conditions. These matters would have a neutral impact.
- 7.4 However, whilst the undeveloped plot of amenity green space has no public rights of way passing over land, the intention at the time of granting planning permission in 1977 was to leave this parcel of land open and undeveloped. The land is also identified within the Rother District Council Open Space, Sport & Recreation Study (dated November 2007) as an amenity green space. Constructing three dwellings on the land would result in the unjustified loss of an amenity green space which is an important part of the local urban landscape and setting of the estate and its loss would adversely impact on the character and appearance of the locality.
- 7.5 Given the finite nature of such amenity green space within towns, and the pressure that exists to develop, a considerable amount of weight should be placed on the harm that the loss of such land would have on the character and appearance of the locality.
- 7.6 The harm that the loss of this undeveloped amenity green space would have together with the adverse impact on the character and appearance of the locality is considered to significantly and demonstrably outweigh the moderate social and economic benefits that providing three dwellings would bring. For the reasons explained the proposed development would conflict with Development Plan policies together with the various provisions contained within the National Planning Policy Framework and Planning Practice Guidance and therefore the application cannot be supported.
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8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The proposed development would result in the unjustified loss of an area of amenity green space, which was identified as such in the Rother District Council Open Space, Sport & Recreation Study (dated November 2007). The open space was purposely included within the original housing estate design and is of public value. The open space has not been demonstrated to be surplus to local requirements and would result in the reduction of the district wide supply of amenity green spaces, which is significantly below the recommended district wide standard. In addition, the proposal would conflict

with the local quality standard for amenity green space for small sites as the development would result in the loss of an important visual amenity function. As such the proposed development conflicts with Policy CO3 (i) (iii) of the Rother Local Plan Core Strategy, paragraph 97 of the National Planning Policy Framework and Paragraph: 001 Reference ID: 37-001-20140306 (Revision date: 06 03 2014) of the Planning Policy Guidance.

2. The land was purposely included as part of the original housing estate design when it was developed in the late 1970s and contributes positively to the character and appearance of the locality, by providing a welcome visual break in an otherwise suburban and fairly homogeneous streetscene. It is essential that open undeveloped spaces that were purposely included as part of estate developments within the confines of town are not lost to development. The amenity green space is important to the local urban landscape and setting of the estate and its loss would harm the character and appearance of the locality, contrary to Policies OSS4 (iii), BX1 (i) and EN3 (i) of the Rother Local Plan Core Strategy.

NOTE:

1. This decision notice relates to the following set of plans:
Drawing No. 8315/1 dated July 2018
Drawing No. 8315/2 dated July 2018
Drawing No. 8315/3 dated July 2018
Drawing No. 8315/4 dated July 2018

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

[View application/correspondence](#)

SITE PLAN	BEXHILL
RR/2018/3075/P	3 Little Twitten.



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Not To Scale

- DHG3: Residential Internal Space
- DHG7: External Residential Areas
- DHG11: Boundary Treatments
- DHG12: Accesses and Drives
- DM2: Development Boundaries

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

2.0 SITE

2.1 The site is located on the north side of Little Twitten within the development boundary for Bexhill. The site is a parcel of garden land to the east of 3 Little Twitten. 3 Little Twitten is a two storey semi-detached property set within a large plot.

2.2 The site lies within a residential area that includes a mixture of detached and semi-detached houses. It is adjoined by three neighbouring properties – Dolphins (a detached house) to the north, No. 5 Little Twitten (a semi-detached house) to the east, and the existing semi-detached house (No. 3 Little Twitten) to the west.

3.0 HISTORY

3.1 In the 1990s two separate schemes (application refs: RR/98/1829/P and RR/1999/503/P) for the erection of a detached 3-bedroom dwelling in the side garden of the property were refused planning permission. The schemes were refused on both occasions because of inadequate parking provision and because the development would have been cramped and out of keeping with the character and appearance of the locality. Then in 2016, a similar scheme was refused as it was considered that the proposal was incapable of accommodating the two required on-site parking spaces and because necessary windows at first or second floor levels within the rear elevation would result in harmful overlooking of the private rear garden of the neighbouring property (Dolphins). Furthermore, the relationship between the proposed dwelling and 3 Little Twitten was considered harmful.

3.2 Land Adjoining 3 Little Twitten

3.3 RR/98/1829/P Proposed detached three bedroom dwelling on existing garden area. Refused.

3.4 RR/1999/503/P Proposed erection of a detached three bedroomed house on land/garden adjoining existing house. Refused.

3.5 RR/2016/3192/P Outline: Erection of a detached three bedroom house on land adjoining 3 Little Twitten. Refused.
(APP/U1430/W/17/3180786) Appeal Dismissed.

- 3.6 3 Little Twitten
- 3.7 RR/98/725/P Proposed two storey extension to form lounge with two bedrooms and bathroom at first floor level. Approved Conditional
-

4.0 PROPOSAL

- 4.1 This application seeks planning permission following the refusal of a similar scheme (RR/2016/3192/P) which was subsequently appealed and dismissed. The proposal comprises a detached two storey, three bedroom dwellinghouse. The dwelling proposes a hipped roof with a front gable feature and a small canopy porch. Parking is proposed in an integral open fronted/side car port, with a room above and supported by pillars. This parking arrangement proposes parking for two vehicles in tandem. The rear elevation comprises three first floor windows and at ground level, one window and one set of patio doors. The eastern side elevation comprises no windows and the western elevation comprises one first floor window. This proposal also seeks to introduce two tandem off-road car parking spaces for 3 Little Twitten in the space between the existing and the proposed dwelling.
- 4.2 The main differences from the refused scheme to this proposal are that there would be no projection beyond the rear building line of No.3, as parking is now proposed in tandem in an integral car port, there would be no accommodation within the roof space to avoid the potential for overlooking from a second floor and the overall bulk of the dwelling has been reduced.
-

5.0 CONSULTATIONS

- 5.1 Planning Notice
- 5.2 Nine letters of objection from the residents of 8 local properties raising the following concerns (summarised):
- proposal is out of character;
 - overdevelopment of the site;
 - construction of property will cause nuisance and safety hazard and damage to the private road, paths, verges and private property during the construction period;
 - this small road of Little Twitten is already under massive threat from nearby proposed development;
 - the car port to the new dwelling is out of character with other development;
 - loss of light;
 - overlooking and loss of privacy;
 - overshadowing;
 - the proposal does not respect the current building line of the properties;
 - access and parking issues; tandem parking for existing dwelling is unacceptable as it would cause a nuisance;
 - drainage issues;
 - who will pay for any damage to the road;
 - detrimental to highway safety;

- concerns for future development of this site including the bricking up of the car port; and
- the road is too narrow for further development.

6.0 APPRAISAL

6.1 The main issues for consideration are:

- Principle of development.
- The subdivision of the plot.
- Living conditions.
- The effect of the proposal on the visual amenities of the street scene and the locality.
- Car parking.

6.2 Principle of development

The site is set within the development boundary for Bexhill and therefore falls within a sustainable area where there is a presumption in favour of infill development, subject to complying with all other Local Plan Policies. This includes criteria ensuring that the character and appearance of the locality is respected, that it provides appropriate amenity for existing and future occupiers and it does not unreasonably harm neighbouring amenities.

6.3 The subdivision of the plot

Policy OSS4 (i) of the Rother Local Plan Core Strategy (2014) states development should meet the needs of future occupiers, including providing appropriate amenities. The proposed subdivision of the existing garden would result in plot sizes for the new and existing property, which are comparable to others in the surrounding area, including at No. 1 Little Twitten.

6.3.1 Emerging Policy DHG7 requires new housing development to (i) achieve adequate private external space (normally 10m in length), (ii) provide appropriate parking and cycle storage and (iii) provide adequate waste and recycling storage.

6.3.2 The proposed dwelling would provide a decent sized family property with a rear garden measuring at least 12m in length, in excess of the minimum requirement in the recently submitted DaSA Policy DHG7.

6.3.3 Whether the site is suitable for a new dwelling is primarily dependent on the relationship between the house and the neighbouring properties, particularly in respect of outlook and privacy.

6.4 Living conditions

6.4.1 Policy OSS4 (i) of the Rother Local Plan Core Strategy (2014) states development should not unreasonably harm the amenities of adjoining properties and meet the needs of future occupiers, including providing appropriate amenities and the provision of appropriate means of access for disabled users.

- 6.4.2 Emerging Policy DHG3 requires new housing development to achieve, at least, the Government's nationally-described space standards. The proposal provides 77sqm of gross internal floor space. This falls somewhat below the minimum standards for a three bedroom (up to) five persons dwelling, which is 93sqm or for a three bedroom (up to) four persons dwelling, which is 84sqm. While the bedrooms individually meet the minimum size requirements, the shortfall appears to be generated from the communal areas such as the kitchen and living/dining room, as space has been given over to accommodate the integral car-port. Given the history of this site, this issue has not been raised with the applicant during previous proposals or pre-application discussions and notwithstanding this requirement; it is considered that the proposal does provide a satisfactory standard of living accommodation comprising three acceptable size bedrooms, three W/Cs, a good sized outdoor amenity area and an open-plan living arrangement of the ground floor. Furthermore, at present, developers are only encouraged to seek to meet these standards as the DaSA is not yet adopted, therefore significant weight cannot be afforded to this policy.
- 6.4.3 No.5 Little Twitten
No.5 Little Twitten is located to the east of the proposal and is set on higher ground, as the gradient of the road increases eastwards up Little Twitten.
- 6.4.4 The proposed dwelling is set in from the adjoining boundary shared with No. 5 by 0.5m and the development proposed on this elevation comprises the open car port. No windows are proposed on this elevation. At present, a detached garage building (to be removed) is sited adjacent to this boundary which maintains a close relationship with the detached garage building of No. 5. While it is noted that the proposed dwelling would be in close proximity to the neighbouring boundary, this relationship is close only in so far as the relationship it has with the detached garage of No. 5. The proposed dwelling is located approximately 6m from the side wall of the proposed dwelling. Consequently, the amenity of this property is not expected to be harmed by this proposal, a view further supported by the fact that no windows are proposed on the eastern elevation and the neighbouring property is set on higher ground.
- 6.4.5 As stated in the officer's report for RR/2016/3192/P, the critical relationships are with No. 3 Little Twitten and the property to the rear (Dolphins).
- 6.4.6 No. 3 Little Twitten
No. 3 Little Twitten is located to the west of the proposed dwelling. This proposal provides additional off-road parking for this dwelling as the proposal includes the loss of the existing garage. One of the key issues identified with application RR/2016/3192/P was the relationship between the proposed dwelling and 3 Little Twitten. The previous application proposed a projection of the dwelling beyond the rear building line of No. 3, thus creating a flank wall which would have an overbearing and intrusive impact on the rear garden of 3 Little Twitten, a view supported by the Planning Inspectorate at appeal.
- 6.4.7 The proposed dwelling now only extends partly beyond the rear build line of No. 3 and this is namely due to the orientation of the existing semi-detached property. It is now considered that this amended scheme has overcome this concern and the proposed dwelling would not be appreciably prominent in

the outlook from the rear garden or rear living environment within this existing dwelling.

- 6.4.8 In considering other matters, there is only one window proposed on the western elevation which appears to be a stairwell window. Should an approval be granted, it is recommended that a condition is imposed which would ensure this window is obscurely glazed to avoid actual and perceived overlooking of 3 Little Twitten.

6.4.9 Dolphins

Dolphins is a detached house to the north. Concerns have been raised during previous applications in relation to the first and second floor windows of a dwelling on the application site overlooking Dolphins. It was stated by the Planning Inspectorate in the appeal decision for RR/2016/3192/P:

- 6.4.10 *'I have taken into consideration the distance between the proposed dwelling and the rear garden of Dolphins. I observed that there is some vegetation along the boundary within Dolphins and outbuildings adjacent the boundary within the appeal site. However, these are not so substantial as to prevent views into the rear garden of Dolphins from the upper floor windows. I therefore consider that the proposed dwelling would compromise the privacy of the occupiers of that adjoining property.'*

- 6.4.11 It was subsequently advised to the applicant during pre-application proceedings that the eaves of the proposed dwelling should be similar to the eaves height of No. 3, in order to mitigate the concerns of overlooking Dolphins. The eaves height of the proposed dwelling is approximately 0.5m higher than 3 Little Twitten. As such, with the removal of the second floor rooms and windows from the roof of the proposed dwelling, the overall height of the dwelling reduced by 0.5m, the reduction in the depth of the property, with an eaves height not significantly higher than 3 Little Twitten, cumulatively, it is considered that the applicant has overcome these previous concerns. Consequently, a condition is recommended which would restrict alterations to the roof of the proposed dwelling without planning permission from the local authority, because the removal of Class B and Class C permitted development rights is considered expedient in order to protect the amenity of Dolphins.

- 6.4.12 Whilst the proposed dwelling would be clearly visible to the neighbouring properties, it should not appear overbearing or cause any unacceptable levels of loss of light. In terms of direct overlooking, there are first floor rear elevation windows proposed. However, they would be set in from the side boundaries and would only provide oblique views towards the rear gardens of the neighbouring properties, notwithstanding the relationship with the property Dolphins. This sort of relationship is usually considered acceptable in a town and should not adversely impact on the living conditions of the occupants of the neighbouring properties. Properties on the opposite side of the road would see the proposed dwelling, but there would be sufficient separation for them not to adversely impact on the living conditions of the occupants of the neighbouring properties. Notwithstanding this, it is considered that no other windows shall be inserted into the side elevations without prior consent from the Local Planning Authority. A condition is therefore recommended to ensure this.

