

Report to	-	Planning Committee
Date	-	14 March 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
RR/2018/2209/P	4	TICEHURST	Banky Field, Steellands Farm, Steellands Rise
RR/2018/2725/P	27	TICEHURST	Banky Field, Steellands Farm, Steellands Rise
RR/2018/2888/P	33	BEXHILL	Coneyburrow Lane – Land off, Coneyburrow Lane

6.2 ALL OTHER APPLICATIONS

REFERENCE	PAGE	PARISH	SITE ADDRESS
RR/2018/2666/P	46	BATTLE	North Trade Road – Land north of.
RR/2018/1934/P	69	BATTLE	25 Tollgates, Martlets
RR/2019/222/P	82	BATTLE	Oaklea – Land adjoining, Marley Lane
RR/2018/2480/P	90	PEASMARSH	Oast Cottage, Main Street
RR/2018/2801/P	104	BEXHILL	Bexhill Cemetery, Turkey Road
RR/2018/3036/P	115	BEXHILL	The Old Bathing Station – Kiosk, De La Warr Parade
RR/2019/109/P	120	BEXHILL	Finance Building, Town Hall – Adjacent to, Amherst Road
RR/2018/3046/P	124	BECKLEY	Knelle Dower, Rye Road
RR/2018/3047/L	124	BECKLEY	Knelle Dower, Rye Road

SITE PLAN	TICEHURST
RR/2018/2209/P	Banky Field, Steellands Farm, Steellands Rise.



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Not To Scale

RR/2018/2209/P

TICEHURST Banky Field, Steellands Farm, Steellands Rise

Approval of reserved matters pursuant to outline permission RR/2014/1652/P for the erection of 40 dwellings and associated access and landscaping works – details of site layout, scale, appearance of dwellings and landscaping

Applicant: Optivo
Agent: Mr Damian Sullivan (Thakeham Homes Limited)
Case Officer: Mr M. Cathcart (Email: mark.cathcart@rother.gov.uk)
Parish: TICEHURST
Ward Members: Councillors Mrs M.L. Barnes and R.V. Elliston

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

Statutory 13 week date: 13 December 2018
Extension of time agreed to: 18 March 2019

This application is included in the Committee site inspection list.

1.0 POLICIES

- 1.1 There are no 'saved' policies of the adopted Rother District Local Plan 2006 that are relevant to the proposal:
- 1.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS4: General development considerations
 - RA1: Villages
 - SRM2: Water supply and wastewater management
 - LHN1: Achieving mixed and balanced communities
 - LHN2: Affordable housing
 - EN1: Landscape stewardship
 - EN3: Design quality
 - EN5: Biodiversity and green space
 - EN7: Flood risk and development
 - 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
 - DHG4: Accessible and adaptable homes
 - DHG7: External residential areas
 - DHG11: Boundary treatments
 - DHG12: Accesses and drives
 - DEN5: Sustainable drainage
- 1.3.1 The following general policies of the DaSA carry significant weight being as an expansion of existing adopted policies.
- DEN1: Maintaining landscape character (existing Policy EN1 refers)
 - DEN2: The High Weald Area of Outstanding Natural Beauty (AONB) existing Policy EN1 refers)
 - DEN4: Biodiversity and green space (existing Policy EN5 refers)
- 1.4 Whist the Council's DaSA Local Plan for Rother District will allocate sites for particular uses in line with the Core Strategy, as well as set out more detailed policies, Ticehurst has been designated a Neighbourhood Plan area. Site allocations etc. for Ticehurst will therefore be covered in the Neighbourhood Plan and not the DaSA Local Plan.
- 1.4.1 Ticehurst Parish Council has submitted the Ticehurst Neighbourhood Plan and associated documents to Rother District Council in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). Rother District Council carried out a formal public consultation on the submitted Plan, in accordance with Regulation 16 of the Regulations during November/ December 2018. The application site is shown on Map 15 of the Ticehurst Neighbourhood Plan and is identified as an existing commitment for 40 dwellings.
- 1.4.2 The Neighbourhood Plan is at a relatively early stage and as such, it is considered that this can be afforded limited weight as a material planning consideration.
- 1.5 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. The following parts of the National Planning Policy Framework are particularly relevant to the development proposal:
- Paragraph 11: the presumption in favour of sustainable development
 - Paragraph 38: decision-making
 - Paragraph 47: determining applications
 - Paragraph 67 – 68: identifying land for homes
 - Paragraph 73: maintaining supply and delivery (five year supply)
 - Paragraphs 102-103: promoting sustainable transport
 - Paragraphs 117-118: require that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses
 - Paragraph 122: achieving the appropriate density of development
 - Section 12: achieving well-designed places
 - Section 15: conserving and enhancing the natural environment, including paragraph 172 in respect of the High Weald AONB

2.0 SITE

- 2.1 The application site is located in the north of Ticehurst. The proposed housing development is contained within the southern part (1.78 ha) of the much larger open field (arable land) and is surrounded to the south, east and west by existing development. It is a sloping site and site levels fall, principally, to the south and west. There is a tree/hedge belt on its southern and eastern boundaries. A number of rather more mature trees on the eastern boundary are the subject of a tree preservation order. A stream follows the site boundary to the south and west. Some distance to the north of the application site a public footpath crosses east-west across the field.
- 2.2 To the north-east of the application site is Ticehurst Primary School and Nursery on Steellands Rise. The site is bounded by the housing development in Steellands Rise to the east, Acres Rise, Springfield and The Warren to the south and west.
- 2.3 The site, along with the whole of Ticehurst village and its environs lies within the High Weald AONB. There are no other environmental designations applying to the site.
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3.0 HISTORY (relevant)

- 3.1 RR/2014/1652/P Outline: residential development comprising the erection of 40 dwellings with associated access and landscaping works, including the construction of a new northern access road off Steellands Rise to serve the new development (no vehicular access from the existing Steellands Rise cul-de-sac) – outline planning permission granted with details of access also approved.
- 3.2 RR/2018/2725/P Provision of pedestrian footpath from Steellands Rise (between Nos. 10 and 11) to connect with proposed residential development west of Steellands Rise – outstanding application.
- 3.3 RR/2019/176/P Variation of Condition 5 imposed on RR/2014/1652/P to allow amendments to vehicular access in respect of road and junction alignment with Steellands Rise to the north east of the school – outstanding application (for a material minor amendment to access road alignment).
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4.0 PROPOSAL

- 4.1 Outline planning permission (RR/2014/1652/P) has been granted for the erection of 40 dwellings on the site, served by a new vehicular access road off Steellands Rise. Details of access were approved at the outline stage and the plans showed the construction of a new access road leaving Steellands Rise before the school, running around the back of the school grounds, before turning sharply and then running south westwards to serve the proposed new housing. This remains the proposed means of vehicular access in to the site.

- 4.2 This is a reserved matters application pursuant to the outline permission. It seeks approval for the outstanding reserved matters relating the details of layout, scale, external appearance, and landscaping.
- 4.3 As shown on the indicative plan at the outline stage, the housing development is confined to the southern part of the site, with the northern part given over to proposed public open space, including a children's play area. The proposed housing layout also shows a clear landscape strip alongside the western boundary where the fall in ground levels is a constraint to new built development.
- 4.4 The application proposes a mixture of residential unit types ranging from detached, semi-detached and terraced properties, as follows:

Detached	2
Semi-detached	12
Terraced	26

The size and number of the proposed residential units are indicated as follows:

2 x 4 bedroom houses
23 x 3 bedroom houses
10 x 2 bedroom houses
5 x 1 bedroom units (comprising 4 No. flats and 1 No. bungalow)

The proposed flats are formed within two-storey semi-detached and terraced units.

- 4.5 The designs of the units have been amended following discussions on the application. The proposed properties comprise two storey units with the exception of a single bungalow. The supporting information proposes a mix of locally referenced materials, utilising bricks, tiles, tile hanging and fibrous plasterboard cladding and references local vernacular features by adding relief and detail to the elevations with canopies, decorative lead flashing and chimneys added to a number of the units. The application states that the details of external materials could be secured by an appropriate planning condition.
- 4.6 The number of parking spaces through-out the development is indicated as being:
42 No. allocated parking spaces
24 No. visitor parking spaces
- 4.7 Additional planting/landscaping is proposed as part of the scheme. This includes additional tree/hedge planting at the eastern boundary. Planting proposals are indicative within the application submission and details would be required to be the subject of an appropriate condition.
- 4.8 The new owner of the site and the applicant on the reserved matters application, Optivo, is a registered housing provider. The scheme proposes 20 shared ownership dwellings and 20 affordable rented dwellings.

- 4.9 Updated reports and additional statements have been submitted with the application and include: drainage strategy, transport statement, arboricultural report, design and access statement, and planning statement.
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5.0 CONSULTATIONS

5.1 Parish Council – NO OBJECTION

Ticehurst Parish Council (TPC) recommends approval of the Reserved Matters application on the following basis and subject to:

- 1. Following discussions with Rother Housing and Optivo Housing Assoc, it is agreed that TPC will be involved in a new Local Lettings Plan with Rother District Council (RDC) and Optivo. This will facilitate the village having first option to select tenants from the Rother Housing Waiting List for up to 10 units of the affordable to rent dwellings at Banky Field when constructed. These are deemed to be outside of the existing section 106 agreement following the outline permission that was granted according to Optivo.*
- 2. RDC and Optivo will work to revise their Housing Allocation Policy this year to enable TPC and rural Parishes in the District to have a say on allocations, where there is a proven local need. Rother will engage with the Parish Council to achieve this aim.*
- 3. The perceived flooding from surface water from the site is address by planning condition and responsibility for maintenance of the current watercourse is maintained by the Housing Association to the satisfaction of the Parish Council.*
- 4. The proposed footpath (RR/2018/2725/P) between Nos. 10 & 11 Steellands Rise, provided by the developers, is designated as a permissive footpath, by legal agreement between Optivo and TPC and not dedicated as a public right of way. This can be determined by either party at any stage. The reason being to see how it works and its operation does not lead to problems. Matthew Harper at East Sussex County Council (ESCC) ROW dept could help with this.*

Additional comment:

RDC Housing Allocations Policy says on page 21 that 'Housing associations have the right to refuse to house any applicant and the Council has no powers to make a housing association take applicants that they wish to refuse'.

5.2 Highway Authority

5.2.1 *Executive Summary*

As submitted I consider that the submission is incomplete and that the following matters are requested for submission:

- (1) given the access would serve a major development, a Road Safety Audit level 1/2 is required to ensure the access arrangement is deliverable.*
- (2) there is a need for the applicant to reconsider the internal layout in terms of overhanging by long, high sided vehicles.*

Comments summarised:

- 5.2.2 A RSA1 has been provided with a designer's response though this document is not properly signed off by the designer. The response is agreed and the highway authority wishes to see an amended plan to reflect the outcome of the RSA1 and subsequent response.

With regard to the swept path plan* for the internal layout of the housing scheme, I am still concerned that high sided vehicles impact on plot 15 frontage vegetation and visitor parking space outside plot 8 where a parked vehicle would restrict the turning provision of this size of vehicle.

The main issues to consider and requirements that would need to be met are:

- 5.2.3 *(i) Suitable vehicle, pedestrian and cycle access/access road, to include sufficient width, gradient and visibility splays -*

The access as shown on the drawing provided, off Steellands Rise to the north of the school was approved in principle at outline planning stage. At the time access arrangement was not regarded as the ideal option, given there is an existing adopted road with good safety record and more than sufficient capacity. The access road as proposed is required to be constructed to adoptable standards. Although it has been stated that this authority would not be supportive of adopting this road, if it is considered to be sufficient public benefit, should the applicant offer this forward as part of a section 38 agreement it may be difficult to resist.

The required driver visibility sightlines of 43m x 2.4m are considered to be achievable.

- 5.2.4 *(ii) Appropriate on site vehicle and cycle parking –*

The number of parking spaces should be in accordance with ESCC standards. The proposal suggests 65 open spaces are provided which take account of allocated spaces and visitor bays. I can confirm this provision is in accordance with the ESCC parking standard for car parking.

- 5.2.5 *(iii) Appropriate on site vehicle turning for large vehicles:*

A suitable turning area for refuse (12m length) and emergency vehicles is required. The layout provided indicates a swept path plan for a refuse truck. It is noted that there is body overhang over curtilage areas. To ensure that large service vehicle do not encroach into private space some minor carriageway widening is recommended and a further swept path test should be carried out.

- 5.2.6 *(iv) Appropriate improvements to the local footpath/cycle network to ensure safe access, and accessibility:*

The accessibility connection points for pedestrians/cyclists have been secured within the section 106 for this site. The footpath links are shown on the layout plan and correctly connect to the network as approved under the s106 agreement.

5.2.7 (v) Landscaping:

The landscaping drawing does not propose any obstructive vegetation or landscape planting would obstruct junction access or visibility and thus compromise safety.

5.2.8 (vi) Shared surfaces:

It is considered that the elements of the site with shared surface features are likely to experience low vehicle speeds, low volumes and would not be a public realm, destination or through route. I am therefore satisfied with this scheme layout as proposed in terms of layout characteristics.

5.3 Southern Water Services – NO OBJECTION

5.3.1 No objection in principle, a summary of the main comments is as follows:

5.3.2 A plan is provided showing the approximate position of a public foul rising main crossing the site.

- The exact position of foul rising main must be determined on site by the applicant.
- No development or tree planting should be located within 3m of the centre line of the public sewer.
- Additionally there is a decommissioned foul rising main crossing the site. SW should be contacted by the applicant once the position of this has been established.
- The submitted drainage layout shows tanked permissible pavement over (adoptable) foul sewer which is not acceptable to Southern Water. The design of the drainage should ensure that no ground water or land drainage is to enter public sewers.
- No new soakaways, swales, ponds, watercourses etc. should be located within 5m of a public sewer. Initial investigations indicate that Southern Water can provide foul sewage disposal to serve the proposed development.