- 6.5 The effect of the proposal on the visual amenities of the street scene and the locality
- 6.5.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy requires all development to respect and not detract from the character and appearance of the locality.
- 6.5.2 Policy BX1 states that the overall strategy to deliver the objectives for Bexhill is to (i) conserve and enhance the town's distinctive and independent character and residential function, supported by local services and jobs as much as possible.
- 6.5.3 Policy EN3 of the Rother Local Plan Core Strategy requires new development to be of high design quality by (i) contributing positively to the character of the site and surroundings, including taking opportunities to improve areas of poor visual character or with poor townscape qualities; and (ii) demonstrating robust design solutions tested against identified key design principles, tailored to a thorough and empathetic understanding of the particular site and context.
- 6.5.4 The site lies within a mixed residential area that includes mainly two storey semi-detached houses on plots of varying sizes and ages.
- 6.5.5 The proposal is of a conventional design which would relate well to the existing pattern of development in the surrounding area. The integral car parking feature is not entirely different to examples of integral garages found within Little Twitten. The ridge and eaves height of the proposed dwelling sits at a height in-between No. 3 and No. 5 as the roof lines along this ribbon of development follow the gradient of the road. The materials proposed include plain roof tiles and white rendered walls, similar to other properties in the area. The proposal would have an acceptable impact on the character and appearance of the area.
- 6.6 Car Parking
- Policy TR4 (i) of the Rother Local Plan Core Strategy requires the residual needs of the development for off-street parking to be met, having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car and to any safety, congestion or amenity impacts of a reliance on parking off-site, whether on-street or off-street.
- 6.6.1 The scheme would provide two off-street car parking spaces for the proposed dwelling and two for 3 Little Twitten, which would meet the residual needs of the development for off-street car parking. The *East Sussex County Council's Minor Planning Application Guidance 2017* states that the minimum dimensions for each parking space should be 5m x 2.5m, with a minimum additional 0.5m added to either or both dimensions if adjacent to a wall or a fence. The parking spaces provided, while tandem, do meet these requirements and while neighbours raise concerns in relation to this tandem arrangement, in planning terms the layout is generally accepted so long as the minimum widths and lengths have been met.

6.7 Other Matters

6.7.1 Construction Matters

Local residents are concerned about problems arising from the construction period (e.g. noise, dust, construction vehicles, hours of working, damage to the road surface of Little Twitten). However, this is a relatively small-scale development where a construction management plan is not considered to be necessary and such matters are not normally material planning considerations.

6.8 Flood Risk and Drainage

Policy SRM2 of the Rother Local Plan Core Strategy seeks to secure effective management of water resources. The site is not located within a high risk flood zone. However, surface water flood risk is still an important consideration. The application form indicates that surface water drainage would be disposed of via soakaways, although no details have been submitted in relation to this. Therefore, in the event that planning permission was granted it would be essential to impose a condition relating to surface water drainage to ensure that the use of soakaways are suitable for the site.

7.0 **SUMMARY**

7.1 The site is set within the development boundary for Bexhill and therefore falls within the sustainable area where there is a presumption in favour of infill development, subject to complying with all other Local Plan Policies. Such criteria seeks to ensure that the character and appearance of the locality is respected, that it provides appropriate amenity for existing and future occupiers and it does not unreasonably harm neighbouring amenities.

7.2 In this instance, the proposal would make effective use of the large plot, would make a small contribution to the supply of housing in the district and would have an acceptable impact on the living conditions of the adjoining neighbours. Subject to appropriate conditions, planning permission should be granted.

8.0 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

8.1 The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

RECOMMENDATION: GRANT FULL PLANNING

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved drawings and document:
Site Plan, Dated 19/11/18 (No drawing number)
Drawing No.94458/102/B dated October 2018
Drawing No.94458/101/C dated September 2018
Block Plan, Drawing No.94458/LP dated September 2018
Location Plan, Drawing No.94458/LP dated September 2018
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority and none of the dwellings shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.
Reason: These details are required prior to commencement of works to ensure satisfactory surface water drainage of the site, in accordance with Policy EN7 of the Rother Local Plan Core Strategy.
4. 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 in accordance with the approved details before the dwellings are occupied and shall thereafter be retained.
Reason: To ensure a high quality public realm taking account of the characteristics of the area and to safeguard the amenities of neighbouring properties, in accordance with Policies OSS4 (ii & iii) and EN3 of the Rother Local Plan Core Strategy.
5. No development above ground level shall commence until details for the landscaping of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - a) a planting plan with schedule of plants/trees, noting species, plant sizes and positions; and
 - b) an implementation programme.Reason: To ensure a high quality public realm taking account of the characteristics of the area, in accordance with policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.
6. At the time of construction and prior to the first occupation or use of the dwelling hereby approved, the first floor window on the western elevation, as indicated on the approved drawing no. 94458/101/C, date stamped September 2018, 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 area in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

7. No dwelling shall be occupied until the parking areas have been provided for both the proposed dwelling and 3 Little Twitten in accordance with the approved site plan dated 19/11/18 and the parking areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.

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

8. All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority and if within a period of five years from the date of the planting any tree or plant is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a high quality public realm taking account of the characteristics of the area, in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

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

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order) with or without modification), no windows or other openings (other than those expressly authorised by this permission) shall be inserted into the side elevations of the dwelling.

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

NOTES:

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

2. The development will be subject to the requirements of the Building Regulations and advice should be sought from the East Sussex Building Control Partnership. No work should be carried out until any necessary permission has been obtained.
3. The landowner and/or developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Bank Holidays.

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

[View application/correspondence](#)

SITE PLAN

BEXHILL

RR/2018/2972/P

7 Playden Rise



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Not To Scale

RR/2018/2972/P

BEXHILL 7 Pleyden Rise – Bexhill

Alterations and extensions to existing building to form a pair of semi-detached dwellings

Applicant:

Mr and Mrs C. Whyborne

Agent:

Mr C. Polito

Case Officer:

Miss C. York

(Email: chelsea.york@rother.gov.uk)

Parish:

BEXHILL

Ward Member(s):

Councillor K. Harmer

Reason for Committee consideration: Agent related to member of staff

Statutory 8 week date: 22 January 2019

Extension of time agreed to: 21 February 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:

- HG8: Extensions and alterations to existing dwellings

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

- OSS4: General Development Considerations
- BX1: Overall Strategy for Bexhill
- BX3: Development Strategy
- RA3: Development in the Countryside
- CO6: Community Safety
- EN3: Design Quality
- TR3: Access and New Development
- TR4: Car Parking

1.3 The Development and Site Allocations Local Plan (DaSA) has now been submitted (as of January 2019) for examination. Varying degrees of weight are now afforded to the policies contained within this emerging development plan document with the following being considered relevant to the proposal:

- DHG3: Residential internal space standards
- DHG7: External residential areas
- DHG9: Extensions, Alterations and Outbuildings
- DHG11: Boundary treatments
- DHG12: Accesses and Drives

- DRM1: Water efficiency
- DEN5: Sustainable drainage

- 1.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations, with particular reference to section 12, achieving well-designed places.

2.0 SITE

- 2.1 This application relates to No. 7 Pleyden Rise, which is a detached two storey dwelling located on a housing estate on the outskirts of Bexhill. The site is located outside the development boundary.
- 2.2 There are adjoining properties to the north – Nos. 16 and 17 Ticehurst Avenue and to the south – No. 6 Pleyden Rise.
- 2.3 The properties in Ticehurst Avenue – Nos. 16 and 17 – are set at a lower level than the host property.

3.0 HISTORY

- 3.1 RR/2018/16/P Construction of attached three bedroom dwelling. Refused.

4.0 PROPOSAL

- 4.1 This application follows on from a previously refused application - planning reference RR/2018/16/P refers.
- 4.2 This application seeks permission to extend the existing dwelling and sub-divide it to form a pair of semi-detached dwellings. One of the dwellings would have three bedrooms and the other would have four bedrooms.
- 4.3 The new dwelling would be similar in terms of design to the existing dwelling. A rear element is proposed to both dwellings which would incorporate a crown flat roof design. This rear element would have a depth of approximately 4.7m.
- 4.4 Rooms are proposed within the roof spaces and rooflights would be installed within the rear and side elevations.
- 4.5 Each property would benefit from two off-road parking spaces. The driveway serving the new dwelling would be surfaced with grey permeable block paving.
- 4.6 This application has been the subject of pre-application discussions.
-

5.0 CONSULTATIONS

5.1 Three letters of objection received from two properties, summarised as follows:

- Would create an undesirable precedent.
 - All of the properties in Pleyden Rise are detached properties.
 - Overdevelopment of the site.
 - There is still a narrow strip of land to the side and narrower to the front, therefore the development would be cramped and out of character with the more spacious surrounding plots.
 - There are semi-detached houses on the estate but they are consistent with spacious layouts to the sides of each property as they were built this way.
 - We are more than 20m away but at a significantly lower ground level which would impact our properties and gardens.
 - Increasingly supply of one unit is pointless.
 - Local services not easily accessible and access to local amenities is limited.
 - No houses on the estate have loft conversions and would not be in keeping.
 - Same imposing nature as previous application.
 - There are no notices displayed.
 - Would encourage developers to move in and build on other plots.
 - It would become a building site and not a peaceful place to live.
-

6.0 APPRAISAL

6.1 This application follows on from a previously refused application for a new dwelling attached to the host property (RR/2018/16/P refers). This application was refused for the following reasons:

1. *The proposed development, by reason of the narrow width of the plot and the size of the dwelling proposed, would appear cramped, contrived and out of character with the more spacious surrounding plots. As such the development would be harmful to the character and appearance of the locality contrary to Policies OSS4 (iii) (v), BX1 (i) and EN3 (i) (ii) of the Rother Local Plan Core Strategy and paragraphs 56 and 64 of the National Planning Policy Framework and would, if permitted, create an undesirable precedent.*
2. *The proposed dwelling, by reason of its height, depth and close proximity to the boundaries of the plot, would adversely impact on the living conditions of the occupants of No. 7 Pleyden Rise and Nos. 16 and 17 Ticehurst Avenue, appearing overbearing and visually intrusive, and causing a loss of outlook and overlooking to the gardens of Nos. 16 and 17 Ticehurst Avenue. As such the proposal would be contrary to Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraph 17 of the National Planning Policy Framework.*

6.2 The current revised proposal seeks to address the previous reasons for refusal and now proposes to extend the existing dwelling and then sub-divide it to form a pair of semi-detached dwellings.

6.3 Issues for consideration

6.3.1 The main issues to consider are:

- the location of the development;
- the character and appearance of the locality;
- the living conditions of the occupants of neighbouring properties; and
- highway safety and parking.

6.4 Location

The location of the development was considered to be acceptable in principle under the previously refused application RR/2018/16/P.

6.4.1 It is noted that although the site is around 0.5km from the development boundary of Bexhill, it is located within a housing estate and therefore the development would not result in an isolated property in the countryside.

6.4.2 There are bus stops and cycle lanes nearby on the A259 (Barnhorn Road). However, it is likely that many journeys would be made by car. Notwithstanding this, given the proximity to Little Common and Bexhill-on-Sea, the length of trips for employment, shopping, leisure, education and other day to-day activities would be short.

6.4.3 The proposal would lead to some adverse impacts, as its location would not enable the fullest possible use of public transport, walking and cycling. However, decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. It is not considered that a single dwelling would lead to “significant” movement and therefore the adverse consequences of the development would not be of a high order.

6.5 The character and appearance of the locality

6.5.1 Policy OSS4 of the Rother Local Plan Core Strategy requires all development to (iii) respect and not detract from the character and appearance of the locality and (v) in respect of residential development, is of a density appropriate to its context, having due regard to the key design principles.

6.5.2 Policy DHG9 of the DaSA states that extensions will be permitted where they respect and respond positively to the scale, form, proportions, materials, details and the overall design, character and appearance of the dwelling.

6.5.3 Policy BX1 of the Rother Local Plan Core Strategy states that the overall strategy to deliver the objectives for Bexhill is to (i) conserve and enhance the town’s distinct and independent character and residential function, supported by local services and job as much as possible.

6.5.4 Policy EN3 of the Rother Local Plan Core Strategy requires all development to be of a high quality design.

6.5.5 Paragraph 124 of the National Planning Policy Framework states:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key

aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

6.5.6 Paragraph 130 of the National Planning Policy Framework states:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...”

6.5.7 The properties within Pleyden Rise and the surrounding roads are set out on relatively spacious plots and there is a mix of both detached and semi-detached properties.

6.5.8 The revised scheme, which includes an extension and sub-division of the existing dwelling to create two semi-detached dwellings, has resulted in two plot sizes which are considered to be acceptable. It is not considered that the dwellings would appear cramped or out of character with the spacious plots that are occupied by the dwellings in the immediate locality. In addition, it is noted that there is a mix of detached and semi-detached properties on the estate.

6.5.9 Within the street scene, the proposed new dwelling would be in keeping with the design and style of the existing dwelling. The existing property has gable ends to the front and side and the new dwelling would match this style and design. In addition, materials to match the existing dwelling are proposed.

6.5.10 Notwithstanding the above, concerns were raised with the applicant’s agent during pre-application discussions with regard to the overall mass and crown flat roof design of the rear element.

6.5.11 While it is noted that the width of the rear element has been reduced from what was proposed within the pre application enquiry and would be stepped in from the side boundaries, it is still considered that the crown flat roof design of the rear element would appear incongruous in relation to the design of the existing dwelling and proposed new dwelling. The rear extension would effectively create three stories (with the rooms in the roof) and it is considered that this would result in an excessively large rear addition to the existing dwelling and proposed new dwelling. It is not considered that this would respect the character or appearance of the existing dwelling or proposed new dwelling.

6.5.12 It is noted that this rear element would not be clearly visible from public views. However, a recent appeal decision (reference APP/U1430/D/18/3206634) notes that the National Planning Policy Framework places a strong emphasis on the importance of good design and makes no distinction as to whether the development is open to public views or not. The National Planning Policy Framework also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

6.6 The living conditions of the occupants of the neighbouring properties

6.6.1 Policy OSS4 of the Rother Local Plan Core Strategy states that development should (ii) not unreasonably harm the amenities of adjoining properties.

- 6.6.2 Policy DHG9 of the DaSA advises that extensions should not (i) unreasonably harm the amenities of adjoining properties in terms of loss of light, massing or overlooking.
- 6.6.3 It is noted that the size and depth of the new dwelling has been reduced from that previously refused. The second reason for refusal was due to the impact of the proposal on the living conditions of No. 7 Pleyden Rise and Nos. 16 and 17 Ticehurst Avenue. Nos. 16 and 17 Ticehurst Avenue adjoin the northern boundary of the site and are set at a lower level. These properties benefit from relatively open rear gardens.
- 6.6.4 Whilst reduced in depth from the previous refused application, the side elevation of the new dwelling would still extend some 12m along the northern boundary shared with nos. 16 and 17, in close proximity, with a maximum height of 8.6m. It is considered that the overall size and mass of the side and rear extensions in particular, would appear overbearing to the rear gardens of the neighbouring properties in Ticehurst Avenue and would have an adverse impact on their rear private amenity space, given their setting at a lower level than the application site.
- 6.6.5 While the rear element is large, given the orientation of No. 6 Pleyden Rise and the host property, it is not considered that the proposal would have an adverse impact on No. 6.
- 6.6.6 A window is also proposed within the north-eastern elevation which would face Nos. 16 and 17 Ticehurst Avenue. This would serve a landing and is proposed to be obscure glazed.
- 6.6.7 Although this window is proposed to be obscure glazed and would not serve a habitable room, it would still be openable and given its size, would still create a perception of being overlooked. It is noted that there is only one small opening within the existing side elevation of the dwelling, however, it is set back from the boundary (within the front projection of the building) and positioned between the first and second floor levels. Therefore, given its size and proximity to the shared northern boundary, it is considered that the proposed side window would be worse than the existing and have an adverse impact on the residential amenities of no. 16 in particular, in terms of perceived overlooking. While it is noted that the details for this window could be amended to address these issues, the scheme is recommended for refusal and as such, it is pertinent to include the impact of this window in the reason for refusal.
- 6.6.8 There are existing windows within the south-western side elevation facing No. 6 and one window is proposed to be enlarged. Given that there is an existing window, it is not considered the enlarged window would increase overlooking to an extent that would be harmful to this property.
- 6.6.9 Rooflights are proposed within each of the side elevations of the rear element. They would be installed approximately 1.5m above the second floor level. Although these openings may allow some overlooking, it would be from a higher level and as such, the views that could be obtained would be limited.

6.7 Highway safety and parking

- 6.7.1 Policy CO6 provides that a safe physical environment will be facilitated by (ii) ensuring that all development avoid prejudice to road and/or pedestrian safety.
- 6.7.2 Policy TR4 states that development shall meet the residual needs of the development for off street parking, having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car and to any safety, congestion or amenity impacts of a reliance on parking off-site, whether on-street or off-street.
- 6.7.3 The site is located in a quiet residential cul-de-sac. Two off-road parking spaces would be provided for each dwelling. However, there is insufficient space to provide a turning area. Although this is not ideal, visibility around the new access would be reasonable and given the quiet nature of the road, parking arrangements are unlikely to adversely impact on highway safety.

6.8 Other issues

- 6.8.1 Noise and disturbance from construction works is not a material planning consideration.
- 6.8.2 A comment has been received in respect of site notices. Two site notices were displayed – one in Ticehurst Avenue and one on the site frontage. During the site visit on 16 January 2019, it was noted that the site notice outside the frontage was still in situ. While the site notice in Ticehurst Avenue did not appear to be in situ, the consultation period expired on 5 January 2019 and could be removed from this date. The two properties in Ticehurst Avenue that adjoin the site have both made comments on the proposal.

7.0 **SUMMARY**

- 7.1 The proposed development would increase the supply of housing by one unit and would bring some limited economic and social benefits. However, it is noted that the location of the site in terms of accessibility to services is not ideal. While the plot sizes of the two dwellings is considered acceptable and would address the first reason for refusal under RR/2018/16/P, the rear element is considered to be excessive in size and would be out of keeping with the character and appearance of the dwelling. This coupled with the side extension would have an adverse impact on the residential amenities of Nos. 16 and 17 Ticehurst Avenue. In addition, the large window proposed within the northern side elevation, in close proximity to the boundary, would increase the perception of overlooking which would have an adverse impact on the rear private amenity space of No. 16 in particular.
- 7.2 Based on the above, the application is recommended for refusal.

8.0 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

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

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The proposed dwelling, by reason of its overall height, depth and close proximity to the boundaries of the plot, would adversely impact on the living conditions of the occupants of Nos. 16 and 17 Ticehurst Avenue, appearing overbearing and visually intrusive and causing a loss of outlook and overlooking to the gardens of Nos. 16 and 17 Ticehurst Avenue. As such, the proposal would be contrary to Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DHG9 (i) of the Development and Site Allocations Local Plan (DaSA).
2. The crown flat roof element proposed to the rear of both dwellings, by reason of its overall height, depth and design, would appear as incongruous in relation to the design of the existing and proposed dwelling. As such, the proposal would be contrary to Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy and Policy DHG9 (ii) of the Development and Site Allocations Local Plan (DaSA).

NOTE:

1. This decision notice relates to the following set of plans:
Site location plan: as existing, Drawing No. DGC-21832/01 revision A dated 03.11.18
Site and block plan: as proposed, DGC-21832/04 revision C dated 03.11.18
Ground floor plan as proposed, DGC-21832/05 revision A dated 17.10.18
First floor plan as proposed, DGC-21832/06 revision B dated 22.10.18
Proposed elevations, Drawing No. DGC-21832/08 revision C dated 27.11.18
Second floor plan: as proposed, Drawing No. DGC-2183/07 revision A dated 17.10.18

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

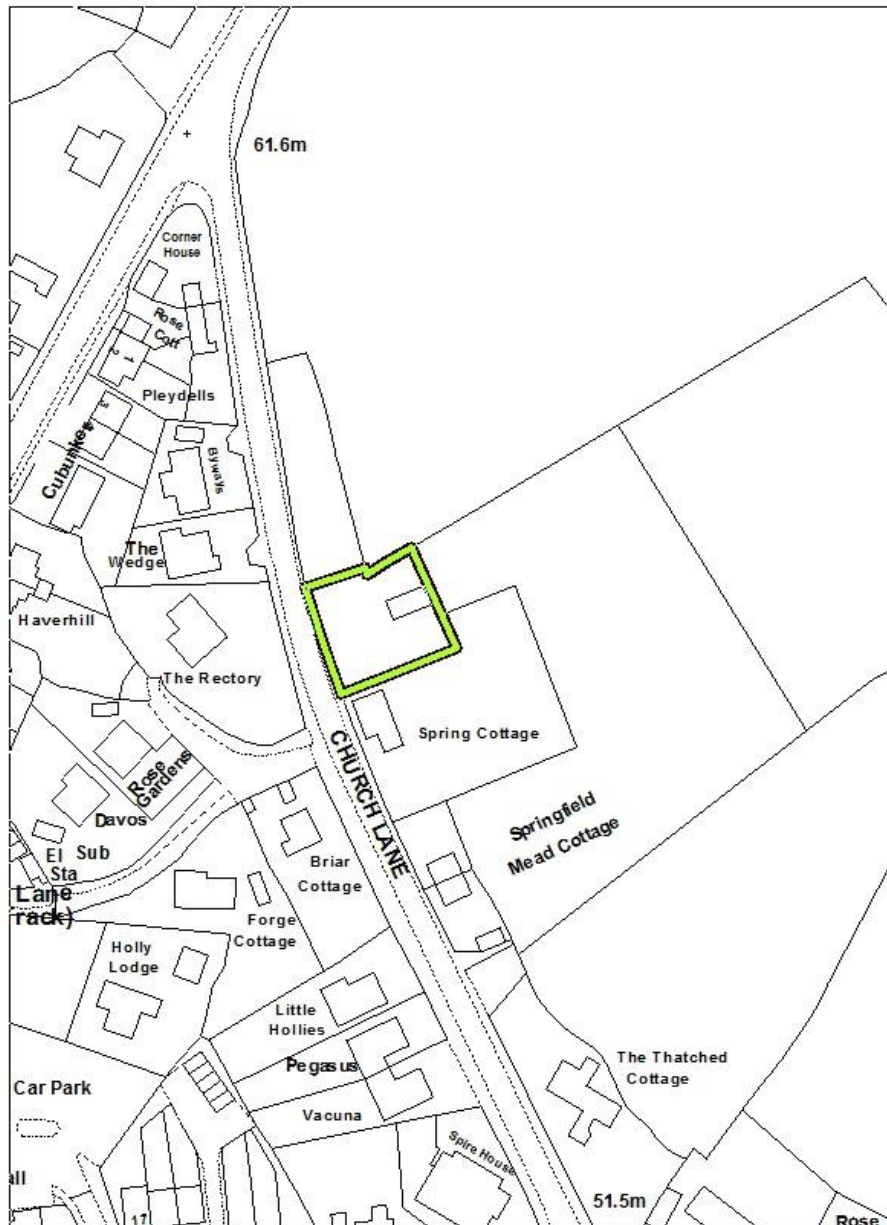
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SITE PLAN

CATSFIELD

RR/2018/2491/P

Spring Cottage - Land adj, Church Lane



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Not To Scale

RR/2018/2491/P

CATSFIELD Spring Cottage – land adjacent, Church Lane

Erection of 1 No. detached dwelling. Also, formation of vehicular field access

Applicant: Mr S. Lavocah
Agent: Baker Architectural Limited
Case Officer: Mr M. Cathcart (Email: mark.cathcart@rother.gov.uk)
Parish: CATSFIELD
Ward Member: Councillor G.C. Curtis

Reason for Committee consideration: The applicant is a member of staff

Statutory 8 week date: 25 December 2018

Extension of time agreed to: 18 February 2019

This application is included on 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:

- PC1: Presumption in favour of sustainable development
- OSS2: Use of development boundaries
- OSS3: Location of development
- OSS4: General development considerations
- EN3: Design quality
- TR3: Access and new development
- TR4: Car parking

1.2 The Development and Site Allocations Local Plan (DaSA) has now been submitted (as of January 2019) for examination. Varying degrees of weight are now afforded to the policies contained within this emerging development plan document with the following being considered 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

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

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

2.0 SITE

- 2.1 Spring Cottage is a detached two storey dwelling (incorporating rendered grey walls and a slate roof) fronting the eastern side of Church Lane. The house and immediate garden are located within the development boundary for Catsfield. The application site (approximately 24 x 24.5m) is located to the side of the dwelling and also fronts Church Lane; however, this land abuts but falls outside the development boundary. It is a very steeply sloping site with a difference of some 3.7m in site levels indicated on the plans between the high ground forming the rear part of the site and road level. The high ground at the rear presently contains two timber buildings in use as a stable and a hay store. The application site largely comprises grassland. A number of trees appear to have been removed.
- 2.2 The application site also falls outside the designated High Weald Area of Outstanding Natural Beauty (AONB), the boundary of which closely abuts the rear boundary of the site and washes over the fields beyond.
-

3.0 HISTORY

- 3.1 There is no relevant planning history.
-

4.0 PROPOSAL

- 4.1 The proposal is to erect a detached two storey, four-bedroom house on the site, incorporating an attached single garage at the side with a study room above. External materials are described as brickwork walls and artificial roof slates. The existing hardstanding and access at the side of stream cottage would be used in part to form access and parking for the new development. An adjacent access and two parking spaces would remain to serve Spring Cottage.
- 4.2 The development involves considerable excavations into the existing grass bank to create a level base for the dwelling and the creation of retaining walls and terraced garden areas to the rear and sides of the proposed new dwelling. The re-grading works at the rear part of the site would result in the removal of the existing hay store and stables – the latter of which, the application states would be re-located.

- 4.3 The development also involves the creation of a field gate and access track on the northern side of the proposed new dwelling to form a vehicular access to the applicant's land to the rear of Spring Cottage and the application site.
-

5.0 CONSULTATIONS

5.1 Parish Council

- 5.1.1 General comment: Parish Council has no objection to this planning proposal subject to adequate parking provision for both dwellings.

5.2 Planning Notice

- 5.2.1 General comment: from the occupier of the Rectory, Church Lane, Catsfield, states that: "Church Lane is a narrow road with already limited parking outside homes in the middle stretch of the road. Any development should take into account the need not to reduce further the opportunities for existing residents and their visitors to park on the road".
-

6.0 APPRAISAL

- 6.1 The original application submission has been revised as a consequence of concerns raised by the Local Planning Authority. The revisions include: additional and rather more accurate information about existing and proposed ground levels, revised proposals for the treatment of ground levels by the introduction of stepped terracing and retaining walls and some changes to the design and elevational treatment of the dwelling.

- 6.2 The main issues are the principle of residential development, the effect of the proposal on the character and appearance of the area; and the living conditions of future occupiers with particular regard to the provision of outdoor space.

6.3 Principle of development

- 6.3.1 The site is outside the development boundary for Catsfield as identified on the Rother District Local Plan 2006 proposals maps. However, because the Council is not currently able to demonstrate a five year supply of deliverable housing sites, policies relating to the supply of housing, including development boundaries, cannot be afforded full weight in planning decisions. As such, the 'tilted balance' as set out in Paragraph 11 d) of the Framework would typically apply and this indicates granting permission, unless part i. or ii. apply. This means that planning decisions should apply a presumption in favour of sustainable development and as the application site does not lie within a designated protected landscape (such as an AONB), granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The main issues in this regard are covered below.

6.4 Character and appearance

- 6.4.1 The application fronts on to Church Lane. Existing residential development forming part of Catsfield village fronts the opposite (western side) of Church Lane and there are a number of properties (albeit fewer) to the eastern side, including Spring Cottage itself. The existing dwellings vary in terms of scale, design, style and materials, and are set within irregular shaped garden plots.
- 6.4.2 The proposal would be a two storey house with a gabled roof, the external materials and the scale and proportions of the proposed dwelling are generally acceptable and the design of the building would not be unduly out character with some other existing dwellings in the locality, which display a varied style of surrounding built form. Because of the steeply sloping nature of the site, substantial excavations are proposed to sit the proposed dwelling at road level. This involves the significant terracing and re-grading of ground levels and the construction of retaining walls. The design of these works have been revised by the applicant following concerns raised by the Local Planning Authority that the development would result in a visually hard and heavily engineered form of development that would appear at odds with the rural character of the village. Some changes have been incorporated that would introduce more graduations to the terracing and thereby 'soften' the appearance of the works. The site is not within a conservation area or the designated AONB. Whilst the AONB boundary is close to the rear boundary of the site, the development would not materially affect the setting of the AONB. It is considered that, on balance, subject to the use of appropriate materials the proposed development would have an acceptable impact on the existing character and appearance of the locality.

6.5 Living conditions

- 6.5.1 Policy OSS4 (i) of the Rother Local Plan Core Strategy requires that all development should meet the needs of future occupiers, including providing appropriate amenity and garden space. Policy DHG7 of the DaSA, states that, "*for dwellings, private rear garden space of at least 10m in length will normally be required*"; whilst the DaSA has not yet been formally adopted, it is at the stage where Policy DHG7 is able to be given significant weight in planning decisions. The rear garden would be in the region of about 15m deep, and while the proposed terracing would in some respect limit its use for certain activities (such as perhaps in connection with children's play) it would, however, fulfil an amenity function and in terms of usable area would be comparable to some other existing gardens in the locality. Accordingly, the proposal would provide adequate amenity space for future occupiers. It would therefore comply with Policy OSS4 (i) of the Rother Local Plan Core Strategy in this regard.
- 6.5.2 The proposed new dwelling would provide adequate internal space standards in accordance with Policy DHG3 of the DaSA.