5.4 Lead Local Flood Authority (ESCC) – NO OBJECTION

5.4.1 *“The information provided is satisfactory and enables the 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”.*

(See website for full text).

5.5 Rights of Way (ESCC) – NO OBJECTION

No objection in principle, a summary of the comments is as follows:

5.5.1 Public footpath Ticehurst 21 is shown to deviate from its legally recorded route for the 30m or so approaching Steellands Rise. Also, the line of the path is slightly off-route through the amenity land further north presumably as a result of the established trodden line migrating slightly over time from the legally recorded route.

- 5.5.2 It is understood that an application is going to be made for the diversion of the footpath under the Planning Act. I confirm that we would have no objection to the application if the diversion is appropriately made.
- 5.6 **Sussex Police – NO OBJECTION**
- 5.6.1 Have no significant concerns, noting that the design and layout in the main has outward facing dwellings with back to back gardens, which has led to good active frontage with the street and the public areas being overlooked; the design has in the main removed the need for vulnerable rear garden pathways; and parking in the main has been provided with in-curtilage, overlooked car parking and a small amount of parking courts, this should leave the street layout free and unobstructed.
- 5.7 **SGN Scotia Gas Networks Ltd – NO OBJECTION RAISED**
- 5.7.1 Mains records show the presence of pipes owned by SGN in its role as a Licensed Gas Transporter (GT) in the vicinity of the site. The exact position should be established on site and the works carried out in a manner that avoids damage or any future disturbance to underground apparatus.
- 5.8 **High Weald Unit**
- 5.8.1 Informal comments have been received. The main concern is proposals for the northern part of the field, which is not to be built on. Some aspect in relation to this shown on the layout plan such as crescents of new planting, bunds and formal play areas are not characteristic of the AONB. Moreover we would prefer the site to be accessed from its original position at the end of Steellands Rise rather than the proposed new access road.
- 5.9 **Acquisitions, Transformation & Regeneration – Housing and Asset Development Officer – NO OBJECTION**
- 5.9.1 Affordable Housing Development fully supports the reserved matters application to the earlier outline planning approval (RR/2014/1652/P). Optivo housing has worked closely with Rother District Council to deliver this development as an affordable housing scheme, providing 40 new homes for people in housing need. This is an additional 24 affordable homes to the previous 16 secured as part of the planning policy requirement of this scheme. The proposal includes an even split of tenure to include; 20 affordable rented homes for eligible households of Rother District Councils housing waiting list, with one fully wheel chair adapted house. Additionally, 20 dwellings are being provided as low cost market housing, in the form of shared ownership (part rent, part buy) for economically active households who are unable to access the housing market. This mix of tenure will support a balanced and sustainable community in an area of predominately market housing, helping to meet the needs of local people in Ticehurst and wider Rother.
- 5.10 **Planning Notice**
- 5.10.1 Letters/emails of objection have been received from and behalf of the occupiers of 18 properties (the majority coming from Steellands Rise residents). A petition containing 10 names has also been received requesting

that a spokesperson be given the opportunity to address the Committee on behalf of local residents.

The objections can be summarised as follows:

- Detrimental to the designated AONB.
- This area already has enough new housing development.
- Infrastructure cannot cope – particularly – doctor coverage, less available nursery and school places, parking and road congestion.
- This development will ruin the view across the rolling fields.
- Increase light and noise pollution.
- Overlooking and loss of privacy.
- We request the planners, developers and council members attend our property to see the impact the current planning application will have on ours and neighbouring properties.
- It will increase the traffic and congestion and parking problems in the area
- There is no justification for a proposed new footpath link between Nos 10 and 11 Steellands Rise.
- Excess surface run off created by concrete and tarmac will overwhelm the drainage stream next to my property.
- There will be damage to wildlife and habitat: birds of prey can be seen hunting in the field and owls and bats hunt in the field at night, the undergrowth supports hedgehogs; the stream supports newts and toads, and deer graze in the fields.
- Adding another 40 dwellings, all consisting of shared ownership and rental properties is extremely excessive for this site and if Ticehurst really needs this number then surely it would be less intrusive for the village to have them spread in a few locations and in smaller numbers.
- In terms of tenure, the Shared Ownership properties should be sited behind the existing houses in Steellands Rise, where the private properties were to be sited at the outline stage.
- At outline stage the agreed affordable housing element was 40% (16 of 40 houses); 100% affordable is not what the locals thought we were getting and is not the right mix.
- This should have been a new application and not a reserved matters application as the provision of 100% affordable housing is a huge change from the outline plan and is inappropriate in this location.
- This application for reserved matters which includes 100% affordable housing does not comply with the Council's own Core Strategy.
- The reserved matters application fails to address two further material policies in the Core Strategy in relation to 'Rural Exception Sites' (Policy LHN3) and 'Sites for wholly or substantial Affordable Housing' (Policy LHN4). In particular, paragraph 15.35 of the Core Strategy states that "allocating larger sites (of 15 or more dwellings) for wholly or substantially affordable housing, particularly social rented housing, would likely to be contrary to the aim of mixed, balance communities".
- Many of these homes will be taken up not by locals but by families/individuals throughout Rother using the Council Housing List.
- What happens to Ticehurst's young people needing affordable homes over the next 9/10 years.

5.10.2 General comments: 2 No. letters/emails have been received (summarised):

- The lack of pavement in Steellands Rise at the point of the proposed footpath link would endanger pedestrians – particularly children at school times.
- Consideration needs to be given to the steepness of Banky Field and planned robust landscaping to deal with the rainfall as the little gully at the bottom of the field is not maintained and would not cope with a lot of water.
- We need more affordable housing but 40 appears excessive.
- The scheme still seems too concentrated and a burden on this side of the village.

6.0 APPRAISAL

- 6.1 The principle of residential development on the site has been established by the granting of outline planning permission (RR/2014/1652/P). The outline granted planning permission for 40 dwellings on the southern half of the site with all matters of detail reserved except access. The detail of access was approved under the outline planning permission. Members will recall that the original proposed point of vehicular access into the site was via the existing cul-de-sac/turning head in Steellands Rise; members, however, considered this would adversely impact on the amenities of the houses at the end of the cul-de-sac and involve the loss of a preserved oak tree. Accordingly, a new and alternative access road off Steellands Rise, taking a route around the back of the school, was approved in detail under the existing outline permission. That remains the proposed means of access to serve the development.
- 6.2 The reserved matters application as originally submitted did seek minor revisions to the alignment of the new access road and the configuration of the new junction with Steellands Rise; however, as the details of access had already been approved as part of the outline this could not lawfully be revisited under the reserved matters application. Accordingly this has been taken out of the reserved matters application proposal and the application now stands corrected. The reserved matters application seeks approval for the outstanding details of the development granted planning permission under RR/2014/1652/P relating to layout, scale, external appearance, and landscaping. The applicant is still seeking technical changes to the alignment of the new access road and the configuration of the new junction with Steellands Rise; however, and these are now the subject of a separate application (RR/2019176/P) for a minor material amendment to the access details approved under outline planning permission RR/2014/1652/P, which presently remains an extant permission. It is considered that an application for a minor amendment is the appropriate procedure under which to consider the proposed revisions. That application is presently outstanding.
- 6.3 The reserved matters application was subject to thorough consideration and engagement with the Council (without prejudice) both at pre-application and application stage. In this regard the Local Planning Authority has acted positively and proactively in accordance with the Government's guidelines by identifying matters of concern within the application (as originally submitted) The submission has been amended from that originally proposed, particularly in terms of the urban design issues relating to layout and the external appearance of the built development.

6.4 Layout

- 6.4.1 Layout is a detail that falls to be considered under this reserved matters application. The Government's Planning Portal Guidance Note states that 'layout' - includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings and spaces outside the development. An amended layout has been received which addresses satisfactorily the outstanding layout issues.
- 6.4.2 The proposed layout places the proposed built housing development within the southern part of the site. This is the lower slope of the field, which is less prominent than the upper slope in landscape terms. It also corresponds to the extent of existing residential development on the adjoining land. The development would be served by a single new access road around the school as approved at the earlier outline stage. There would be no vehicular access from the cul-de-sac on Steellands Rise. The layout shows dwellings having a curved frontage on to the open space and as the main spine road enters into the site it becomes more informal in alignment, with narrower accesses off into buildings or parking courts, which create a strong legibility. Other terraced and semi-detached units relate well to the narrow access road in an informal manner giving an intimate arrangement of buildings in keeping with the village context. The layout provides a good level of continuity and enclosure in terms of built frontage. It also provides a degree of clarity in terms of public realm and private space.
- 6.4.3 The amendments to layout referred to in 6.3 include provisions to ensure an improved relationship between the proposed dwellings closest to the eastern boundary of the site and the neighbouring properties in Steellands Rise. Some of the proposed new units in this part of the site have been adjusted and there are now no proposed residential flats in this location (it is now two storey houses). The units have also been relocated further from the boundary and the proposal involves additional planting along this part of the boundary to filter views between the respective properties. This is explained further at 6.10.2.
- 6.4.4 Largely as a consequence of the sloping ground in the west part of the site this area is undeveloped, and it is proposed that this would be formed as an ecological corridor with drainage features such as swales. This area would link with the green open space area to the north.
- 6.4.5 The outline application proposed a number of connectivity pathways between the application site and adjacent residential development. Two of these – to Acres Rise/Springfields and to The Warren – are presently informal connections. These cannot however be formalised as part of the application due to land beyond falling outside the control of the applicant. The proposed layout; however, would allow a connectivity pathway to be achieved at the Steellands Rise cul-de-sac, which was also proposed at the outline application stage. This would allow non-vehicular access and movement from the new development to the school and also to the centre of the village. The footpath connection is the subject of a separate application RR/2018/2725/P.

6.5 Scale

- 6.5.1 Scale refers to the size of the development, including the height, width and length of each proposed building. The proposed buildings are essentially two storey with pitched roofs (with one single storey unit) and the scale is in-keeping with the prevailing scale of existing development in the locality. Individual street scenes (sections through the site) have been provided which illustrates that the scale of the individual buildings would relate satisfactorily to one another and the ground level differences across the site. The ridge lines of the roofs correspond with the linear axes of the buildings to avoid overly tall or bulky roofs. The sections generally show the attached (semi-detached and terraced) units to be stepped in order to correspond with the changes in ground levels. Overall the scale of the built development would be satisfactory.

6.6 External appearance

- 6.6.1 Following the receipt of design amendments to the scheme the form and domestic proportions of the proposed dwellings are considered to be in-keeping with the general character of rural village housing. External materials reflect the traditional rural palette and are described as bricks, with hanging tiles, or weatherboarding at first floor, and plain roof tiles. The supporting information suggests leaving the details of the type and make of materials to an appropriate planning condition; whilst this would be acceptable in principle, the applicant has been reminded that the type and quality of materials required would need to be of a standard appropriate to design in the AONB. The residential units incorporate cottage-style windows and open canopies over the entrance doors. False chimneys have been introduced on a number of the more prominent units. The frontage treatment to the individual properties is shown as either low hedges or low post and rail fences and significant sections of wall has been added to boundaries – particularly in the vicinity of the small parking courts – to provide continuity of frontage and also enclosure. Whilst the spine road would be black tarmac, the narrower roads within the development itself are now shown to incorporate areas of coloured tarmac and block pavers within the parking courts, to both add visual interest and provide traffic calming on the surfaces shared with pedestrians and cyclists.

6.7 Landscaping

- 6.7.1 An amended landscaping plan and tree protection plan has been provided with the application. The landscaping plans identify areas of new planting within the development. Native tree and grassland planting is indicated as being proposed within the green open space area in the northern part of the site and within the green corridor along the west boundary of the site. The concerns raised by the High Weald Unit regarding the earth bunds forming an overly 'parkland' character have largely been addressed and could be controlled further by condition. A strip some 3m wide is shown to be provided along the eastern boundary between the new development and the existing properties in Steellands Rise. This is annotated as having proposed native tree planting to enhance proposed hedge buffer planting. Areas of rather more ornamental planting are proposed within the development itself. Whilst the landscaping and planting information that has been provided would be satisfactory in principle, it is largely indicative. In the event that the reserved

matters application is approved a landscaping condition would still be required dealing with the plant species, numbers and implementation.

6.8 Accommodation mix

- 6.8.1 The proposed development includes a mix of dwelling sizes with over 30% one and two bedroom dwellings (being mostly two bed) and overall provides housing for a range of differing household types. The type of dwellings proposed is also varied, being a mixture of detached, semi-detached and terraced units (incorporating a small number of flats and a single storey bungalow). The most frequent property type would be terraced units, which are perhaps rather more typical of the rural village environment. Overall, it is considered that the proposal accords with Policy LHN1 of the Rother Local Plan Core Strategy, which is aimed at achieving mixed and balanced communities.

6.9 Parking

- 6.9.1 The ESCC 'Guidance for parking at new residential development' (2010) has been used to calculate the number of parking spaces on site. The scheme proposes a combination of within-curtilage parking spaces, small courtyard parking courts, and a few roadside parking bays, which would comprise both allocated parking spaces and visitor parking spaces. A total of 65 parking bays would be provided in total. The supporting information states that the proposed parking provision has been determined through pre-application meetings with the Highway Authority. The Highway Authority has been consulted on the application and has confirmed that the proposals for on-site parking provision would be satisfactory. In this regard it is considered that the development would accord with Policy TR4 (car parking) of the Core Strategy.

6.10 Residential amenity

- 6.10.1 *Future occupiers*: the proposed new residential development would be capable of accommodating the reasonable expectations of likely occupiers, including, in terms of providing indoor and outdoor space and catering for practical needs, such as parking and access, refuse and recycling facilities. In terms of accessibility all the units would meet the mandatory baseline standard (M4(1) - visitable dwellings), nine of these units would be built to the higher M4(2) standard for accessible and adaptable dwellings, and one unit would meet the higher still M4(3) standard for wheelchair adaptable dwellings. The development would therefore comply with Policy OSS4 (i) of the Rother Local Plan Core Strategy and satisfy the space and accessibility standards in Policies DHG3, DHG4 and DHG7 of the submitted version of the DaSA Local Plan.
- 6.10.2 *Neighbouring occupiers*: It is also necessary that the amenities of existing neighbouring properties are protected in terms of loss of light and privacy, avoiding an overbearing presence and otherwise causing intrusion such as through noise, activity, and lighting etc. A number of objections have been received from the occupiers of the existing dwellings in Steellands Rise, which have gardens adjacent to the eastern edge of the development site. In this regard it is important to note that the principle of constructing 40 dwellings on the site has been established by the granting of the outline planning permission. Moreover, in assessing the details of the development –

in terms of layout, scale, appearance, and landscaping – consideration has been given to the potential impacts on the residential amenities of neighbouring occupiers. The amended plans/drawing that have been submitted following negotiations on the application now include a 3m wide landscape buffer provided along the eastern boundary separating the proposed dwellings from the gardens of the existing adjoining properties in Steellands Rise. It is proposed that the landscape buffer will be planted with a native species hedgerow under the tree canopies of the existing trees. Additionally it is also stated that four new trees at this location are proposed to compensate for the reduced screening provided by the existing ash trees adjacent to No.11 Steellands Rise that appear to be subject to die-back. The amendments also show that the position of the proposed dwellings on plots 3 to 11 have been moved away from the eastern boundary, thereby increasing the separation distance (by a further 2m to 4m). Also, the proposed (two storey) flats have been removed from the eastern boundary and redistributed across the site resulting in two storey houses only within this part of the development site. Finally the overall quantum of rear window openings to the rear of these new properties has been reduced to lessen any perceived sense of overlooking. Additional cross-sectional drawings have been produced for the identified plots to illustrate the relationship between the new and existing development (it is emphasised however that no surveying on private land has been undertaken and in this regard the drawings have to be considered indicative). The amended and additional plans/drawings indicate that the new development would not unreasonably harm the amenity of adjoining properties with regard to issues of privacy, overlooking, disturbance and overbearing outlook. In the circumstances the application would not conflict with Policy OSS4 (ii) (General development considerations) of the Core Strategy which says that adjoining amenity should not be unreasonably harmed.

- 6.10.3 Some objections to the development have been made on the grounds of loss of views across rolling fields; however, whilst loss of a countryside view that an occupier has become accustomed to and enjoyed over time is regrettable this cannot be a material planning consideration in assessing the potential impacts of the development on existing amenity.

6.11 Affordable housing

- 6.11.1 Additional comments have been received from the Housing Development Officer in response to some objections received under the planning notice regarding the increase in the level of affordable units from the 40% secured under the section 106 planning obligation with the outline application.

“The outline planning application (RR/2014/1652/P) for the above scheme was granted planning permission in October 2015 for 40 dwellings, to include a minimum planning policy requirement of 40% affordable housing, totaling 16 dwellings. The tenure mix of the affordable housing was agreed in accordance with planning Policy (LHN1) providing 65% as affordable rent, totaling 10 dwellings, and the remaining 35% totaling six homes are to be sold as leasehold sale in the form of shared ownership.

Optivo Housing Association has since acquired the whole site from the open market and has now submitted a reserved matters planning application (RR/2018/2209/P) to deliver a scheme. Optivo consulted with Council

Officers on their proposal to deliver this scheme as 50% leasehold sale and 50% affordable rent, ahead of submitting this application.

Whilst the scheme is being proposed as 100% affordable housing, it is important to consider this in the context of how the definition for affordable housing has changed to offer a much broader range of housing tenures to include both '... housing for sale or rent for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)...(National Planning Policy Framework July 2018). In view of this Housing Development fully supports the proposed application that will provide 24 additional affordable homes for both sale and rent, above the minimum policy requirement to meet local housing need.

6.11.2 Affordable Rented Housing

Affordable rented housing is at least 20% below market rent with provision for the homes to remain affordable for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision.

The proposed scheme will deliver 10 additional and much needed affordable rented homes to meet the needs of eligible applicants from the Councils housing waiting list. Due to the increased rented provision being delivered on this scheme, the Council is working closely with Optivo Housing Association and the Parish Council to develop a Local Lettings Plan that will allow greater priority over the allocation of the rented homes to local residents.

6.11.3 Leasehold Sale

The scheme proposes the addition of 14 leasehold sales, enabling eligible first time buyers the opportunity to purchase a home in the village of Ticehurst, who may not otherwise be able to afford to buy on the open market in this area. There are a range of property sizes to meet need to include smaller one and two bedroom properties, as well as larger three and four bedroom houses. Priority over shared ownership sales will be offered in the first instance (and upon resale) to those with a local connection to Rother, to include residents with a connection to Ticehurst, subject to prospective buyers fulfilling the affordability criteria".

6.11.4 Notwithstanding the alternative affordable housing arrangements being pursued by the Registered Provider, this is a reserved matters application further to outline permission and matters for consideration relate to the outstanding details of layout, scale external appearance, and landscaping only. The change in housing tenure is not considered material.

6.11.5 Nonetheless, the housing mix between shared property ownership and rented is considered acceptable in relation to local housing needs; the mix of tenures are pepper-potted throughout the site to an acceptable degree and the proposal would not conflict with the housing objective of achieving mixed and balanced communities. The specific issue of allocations cannot be a material consideration in the determination of the application and this cannot be relevant to the decision.

7.0 SUMMARY

- 7.1 Outline planning permission (RR/2014/1652/P) has been granted for the erection of 40 dwellings of the site and the principle of development has therefore been established.
- 7.2 The detailed matter of access was approved at the outline stage and this involves the creation of a new spine road to Steellands Rise around the back of the school.
- 7.3 The current application seeks approval pursuant to RR/2014/1652/P for the outstanding reserved matters relating to the layout of the development, the scale and external appearance of the development, and the associated landscaping/planting proposals. The means of vehicular access remains as previously approved under the outline permission (minor amendment application RR/2019176/P pending). The submitted details of the outstanding reserved matters follow a series of negotiations with the applicants and their agents, which has resulted in amendments to the scheme. The revised proposals now represent an acceptable design solution for the site, which delivers well when tested against Policy EN3 of the Core Strategy and the Council's adopted Key Design Principles set out in the Appendix 4.
- 7.4 There is an important need to provide pedestrian connectivity to the site. The existing section 106 included three footpath links (i) at Warren, (ii) to Acres Rise/Springfield, and (iii) at the cul-de-sac at the end of Steellands Rise (between Nos. 10 and 11). The applicants are not able to provide connections at (i) and (ii) due to the presence of third party land (outside the applicant's ownership). The Steellands Rise footpath connection can be achieved, however, due to procedural reasons this has had to be the subject of a separate application (RR/2018/2725/P), which is presently outstanding.
- 7.5 A deed of variation been submitted in respect of the engrossed section 106 planning obligation (dated 6 October 2015). These changes relate to mortgagee details, affordable housing mix and the footpath connections.
- 7.6 The retention and maintenance of the green open space to the north with Ticehurst Parish Council is secured through the section 106 planning obligation and it is not intended to vary this.
- 7.7 50% of the scheme would be offered as leasehold estate, in the form of shared ownership to help for example, residents wishing to buy their first home'. The other 50% of properties would be offered for rent. Optivo and the Council's Housing Development Officer have been in dialogue with both Ticehurst Parish Council and the Neighbourhood Planning team about this site, and they both supported this as an affordable housing scheme.
- 7.8 The Highway Authority has identified a requirement for further information from the applicant. In this regard it is understood that discussions are continuing between the applicant's highway consultant and the Highway Authority. A response is presently awaited.
-

8.0 LOCAL FINANCE CONSIDERATIONS

- 8.1 The proposal is for a type of development that is CIL liable but would be exempt due to the affordable housing provision.
- 8.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could be approximately £323,360.

RECOMMENDATION: APPROVE (RESERVED MATTERS) DELEGATED (CONFIRMATION THAT THE TECHNICAL REQUIREMENT OF THE HIGHWAY AUTHORITY HAVE BEEN ADDRESSED)

CONDITIONS:

1. The details hereby permitted shall be carried out in accordance with the following approved documents: 23314A/-

Site Location Plan: 001 rev P3
Proposed site layout: 003 rev P21
Service layout: 005 rev P04
Figure ground plan: 006 rev P08
Tenure plan: 007 rev P09
Fence types: 009 rev P16
Title Plan - Existing 010 rev P03
Title Plan - Proposed 011 rev P04
Refuse plan: 015 rev P09
M4(2) & M4(3) access plan: 016 rev P08
Public footpaths: 018 P07
Existing Figure Ground 23314A/021 rev P2
Block A Proposed plans: 300 rev P1
Block A Proposed elevations: 301 rev P3
Block B Proposed plans: 302 rev P2
Block B Proposed elevations: 303 rev P3
Block C Proposed plans: 304 rev P2
Block C Proposed elevations: 305 rev P4
Block D Proposed plans: 306 rev P3
Block D Proposed elevations: 307 rev P4
Block E Proposed plans: 308 rev P2
Block E Proposed elevations: 309 rev P2
Block F Proposed plans: 310 rev P2
Block F Proposed elevations: 311 rev P3
Block G Proposed plans: 312 rev P2
Block G Proposed elevations: 313 rev P3
Block H Proposed plans: 314 rev P3
Block H Proposed elevations: 315 rev P5
Block J Proposed plans: 316 rev P3
Block J Proposed elevations: 317 rev P4
Block J Proposed elevations: 318 rev P4
Block K Proposed plans: 319 rev P3
Block K Proposed elevations: 320 rev P6
Block K Proposed elevations: 321 rev P6
Block L Proposed plans: 322 rev P1

Block L Proposed elevations: 323 rev P3
 Block M Proposed plans: 322 rev P1
 Block M Proposed elevations: 325 rev P1
 Block N Proposed plans: 326 rev P1
 Block N Proposed elevations: 327 rev P2
 Block P Proposed plans: 328 rev P3
 Block P Proposed elevations: 329 rev P4
 Block R Proposed plans: 330 rev P1
 Block R Proposed elevations: 331 rev P2
 Proposed site sections (sheet 1 of 2): 201 rev P8
 Proposed site sections (sheet 2 of 2): 202 rev P7
 Site section as proposed through adjoining properties in Steellands Rise
 (indicative): 50 P1
 Landscaping Masterplan (indicative): LLD1354-LAN-FIG-002 Rev 11
 Tree retention and protection plan: LLD1354-ARB-DWG-002 Rev 04
 Arboricultural Impact Assessment and Method statement
 rgp Design – Drainage Strategy
 rgp Transport statement
 Reason: For the avoidance of doubt and in the interests of property planning,
 as advised in Planning Practice Guidance Paragraph: 022 Reference ID:
 21a-022-20140306.

2. No above ground works shall commence until details of the following have been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details:
 - a) 1:10 scale drawings of proposed details of typical fenestration, eaves details, and porches. The proposed window design details shall comprise only 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.
 - b) Samples of the materials to be used in the construction of all external faces of the buildings, including the clay tiles to be used for the roof tiles and tile hanging. The external materials proposed for use in the development shall be of a type and quality that is appropriate to the special landscape character and appearance of the designated High Weald AONB.
 - c) The proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps).

Reason: To ensure a high building appearance and architectural quality, which reflects the character of the town, in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
3. No above ground works shall commence until the following public realm and hard landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme for the provision of such.
 - a) Hard surfacing materials (including footpaths, parking spaces, enclosure walls (relating to the parking courts and gardens etc.), and other areas of hard-standings and details of the colour of the approved section of coloured road surface.

- b) Any street lighting including any other outside lighting, should this be required.
 - c) Full specification and details of play equipment proposed to the play area.
Reason: To ensure the creation of a high quality public realm, design quality, and landscape setting, in accordance with Policy EN3 and EN1 of the Rother Local Plan Core Strategy.
- 4. The boundary treatments (plot and other) and any other means of enclosure (fences, railings and walls) shall be provided in accordance with the approved plan (009 P16) prior to the dwellings being occupied.
Reason: To ensure the creation of a high quality public realm, design quality, and landscape setting, in accordance with Policy EN3 and EN1 of the Rother Local Plan Core Strategy.
- 5. The existing hedgerows and trees on and around the site shall be protected during the course of development in accordance with the measures set out in the arboricultural report and the approved Tree retention and protection plan: LLD1354-ARB-DWG-002 Rev 04.
Reason: To ensure the creation of a high quality public realm and landscape setting that protects the landscape and scenic quality of the High Weald AONB in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.
- 6. No above ground works shall commence until the following soft landscaping details based upon the indicative Landscaping Masterplan LLD1354-LAN-FIG-002 Rev 11 have been submitted for the consideration and approval of the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.
 - a) Planting plans, including landscape and ecological mitigation and buffer planting.
 - b) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - c) Details for implementation, including written specifications for cultivation.
 - d) Other operations associated with plant and grass establishment).