6.6 Car parking

- 6.6.1 The general comment received in response to the planning notice is noted. The proposed new dwelling would provide two on-site parking spaces as well as the proposed attached garage and two parking spaces would remain to serve the existing dwelling – Spring Cottage. This would be considered acceptable in terms of overall on-site parking provision.

6.7 The overall planning balance

- 6.7.1 The National Planning Policy Framework states that the planning system has three overarching objectives to achieving sustainable development: an economic objective, a social objective and an environmental objective. These are interdependent and need to be pursued in mutually supportive ways. In relation to the economic objective, the proposed construction of the development would achieve some economic benefit to the local economy, albeit minor. In relation to the social objective, the dwelling would add one new dwelling to the district's housing stock which would have some social benefit although again, one that was minor in nature. Moreover, whilst there are some issues regarding the provision of appropriate amenity space to meet the needs of future occupiers, this has been found to be generally acceptable. Regarding the environmental objective, the new dwelling would not be isolated in landscape terms; rather, because of its location abutting the village, it is well related to the existing pattern of development. Moreover, it is relatively proximate to the limited range of village services, thereby limiting any requirement by future occupiers for private car journeys to some degree. The development would add to built development in the countryside and the engineering operations associated with the extraction of spoil from the steep bank and stabilising the land would have some impacts on the character and appearance of the area. The impacts of the development would be localised however and the development itself would be seen in the context of the village settlement rather than the open countryside beyond. The site does not lie within the AONB or a conservation area. In the circumstances, having regard to the environmental objectives of sustainable development, there would be environmental impacts; however, these would be relatively minor. In assessing the planning balance, therefore, what has come to be known as the 'tilted balance' in favour of granting planning permission is applied in this case. This means that, as any adverse impacts would not significantly and demonstrably outweigh any benefits then planning permission should be granted.

7.0 SUMMARY

- 7.1 The application site lies outside, but abuts, the settlement boundary of the village. The application site is part garden and part amenity land used in connection with horses. It is characterised by a steeply sloping bank and the proposed development would involve significant engineering operations to excavate the bank and construct retaining walls etc.
- 7.2 The Council does not have a 5-year housing land supply and in the circumstances planning policies relating to the delivery of housing, including village development boundaries, cannot be considered up to date. The Framework requires the presumption in favour of sustainable development to apply the 'tilted balance' in deciding planning applications. The site is not within the AONB and there would be no significant and demonstrable harm arising from the proposal that would justify a refusal of planning permission in this case.
- 7.3 The development would accord with Policies OSS4, TR3, and TR4 of the Rother Local Plan Core Strategy, and the National Planning Policy Framework.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 This is a type of development where CIL payments would apply should planning permission be granted.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Site location plan & block plan: Drawing No. BA1826.01 dated March 2018
Proposed site levels plan: Drawing No. BA1826.16A, Revision A dated December 2018
Proposed elevations and levels AA and BB: Drawing No. BA1826.19 dated December 2018
Proposed elevations and levels CC: Drawing No. BA1826.20 dated December 2018
Proposed elevations and levels DD: Drawing No. BA1826.21 dated January 2019
As proposed plans and elevations: Drawing No. BA 1826.18A, Revision A
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. No development shall take place, including any works of excavation, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - a) the area(s) of the site to be used for storage of materials and plant; construction site access, parking and manoeuvring, with the intention of containing all related vehicles and equipment within the site as far as reasonably possible; and
 - b) provide for construction work to take place only between the hours of 08:00 and 18:00 Monday to Fridays, 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
Reason: These details are required prior to commencement of works to ensure the environmental impacts of construction, including initial groundworks are prevented or minimised in accordance with Policy EN5 of the Rother Local Plan Core Strategy.
4. Before commencement of any works on site, a Waste Management Plan/Statement to include details of the measures to minimise and manage waste generated by the scheme shall be submitted for the consideration and approval of the Local Planning Authority. This shall include principally the proposed means of disposing of excavated spoil from the groundworks. The

development shall only be carried out in accordance with the approved detail. Reason: In the interests of seeking a sustainable development which minimises waste, in accordance with the Supplementary Planning Guidance on "Construction and Demolition Waste" (2006), by East Sussex County Council and having regard to amenity issues in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy. These details are required prior to commencement of works to ensure the environmental impacts of construction, including initial groundworks are managed throughout the course of development.

Note: Subject to consideration of the details of any proposal (Waste Management Plan/Statement), the applicant/developer is advised that the deposition of extracted spoil, including on any adjacent land, may constitute development requiring planning permission in its own right.

5. Before the relevant part of the development is commenced, samples of all materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This shall include the materials to be used externally on the retaining walls. The development shall be carried out only in accordance the approved details.

Reason: To ensure that the development reflects the character of the locality and to preserve the visual amenities of the area in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy.

6. The proposed window design details shall comprise only flush-fitting, opening and/or fixed casements, to achieve a balanced and uniform window appearance that reflects the traditional style of window design in the High Weald.

Reason: To maintain the characteristics of the locality in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

7. Detail of the positions, design, height, materials and type of boundary treatment to be erected shall be submitted for the consideration and subsequent approval of the Local Planning Authority. The proposed details shall include the retention of the existing frontage hedge, which shall be protected during the course of development and retained thereafter in accordance with the details set out in the application. The boundary treatment shall be completed in accordance with the approved details before the dwelling is occupied.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), the garage hereby approved shall be retained for such use at ground floor and shall not be altered internally or externally for use as habitable accommodation.

Reason: To ensure a satisfactory level of off-road parking facilities so as not to prejudice the free flow of traffic and conditions of general safety along the highway and to accord with Policy TR4 of the Rother Local Plan Core Strategy.

9. The dwelling hereby approved shall not be occupied until two on-site parking spaces have been provided to serve the new dwelling and two on-site

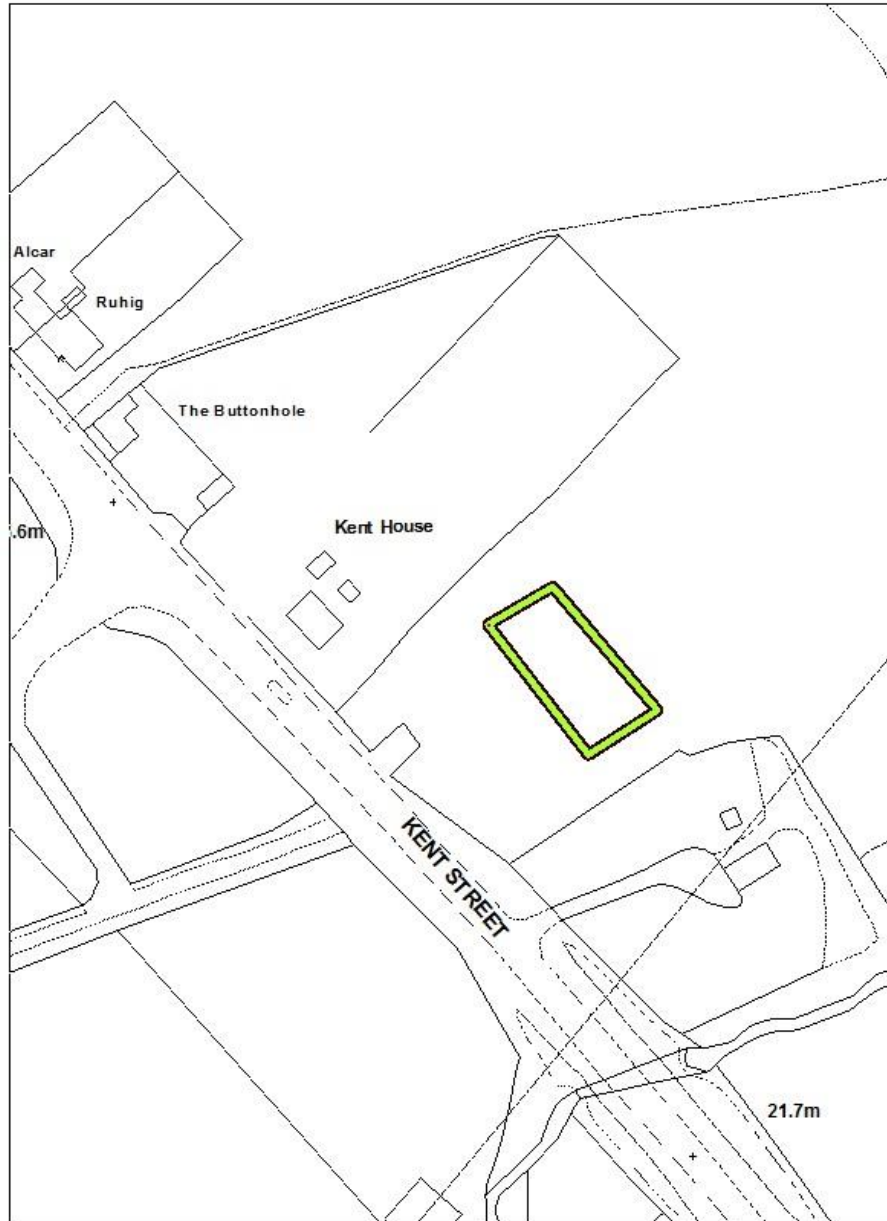
spaces have been provided to serve the existing Spring Cottage in accordance with the approved plan, Drawing No. BA1826.16A revision A and the areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.

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

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

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SITE PLAN	WESTFIELD
RR/2018/2600/P	Great Buckhurst Farm, Bluemans Lane.



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Not To Scale

RR/2018/2600/P

WESTFIELD Great Buckhurst Farm, Bluemans Lane
Erection of agricultural barn

Applicant: Mr S. Eldridge
Agent: GRF Planning
Case Officer: Mr John McSweeney
(Email: john.mcsweeney@rother.gov.uk)
Parish: WESTFIELD
Ward Members: Councillors J.M. Johnson and C.R. Maynard

Reason for Committee consideration: Referred by Councillor C.R. Maynard

Statutory 8 week date: 3 December 2018

Extension of time agreed to: 19 February 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
- RA2: General strategy for the countryside
- RA3: Development in the countryside
- EN1: Landscape stewardship
- CO6: Community safety (highways)

1.2 The Development and Site Allocations Local Plan (DaSA) has now been submitted (as of January 2019) for examination. Varying degrees of weight are now afforded to the policies contained within this emerging development plan document with the following being considered relevant to the proposal:

- DEN1: Maintaining landscape character.
- DEN2: The High Weald Area of Outstanding Natural Beauty (AONB).

1.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations, especially paragraph 172 of the National Planning Policy Framework.

2.0 SITE

2.1 Great Buckhurst Farm is a 39.7 hectares unit, which comprises some woodland and open fields. The site and surrounding land falls within the High Weald AONB. The application site is a highly visible open field on the north-east side of the A21. Tree screening is provided on the north-eastern,

north-western and south-eastern boundaries. There are neighbouring properties to the north-west and south-east, although these are screened by existing mature trees along the boundaries. There is an existing field access gate in situ adjoining the A21.

3.0 HISTORY (relevant)

- 3.1 RR/2016/2200/FN Proposed agricultural barn. Prior approval required.
 - 3.2 RR/2016/3076/FN Proposed agricultural barn. Refuse (prior approval of details).
 - 3.3 RR/2017/544/FA Proposed agricultural barn. Approve (prior approval of details).
-

4.0 PROPOSAL

- 4.1 This application seeks permission to construct an agricultural building to serve Great Buckhurst Farm. The building would be set back from the highway (A21) and would be sited to run parallel with the road. The building would measure some 35m by 10m, with an overall ridge height of some 10.1m. It would be clad in timber weatherboarding under a plain clay tiles roof. The building would be accessed via the existing access from the A21. A new drive and turning area from the existing access to the building is also proposed as is landscaping along the front (highway) boundary.
 - 4.2 The agent states the following in support of the proposal;
"It has already been established via previous farm notification applications that the building is necessary for the purposes of agriculture on the holding and that the existing group of farm buildings would not be a suitable location due to highway safety issues. A recent approval of details (RR/2017/544/FA) related to an application to site the building at right angles to the A21 close to the boundary hedge on the northern side of the field. This was the subject of letters of concern from nearby residents regarding the effect of the position of the building on residential amenity...The application has taken into account the concerns of the nearby residents and has decided to submit a planning application for the building in the centre of the field parallel to the road, rather than implement RR/2017/544/FA at this stage or submit another prior approval application for the building in the centre of the field. The reason for this is that one of the Local Planning Authority's concerns regarding a prior approval application might have been that conditions could not be imposed regarding the provision of landscaping and its retention which substantially reduces the landscape impact of the proposal."
-

5.0 CONSULTATIONS

5.1 Parish Council

- 5.1.1 *"Council raised concerns about the access of large farm vehicles directly onto the A21. Have Highways England carried out an assessment of the access area?"*

Council would ask Rother District Council to consider the following material considerations:

The proposed new building is in close proximity to Kent House.

The style and design of the building is not in keeping with the proposed usage, e.g. the number of doors and use of tiles and cladding.”

5.2 SGN

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

5.3 Planning Notice

- 5.3.1 One letter of support has been received, their points have been summarised below:
- Raised concerns regarding the orientation of the proposed barn (RR/2017/544/FA) and the serious detrimental effect it would have on our property and environment.
 - The orientation of the barn as now proposed, will reduce the loss of light to our house and garden and will mitigate its visual impact on us.
 - With adequate screening fronting the road and the new orientation will be by far the most acceptable position for the barn for everyone.
-

6.0 **APPRAISAL**

6.1 Issues for consideration

- 6.1.2 The main issues for consideration are:
- Justification for building.
 - Impact upon the countryside landscape within the High Weald AONB.
 - Impact upon neighbouring amenities.
 - Highway implications.

6.2 Justification for building

- 6.2.1 Policy RA3 states that proposals for development in the countryside will be determined on the basis of, (i) support new agricultural buildings and other non-domestic buildings demonstrably needed to support farming, woodland and other land-based industries that are of appropriate size, siting and design and materials and directly related to the enterprise, and (v) ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape character or natural resources of the countryside and, whenever practicable, support sensitive land management.
- 6.2.2 The previous farm notification applications established that a building is necessary for the purposes of agriculture on the holding and that the existing group of farm building (located some 540m to the east of the application site) would not be a suitable location due to highway safety issues. The agricultural building and new drive/turning area currently proposed are very similar in terms of size and design as the details recently approved under RR/2017/544/FA. Therefore, whilst it is considered that the agricultural needs of the holding require a building of the size proposed, a principle

consideration in respect to this planning application is the impact that the new siting of the building will have on the character and appearance of this countryside location.