A natural or indigenous approach shall be incorporated in particular to the planting and landscaping proposals relating to the open space in the northern part of the site and the green corridor to the west to avoid a 'parkland' character and thereby enhance the landscape and scenic quality of the High Weald AONB. The submitted details in relation to the green buffers shall incorporate significant hedge and tree planting within the 3m wide minimum strip along the eastern boundary, which shall be retained and shall not be incorporated within gardens.

Reason: To ensure the creation of a high quality public realm and landscape setting that enhances the landscape and scenic quality of the High Weald AONB in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.
- 7. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development and the landscape of the High Weald AONB in accordance with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy.

8. Prior to commencement of any below ground works in association with the development hereby approved, the following details in respect of a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA), and the development shall thereafter be completed and maintained in accordance with the approved details prior to the occupation of the dwellings:
- a) The details shall demonstrate surface water discharge rates not exceeding 3.1 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
 - b) The detail design of the attenuation swale and how it connects into the ordinary watercourse shall be provided as part of the detailed design. This shall include the long section, cross sections and invert/cover levels.
 - c) The condition of the ordinary watercourse which will take surface water runoff from the development should be investigated before surface water is discharged. Any necessary improvements to the condition of the watercourse must be carried out prior to construction of the outfall.
 - d) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
 - e) (v). The detailed design of the attenuation swale shall 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 ponds 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 drainage system shall be provided.
 - f) (vi). A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:
 - i) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
 - ii) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.
 - g) The applicant shall detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or be incorporated into the Construction Management Plan for the development.
 - h) Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: A pre-commencement condition is required as the very nature of surface water drainage schemes can require works to be put in place prior to any other above ground development being undertaken. To control the

quality and rate of run-off in relation to surface water drainage thereby protecting water quality and reducing local flood risks in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 100 and 103 of the National Planning Policy Framework.

9. No dwelling shall be occupied until the car parking spaces serving that dwelling have been constructed and provided in accordance with the approved plan Drawing No. 005 P04 and thereafter shall be retained for that use and shall not be used other than for the parking of motor vehicles. All parking spaces including visitor parking shall have been provided before the final dwelling is occupied.

Reason: To provide car-parking space for the development in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

10. No dwelling shall be occupied until covered and secure cycle parking storage/spaces serving that dwelling have been provided in accordance with the approved plan Drawing No. 005 P04 and thereafter shall be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies including Policy TR3 of the Rother Local Plan Core Strategy.

11. Before occupation of the buildings hereby permitted commences, the refuse and recycling storage and collection point facilities shall be provided in accordance with the approved plans, Drawing Nos. 005 P04 and 015 P09 and thereafter retained, with all bins and containers available for use, maintained and replaced as need be.

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

12. Prior to the occupation of the dwellings or at such time that may alternatively have been agreed in writing with the Local Planning Authority the public footpath Ticehurst 21 shall be diverted in accordance with a formal application that shall have been made under the Planning Act.

Note: To facilitate this it will be necessary for the applicant/developer to apply to ESCC Rights of Way Team for an order to be made under section 257 of the Town & Country Planning Act 1990. If it is necessary to prevent public access along the existing footpath on safety grounds during the construction phase, the applicant/developer should apply to ESCC Rights of Way Access team for a temporary path closure. The applicant/developer should provide a suitable alternative route for the public during any closure of the existing footpath.

Reason: to ensure that a satisfactory means of pedestrian access is maintained in accordance with RA2 (vi) and TR2 (iv) of the Rother Local Plan Core Strategy.

13. During any forms of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads

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

NOTES:

1. Southern Water Services has indicated the presence of a public foul rising main crossing the site. The applicant/developer is advised that the exact position of foul rising main should be determined on site. No development or tree planting should be located within 3m of the centre line of the public sewer. Additionally there is a decommissioned foul rising main crossing the site. Southern Water has indicated that it would wish to be contacted by the applicant once the position of this has been established. The submitted drainage layout shows tanked permissible pavement over (adoptable) foul sewer which is not acceptable to Southern Water. The design of the drainage should ensure that no ground water or land drainage is to enter public sewers.

No new soakaways, swales, ponds, watercourses etc. should be located within 5m of a public sewer.

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterourne, Hampshire SO21 2SW (tel. 0330 303 0119) or www.southerwater.co.uk. Please read Southern Water's New Connections Service Charging Arrangements document which has now been published and is available to read on Southern Water's website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

2. The proposing to discharge surface water runoff to the adjacent ordinary watercourse will require Ordinary Watercourse Consent from the LLFA. If the applicant/agent wishes to discuss any of the points raised in Condition 9 please contact the case officer on SuDS@eastsussex.gov.uk
3. SGN Scotia Gas Networks Ltd: has advised that its records show the presence of pipes owned by SGN in its role as a Licensed Gas Transporter (GT) in the vicinity of the site. The exact position of the facility should be determined on site by the applicant/developer to ensure that there is no damage to the facility and in the interests of safety.
4. The development shall only be carried out in accordance with Construction Traffic Management Plan that has previously been approved under Condition 11 of the outline permission RR/2014/1652/P.

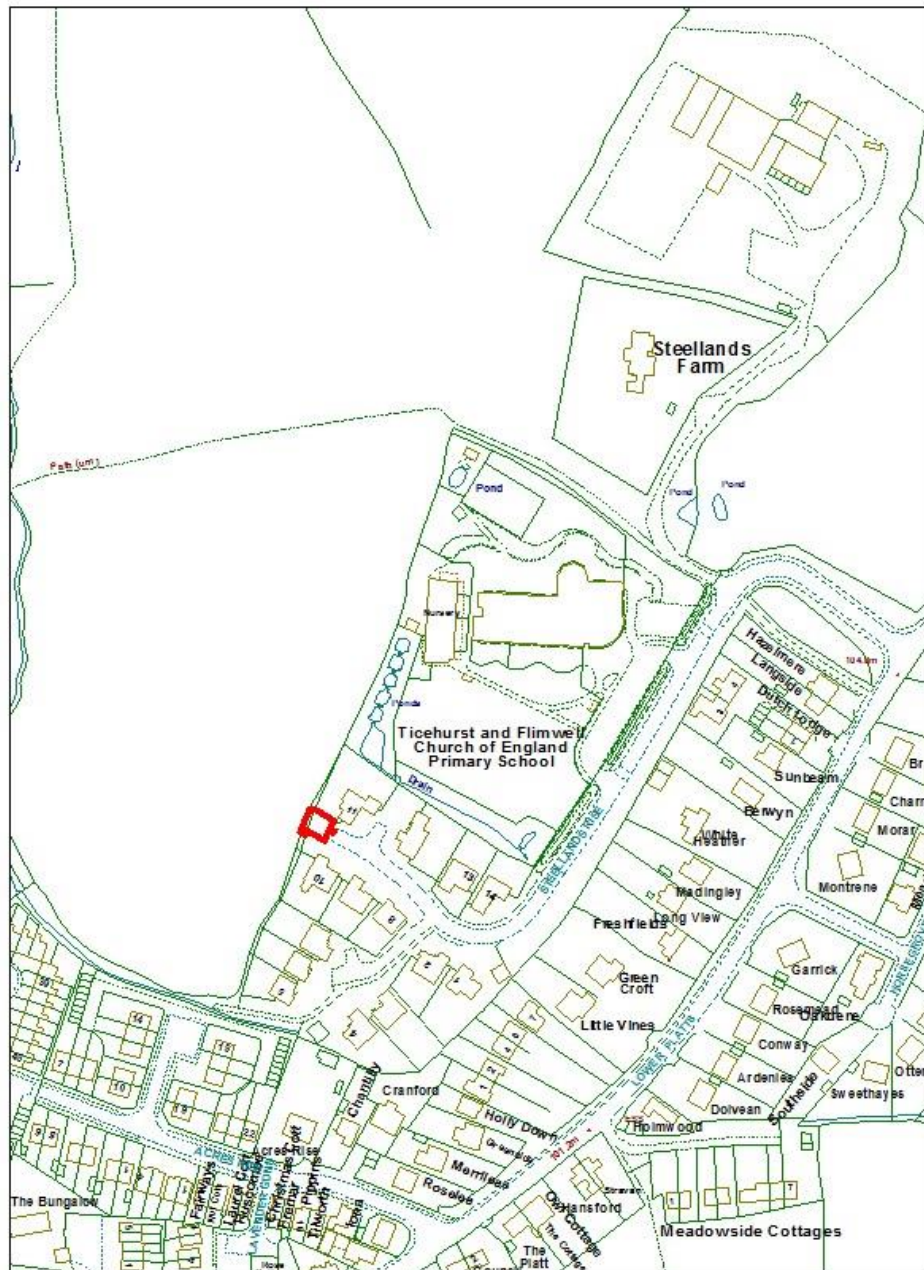
[View application/correspondence](#)

SITE PLAN

TICEHURST

RR/2018/2725/P

Banky Field, Steellands Farm, Steellands Rise.



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Not To Scale

RR/2018/2725/P

TICEHURST Banky Field, Steellands Farm, Steellands Rise

Provision of pedestrian footpath from Steellands Rise (between Nos. 10 and 11) to connect with proposed residential development west of Steellands Rise

Applicant: Optivo
Agent: Mr Damian Sullivan (Thakeham Homes Ltd.).
Case Officer: Mr M. Cathcart (Email: mark.cathcart@rother.gov.uk)
Parish: TICEHURST
Ward Members: Councillors Mrs M.L. Barnes and R.V. Elliston

Reason for Committee consideration: Head of Service Strategy & Planning referral: associated application (RR/2018/2209/P) for major housing site also being reported to Committee.

Statutory 8 week date: 17 December 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

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

- OSS4 (i) (iv) General Development considerations
- TR2 (iv) Integrated transport

1.2 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. The following paragraphs of National Planning Policy Framework are particularly relevant:

- 91: Planning policies and decisions should aim to achieve healthy inclusive and safe places which promote street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods.
 - 106: Local authorities should seek to improve measures to promote accessibility for pedestrians and cyclists.
 - 110: Applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.
-

2.0 SITE

2.1 The application relates to a small area of land between the cul-de-sac (turning head) at the end of Steellands Rise and the adjacent land known as Banky Field. Banky Field presently has outline planning permission for the

erection of 40 dwellings (RR/2014/1652/P). An application for the outstanding reserved matters pursuant to this is also being reported to the meeting (RR/2018/2209/P).

3.0 HISTORY

- 3.1 RR/2014/1652/P Outline: residential development comprising the erection of 40 dwellings with associated access and landscaping works, including the construction of a new northern access road off Steellands Rise to serve the new development (no vehicular access from the existing Steellands Rise cul-de-sac) – outline planning permission granted with details of access also approved.
- 3.2 RR/2018/2209/P Approval of reserved matters pursuant to outline permission RR/2014/1652/P for the erection of 40 dwellings and associated access and landscaping works – details of site layout, scale, appearance of dwellings and landscaping – outstanding application.
-

4.0 PROPOSAL

- 4.1 The proposal is to form a pedestrian/cycle link between the new housing development and Steellands Rise. It would be a tarmac surfaced path, some 1.2m wide and 13m in length.
-

5.0 CONSULTATIONS

5.1 Parish Council – SUPPORT

“It was felt that a pedestrian route would benefit the general connectivity of the village and a route to the primary school. A means of blocking the route to motor bikes would be advantageous to protect residents and prevent nuisance. Four residents had commented about concerns that parents turn in the area immediately inside Steellands Rise at this access point. Low level lighting has been requested previously by the PC directly to Thakeham Homes”.

5.2 Highway Authority No comments received.

5.3 Planning Notice

- 5.3.1 Letters/emails of objection have been received from 5 local residents (in Steellands Rise). A petition containing 12 names has also been received on the grounds:

‘This footpath is unnecessary and not required, the application reference RR/2018/2209/P if approved will be constructing a new road and footpath onto Steellands Rise for access to the village and the primary school, so no need for additional footpath to access 14 private dwellings . It will also have impact on the amenities of our properties’.

The other objections are summarised as follows:

- We live in a small close of 14 private Homes, we already have pedestrian access from the top entrance into Steellands Rise and further pedestrian access at the bottom of Steellands Rise.
- Putting a further pedestrian access in from the proposed Optivo housing development would completely shatter the amenity of our little close.
- We purchased our house in the AONB because it was secluded with no street lighting near our home.
- The road is busy at school times and cars come down and turn exactly where the path would emerge thereby endangering lives.
- This would unduly affect the value of our property and the marketability.
- The footpath will affect our privacy and affect our enjoyment when looking on to our garden.
- Could pose a future risk for "loitering" of younger people as the area is quite isolated in the corner.

5.3.2 Four letters/emails of support have been received (summarised):

- Students/pupils living in the Warren and Farthing Hill areas would be able to use this quicker and safer route also.
- (As a teacher) it would make sense that, if the Banky field development is approved, parents and small children should be able to take the shortest and quickest route to the school.
- The other entrances into the field that the other objectors speak of are not owned by the developer and are not available.

5.3.3 A general comment has been raised, querying whether this is in addition to the other pedestrian points shown on the reserved matters application (RR/2018/2209/P), adding that without them the only realistic pedestrian access in the direction of the village would be along Steellands Rise – adding to traffic dangers.

6.0 APPRAISAL

6.1 The housing development at Banky Field would be served by a newly constructed spine road which follows a route from Steellands Rise around the back of the school and across the proposed open space to the north of the development. That would provide the only access in to and out of the new residential development for vehicles, cyclists and pedestrians. It also means that for the parents/children occupying the new houses and wishing to walk to the school it would be necessary to take the circuitous route of the new estate road. The proposed footpath link, however, would provide a direct pedestrian access to Steellands Rise, thereby allowing a shorter and more direct route to the school. For those wishing to walk from the new houses to the centre of the village it would be of even greater benefit in terms of providing a shorter and more direct access than the alternative route along the spine road.

6.2 Whilst there is no made-up pavement alongside the cul-de-sac turning head, the present verges adjacent to the roadway comprises highway land (outside the residential curtilages/gardens of the Steellands Rise properties) and as such could reasonably provide a refuge for pedestrians if required. However, traffic is in any event infrequent and slow moving at this point.

- 6.3 The objections from local residents are noted, however, it is not considered that the development of a footpath would unreasonable harm residential amenity and a refusal of planning permission could not reasonable be sustained on this basis.
- 6.4 The proposal is, however, supported by development plan policies and the National Planning Policy Framework, which actively promote pedestrian access and seek to prevent reliance on car journeys.
-

7.0 SUMMARY

- 7.1 The presence of a footpath link was indicated on the outline planning permission and also in the accompanying section 106 planning obligation. The Outline application also indicated two additional footpath links between the new development and the Warren and Acres Rise/Springfield. It has now, however, been established that the strips of land required to make these connections are outside the ownership/control of the applicant. These cannot therefore be achieved. Without the proposed Steellands Rise footpath link the occupiers of the new residential development would be restricted to using the longer and rather more tortuous walking/cycle route via the new spine road. This would be contrary to the objectives of providing connectivity, and would discourage walking/cycling contrary to the objectives of sustainable development.
-

RECOMMENDATION: GRANT (FULL PLANNING)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Site location plan: Drawing No. 23314C_001
Proposed site plan: Drawing No. 23314_003
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. Before being brought in to use the footpath shall incorporate a barrier to prevent access by motor cycles, the details of which shall have been first submitted to and approved in writing by the Local Planning Authority. The barrier as approved shall be retained thereafter
Reason: to prevent the use of the footpath by motor vehicles in the interests of highway safety and in accordance with Policy TR3 of the Core Strategy.

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

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

[View application/correspondence](#)

SITE PLAN

BEXHILL

RR/2018/2888/P

Coneyburrow Lane - Land off.



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Not To Scale

RR/2018/2888/P**BEXHILL Coneyburrow Lane – Land Off,
Coneyburrow Lane****Use of site for pit bike practice together with parking**

Applicant: Mr J. Deeprose
Agent: Mr J. Richards
Case Officer: Miss C. York (Email: chelsea.york@rother.gov.uk)
Parish: BEXHILL
Ward Member(s): Councillor K.M. Harmer

Reason for Committee consideration: Member referral: Councillor D.B. Oliver**Statutory 8 week date: 8 January 2019**

This application is included in the Committee site inspection list.

1.0 POLICIES

- 1.1 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS4: General Development Considerations
 - RA3: Development in the Countryside
 - TR4: Car Parking
 - EN1: Landscape Stewardship
- 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:
- DEN7: Environmental Pollution
- 1.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
-

2.0 SITE

- 2.1 The application site relates to the eastern section of a field on the northern side of Coneyburrow Lane. A section of the site is within Flood Zones 2 and 3.
- 2.2 The field is bounded to the north by a ditch, with woodland to the east and the lane to the south. There is a barn to the south-west.

- 2.3 There are two public footpaths, one to the west and another to the east. Both are outside of the application site. The site is serviced by its own established field gate.
- 2.4 The site is also located within the Pevensey Levels hydrological catchment area that drains into the Pevensey Levels SAC, Ramsar and Site of Special Scientific Interest (SSSI) which lies to the south.
- 2.5 The nearest dwellings are located at Coneyburrow Cottages, in Coneyburrow Lane, approximately 430m to the south west and The Bungalow, located in Sandhurst Lane, which lies approximately 440m to the east. There are properties currently under construction in Rosewood Park which are approximately 460m away. There are also properties located some 520m to the south-west in a small housing estate which is accessed off Coneyburrow Lane. There are dwellings to the east which are in Little Common. These properties are in Oakfield Way, Spring Lane, Fontwell Avenue and Cowdray Park Road and face towards the site. These properties are approximately 880m away.
- 2.6 Although the site is in the countryside, it is not located within the High Weald Area of Outstanding Natural Beauty (AONB).

3.0 HISTORY

- | | | |
|-----|----------------|--|
| 3.1 | RR/83/0102 | Use of lane to hold motor cycle meetings. Refused. This application related to a significantly larger area of land, with the fields to the west being included within the application site area. |
| 3.2 | RR/2012/1794/P | Change of use of field to pit bike practice track and one 8' x 8' shed in timber for storage. Temporary approval and conditional. |
| 3.3 | RR/2014/2884/P | Continuing use of land as pit bike practice track, together with siting of one timber shed. Temporary approval and conditional. |
| 3.4 | RR/2016/204/P | Continuing use of land as pit bike practice track, together with siting of one timber shed. Approved conditional. Under this application, the use was granted a full planning permission that was personal to the applicant in association with South Coast Pit Bikes. |
| 3.5 | RR/2016/3280/P | Variation of Condition 4 of RR/2016/204/P to change the names of the personalised consent. Approved conditional. This application was granted a temporary permission as the site was taken on by an individual formerly part of South Coast Pit Bikes. This new permission was personal to the applicant in association with UK Pit Bikes. |
| 3.6 | RR/2017/2458/P | Continued use of site for pit bike practice, together with parking. Approved conditional (temporary). This application was granted a further temporary permission to allow for monitoring of the site. |

- 3.7 RR/2018/457/P Variation of Condition 4 imposed on RR/2017/2458/P, so that machine specification is expanded to 'CRF70 models: 4 Stroke 160cc. 2 Stroke 85cc'. Approved conditional.
-

4.0 PROPOSAL

- 4.1 This application seeks permission for the use of the site for pit bike practice together with parking.
- 4.2 The use of the site for pit bike practice dates back to 2012. The current applicant was granted a temporary personal permission under planning reference RR/2017/2458/P. This application seeks a full planning permission for the use.
- 4.3 The site has an area which is used for parking during track days and an existing access.
-

5.0 CONSULTATIONS

5.1 Environmental Health – NO OBJECTION

- 5.1.1 *Several complaints regarding noise from the operation of the above site were made to Environmental Health during 2018. These complaints were investigated by Environmental Health and when the noise from the site is audible at complainants properties it was found to be intrusive and potentially disturbing to local residents. This is further exacerbated by the fact that the events take place on Sundays which are considered to be a more sensitive time because residents would most likely be at home, wanting to relax.*
- 5.1.2 *During 2018, thirteen events took place at the above premises. Four of these events (on 22 April, 13 May, 2 July and 9 September) have been reported to Environmental Health as being a noise nuisance.*
- 5.1.3 *An investigation into the reported issue has identified that noise from the above site is only audible when the wind is blowing in a South Westerly direction towards the ward of St Marks. The investigation concluded that when noise from the site is audible at complainants properties it was found to be intrusive and potentially disturbing. However, having investigated the complaints Environmental Health is satisfied that noise from the site is not causing a statutory noise nuisance within the meaning of the Environmental Protection Act 1990. This is primarily because the noise events were infrequent. Therefore, Environmental Health would not recommend refusal of the above application.*
- 5.1.4 *Discussions have taken place with the applicant concerning what noise mitigation can be put in place to further reduce the impact of noise on local residence. It is understood that the applicant has applied for permanent permission at the site. However, due to ongoing noise concerns Environmental Health recommends that temporary permission is granted for another year to identify if the proposed mitigation is sufficient. If the proposed mitigation is found to be insufficient the applicant is expected to employ of services of an acoustic consultant to carry out a noise impact assessment which is to be submitted as part of the next application for permanent*

permission at the site. This assessment would recommend further mitigation where required.

- 5.1.5 *The applicants should note that this neither guarantees that further complaints about noise shall not be made, nor that any noise complained about, will not cause a Statutory Noise Nuisance.*

5.2 **Sussex Police – NO OBJECTION**

- 5.2.1 *The facility has previously been supported by the local Prevention Team of Sussex Police as it has provided young people within the local area the opportunity to participate in organised well managed off road motorcycling which had the potential to contribute to a reduction in anti-social behaviour involving motorcycle use. While there is still the opportunity for the youth of the local area to participate, I understand this to be a small element of this business which has grown into full and regular meetings from visitors from all areas of the county. However, I understand this facility has now moved away from a community initiative and there are no referrals or input from the local Prevention Team with respect to this initiative.*

- 5.2.2 *Sussex Police has no objection to the approval of this application from a crime prevention perspective. However, I do note that a number of concerns have been raised from neighbouring residents at the noise levels experienced at their homes. I ask that due consideration is given to the amenity of the residents from a noise perspective and would like to reiterate that all previous planning conditions must be adhered to in order to create a safe and sustainable environment for both resident and applicants to live and work.*

5.3 **Planning Notice**

- 5.3.1 35 letters of objection received from 26 different properties. A petition of objection with 30 signatures has also been received. Comments are summarised as follows:

Noise

- It is not the users who have to tolerate the constant whining of these machines over a prolonged period in the spring and summer months.
- The revving and drones is unreasonable.
- Revving engines from 9am then the constant bike noise all day long.
- Sunday is our only day off.
- I work nightshifts so cannot sleep in the day.
- I have a right to enjoy my home and garden without being subjected to excessive and unnecessary noise.
- Most of them live far enough away not to be bothered by the noise.
- With doors and windows closed I have no respite. To remain inside, close windows and doors in the summer is unacceptable.
- I cannot use my garden in peace and we have to organise family visits around bike events.
- Sound such as this, travels a very long way, especially with the westerly prevailing wind.
- We already have to endure constant noise six days a week from the Rosewood Park building site.

- It has caused my family distress for the last few years, affecting our health.
- In the last year the noise was even louder due to the increased size engine that has been permitted to use the track as well as increased numbers using the track.
- I have submitted numerous complaints.
- These bikes are high-tech, powerful, highly tuned and quite noisy, and multiple bikes at the same time increases the noise levels to a consistent drone all day.
- The owner states there is no evidence of any statutory noise nuisance being recorded in 2017; In July 2017 I made an official complaint.
- It is irrelevant of whether it meets the statutory noise levels.
- The recording equipment was not available when an event was taking place.
- Our properties are 0.6km away, others even closer, how did anyone ever think that noise would not travel? Where was the consultation with the local community?
- It is intrusive and should not be right next to a residential area, especially one that is due to be densely populated following completion of Rosewood Park and other planned developments off the Barnhorn Road.
- We have no doubt that the event is run & managed well & the owners have good intentions but noise is still noise whether managed well or not.
- We believe there have been complaints about the noise for many years.
- There are overnight stayers from Saturday afternoon with music/party night.
- I suggest fitting silencers on the bikes.
- The bikes are already fitted with sound mufflers and from comments on the Facebook page last year it would appear that they already had that condition in place.
- Mufflers don't reduce noise and actually enhance the sound.
- If fitting mufflers is a condition, then there must be a quantifiable reduction in noise level and there must be a base noise level. Where is the data for this and how will RDC police this? Will RDC attend every meeting to check the bikes have mufflers?
- We suggested soundproofing the site.
- If allowed, more meetings and more people may participate.

Environmental and Ecological impacts including impacts on other animals

- High levels of noise and air pollution.
- The land is no doubt littered with motor oil.
- The noise pollution must also have an adverse effect on the wildlife in the area which is close to RAMSAR and SSSI.
- Impact on the environment and air quality.
- Contributes to global warming.
- Contravenes the Council's policies on Environmental Health, pollution and rubbish.
- There are very old badger sets, foxes and bird that inhabit this area.
- Fuel will spill as well as motor oil. Both of these are extremely harmful for the environment and would find their way into the watercourses in the area.
- Noise also a concern for dog walkers whom frequent Kites Nest.
- The lane is used by horse riders.

- The land that is used for this track is designated for grazing, why is land designated for grazing being used for this purpose.

Highways impacts

- High volumes of traffic make emergency vehicles' travel more impossible.
- These types of motorbikes I assume are not road worthy and as such it would be questionable to the serviceability of the motorbikes themselves.
- Bikers ride up the lane to the apple petrol station with no helmets.
- The extra traffic to this narrow lane, and being told not use it to walk my dogs as I'm in the way of their vehicles using it.

Other issues

- The council should have consulted surrounding house owners before granting permission.
- After they have finished the lane is littered with rubbish.
- They have had catering facilities on site, there is no mention of this in their application.
- It will have an adverse effect to property prices in the area.
- The council should support and listen to the concerns of its own council tax paying residents.
- The owner and visitors do not pay council tax to Rother.
- If this application is approved it is very likely that many people will consider applying for a reduction of their rating.
- Our local search did not reveal a pit bike track nearby.
- There is mention of taking kids off the street – where is the evidence to support that this was ever necessary in Bexhill?
- We understood the site was for youngsters only and cannot understand how adult fire fighters are using the track.
- How this bike track is of any benefit to the local community -it is used by people travelling from afar.
- At the mediation meeting we were told that this was a non-profit making business and is run as a 'hobby' for 'disadvantaged children'. Most of these children can't be disadvantaged if their parents can afford one of these bikes.
- I was still under the impression that the events were fairly low key and organised by the family of a neighbouring farmer.
- Some comments are very disrespectful and see fit to mock our discomfort.
- To include the Grenfell Fire fighters into the argument I feel was unnecessary and rather distasteful.
- We have met with the owners through Mediation & they can offer no viable form of compromise. We suggested once per month & on a Saturday instead of Sunday but this was declined.
- The owner agreed that if an alternative venue could be found he would move and acknowledged our distress.
- Possibly the council could assist the owner in finding a more suitable venue that does not have such a negative impact on local residents.
- It should remain a temporary permission, with restrictions on engine size and usage.