6.3 Impact upon the countryside landscape within the High Weald AONB

- 6.3.1 Policy EN1 states management of the high quality natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated landscapes and landscape features, including (i) the distinctive identified landscape character, ecological features and settlement pattern of the High Weald AONB.
- 6.3.2 Policy RA3 states proposals for development in the countryside will be determined on the basis of: (v) ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape character or natural resources of the countryside and, whenever practicable, support sensitive land management.
- 6.3.3 Policy DEN1 of the DaSA states the siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics, in accordance with Rother Local Plan Core Strategy Policy EN1.
- 6.3.4 Policy DEN2 of the DaSA states all development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan.
- 6.3.5 Paragraph 172 of the National Planning Policy Framework states, *great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.*
- 6.3.6 The open nature of the site and surrounding topography mean that the site is prominent in both views from the south (leaving Hastings) and from the north when traveling along the A21. Whilst there are adjoining neighbours to both sides, these are visually separated from the site by mature vegetation and therefore the site is currently seen as an open rural field free of any built form.
- 6.3.7 It is acknowledged that a building of the same scale has been granted on this site, however, the building approved (RR/2017/544/FA) was to be sited parallel with the north-western boundary of the site, against a backdrop of trees, thereby limiting its visual impact in the locality. However, as now proposed the building is to run parallel with the A21, meaning a large proportion of the width of the site will be taken up with the proposed building, appearing highly visible from the A21 and obscuring views of the countryside beyond. A building of the scale proposed and in this position would be an incongruous feature, dominating the view and having a harmful impact on the landscape character and scenic beauty of the High Weald AONB.

- 6.3.8 The applicant has proposed landscaping to the front of the site; however, given the scale of the building it is not considered that landscaping would be sufficient to mitigate the adverse impact a building in this prominent position would have on the appearance of the locality.
- 6.3.9 Notwithstanding the principle landscape concerns with the siting of the building, the choice of materials and overall design are acceptable being consistent with the character of the High Weald where red brick, timber cladding and clay tiles are prevalent.
- 6.4 Impact upon neighbouring amenities
- 6.4.1 Policy OSS4 (ii) states all development should not unreasonably harm the amenities of adjoining properties.
- 6.4.2 The site is adjoined to the north-west and south-east by residential dwellings, Kent House and Old Pumping Station; both these properties have mature vegetation on their boundaries with the site. Furthermore, given the separation distance of some 10m to both common boundaries, it is considered that the proposed building will not adversely impact upon their residential amenities.
- 6.5 Highway implications
- 6.5.1 Policy CO6 states a safe physical environment will be facilitated by: (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.
- 6.5.2 The access onto the A21 has been used for agricultural operations on the holding, and this would continue to be the case for the proposed barn, which would be used to help facilitate the existing agriculture uses. As such, the traffic that would be generated by the new barn would be no different than the current situation and in this regard the impact upon the highway network would not alter.
- 6.6 Issues raised
- 6.6.1 The support from the adjoining neighbour in Kent House and their opinion that the revised siting of the barn is more acceptable to them is noted. However, impact upon their amenities was considered acceptable as part of the determination of RR/2017/544/FA. Notwithstanding this, the support from this neighbouring property does not outweigh the harm the revised siting of the building will have on the character and appearance of this rural location.
-

7.0 SUMMARY

- 7.1 While it is accepted that a building of the scale proposed is reasonably necessary for the purposes of agricultural on the holding, impact upon the character and appearance of this rural location is a fundamental consideration.
- 7.2 The siting of the proposed building to run parallel with the A21 would mean that a large portion of the width of the site would be taken up with built form

which would be highly visible from the A21 and also obscure views of the countryside beyond. As such, a building of the scale proposed and in this prominent position would appear as an incongruous feature, dominating the view of the site and having a harmful impact on the visual amenities and scenic beauty of the High Weald AONB and its wider landscape. As such the proposal is contrary to both local and national policies which seek to preserve the scenic beauty of this designated landscape.

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. A building of the scale proposed and sited in a prominent position running parallel with the A21 would appear as an incongruous feature, dominating the view of the site and having a harmful impact on the visual amenities and scenic beauty of the High Weald AONB and its wider landscape. As such the proposal would be contrary to Policies EN1 and RA3 (v) of the Rother Local Plan Core Strategy and paragraph 172 of the National Planning Policy Framework which seek to preserve and enhance the scenic beauty and intrinsic value of the designated landscape.

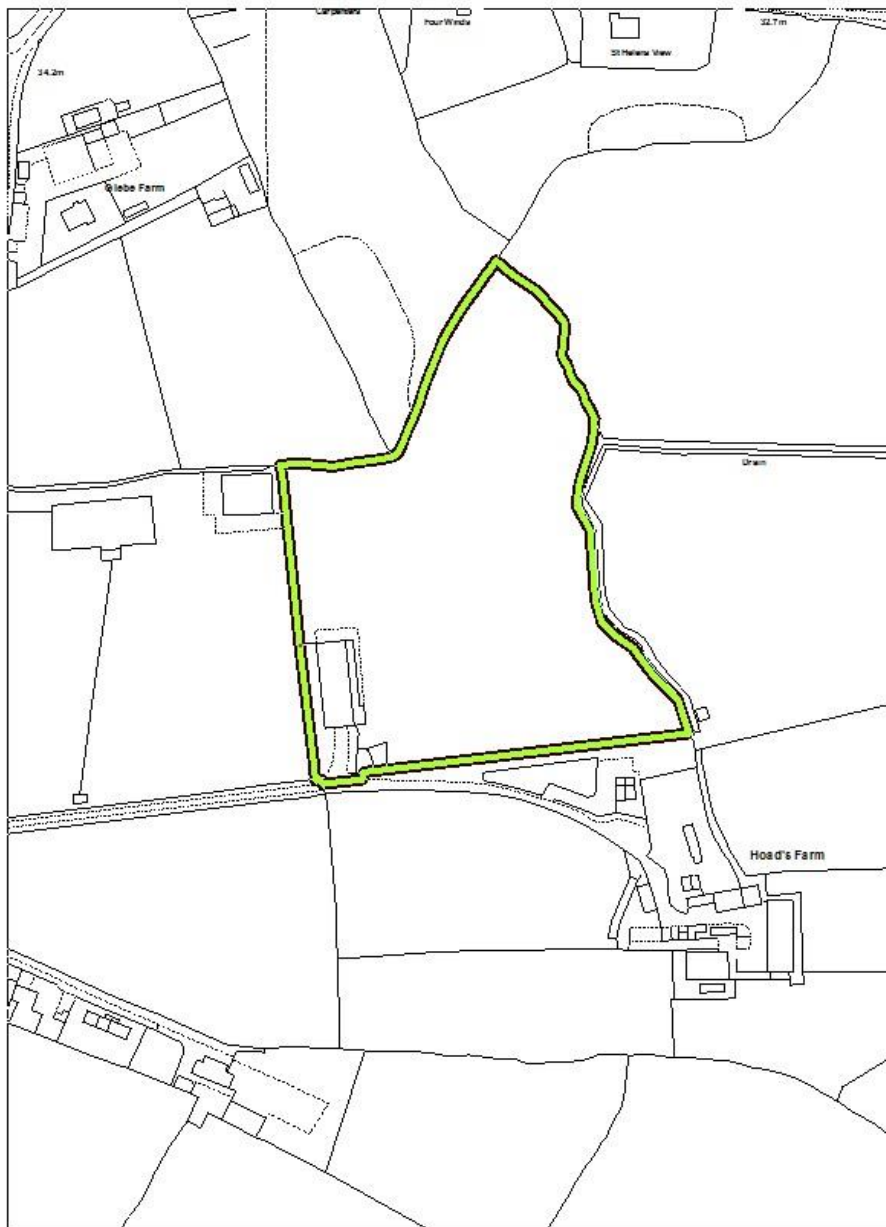
NOTE:

1. The refusal of planning permission relates to the following schedule of plans;
Drawing No. 5213/LBP/C dated Jan 17
Drawing No. 5213/16/1/B dated Feb 17

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

[View application/correspondence](#)

SITE PLAN	WESTFIELD
RR/2018/3039/P	The Old Chicken Barn, Hoads Farm, Moat Lane.



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RR/2018/3039/PWESTFIELD The Old Chicken Barn, Hoads Farm,
Moat Lane

Change of use of former chicken shed (agricultural use) to a mixed use comprising storage and restoration of private vehicle collection and office use. Formation of hardstanding around building. External alterations to existing building (part retrospective)

Applicant:

Mr Peter Jans

Agent:

Mr Peter Jans

Case Officer:

Ms Rebecca Burt

(Email: Rebecca.burt@rother.gov.uk)

Parish:

WESTFIELD

Ward Members:

Councillors J.M. Johnson and C.R. Maynard

Reason for Committee consideration: Referred by Councillor C.R. Maynard

Statutory 8 week date: 30 January 2019

Extension of time agreed to: 22 February 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 are relevant to the proposal:

- PC1: Presumption in Favour of Sustainable Development
- OSS3: Location of Development
- OSS4: General Development Considerations
- RA2: General Strategy for the Countryside
- RA3: Development in the Countryside
- CO4: Supporting Young People
- CO6: Community Safety
- EN1: Landscape Stewardship
- EN3: Design Quality
- TR3: Access and New Development

1.2 Weight is also attached to the following policy of the emerging Development and Site Allocations Local Plan (DaSA):

- DEN1: Maintaining Landscape Character
- DEN2: The High Weald Area of Outstanding Natural Beauty (AONB)
- DEN4: Ecology and Green Space
- DEN7: Environmental Pollution

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

2.0 SITE

- 2.1 The application relates to a field and dilapidated former chicken shed situated on the east side of Moat Lane. The site lies outside of any designated development boundary in the countryside and the High Weald AONB. Access to the site is via an unmade track from Moat Lane, which also serves a number of residential properties and commercial units to the south-east. A Public Footpath (Westfield 41) runs along the southern boundary of the site.
- 2.2 Historically the field formed part of Hoads Farm, but the land, as well as other nearby parcels of land, have been sold off separately in recent years.
- 2.3 This part of the AONB is characterised by open fields enclosed by mature hedgerows and trees, many of which are historic field boundaries (including those of the application site), interspersed with areas of woodland.
-

3.0 HISTORY

- 3.1 RR/95/1865/P Free range poultry unit. Granted.
- 3.2 RR/2018/66/P Change of use of former chicken shed (agricultural use) to a mixed B1 and B8 use comprising office and storage of privately owned classic cars, together with external alterations/repairs to the building. Formation of concrete hard-standing around the building for vehicle access and external storage of classic cars. Levelling of adjoining land and soft landscaping. (Part retrospective). Refused
- 3.3 This matter was originally brought to the Local Planning Authority's attention as a planning enforcement complaint. The applicant submitted a part retrospective application for the change of use of the building in conjunction with proposed hard landscaping and alterations to the building (RR/2018/66/P). This application was refused planning permission and the officer's report stated the following reason for refusal:
- 3.4 *'This part of the High Weald AONB is characterised by open fields enclosed by mature hedgerows and trees, many of which are historic field boundaries (including those of the application site), interspersed with areas of woodland. The proposed area of concrete hard-standing and storage of vehicles outside the former chicken shed would introduce significant urbanising development into the countryside that would be alien to the appearance of the area and would adversely affect the historic pattern of fields that characterise this part of the AONB. Together these elements would represent a significant visual intrusion into this sensitive and attractive part of the AONB, which has the highest status of protection in relation to landscape and scenic beauty. The proposal would be harmful to the landscape quality and character of the countryside & High Weald AONB, in conflict with Paragraph 172 of the National Planning Policy Framework and Policies*

- 3.5 This current application has sought to overcome the previous issues and the key changes include; a vast reduction in the hard-surface area adjacent to the building and the removal of the proposed boundary screening running along the eastern boundary of the building towards the northern boundary of the field. Removal of the proposed landscaping on the southern elevation in front of the building. The removal of the proposed access gate. The previous application proposed the storing of vehicles in the open-air on the proposed hard-surfacing. This element of the application is removed and the storing of cars is now proposed solely inside the building, notwithstanding space for two vehicles in front of the building. Thus the necessity for landscaping is removed and the proposed Grasscrete hard-surface is for vehicular access only.
- 3.6 During the consultation phase of this application, neighbours raised concerns with the description of the development. The description mentioned B1 and B8 uses; however, it was contended that the use of the site for vehicle restoration would fall into a B2 use class. Consequently, the reference to any use classes has been removed from the description and the use being considered is described above in the proposal section.
-

4.0 PROPOSAL

- 4.1 There are three main elements to the proposal:
- Change of use of former chicken shed (agricultural use) to a mixed use comprising office, storage and restoration of privately owned classic cars.
 - External alterations/repairs to the building.
 - Formation of Grasscrete hard-surface to the west and in front of the building for vehicle access.
- 4.2 Each element of the scheme is described in full below.
- 4.3 Proposed Change of Use
- 4.3.1 The application is for use of the former chicken shed for the storage and restoration of privately owned classic cars. Works are carried out to the cars but the proposal is essentially a private hobby rather than a business use. This element of the scheme is retrospective because it has already commenced.
- 4.4 External alterations/repairs to the building
- 4.4.1 The proposed external alterations to the existing building are as follows:
- New timber cladding to the walls to match existing.
 - New green corrugated metal sheets to the roof.
 - The installation of 12 rooflights (six in each roofslope).
 - The installation of two new windows in the front elevation.
 - The installation of three sets of double doors in the rear elevation.