6.0 APPRAISAL

6.1 Issues for consideration

The main issues for consideration are:

- Noise impacts on neighbouring amenity
- Environmental and ecological impacts
- Highways Impacts

6.2 Context

6.2.1 Firstly, it should be noted that the use of any land for motorbike activities benefits from 'permitted development' rights for which planning permission would not be required.

6.2.2 Part 4, Class B of Schedule 2 of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) explains that for temporary use of land, development is permitted where:

B. The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of—

- (a) the holding of a market;*
- (b) motor car and motorcycle racing including trials of speed, and practising for these activities, and the provision on the land of any moveable structure for the purposes of the permitted use.*

6.2.3 *Part B.1 explains that development is not permitted by Class B if –*

- (b) the land in question is a building or is within the curtilage of a building;*
- (c) the use of the land is for a caravan site;*
- (d) the land is, or is within, a site of special scientific interest and the use of the land is for—*
 - (i) motor car and motorcycle racing including trials of speed or other motor sports, and practising for these activities;*
 - (ii) clay pigeon shooting; or*
 - (iii) any war game, or*
- (e) the use of the land is for the display of an advertisement.*

6.2.4 In summary, any land which is not restricted by the conditions in B.1 can be used for the purposes of motorcycle racing for up to 14 days in one calendar year without the need for planning permission. The restrictions as set out in B.1 of the legislation are not relevant to this site.

6.2.5 Planning permission is required for the current proposal because the applicant wishes to operate this use for 15 days in total in any calendar year. This would exceed the 14 days permitted under the 'permitted development' legislation.

6.2.6 Secondly, permanent planning permission was granted in 2016 (RR/2016/204/P). The permission was personal to 'South Coast Pit Bikes'.

6.2.7 The Committee must therefore consider the impact of one additional day that is permitted by the GPDO 2015 and the impact of this particular applicant rather than South Coast Pit Bikes.

6.7 Noise impacts and Neighbouring Amenity

- 6.7.1 The Council's Environmental Health Service was consulted on this proposal. They have confirmed that several complaints regarding noise from the site were made to Environmental Health during 2018. During 2018, thirteen events took place. Four of these events (on 22 April, 13 May, 2 July and 9 September) were reported to Environmental Health as being a noise nuisance.
- 6.7.2 These complaints were investigated by Environmental Health and when the noise from the site was audible at complainant's properties, it was found to be intrusive and potentially disturbing to local residents. They advise that this is further exacerbated by the fact that the events take place on Sundays which are considered to be a more sensitive time because residents would most likely be at home.
- 6.7.3 The investigation into the reported issues has identified that noise from the site is only audible when the wind is blowing in a South Westerly direction towards the ward of St Marks.
- 6.7.4 However, having investigated the complaints Environmental Health is satisfied that noise from the site is not causing a statutory noise nuisance within the meaning of the Environmental Protection Act 1990. This is primarily because the noise events were infrequent. Therefore, Environmental Health would not recommend refusal of the application.
- 6.7.5 However, it has been advised that due to the on-going noise concerns, Environmental Health advise that only a temporary permission should be granted, and that a noise impact assessment should be undertaken and submitted as part of any application for permanent permission at the site. Information regarding the expected sound levels and the effect on the sensitive receptors after mitigation needs to be provided. This would allow for an assessment to be made as to whether the measures to reduce the noise levels (i.e. the exhaust packing and restricting the number of engines switched on) are effective.
- 6.7.6 Following discussions with the applicant, additional 'riding rules' have been suggested to reduce the noise levels. This comprises adding the following wording added to their 'riding rules' which are displayed on track days:
- ***ALL BIKES*** must be as quiet as possible, this is to help reduce noise for residents, to achieve this please can you have your exhausts repacked, or have a standard silencer or muffler insert fitted.
 - *Bikes will not be permitted to be running/revving whilst waiting to access the track.*
- 6.7.7 The applicant has advised that riders will be put into groups, subject to their ability, with a maximum of 25 riders per group. Only one group would be allowed to have their bikes running at any one time. The group waiting to enter the track must wait until all bikes are switched off before starting up their bikes.
- 6.7.8 The applicant has made suggestions that aim to reduce the noise in line with comments from Environmental Health. Given that the applicant could operate

on the site for 14 days each year without planning permission and without mitigation and that permanent permission has been granted, albeit on a personal basis to a different organisation, it would be unreasonable to refuse planning permission. However, given that the recent noise complaints and the advice of Environmental Health, it is considered that the application shall be limited on a temporary basis to use for 15 days and for this year only. Conditions would include restricting the number of engines running by allowing only the bikes riding around the track to have their engines switched on and requiring all bikes to have exhaust muffler packing.

- 6.7.9 The applicant should be reminded, in line with comments from the Environmental Health Service, that if they wish to continue to operate on this site in future years that a noise impact assessment should be undertaken and submitted as part of any application for permanent permission at the site. Information regarding the expected sound levels and the effect on the sensitive receptors after mitigation would need to be provided.

6.8 Environmental and ecological impacts

- 6.8.1 The Pevensey Levels are a Special Area of Conservation (SAC), a designated Ramsar site (wetland of international importance) and a SSSI. The area supports an outstanding assemblage of wetland plants and invertebrates including many British Red Data Book species. The potential risk from this proposal is from water-borne pollutants.
- 6.8.2 The application site is flat but there is a ditch to the north which, while the site is relatively flat, is at the lowest end. This ditch connects to one of the main ditches feeding into the Pevensey Levels and therefore there is a potential hydrological link between the site and the Levels. The impacts on the Pevensey Levels from waterborne pollution need to be considered.
- 6.8.3 It is expected that most surface water landing on the site will percolate into the ground and as such, the risk of pollutants entering the ditch is low. In addition, as the site will not be used often, the risk of pollutants being produced by the proposed use is also low. It follows that the use would not lead to a likely significant effect and no mitigation is needed.
- 6.8.4 Given that the use of the site for pit bike practice would be infrequent, it is not considered that it would have any adverse impacts on air quality.
- 6.8.6 Concerns have been raised by nearby residents with regard to the impact of the use on wildlife and people who use the surrounding area for horse riding or dog walking. These concerns are noted. However, as previously explained, the site can be used for this purpose for up to 14 days in one year without the need for planning permission. Therefore, it is not considered that the use of the site for pit bike practice for one additional days would result in any greater impact than what could be carried out under 'permitted development'.
- 6.8.7 Under the Habitat Regulations Act, it is necessary to consider the impacts on the Pevensey Levels. The first stage is a Likely Significant Effect test – essentially a risk assessment to determine whether an Appropriate Assessment is required. This test has been undertaken. As advised above, in

this case the use would not lead to a likely significant effect, no mitigation is needed and an Appropriate Assessment is not required.

6.9 Highways Impacts

- 6.9.1 It is noted that the use generates some additional traffic. However, this is not considered to be significant when compared with how often the land would be used (15 days) and the fact that it could be used for this purpose without the need for planning permission for 14 days. Therefore, the proposal should not have a significant impact upon highway safety.

6.10 Other issues

- 6.10.1 Comments have been received from nearby properties raising concerns that the use would decrease property value. These concerns are noted, however, this is not a material planning consideration.
- 6.10.2 Comments have been received stating that the neighbouring properties should have been consulted and the use did not appear on a local search. These comments are noted. However, the application was advertised by way of a pink site notice on the site frontage and at the southern end of Coneyburrow Lane. This meets the statutory publicity requirements for planning applications. A local or personal search will only contain information about the property or land identified on the search requested. The Council does not provide information regarding surrounding property or land unless this is specifically requested.
- 6.10.3 Comments have been received in respect of who is using the site, particularly regarding its previous community links. Sussex Police have advised that they “*understand this facility has now moved away from a community initiative and there are no referrals or input from the local Prevention Team with respect to this initiative*”. While the community use of this facility may be limited, it should be noted that the land could be used for 14 days in any one year, without the need for planning permission and no certainty regarding its users.
- 6.10.4 A comment has been received stating that the land is used on a Saturday afternoon/evening with its users playing music. The applicant has verbally confirmed that the site is not used outside of the permitted hours. As with previous permissions, any planning permission should include a restrictive condition limiting the months and times the site can be used for the purposes of pit bike practice. If the site is used for any other purpose outside its ‘permitted development’ rights, it could be a breach of planning that could be investigated if reported. This is outside the considerations of this planning application.

7.0 SUMMARY

- 7.1 The land can be used for the purposes of motorcycle racing for up to 14 days in one calendar year without the need for planning permission. Permanent planning permission has also previously been granted albeit to a different organisation. The applicant seeks to use the site for up to 15 days and this gives the planning authority the opportunity to impose conditions to restrict noise.

- 7.2 The applicant has made suggestions that seek to reduce the noise in line with comments and recommendations from Environmental Health. It is considered that the application can be supported, but given the noise concerns raised and the advice of Environmental Health, permission should be granted on a temporary basis, with additional conditions, to allow for the effectiveness of the noise reduction measures to be assessed.

RECOMMENDATION: GRANT (TEMPORARY PLANNING PERMISSION)

CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Sheet 001P dated 11/2018
Sheet 002 (P) dated 11/2018
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
2. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 31 March 2020 in accordance with a scheme of work submitted to and approved by the Local Planning Authority.
Reason: The use, if excessive, is potentially detrimental to the residential amenities of the surrounding area and the site is unsuitable for the specified use during the wet winter months. The restricted use provides a period of respite for both residents and the land itself maintaining the residential amenities of the area and affording some protection to the character and ecology of the local countryside, having regard to Policies OSS4(ii) & (iii) and EN1(v), (vii) & (viii) of the Rother Local Plan Core Strategy.
3. The site shall be used no more than one day per week and shall not be used for more than 15 days per year or on more than two consecutive weekends. The use hereby permitted shall not occur outside the following times, 09.30 to 17.00 hrs, with use of the track not to occur outside the following times, 10.00 to 16.30 hrs.
Reason: To restrict the use of the site and minimise levels of activity and disturbance to the surrounding area and thereby protect the local amenities of the area in accordance with Policies OSS4(ii) & (iii) and EN1(v), (vii) & (viii) of the Rother Local Plan Core Strategy.
4. The use hereby permitted shall be carried out only by UK Pit Bikes, in association with Mr J. Deepröse only.
Reason: To ensure that the use is operated to a high standard, minimising the levels of activity and disturbance to the surrounding area and thereby protecting the local amenities of the area in accordance with Policy OSS4(ii) & (iii) of the Rother Local Plan Core Strategy.
5. Only 'CRF 70 pit bikes: 4 Stroke 160cc. 2 Stroke 85cc', and no other type of motor bike are to be used for racing at the site.
Reason: To restrict the use of the site and minimise noise levels and disturbance to the surrounding area and thereby protecting the local amenities of the area in accordance with Policy OSS4 (ii) & (iii) of the Rother

Local Plan Core Strategy and paragraph 123 of the National Planning Policy Framework.

6. Every bike using the track shall be subject to exhaust muffler packing. The exhaust muffler packing of every bike shall be inspected prior to using the site for racing. If the packing is found to be damaged or worn it shall be replaced with new muffler packing before being permitted to race on the site. All inspections of exhausts and works undertaken shall be recorded in a log book for the site. This shall be made available to the Local Authority on request.

Reason: To safeguard the amenities of the area in accordance with Policies OSS4 (ii) and (iv) of the Rother District Local Plan Core Strategy.

7. All bikes queuing to use the track must keep engines off until signalled to enter on to the track by site marshalls.

Reason: To reduce the number of engines switched on and thus, noise levels, to safeguard the amenities of the area in accordance with Policies OSS4 (ii) and (iv) of the Rother District Local Plan Core Strategy.

NOTES:

1. The applicant shall advise the Local Planning Authority of the proposed 2019 opening dates to facilitate monitoring of the proposed use.
2. The applicant is reminded to continue their existing traffic management measures directing the traffic to and from the site westwards along Coneyburrow Lane to its junction with Wartling Drive.
3. A noise impact assessment should be undertaken and submitted as part of any future application for planning permission at the site. Information regarding the expected sound levels and the effect on the sensitive receptors after mitigation would need to be provided. Before employing an Acoustic Consultant, the applicant should contact the Environmental Health Department for guidance.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

[View application/correspondence](#)



RR/2018/2666/P

BATTLE Land north of North Trade Road

Outline: Erection of 20 dwellings including seven affordable with access onto North Trade Road

Applicant: Beech Estate
Agent: ASP
Case Officer: Mrs S. Shepherd
(Email: sarah.shepherd@rother.gov.uk)
Parish: BATTLE
Ward Member(s): Councillors K.P. Dixon and K.M. Field

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

Statutory 13 week date: 21 January 2019

Extension of time agreed to: 15 March 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:

- DS3: Development boundaries

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

- OSS2: Development boundaries
- OSS3: Location of development
- OSS4: General development consideration
- RA2: General strategy for maintaining/protecting the countryside
- RA3: Indicates at (iii) that new dwellings in the countryside will only be allowed in extremely limited circumstances
- BA1: sets out the policy framework for Battle and includes the requirement that proposals for development and change in Battle will (i) maintain the essential physical form, local distinctiveness, character and setting of the town, particularly in and adjacent to the Conservation Area
- LHN1: seeks to achieve mixed and balanced communities and states that (i) housing developments should be of a size, type and mix which reflect both current and projected housing needs
- LHN2: covers the provision of affordable housing and at (iii) states that in Battle 35% on-site affordable housing will be expected to be provided on schemes of 10 or more dwellings (or 0.3 hectares or more)
- EN1: states that the management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection,

and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (inter alia):

- (i) The distinctive identified landscape character, ecological features and settlement pattern of the Area of Outstanding Natural Beauty (AONB)
- (v) Open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes
- (viii) Other key landscape features across the district, including native hedgerows, copses, field patterns, ancient route-ways, ditches and barrows, and ponds and water courses
- EN3: sets the design quality standards that all new development will be expected to meet
- EN5: covers biodiversity and green space
- TR3: requires new development to minimise the need to travel and support good access to employment, services and community facilities
- TR4: deals with car parking, which should normally be provided in accordance with the County Highway Authority's parking standards (the level of parking should be assessed using the on-line calculator on the ESCC website)
- SRM2: deals with the effective management of water resources

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:

- DHG1: Affordable housing
- DHG3: Residential internal space standards
- DHG7: External residential areas
- DHG11: Boundary treatments
- DEN1: Maintaining landscape character
- DFN2: The High Weald AONB
- DEN4: Biodiversity and green space
- DEN5: Sustainable drainage

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

- Paragraphs 8, 11, 14 core planning principles for sustainable development
- Paragraphs 102, 106, 109 and 110 transport and parking
- Paragraphs 61 and 62, affordable housing
- Paragraphs 73 and 74, five-year supply of deliverable housing sites
- Paragraph 172, protection of the AONB
- Paragraphs 170 and 175, conservation and enhancement of biodiversity

1.5 Battle has resolved to undertake a Neighbourhood Plan, but it remains at an early stage and can be afforded no weight. It does, however, mean that housing allocations for Battle will be made in the Neighbourhood Plan and not in the Council's DaSA document.