- 4.5 Formation of Grasscrete hard-surface around the building for vehicle access
- 4.5.1 It is proposed to create an area of Grasscrete hard-surface to the west of the building and in front of the existing building. The Grasscrete hard-surface would provide access to the vehicle entrance at the rear of the building and two parking spaces in front of the building.
- 4.6 Removed from the application
- 4.6.1 The original application proposed the levelling of the adjoining land to the chicken shed. However, it was considered that there was not sufficient justification for this element of the proposal and the works could have a harmful impact on the landscape. Therefore, the levelling of the adjoining land has been deleted from this application.
-

5.0 CONSULTATIONS

5.1 Westfield Parish Council

- 5.1.1 *Council made the following comments at their meeting on the 2 May 2018 in relation to application RR/2018/66. Council do not believe that the application has changed significantly, so their comments remain unchanged. B1 & B8 uses do not relate to cars, so Council would question if the application is relevant? Council is of the belief that commercial vehicle breaking is taking place on site, which is unlawful and should be subject to an Enforcement Notice, if it is not already. Many residents have reported extensive vehicle movements along Moat Lane throughout the day and night. This site is within an AONB. Council and residents are concerned about the pollution of the surrounding water ways from slurry from the previous use of the land as a chicken farm. The owner should clear the site of any residual slurry, and The Environment Agency should enforce this if necessary. Council understand that vehicles are being broken on-site which requires a license and specialised equipment to collect pollutants such as fuel and brake fluid. It is believed that neither are in place. Council would ask RDC to consider any outstanding Enforcement notice on this site in conjunction with this application. Council are very concerned about the implications of granting permission for this application and would therefore recommend refusal.'*

5.2 East Sussex County Council Highways

- 5.2.1 No objection.

5.3 Environmental Services and Licensing

- 5.3.1 *'I have no objections to the proposal in principle having visited the site and had the opportunity to discuss the use with the applicant. I can also advise that I have no record of any substantiated complaints relating to noise and odours from the proposed use. If the application is likely to be approved however, I would request that appropriate conditions be attached to prevent the occupiers of nearby residential properties from being affected by noise and fumes and also to prevent potential contamination of the ground from spilt oils, fuels and automotive chemicals. Should you decide to personalise any consent to the applicant only I would also support this approach.'*

5.4 Planning Notice

5.4.1 23 letters of objection from 17 individual addresses and one general comment was received. The reasons are summarised as follows:

- Cars are an eyesore.
- Harmful to the AONB.
- Pollution and contamination.
- Increase in traffic.
- Moat Lane is unable to handle large car transporters.
- Detrimental to highway safety.
- Disturbance from noise.
- Supposed private collection is on a commercial/industrial level.
- The cars are not classic.
- Damage to grass verges.
- The site is a 'breakers' yard.
- Further industrialisation of the AONB.
- Inappropriate location for this enterprise.
- Potential conflict with the Public Footpath.
- Loss of property value.
- Should a change of use be accepted, restrictive conditions are required.
- Perilous walking conditions.
- B1 and B8 does not cover vehicle repairs.
- The office would have not been in the chicken shed.
- We suffer car deliveries and vehicle transporters daily.
- The A21 junction with Moat Lane is a notorious black spot for accidents.
- This is the same application to last year.

5.4.2 It is noted that the same letter has been printed and signed by 13 individuals, although this would not amount to a petition.

6.0 **APPRAISAL**

6.1 The main issues are:

- Principle of the change of use.
- Impact on the landscape quality and character of the countryside & High Weald.
- AONB.
- Impact on the living conditions of neighbouring residents.
- Impact on highway safety.

6.2 Principle of the change of use

6.2.1 Changing farming needs and development economics have meant that many former farm buildings have become available for conversion and re-use. Policies such as RA3 support the conversion of agricultural buildings for employment uses and tourism opportunities. While this proposed personal use does not explicitly apply to policy RA3, it is considered to be of a similar nature and, equally, no local plan policies seek to resist such changes. Therefore, in principle, the change of use of this non-historic agricultural building to a mixed use would be acceptable in planning policy terms subject to being compatible with all other local plan policies.

6.3 Impact on the landscape quality and character of the countryside & High Weald AONB

- 6.3.1 The Government's approach to the natural environment is set out in the National Planning Policy Framework and advises that valued landscapes should be protected and enhanced. Paragraph 172 states that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs in relation to these issues. Policies OSS3, OSS4, RA2, RA3 and EN1 of the Rother Local Plan Core Strategy are consistent with the advice of the National Planning Policy Framework. These policies all seek to ensure that development respects the character and qualities of the landscape and countryside, especially where they are protected by national designation for their scenic beauty.
- 6.3.2 This part of the AONB is characterised by open fields enclosed by mature hedgerows and trees, many of which are historic field boundaries (including those of the application site), interspersed with areas of woodland.
- 6.3.3 The former chicken shed is visible from the adjacent Public Footpath, which runs along the southern boundary of the site and passes through the fields immediately to the east. It is also visible from properties in the village of Westfield further to the east.
- 6.3.4 As stated in the Officers report for the previous application; *'The proposed area of concrete hard-standing and storage of vehicles outside the building would introduce significant urbanising development into the countryside that would be alien to the appearance of the area and would adversely affect the historic pattern of fields that characterise this part of the AONB.'*
- 6.3.5 This element of the application is now removed and the only area of hard surfacing proposed runs adjacent to the west of the building and in front of the building. The surfaced area to the west of the building is screened from view by the boundary hedgerow and the building and provides access to the rear of the building. The area in front of the building already comprises a hardstanding.
- 6.3.6 Consequently, the urbanising impact of the concrete hard-standing is significantly reduced and the containment of cars and restoration works within the existing building would not cause adverse harm to the character and appearance of the High Weald AONB. To ensure this, a condition is recommended to restrict the parking of vehicles in the open air and the use of the hardstanding track adjacent to and in front of the building for access to the rear of the building only. This would prohibit the overspill of vehicles into the fields, which would be detrimental to the rural character and appearance of the High Weald AONB. It is noted that at present, there are cars parked in the open air outside of the building. Should an approval be granted, the applicant is given three months from the date of this decision to comply with this condition.

6.4 Impact on the living conditions of neighbouring residents

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

- 6.4.2 The site is relatively distant from residential properties, with the closest property (Hoads Farm) located some 100m to the south-east. However, with some works being carried out to the cars, albeit on a private hobby basis, there is still a consideration to make with regards to any potential noise and fume issues. In this respect, the Council's Environmental Health Service is satisfied that subject to the imposition of appropriate restrictive conditions, the proposal would not cause undue disturbance from noise and fumes. As such, there is no objection to the proposal in relation to its impact on the living conditions of neighbouring residents.
- 6.4.3 Neighbours have contended that the site is being used for commercial purposes and 'car-breaking' activities. While these comments have been considered, the Local Planning Authority has no evidence to confirm these allegations and have conducted numerous unannounced site visits over the last 24 months. No evidence has been presented to the Local Planning Authority which would question the validity of this proposed use. Notwithstanding this, if approved, the proposed use can be constrained by planning conditions. It is also noted that two Unit 1 Hoads Farm and Oaklands, both located within 150m of the proposal, are carrying out commercial activities involving vehicles. Therefore, it is difficult to distinguish between the vehicular movements associated with these three enterprises, such as parts deliveries and vehicle deliveries on transporters.
- 6.4.4 While 'vehicle restoration works' on a hobby basis are proposed in this application; should an approval be granted, it is recommended that the scope of the operations are restricted by condition. Therefore, no vehicle testing, breaking, panel beating or paint spraying shall take place anywhere on the site and the use of any power tools such as drills, grinders, polishers and welders, should be contained within the building. To ensure that development does not unreasonably harm the amenities of adjoining properties.
- 6.4.5 The agent for this application has not submitted any hours of use of the site. If the application be met with an approval it is recommended that the following hours of use are applied. Monday – Friday 0800-1800, Saturday 0800-1300, and not at all on Sundays, public or Bank Holidays.
- 6.4.6 It is considered that these hours are appropriate for this low level of use and the containment of power tools within the building will ensure the noise levels are not detrimental to the amenities of any nearby properties, given the quiet rural setting and reflects a permission for a similar use at Oaklands (RR/2016/2567/P) to the east of the proposal.
- 6.4.7 Finally, it is considered that this is a specific use personal to the applicant and is acceptable only on this basis. A condition shall be applied to control this.

6.5 Highway safety

- 6.5.1 Policy CO6 (ii) and TR3 of the Rother Local Plan Core Strategy seek to avoid prejudice to road and/or pedestrian safety by ensuring adequate, safe access arrangements.
- 6.5.2 The impact of the proposal on Moat Lane, access track serving the site and Public Footpath has been mentioned in the letters of objection. However, the

proposal is not for a major commercial enterprise. It is essentially for the storage of a private car collection. As such, it is not considered that significant additional traffic movements would be generated.

6.5.3 The Highway Authority has commented on the proposal as follows:

6.5.4 *'The UC6629 serving the site is generally narrow and unable to accommodate two-way traffic for much of its length. There is also a shortage of passing places available and as a result vehicles meeting head on are regularly forced to drive within the grass verges or reverse a significant distance to a wider stretch or road. With this in mind any development likely to increase traffic movements on the road would be considered undesirable from a highway safety perspective.'*

6.5.5 *'The proposal is for a change of use of a former chicken shed (agricultural use) to a mixed use comprising storage and restoration of private vehicle collection and office use. As the storage use will only be for privately owned vehicles the level of traffic generated is likely to be minimal. Conclusion - Due to the sub-standard nature of the road serving the site any increase in its use would be a concern; however, considering the low level of traffic likely to be generated by the proposed use the impact on the approach road could not be considered significant and with this in mind an objection would be difficult to justify.'*

6.5.6 For the above reasons there is no objection to the proposal on highway grounds.

6.6 External alterations/repairs to the building

6.6.1 The proposed works to the external appearance of the building are not considered to significantly alter the appearance of the building and namely comprise repairs to the existing fabric.

6.7 Other matters

6.7.1 The Council's Environmental Health Service has commented on the proposal in relation to the potential for contamination of the ground from oils and fuels. In this respect, an appropriate contamination prevention scheme would be required to be submitted for approval and incorporate oil/fuel interceptors that will prevent spent oils/chemicals from contaminating the site, namely from the vehicles parked within the building. This requirement could be secured by condition.

6.7.2 The Parish Council is concerned about pollution of the surrounding water ways from slurry from the previous use of the land as a chicken farm. However, neither the Environment Agency nor Rother's Environmental Health department raised this as a concern during the previous application which is of a very similar nature. Rother's Environmental Health department was consulted again on this application and no comment was made in relation to this. Consequently, this is not considered to be a material consideration in determining this application.

7.0 SUMMARY

- 7.1 For the reasons set out above, the proposed development would not cause unacceptable harm to the landscape quality and character of the countryside and High Weald AONB and subject to appropriate conditions, this application can be recommended for approval.
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8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposed development is not liable for CIL.
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RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The storage and restoration of vehicles hereby permitted shall be carried out only by Mr Peter Jans, and for no other purpose including any other use within Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order.
Reason: In the interests of protecting the living conditions of nearby residential occupiers from disturbance from noise, smells and fumes having regard to Paragraph 123 of the National Planning Policy Framework and Policy OSS4 (ii) of the Rother Local Plan Core Strategy.
2. The development hereby permitted shall be carried out in accordance with the following approved drawing:
Proposed Floor Plans and Sections No. 998-111 Revision B, dated APR 18
Proposed Site Plan No. 998-120 Revision D, dated Nov 18
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in the "Planning Practice Guidance – Use of Planning Conditions – Paragraph: 022 Reference ID: 21a-022-20140306."
3. Within three months of the date of this decision, all vehicles shall be stored inside the building and thereafter retained and no vehicles shall be stored in the open air at any time, notwithstanding the space provided for two vehicles in front of the building.
Reason: To ensure that the vehicles are contained within the existing building, thus ensuring it has an acceptable visual impact and is a suitable for the rural locality, in accordance with Policy RA3 (v) of the Rother Local Plan Core Strategy.
4. No development in relation to the hard-standing hereby permitted shall commence until details of the materials to be used in the construction of this surface have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details within six months of the approval of these details.
Reason: To ensure that the development reflects the character and/or appearance of the existing building and to preserve the visual amenities of the area in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy.

5. Within two months of the date of this permission, details of a contamination prevention scheme in association with the storage of vehicles shall be submitted and approved in writing by the Local Planning Authority. The scheme shall incorporate oil/fuel interceptors or other suitable means that will prevent spent oils/chemicals from contaminating the site. Following the approval of these details, such scheme shall be implemented within a further three months and thereafter retained.
Reason: To ensure the satisfactory drainage of the site and to prevent water and ground pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.
6. No vehicle testing, braking, panel beating or paint spraying shall take place anywhere on the site and no power tools or machinery be permitted outside in the open air at any time.
Reason: In the interests of protecting the living conditions of nearby residential occupiers from disturbance from noise, smells and fumes having regard to the National Planning Policy Framework and Policy OSS4 (ii) of the Rother Local Plan Core Strategy.
7. No external floodlighting or other means of external illumination shall be used at the site unless a scheme is submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the character and appearance of this countryside and High Weald AONB location, having regard to the National Planning Policy Framework and Policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (v) and EN1 (i and vii) of the Rother Local Plan Core Strategy (2014).
8. No machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or despatched from the site outside the following times: 0800 to 1800 on Mondays to Fridays; 0800 to 1300 on Saturdays; and not at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of protecting the living conditions of nearby residential occupiers from disturbance from noise, and protecting the amenities of the rural countryside and the High Weald AONB, having regard to the National Planning Policy Framework and Policies OSS4 (ii) and EN1 (i) of the Rother Local Plan Core Strategy (2014).

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

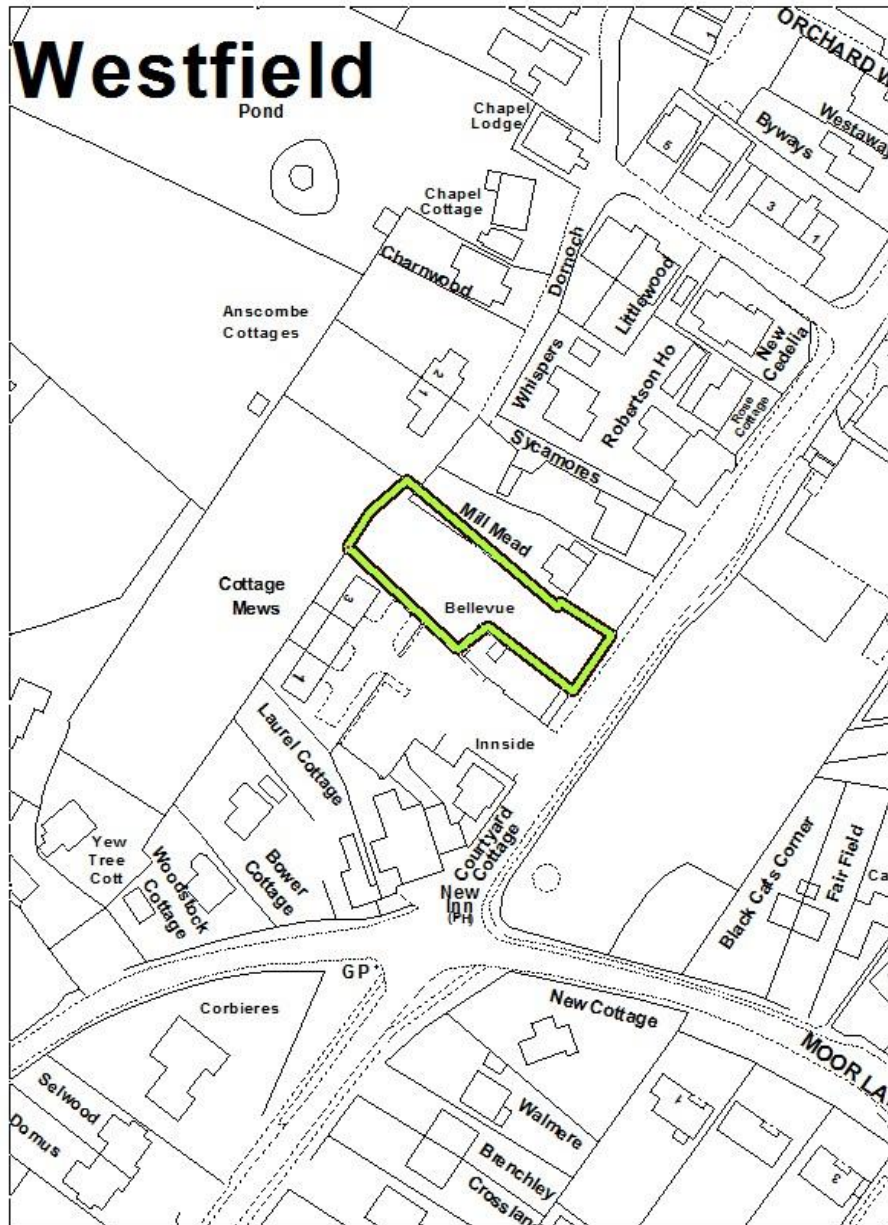
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SITE PLAN

WESTFIELD

RR/2018/2937/P

Bellevue, Main Road.



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Not To Scale

RR/2018/2937/P

WESTFIELD Bellevue, Main Road

Proposed dwelling and parking

Applicant: Mr & Mrs J Archer
Agent: Roger Howells Architects
Case Officer: Mr E. Corke (Email: edwin.corke@rother.gov.uk)
Parish: WESTFIELD
Ward Members: Councillors J.M. Johnson and C.R. Maynard

Reason for Committee consideration: Referred by Councillor C.R. Maynard

Statutory 8 week date: 15 January 2018
Extension of time agreed to: 19 February 2019

This application is included in the Committee site inspection list.

1.0 POLICIES

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

- DS3: Proposals within Development Boundaries

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

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

1.3 The Development and Site Allocations Local Plan (DaSA) has now been submitted (as of January 2019) for examination. Varying degrees of weight are now afforded to the policies contained within this emerging development plan document with the following being considered relevant to the proposal:

- DHG3: Residential Internal Space Standards
- DHG7: External Residential Areas
- 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
- DIM2: Development Boundaries

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

2.0 SITE

2.1 Bellevue – otherwise known as Archers of Westfield – is a butchers/delicatessen with an associated car park located on the north-west side of Main Road (A28), in the centre of the village.

2.2 The application specifically relates to the car park and a good-sized parcel of redundant land immediately to the rear of the butchers/delicatessen. The parcel of land is currently grassed with levels falling away from Main Road and the existing premises down to fields at the rear. There are residential properties on either side – Mill Mead, which is a detached house that sits at a higher ground level to the north-east, and No. 3 Cottage Mews, which is a two-storey end-of-terrace property that sits at a lower ground level to the south-west. Side boundaries are a mix of fencing and hedges with a hedge to the rear field boundary.

2.3 The site lies within a predominantly residential area where there is development to the rear of properties on the main road. In terms of character, surrounding dwellings vary in age, scale, design, style and materials – there is no one particular local vernacular – and sit within a variety of plot sizes.

2.4 In policy terms, the site is located within the development boundary for Westfield – as defined in the Rother District Local Plan 2006 – is within the High Weald Area of Outstanding Natural Beauty (AONB), and is situated within an Archaeological Notification Area (ANA).

3.0 HISTORY (RELEVANT)

3.1 RR/2018/1878/P New dwelling. Withdrawn.

4.0 PROPOSAL

Background

4.1 In 2018 an application (Ref: RR/2018/1878/P) for the erection of a 4-bed chalet bungalow on the parcel of land was withdrawn. This was because the case officer was concerned that the overall size and bulk of the dwelling, together with its close proximity to the adjoining boundaries, would have resulted in a development that would have had a poor relationship – in terms

of outlook – with the neighbouring properties, including the rear of the butchers/delicatessen.

- 4.2 The applicant subsequently submitted a sketch proposal of a revised chalet-bungalow for pre-application advice. The amended design included a reduction in the height of the building, increased separation from the boundary with the neighbouring property Mill Mead, and replacement of a half-hipped gable facing Mill Mead with a full hip. However, the case officer advised the applicant that these changes were not considered to be sufficient to overcome the previous concerns and that a complete re-design was required – specifically a reduction in the overall size and bulk of the building and an increase in the degree of separation to the site boundaries.

Current proposal

- 4.3 The current proposal is a submission of the pre-app scheme (i.e. it is for the erection of a 4-bed chalet bungalow on the redundant parcel of land immediately to the rear of the butchers/delicatessen). The proposal includes a reconfiguration of the existing car park to accommodate two off-street car parking spaces for the dwelling, together with a turning area. Three new car parking spaces for the existing shop staff are proposed adjacent to the front garden of the neighbouring property Mill Mead.
- 4.4 The detached chalet bungalow is a predominantly hipped roof building – apart from a half-hipped gable to the side (south-west) elevation – with rooflights in the front and rear roof slopes and a dormer in the rear roof slope. The materials palette comprises a mixture of light coloured render and cedar weatherboard to the external walls and dormer cheeks, and plain clay tiles to the roof. The overall dimensions of the dwelling are 15.3m width x 17.4m depth x 7m height to ridge.

5.0 CONSULTATIONS

5.1 Westfield Parish Council

- 5.1.1 *“Council are very supportive of this application and the style of chalet bungalow. Council would recommend approval of this application.”*

5.2 County Archaeologist

- 5.2.1 Recommend for approval in principle subject to the imposition of conditions.

5.3 Planning Notice

- 5.3.1 One letter of support from the residents of the neighbouring property Mill Mead:

“We agree that the increase in distance from the boundary, reduction of the height and full pitch of the north east facing roof reduces the impact of the building. We have no objections to these plans.”

6.0 APPRAISAL

6.1 Planning issues

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

6.1.2 The main issues with the current proposal are:

- impact on the character and appearance of the area;
- impact on the living conditions of adjoining residents in relation to outlook and privacy;
- highway issues and parking provision; and
- archaeology.

6.2 Character and appearance

6.2.1 Paragraph 172 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.

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

6.2.3 Policy RA1 states the needs of rural villages will be addressed by (i):

“Protection of the locally distinctive character of villages, historic buildings and settings, with the design of any new development being expected to include appropriate high quality response to local context and landscape.”

6.2.4 Policy EN1 of the Rother Local Plan Core Strategy and emerging policy DEN1 of the DaSA seek to ensure that the siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located.

6.2.5 Policy DEN2 of the emerging DaSA states that *“development within the High Weald AONB should be small-scale, in keeping with the landscape and settlement pattern.”*

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

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

6.2.8 The site lies within a predominantly residential area where there is development to the rear of properties on the main road (e.g. the adjacent two-storey terrace to the south-west known as Cottage Mews). In terms of

character, surrounding dwellings vary in age, scale, design, style and materials – there is no one particular local vernacular – and sit within a variety of plot sizes. For these reasons, the proposed chalet bungalow, which largely follows a conventional design and would occupy a good-sized backland plot, would not detract from the character and appearance of the area. The proposed dwelling would provide internal accommodation of an appropriate size and it is also the case that a good size garden would be provided to the rear.

- 6.2.9 The village lies within the High Weald AONB and the proposed chalet bungalow is likely to be visible in views from the countryside to the rear of the site. However, it would sit within the existing built-up area of the village and the ridge height of the dwelling would be lower than that of the neighbouring properties fronting Main Road. The design is considered to be appropriate for the area and while visible from the countryside of the AONB, the development would not have a harmful impact on the landscape and scenic beauty of the AONB.

6.3 Living conditions of adjoining residents

- 6.3.1 Policy OSS4 of the Rother Local Plan Core Strategy requires all development to (ii) not unreasonably harm the amenities of adjoining properties.

- 6.3.2 There are two neighbouring properties – Mill Mead, which is a detached house that sits at a higher ground level to the north-east, and No. 3 Cottage Mews, which is a two-storey end-of-terrace property that sits at a lower ground level to the south-west – both of which currently have open outlooks over the application site.

Outlook

- 6.3.3 With regard to Mill Mead, the proposed dwelling would be positioned at the top end of the neighbouring rear garden, in close proximity to the house. It would be set back from the common boundary by some 3m and would present a long 17.4m flank elevation extending up to an overall height of 7m at the main roof slope – some 4.8m higher than the boundary fence at this point.

- 6.3.4 Having regard to the above, and despite the neighbours having no objection to the proposal, the dwelling would be in very close proximity to the rear garden of Mill Mead, which combined with the height and bulk of its flank elevation, would result in a development that would be harmfully dominant in terms of the outlook from the rear garden of that property. There may also be some loss of light as a result of its orientation to the south-west. The design of the proposed dwelling, whereby the roof slopes away from the common boundary, is not considered to be sufficient to alleviate the harmful impact because of the building's overall height and very close proximity to the boundary.

- 6.3.5 Turning to the relationship with No. 3 Cottage Mews, the main bulk of the proposed dwelling, which extends up to an overall height of 7m, would be positioned some 6m forward and 3m to the side of that property's front elevation. Furthermore, owing to the difference in ground levels, the proposed dwelling would be elevated above the first floor level of No. 3.

- 6.3.6 Having regard to the above, the dwelling would be in close proximity to the front elevation of No. 3 Cottage Mews, which combined with its overall height and bulk and elevated position relative to the first floor of No. 3, would result in a development that would be harmfully dominant in terms of the outlook from the closest first floor bedroom window of that property.

Privacy

- 6.3.7 The critical relationship here is between the first floor bedrooms within the rear roof slope of the proposed dwelling, which would be served by a low rooflight and dormer window, and the private side/rear garden of No. 3 Cottage Mews, which is limited in size. In this respect, the limited separation between the developments and the elevated positions of the rooflight and dormer window to the side of the rear roof slope closest to No. 3 would enable views of the private side/rear garden to be achieved from the rear bedrooms. This would be accentuated by the difference in ground levels between the developments, ensuring that the privacy of the neighbouring property's side/rear garden would be compromised even with the existing hedge along the common boundary in place.

New car parking spaces

- 6.3.8 The proposal includes the provision of three new car parking spaces for the existing shop staff adjacent to the front garden of the neighbouring property Mill Mead. These would be screened from the adjoining front garden by an existing hedge along the common boundary. The impact of the additional vehicle movements and associated noise on the living conditions of the neighbouring residents would not be significant, particularly having regard to the close proximity of the main road, which is heavily trafficked.

6.4 Highway issues and parking provision

- 6.4.1 Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy and policy DHG12 (i) of the emerging DaSA seek to avoid prejudice to highway safety by ensuring adequate, safe access arrangements.
- 6.4.2 Policy TR4 (i) of the Rother Local Plan Core Strategy requires the residual needs of the development for off-street parking to be met having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.
- 6.4.3 The proposed access and parking & turning arrangements are similar to those accepted by the Highway Authority in relation to the previously withdrawn scheme for a 4-bed chalet bungalow. As such, there is no objection to the current proposal on highway grounds.

6.5 Archaeology

- 6.5.1 The proposed dwelling would be situated within an ANA defining the historic core of the medieval and post-medieval hamlet of Westfield, first recorded in 1086. The site itself is likely to be a historic tenement plot alongside one of the main streets of the settlement. The adjoining plot was previously occupied by the parish windmill, and nearby plots contain a number of surviving historic buildings.

- 6.5.2 In light of the above, there is potential for the development to impact on buried archaeological remains and so the County Archaeologist has advised that if planning permission is granted, the area affected by the proposal should be the subject of a programme of archaeological works. This could be secured by condition.
-

7.0 SUMMARY AND PLANNING BALANCE

- 7.1 The Government is seeking to boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. The application site is within the built-up area of Westfield and as such there is no objection in principle to a dwelling here, provided the proposal has an acceptable impact on the environment.
- 7.2 This revised proposal for the construction of a 4-bed chalet bungalow would provide an additional dwelling in a sustainable location, which would make a contribution – albeit modest – to the district’s housing supply and would bring about social and economic benefits. Taken collectively, these are all benefits of the scheme. However, these benefits would not outweigh the harm that would be caused to the living conditions of adjoining residents, as detailed above. Therefore, a refusal of planning permission is recommended.
-

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

RECOMMENDATION: REFUSE (PLANNING PERMISSION)

REASONS FOR REFUSAL:

1. The proposed dwelling, by reason of its very close proximity to the rear garden of the neighbouring property Mill Mead to the north-east, combined with the height and bulk of its flank elevation, would be harmfully dominant in terms of the outlook from the rear garden of that property. As such, the proposal would be detrimental to the living conditions of the adjoining residents, in conflict with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.
2. The proposed dwelling, by reason of its close proximity to the principal elevation of the neighbouring property No. 3 Cottage Mews to the south-west, combined with its overall height and bulk and elevated position relative to the first floor of No. 3, would be harmfully dominant in terms of the outlook from the closest first floor bedroom window of that property. As such, the proposal would be detrimental to the living conditions of the adjoining residents, in conflict with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.
3. The bedroom rooflight and bedroom dormer window within the rear roof slope of the proposed dwelling, by reason of their limited separation to the

private side/rear garden of the neighbouring property No. 3 Cottage Mews to the south-west, and their elevated position to the side of the dwelling's rear roof slope closest to No. 3, would enable views of the neighbouring side/rear garden to be achieved from the rear bedrooms. The proposal would result in harmful overlooking of the neighbouring property, which would be detrimental to the living conditions of the adjoining residents, in conflict with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.