1.6 The High Weald AONB Management Plan 2014-2019 is also a material consideration.

2.0 SITE

- 2.1 The application site comprises a field with the access to the Beech Estate and a storage/turning area. The site is contained by woodland and tree belts to all boundaries. It lies to the western edge of Battle, 190m outside the currently defined development boundary and within the High Weald AONB.
- 2.2 A cottage lies adjacent the south east corner of the site with an area of woodland separating the site from the converted former hospital, Frederick Thatcher Place, a listed building that marks the development boundary on the north side of the road to the east. A large detached house, Whitelands, and its grounds lie to the west of the site. Detached properties in the form of ribbon development line the southern side of North Trade Road and extend a further 300m to the west of the application site. The site slopes gently down to the north. A second cottage adjoins the site to its north east corner.

3.0 HISTORY

- 3.1 RR/2003/20/P Closure and relocation of existing access onto North Trade Road. Approved conditional.

4.0 PROPOSAL

- 4.1 The application is in outline except for the access onto North Trade Road, which is proposed to utilise the existing access serving the Beech Estate and falls to be determined at this stage. The description proposes 20 dwellings including 7 affordable units. An indicative sketch layout has been provided to illustrate the provision of 20 units within the site. The mix indicated includes 9 x 2 beds, 8 x 3 beds and 3 x 4 beds with on-plot parking and retaining trees to the boundaries.
- 4.2 The application is accompanied by: a tree survey with method statement; flood risk assessment and sustainable drainage assessment; biodiversity survey, report and mitigation; transport assessment; archaeological assessment; and planning statement including design and access and affordable housing statements.

5.0 CONSULTATIONS

5.1 Battle Town Council – NO OBJECTION

- 5.1.1 Have no objection in principle to this outline application but would like to see adequate provision for walking and cycling and a continuity of footways on the full application.

5.2 Highway Authority – NO OBJECTION

- 5.2.1 No objection subject to completion of legal agreement for off-site works to improve pedestrian links and bus stop facilities, and conditions in respect of

construction management, access improvements, internal layout and on-site parking/turning. Comments summarised as follows:

- 5.2.2 *Access:* Currently provided from the north side of North Trade Road (A271) and serves a cottage and the Beech Estate, which has a number of commercial and agricultural units. A traffic survey was undertaken and highlights peak hour two-way traffic movements as well as those (10,232) over the course of a typical weekday. Visibility requirements are set out in response to the survey traffic speeds and can be provided within the site or within publicly maintained highway land.

Existing access to be upgraded and formalised and would be capable of accommodating a large (12m) refuse truck. Is considered acceptable but would prefer equal radii either side.

Footways from within site to extend along northern side of North Trade Road. May require resiting of the bus stop to the east side of the access, with footway also to a suitable location where a pedestrian crossing with dropped kerbs and tactile paving should be provided.

- 5.2.3 *Trip generation and highway impact:* Using TRICS database predicts relatively low level of traffic to be generated by the proposal. No further junction assessments required. A recommendation for an objection based on the impact of the development on the highway network could not be justified.

- 5.2.4 *Internal layout:* No objection to the indicative layout but as is outline, any reserved matters would need to include:

- Extent of any internal layout for adoption
- If not for adoption should be constructed at or near adoption standards
- Would not wish to adopt car parking areas
- Surfacing, drainage and lighting within the site
- Waste collection details
- Minimum widths for roads
- A safety audit for the internal road

- 5.2.5 *Parking:* Based on the suggested mix (3x4 bed, 8x3 bed and 9x2 beds), the ES parking demand calculator indicates a need for 39 parking spaces (31 allocated and eight unallocated, assuming two allocated spaces for 3 and 4 bed units and one allocated for 2 bed units). All parking to be open and where allocated provided within the curtilage of the dwelling. Visitor spaces distributed throughout the site.

Minimum dimensions of spaces:

Open parking space: 2.5m x 5m

Car port: 2.8m x 5m

Garage: 3m x 6m (but only counted as 0.3 of a parking space, as generally not used parking)

Cycle parking space also required.

- 5.2.6 *Accessibility:* Footway located on the southern side of the road (A271) but not on the northern side in vicinity of the site, although there is footway to northern side 175m from the site extending into Battle town centre which provides a wide variety of shops, cafes, public houses and other services.

Bus stops in the road, closest to east is unmarked with no hard standing and following is required:

- A paved and accessible pedestrian walking route from the development to a newly formalised bus stop. This should be moved as close to the development's access as possible.
- A raised kerb of minimum 125mm height, ideally 160mm, so as to provide wheelchair access to buses.
- A bus stop clearway.
- New bus stop pole.
- A shelter, design and future maintenance liability to be agreed with the Town Council.

For the westbound bus stop (on the south side of the road) the following should be provided:

- A raised kerb of minimum 125mm height, ideally 160mm, so as to provide wheelchair access to buses.
- A bus stop clearway.
- A safe and accessible crossing point including drop kerbs.

Improvements should be discussed further with the ESCC Passenger Transport Team and the local bus service provider.
Site also benefits from being within 2.8km of Battle railway station.

Due to distance, residents are less likely to walk to/from the town centre but travel choice is offered in this location and with this in mind the site location is considered to be acceptable from an accessibility perspective.

5.2.7 *Construction traffic management plan:* Is required to ensure no adverse effects on the existing highway infrastructure.

5.2.8 *Off-site works:* In conclusion, the off-site works requiring to be secured as part of this development via a licence or appropriate legal agreement are:

- The vehicular access into the site.
- Footways alongside the access and continuing onto north Trade Road to be agreed.
- A pedestrian crossing on North Trade Road close to the site access to include dropped kerbs and tactile paving.
- Improvements to the bus stops on the north and south of North Trade Road 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 offsite works will need to be secured by an appropriate licence and/or section 106/278 Legal Agreement.

5.3 ESCC Lead Local Flood Authority (LLFA) – NO OBJECTION

5.3.1 Following the submission of additional information has no objection in principle subject to conditions in respect of further BRE compliant testing, full design details, maintenance and management plan, management of flood

risk during construction and confirmation of completion of drainage system prior to occupation.

5.4 County Archaeologist – NO OBJECTION

- 5.4.1 Following the submission of information has no objection in principle subject to conditions. Comments that:

“the applicant has now commissioned and carried out an archaeological evaluation excavation.

This excavation has identified a large number of archaeological features dating to the Roman and medieval periods; likely representing settlement activity. The findings so far, do not indicate any remains of national significance that would prohibit development of this site. The remains, however, are of regional and local archaeological significance, necessitating full excavation and recording prior to any development or clearance work commencing on this site.”

5.5 Southern Water (SW) – NO OBJECTION

- 5.5.1 Initial investigations indicate that SW can provide foul sewage disposal but would require a formal application for connection to the public sewer. A note should be added to any grant of consent.

5.6 Sussex Police – NO OBJECTION

- 5.6.1 With regard to Secure by Design has no major concerns with the proposals but offers advice. Parking and open space should have good natural surveillance. Areas of play should be overlooked and fenced to provide a dog free environment. Ground planting no higher than 1m with tree canopies no lower than 2m to provide a window of observation. Would like to offer further advice on any detailed scheme.

5.7 High Weald Unit – OBJECTION

- 5.7.1 In summary objects on the grounds that it would be contrary to the historic settlement pattern of Battle to develop a site which is detached from the settlement and forms part of the wooded and rural setting of Battle. This would be contrary to Management Plan Objective section 2 and would fail to conserve and enhance the AONB.

5.8 Housing and Asset Officer – NO OBJECTION

- 5.8.1 Subject to planning approval would support the application and makes the following comments:
- Complies with policy LHN2 with 35% affordable housing provision (7 units).
 - Policy LHN1(v) requires a tenure split of five affordable rent and two intermediate/shared ownership units.
 - To reflect local need the mix of units required will be:

	Affordable Rent	Shared Ownership
One bed	0	0
Two bed	3	0

Three bed	2	2
Four bed	0	0
Total	5	2

- Section 106 will be required to provide the affordable units in the mix and type specified above to design/space standards and nomination rights for all 7 units.
- Nomination rights to include 100% initial lets and a minimum of 75% relets thereafter.
- Pepper potting of the affordable housing is a mandatory policy requirement to be finalised at the reserved matters stage.
- Local need for compliance with M4(3) of the building regulations to be assessed at reserved matters stage.
- Section 106 will require compliance with DaSA policies which include achievement of the Nationally Described Space Standards (NDSS) and building regulations part M4(2).
- Early dialogue with a registered provider is encouraged. Those currently operating within Rother include: Optivo, Orbit Housing, Hastoe and Stone Water.

It is noted that a mixture of predominately two and three bedroom market homes have been proposed to support a range of housing need – including downsizers and first time buyers.

5.9 Planning Notice

5.9.1 Five (from four) objections raising the following issues:

- Is outside the development boundary. Brownfield sites should be used first.
- Already two other permissions for housing off North Trade Road, this should be rejected to avoid a disproportionate loading of large scale developments along the major arterial road into the town.
- Substantial building on a main artery road into the town would undermine the historic character and rural nature of the town for locals and the many visitors.
- Increase in traffic would exacerbate the severe traffic congestion already in Battle.
- No continuous footway.
- Public transport unreliable and infrequent.
- Parking on North Trade Road is already a problem particularly at school times and would get worse.
- Lack of infrastructure with regard to doctors, schools, drainage and electricity supplies. Low water pressure.
- Is within the AONB which should be conserved.
- Allocated sites should be used first.
- If agreed the access needs to be altered to avoid headlights shining into the house opposite.

6.0 APPRAISAL

6.1 The site lies outside of the Development Boundary for Battle as defined by the Rother District Local Plan 2006 and shown on the Proposals Map (Inset

Map No. 2). The current boundary on the north side of North Trade Road (NTR) stops 190m to the east adjacent Frederick Thatcher Place. The ribbon development of housing on the southern side of the road also lies outside the current development boundary. However, the need for additional housing in the district and in the town specifically is recognised by the Core Strategy; moreover it is accepted that there is insufficient land within existing development boundaries to accommodate the amount of new housing required and consequently development boundaries are being reviewed.

6.2 Development boundaries within the district are being reviewed in the Development and Site Allocations (DaSA) and Neighbourhood Plans (NP) where these are being made. Battle has resolved to undertake a NP. Battle Civil Parish was designated by the District Council by resolution CB14/80 on the 13 April 2015. The NP area is that of the Parish boundary. Whilst Battle NP is in the early stages, it does mean that allocations for housing and employment land etc. for the Battle neighbourhood area will be made in the NP and not the Council's DaSA Local Plan. Because the NP is still at a very early stage it can only be given minimum weight in planning decisions. In the meantime, it is appropriate, taking development plan policies as the starting point, and also having regard to the Council's present lack of a five year's housing supply and the presumption in favour of sustainable development in the National Planning Policy Framework and the Core Strategy, to consider the specific impacts of proposals such as this one that are brought forward for sites adjacent to existing settlements.

6.3 The principal issues for consideration in this application are the impact of the proposed development on the setting of the town in this location and on the landscape and natural beauty of this part of the High Weald AONB, having particular regard to planning policies for the provision of new housing, including the Council's housing supply position. Other issues that will need to be considered are: housing mix and affordable housing; highway safety and traffic management; drainage (including SuDS); biodiversity; impact on the living conditions of any neighbouring properties; design (including density); heritage and archaeology; section 106 contributions and Community Infrastructure Levy.

6.4 Policy Position

6.4.1 The Government requires that all local planning authorities identify annually a supply of specific deliverable sites sufficient to provide a five-year supply of housing against their housing requirements with an additional appropriate buffer to ensure choice and competition in the market for land. Policy OSS1 of the Core Strategy that sets out the overall spatial development strategy includes a requirement to plan for at least 5,700 additional dwellings (net) in the district over the Plan period. Policy BA1 of the Core Strategy states that proposals for development and change in Battle will (iii) provide for 475 – 500 net additional dwellings in Battle over the Plan period 2011 – 2028, by developing new housing via opportunities both within the development boundary, and modest peripheral expansion opportunities that respect the setting of Battle within the High Weald AONB and supports community facilities. The development boundary for Battle is out of date.