NOTE:

1. This refusal of planning permission relates to the following drawings:
Drawing No. 1811/02E dated July 2018
Drawing No. 1811/04 dated Sept 2018

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

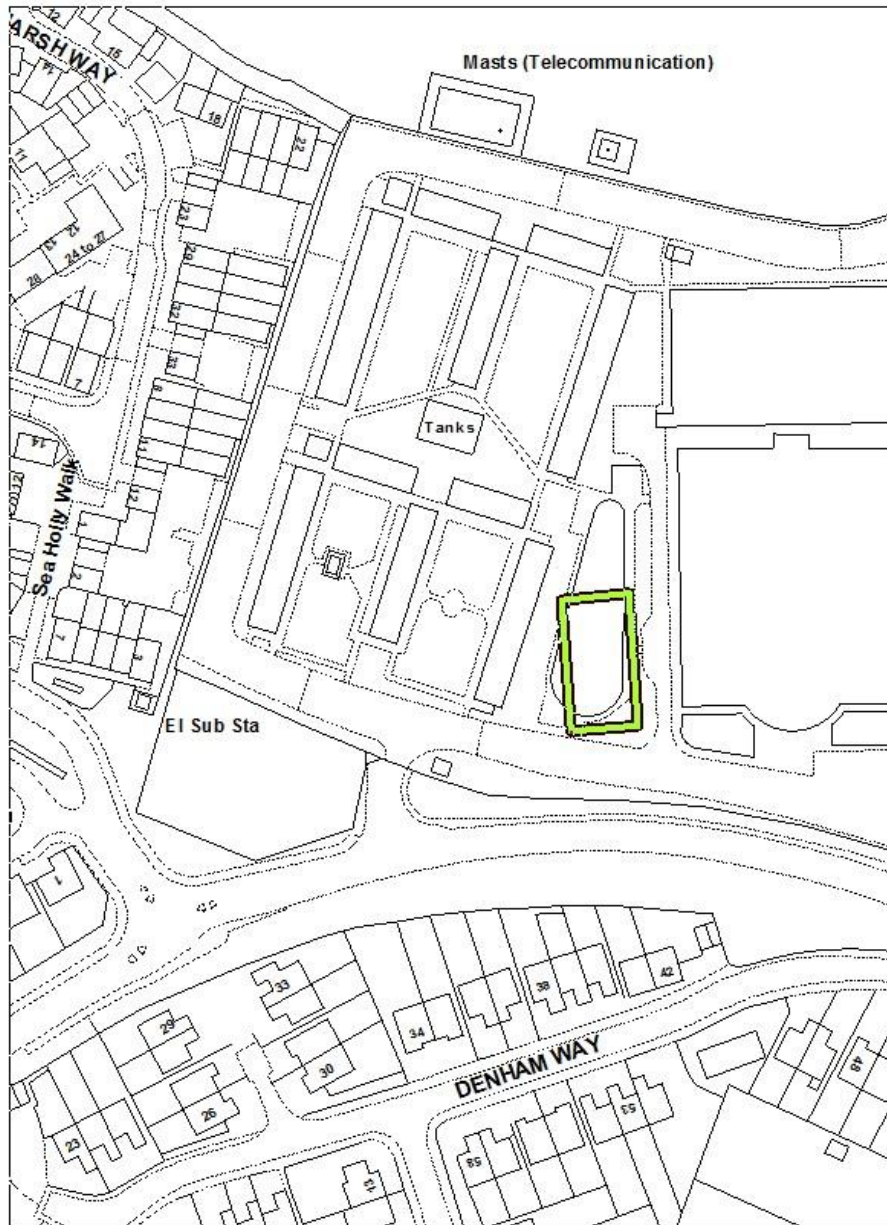
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SITE PLAN

CAMBER

RR/2018/731/P

Pontins, Lydd Road.



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Not To Scale

RR/2018/731/P

CAMBER Pontins Limited, Lydd Road

Erection of 15m x 30m marquee on the site of a disused/redundant go kart track

Applicant: Pontins Camber Sands
Agent: Prestwich Design Group
Case Officer: Mr E. Corke (Email: edwin.corke@rother.gov.uk)
Parish: CAMBER
Ward Members: Councillors Mrs S. Hart and P.N. Osborne

Reason for Committee consideration: Council owned land

Statutory 8 week date: 24 January 2018
Extension of time agreed to: 19 February 2019

This application is included in the Committee site inspection list.

1.0 POLICIES

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

- DS3: Proposals within Development Boundaries

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

- PC1: Presumption in Favour of Sustainable Development
- OSS1: Overall Spatial Development Strategy
- OSS3: Location of Development
- OSS4: General Development Considerations
- RA1: Villages
- EN3: Design Quality
- EN5: Biodiversity and Green Space
- EN7: Flood Risk and Development

1.3 The Development and Site Allocations Local Plan (DaSA) has now been submitted (as of January 2019) for examination. Varying degrees of weight are now afforded to the policies contained within this emerging development plan document with the following being considered relevant to the proposal:

- DEN4: Biodiversity and Green Space
- DEN5: Sustainable Drainage
- DEN7: Environmental Pollution
- DIM2: Development Boundaries

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

2.0 SITE

- 2.1 Pontins Limited is a large and longstanding holiday park located on the north side of Lydd Road (C24), in the centre of Camber village. The park comprises guest accommodation, leisure and entertainment facilities, bars, restaurants, supermarket, car parks and company offices.
- 2.2 The application specifically relates to a disused/redundant go kart track located towards the western end of the holiday park, in between the main amenities building to the east and guest accommodation to the west. The closest neighbouring residential properties lie some 38m away in Denham Way to the south, on the other side of the main road.
- 2.3 In policy terms, the site is located within the development boundary for Camber – as defined in the Rother District Local Plan 2006 – and is within Flood Zone 3, in an area benefitting from flood defences. The application site lies outside of, but in close proximity to, the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI), the Camber Sands & Rye Saltings SSSI, the Walland Marsh SSSI, the Dungeness, Romney Marsh and Rye Bay Ramsar Site and Special Protection Area (SPA), and Camber Sands Sites of Nature Conservation Importance (SNCI).
-

3.0 HISTORY

- 3.1 There is an extensive planning history relating to the holiday use of the site.
-

4.0 PROPOSAL

- 4.1 The proposal is for the erection of a marquee on the site of the disused/redundant go kart track, to be used as the main checking-in location where guests register and collect their keys upon arrival. Currently, guests check-in in the main amenity building, which is not practicable.
- 4.2 The proposed marquee measures 15m width x 30m depth x 5m height-to-ridge and would be a white/cream colour.
- 4.3 Initially, it was also proposed to use the marquee for other events and functions (e.g. for any third party exhibitors that visit the holiday park), but it has since been confirmed that it would be used for administrative purposes and only during the daytime. Furthermore, there would be no amplified music or vocals and no large crowds of people.
-

5.0 CONSULTATIONS

5.1 Camber Parish Council

- 5.1.1 *“Camber Parish Council considered the application on Tuesday 18th December 2018. The application is welcomed on the understanding that the marquee will be used for checking in guests in such a way as to ensure that the flow of traffic from the road into Pontins is improved and therefore getting vehicles off the road quicker to alleviate the traffic conditions on busy days in Camber which are made worse by vehicles queuing to enter Pontins to book in. The Parish Council would support the application on the basis that both gates into Pontins are open to improve the flow of traffic.”*

5.2 Environment Agency

- 5.2.1 The application is covered by Environment Agency Flood Risk standing advice.

5.3 Natural England

- 5.3.1 No objection.

5.4 Environmental Services and Licensing – Environmental Health

- 5.4.1 No objection subject to the imposition of a condition.

5.5 Strategy and Planning – Estates Management

- 5.5.1 *“As Estate Manager for the Council who own the freehold of the site, I can confirm that we have not to my knowledge received a formal notice from the applicant of this application. I should add that the proposed addition will require the Council’s formal consent as landlord under the terms of the Lease and we have not yet been approached for such consent. For the avoidance of doubt any planning consent (if approved) would not constitute consent under the Lease.*

That said I have no comment to make on the application itself, other than to echo the comments of our colleagues in Environmental Health regarding noise considerations.”

5.6 Planning Notice

- 5.6.1 One general comment from one local property:

“What colour will it be? As a marquee I assume plain white. Will music be played in it as sound will not be retained?”

- 5.6.2 Three objections from three local properties raising the following concerns (summarised):

- Disturbance from noise.
- Marquee will be a visual blight on the Camber skyline.
- Insufficient information has been submitted for the application to be considered valid.

- Pontins business model has brought with it many issues such as high crime rates, inconsiderate car parking and general antisocial behaviour. Any developments which increase the footfall within Pontins prior to these issues being addressed fully should be rejected outright to prevent further deterioration in this situation.
- Not clear what the marquee is going to be used for.

6.0 APPRAISAL

6.1 Planning issues

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

6.1.2 The main issues with the proposal are:

- impact on the character and appearance of the area;
- impact on the living conditions of neighbouring residents in the surrounding area with regard to the potential for disturbance from noise;
- impact on the designated sites; and
- flood risk.

6.2 Character and appearance

6.2.1 Policy OSS4 of the Rother Local Plan Core Strategy requires all development to (iii) respect and not detract from the character and appearance of the locality.

6.2.2 The proposed marquee, which is 5m high and white/cream in colour, would be located well within the holiday park, in between the main amenity building, which is over 9m high and predominantly blue in colour, to the east, and a block of guest accommodation, which is over 7m high and predominantly white in colour, to the west. These buildings are of no particular architectural merit.

6.2.3 Having regard to the above, the proposed marquee would be lower than the adjacent buildings to which it would relate and its white/cream colour would be in keeping with the white colour of guest accommodation. It is also the case that the marquee would be set down below the level of the nearby Lydd Road and would be partially screened from the highway by a hedge on the holiday park's Lydd Road frontage. For these reasons, the proposed marquee would not be prominent in the street scene and would not detract from the character and appearance of the area.

6.3 Living conditions of adjoining residents

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

6.3.2 Policy DEN7 of the emerging DaSA states that development will only be permitted where it is demonstrated that there will be no significant adverse

impacts on, amongst other things, health and local amenities as a result of noise.

- 6.3.3 The proposal would transfer guest checking-in from the main amenity building to the proposed marquee, and as such would not result in increased numbers of people visiting the holiday park. There is likely to be some additional noise arising from people inside the marquee, as the structure is unlikely to have the same acoustic properties as the main amenity building, which is a solid structure. However, the marquee would be located well within the holiday park and there would be a good degree of separation (some 38m) between it and the closest residential properties in Denham Way to the south, which lie on the other side of the main road. It would also only be used for guest checking-in and there would be no amplified music or vocals, both of which can be secured by condition. This measure of separation combined with the marquee being used for administrative purposes only, should ensure that neighbouring residents in the surrounding area would not experience undue disturbance from noise.

6.4 Impact on the designated sites

- 6.4.1 Policy EN5 (ii) of the Rother Local Plan Core Strategy and Policy DEN4 (ii) of the emerging DaSA seek to protect and enhance the biodiversity and geodiversity of international, national, regional and local designated sites.
- 6.4.2 The application site lies outside of, but in close proximity to, the Dungeness, Romney Marsh and Rye Bay SSSI, the Camber Sands & Rye Saltings SSSI, the Walland Marsh SSSI, the Dungeness, Romney Marsh and Rye Bay Ramsar Site and SPA, and Camber Sands SNCI.
- 6.4.3 Having regard to the proximity of the designated sites, the Council as the Competent Authority has carried out a Screening Assessment to establish whether a Habitats Regulations Assessment (HRA) is required. In this case it has been determined that a HRA is not required, as the proposed development would not have significant adverse effects on the integrity of the designated sites. Natural England has no objection to the development.

6.5 Flood Risk

- 6.5.1 The site lies within Flood Zone 3, which is defined as having a high probability of flooding from the sea in the Planning Practice Guidance.
- 6.5.2 The proposed marquee would only be used for administrative purposes and not for living or sleeping accommodation. As such, there would not be a significant risk to life in the event of a flood.
- 6.5.3 In terms of surface water run-off, this should remain close to existing, as the marquee would be located on an area of land which is hard-surfaced.

6.6 Other matters

- 6.6.1 The Parish Council has stated that it would support the application on the basis that both gates into Pontins are open to improve the flow of traffic. However, a condition securing this is not considered to be necessary, as the proposal would not generate an increase in traffic (i.e. it would only transfer guest checking-in from one building to another) and such a condition would

be difficult to enforce. At the site visit, the manager of the holiday park advised the case officer that the second entrance gate is already opened during busy periods.

- 6.6.2 The Council's Estate Manager has advised that if planning permission is granted for the marquee, its erection will require the Council's formal consent as landlord under the terms of the lease. The applicant can be advised of this by way of an informative note on the decision notice.

7.0 SUMMARY

- 7.1 The proposed marquee is to be used as a dedicated check-in facility that will aid the operation of the existing holiday park. It will not be harmful to the environment, including the character and appearance of the area and the living conditions of neighbouring residents. Subject to the imposition of appropriate restrictive conditions and an informative note, as detailed above, planning permission should be granted.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

RECOMMENDATION: GRANT (PLANNING PERMISSION)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
Drawing No. 04 Revision B (PROPOSED SITE PLAN 1), dated MAR 2018;
Drawing No. 05 Revision B (PROPOSED SITE PLAN 2), dated MAR 2018;
Drawing No. 06 Revision B (EXISTING SOUTH ELEVATION AND PROPOSED NORTH, EAST, SOUTH & WEST ELEVATIONS), dated MAR 2018.
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. The marquee hereby permitted shall only be used for checking-in guests staying at Pontins Limited Camber Sands and for no other purpose.
Reason: To protect the living conditions of neighbouring residents in the surrounding area from disturbance from noise, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.

4. No amplified music or vocals shall take place within the marquee hereby permitted.
Reason: To protect the living conditions of neighbouring residents in the surrounding area from disturbance from noise, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.

NOTE:

1. The applicant is advised that Rother District Council owns the freehold of the site and as such erection of the marquee will require the Council's formal consent as landlord under the terms of the Lease. For the avoidance of doubt, this planning permission does not constitute a consent under the lease, which must be obtained before the marquee can be erected.

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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