Allocations:

6.4.2 In terms of allocations, the Blackfriars site (Policy BT2 of the Local Plan 2006) is expected to be the main component of further supply, around 220

dwellings being allocated in the 2006 Local Plan, although ecological and other factors may reduce this to c200 dwellings. The eventual capacity is yet to be established. Another site at North Trade Road (Policy BT3 of the Local Plan 2006) is expected to deliver 14 units. These two sites are expected to be delivered within the Plan period but are not expected within the next five years.

Commitments:

6.4.3 As at April 2016, there was a residual requirement of 425 additional dwellings (of the 475 minimum in policy BA1), as identified in the DaSA Local Plan. Since then, the target has been reduced by:

- 50 dwellings approved on land to the west of Lillybank Farm (outline permission RR/2016/725/P and subsequent reserved matters (RR/2017/1136/P) approved in September 2017).
- 63 dwellings on land at Tollgates (outline RR/2017/1259/P with all matters reserved except for means of access, approved in November 2017).
- 25 dwellings on land south of North Trade Road (outline RR/2017/2390/P all matters reserved except means of access, delegated to approve subject to completion of section 106).

6.4.4 This takes the outstanding requirement down to 287 dwellings (i.e. $425 - 50 - 63 - 25 = 287$ dwellings). In addition, completions, small site commitments or small site windfalls have increased by 14 dwellings, giving an outstanding large sites requirement of 273 dwellings. With the main component of this being met by around 200-220 dwellings being allocated on the Blackfriars site the outstanding requirement for Battle during the Plan period would be at least 53 dwellings.

6.4.5 It will be for the Battle NP to allocate the required sites. However, Battle Town Council (BTC) has not yet even produced a draft NP (under regulation 14), so there is no indication of how the outstanding requirement may be met. It is noted that BTC has 'no objection in principle' to this proposal.

Progress:

6.4.6 Whilst housing permissions have recently been made in Battle (see commitments above) neither of the extant 2006 Local Plan allocations currently have planning permission. Battle has seen the lowest levels of completions to date, with only 32 dwellings, 6% of its overall housing requirement built by 31 September 2018. The need for an additional release at this time is therefore balanced, but weight must also be given to the lack of a five-year housing land supply (currently 3.9 years) in the "planning balance", as should the significance of any impacts on the High Weald AONB.

6.4.7 In light of the above – the pressing need for further housing in Battle and the relevant NP body's acceptance – it is considered that the Local Planning Authority should only refuse the proposal if, having regard to the National Planning Policy Framework paragraph 11, there is a 'clear reason' in terms of impacts on AONB interests or there are other adverse impacts that would significantly and demonstrably outweigh the benefits.

6.4.8 Paragraph 11 states:

"For decision-taking this means:

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *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 proposed;*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

6.5 AONB Impacts, town character and setting

The key paragraph of the National Planning Policy Framework in this respect is 172 which states:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONB, which have the highest status of protection in relation to these issues.”

- 6.5.1 Section 85 of the Countryside and Rights of Way Act 2000 provides that, in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The essential landscape character of the High Weald AONB that makes it special is described within the Statement of Significance within the AONB Management Plan 2014-2019. This document is also a necessary consideration. The Plan is focused on delivering the statutory purpose of AONB designation: conserving and enhancing natural beauty. There are a series of objectives relating to geology, landform, water systems and climate; settlement; routeways; woodland; and field and heath. Objective section 2 aims to protect the historic pattern of settlement. The rationale behind this is to protect the distinctive character of towns, villages, hamlets and farmsteads and to maintain the hinterlands and other relationships (including separation) between such settlements that contribute to local identity. The objective of FH2 is to maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands.
- 6.5.2 The site, as Battle itself, is wholly within the High Weald AONB. Indeed, it lies astride the ridge-top of one of the principal ridgelines. It therefore has the potential for significant impact. However, the visual containment of the site by the rolling landscape and significant belts of trees on the site boundaries, creates a very enclosed site. While regard must also be given to the historic character of the site, in this case, the site is not identified as being bounded by historic field boundaries. Furthermore, the Historic Landscape Characterisation (HLC) shows that the site is a ‘late 20th century (AD 1845-Present) Informal Fieldscape’. In other words, it is not part of a medieval field pattern, which are most sensitive in AONB terms.
- 6.5.3 The wide band of trees, which includes those protected by Tree Preservation Order, line the roadside thus maintaining the semi-rural character of the street scene and only providing glimpses of a small part of the site at the point of the existing access.

- 6.5.4 Some of the trees to the north and south boundaries include non-native conifers but as part of landscape enhancement it is proposed to gradually replace those with native species. Such landscape improvements would be the subject of any section 106 should a permission be forthcoming.
- 6.5.5 The High Weald Unit objects on the grounds that the development would be contrary to the historic settlement pattern of Battle to develop a site which is detached from the settlement and forms part of the wooded and rural setting of Battle. Having regard to the preceding text, the site continues the ridge line development of Battle and while it is a little detached from the settlement to the east, a linear settlement already continues along the southern side of North Trade Road among the trees on that side of the road. With regard to the wooded and rural setting of Battle, this would be retained and enhanced and thus a rural setting would still be perceived.
- 6.5.6 While the comments of the High Weald Unit are acknowledged and understood, it is concluded that there is not a clear reason to resist the site's development on AONB grounds, subject to retention and enhancement of the woodland (including by replacement over time of conifers with native broadleaved trees).

Other impacts

- 6.5.7 As set out in the Strategic Housing Land Availability Assessment (SHLAA) 2013 (site ref. BA38 - Land at Whitelands Cottage, North Trade Road), this is very much a fringe site in a semi-rural location, detached from development boundary. The SHLAA added that it 'forms part of the wooded and rural setting of the town'. All of this is true, but while beyond the existing development boundary that wraps around Frederick Thatcher Place and separated from it by a block of woodland, there are residential properties immediately to the east and to the west of the site. Beyond the latter (Whitelands) further west is farmland which is more obviously countryside.
- 6.5.8 The loose-knit, ribbon of development opposite the site on the south side of the main road, is to be linked to the built-up area with the development of the land south of North Trade Road (opposite Frederick Thatcher Place) that has a resolution to approve (RR/2017/2390/P). Hence, while the area will still have a low-density, verdant character, it will become somewhat more related to the built-up area of the town.

6.6 Design issues (including density)

- 6.6.1 The application is in outline with the details of access only to be determined at this stage. Layout, scale, external appearance and landscaping would all fall to be considered at reserved matters stage. The application seeks permission for 20 dwellings equating to a density of 16.6 per hectare. Whilst this is higher than residential densities comprising the adjacent existing ribbon development to the south of North Trade Road, it is considered reasonable and acceptable given other policy objectives to achieve the efficient use of land. It is also notably lower density than other development to the east on the north side of the road at Frederick Thatcher Place and Sunnyside which is at a significantly higher density.
- 6.6.2 An indicative layout plan has been provided to indicate that 20 units could be accommodated on the site while utilizing the existing access and maintaining the treed boundaries. The indicative layout provides external

space to meet the standards of the new DaSA policy and also provides parking spaces. While the indicative layout of plots 1-4 and 13 raise some concerns, it is nonetheless concluded that the quantum of development could be accommodated on the site.

- 6.6.3 The application has been called to the Planning Committee amid concerns that the proposals represent an overdevelopment of the site. As referenced above, a density of 16.6 dwellings per hectare is low and as per the indicative layout the site can accommodate the number of units, including provisions for amenity, parking and turning space. The verdant character of the site, street scene and wider landscape can also be retained with provisions for enhancement. As such the proposals do not represent an over development of the site.

6.7 Highway considerations (including access)

- 6.7.1 The proposed development would utilize the existing access that was constructed to serve Beech Farm and its industrial units. The Highway Authority (HA) has no objection subject to the imposition of conditions and the completion of some off-site works which would be the subject of a section 106. Their comments are set out above.

- 6.7.2 As set out by the HA this edge of town location is relatively accessible with access to bus and rail and the requirement for footway and bus stop improvements. Therefore, while accessibility to services by modes other than the car would still be considered limited, it should only carry modest weight against the site's development, subject to footway connections/crossing and the off-site works set out by the Housing Association.

- 6.7.3 The existing access is to be upgraded and formalised with minor works to improve visibility. The level of increase in traffic would not be significant and would not have detrimental impacts on the highway network.

6.8 Heritage and archaeology

- 6.8.1 The site has no, and is not adjacent to, any heritage asset but as a major development (more than 10 dwellings) requires archaeology to be assessed. Following the initial comments of the County Archaeologist, the applicant undertook some site investigations. As a consequence, while some items were found, they were not considered so significant as to justify refusal of the proposals but archaeological conditions are recommended for any grant of permission.

6.9 Biodiversity

- 6.9.1 Preliminary and detailed survey work has been undertaken in respect of this and another site further to the east. It is noted that other than the AONB there are no statutory or non-statutory designated sites affected by the proposals. Ancient woodland lies 80m north of the site and while it should remain unaffected, pollution prevention best practice guidelines would need to be followed in any development.

6.9.2 The field is small and has agricultural Land Class: Grade 4. i.e. of low productive value. The majority of the site is classed as poor semi-improved grassland with no obvious protected species. Specific surveys have been undertaken in respect of bats, great crested newts (GCN), dormice and reptiles. Bats are found within the surrounding trees and woodland. Those areas are to be retained and enhanced. The GCN surveys resulted in a negative presence for the two ponds located outside the site to the north and east. Reptile presence was low and found in the area of the chalk mound in the south east corner of the site. Hence ecological supervision would be required during any clearance work. Dormice were noted in the surrounding area, including the scrub on the south east corner of the site (to be retained) and the woodland to the east of the site. A non-licensed method statement would be required to comprehensively detail all necessary avoidance, mitigation, compensation and enhancement measures in respect of dormice. As a result of the local bat presence, lighting should be minimal to avoid harm to them and the use of bat boxes, bricks and tubes are recommended within any new development. Cat proof fencing would be a requirement of the dormice mitigation. Additional enhancements include the use of native species hedges and trees, bird boxes with additional enhancements for other species as referenced in the survey reports.

6.10 Impact on the living conditions of neighbouring properties

6.10.1 There is a residential dwelling to the east and west sides of the site as well as one to the north east corner. However, separation distances from the likely development areas and the presence of boundary planting would ensure that there is no direct detriment to the residential amenities of those properties.

6.10.2 The dwellings on the southern opposite side of the road are equally noted to be separated by some distance, the presence of the TPO and other trees and the road. However, the comment of a neighbour with regard to lights from vehicles exiting the access is noted. The access does require some upgrading which may improve the situation and it is noted that this is an occasional issue and would not be of sufficient harm to justify a refusal.

6.11 Drainage

6.11.1 It is noted that the front third of the site (mostly the area of the tree belt), is within the Combe Haven Hydrological Catchment area. However, run-off from hard surfaces would drain northwards and as such DaSA policy DEN5(vi) would not be invoked. Both the LLFA and Southern Water confirm that suitable foul and surface water drainage systems can be provided to serve the development.

6.12 Housing mix and affordable housing

6.12.1 The indicative layout indicates that a mix of dwelling types and sizes can be provided and the application also proposes to be policy compliant with 35% (7 units) of affordable housing provision.

6.13 Other matters

6.13.1 Objectors reference a lack of local infrastructure such as doctors and school places, but this is not raised as an issue by the County Education Authority or the Care Services in their wider discussions with the Council.

6.13.2 Comment is also made with regard to school traffic and siting of developments along a main arterial road into the town. The school is some distance away and its traffic would not be affected by the development proposals. The main arterial roads in and out of the town serve all proposals. The issue regarding the character of the road is addressed above.

6.14 Section 106 Contributions

6.14.1 In the event that planning permission is granted this would need to be subject to the satisfactory completion of a Section 106 Planning Obligation. The Community Infrastructure Levy 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; and
- 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.

6.14.2 In this case the following requirements would be necessary under a section 106 Agreement, being considered to be related to the development, proportionate and necessary:

- Provision of 35% affordable housing units and nomination rights (including 65% affordable rented).
- Provision of and future management of the landscaping to the site including retention of boundary trees and replacement over time of conifers with native broadleaved trees.
- Ecology mitigation and biodiversity improvements.
- Off-site Highway works:
 - A new vehicular access into the site.
 - Footways alongside the access and continuing onto North Trade Road to be agreed.
 - Pedestrian crossing on North Trade Road close to site access to include dropped kerb and tactile paving.
 - Improvements to the bus stops on the north and south of the road as previously detailed.

7.0 **SUMMARY**

7.1 The site lies outside of the current development boundary of Battle and within the High Weald AONB. Development boundaries have to be considered out-of-date and can only be given limited weight in view of the Council's lack of 5-year housing supply. In any event, it is recognised within the Rother Local Plan Core Strategy that in order for the district to meet its housing requirement over the plan period, that development boundaries will need to

be reviewed and that certain settlements, including Battle will need to accommodate some of that housing growth.

- 7.2 As at April 2016, there was a residual requirement of 425 additional dwellings (of the 475 minimum in policy BA1), as identified in the DaSA Local Plan. Since then, the target has been reduced by the approval of schemes at Lillybank (50), Tollgates (63) and North Trade Road (south, subject to section 106 completion – 25) taking the outstanding requirement down to 287 dwellings. In addition, completions of small sites and windfall sites have provided a further 14 dwellings reducing the outstanding requirement to 273. Of this, Blackfriars site is expected to provide 220 dwellings as allocated in the 2006 Local Plan but eventual capacity has yet to be established and could be less. In the absence of a Neighbourhood Plan for Battle and deducting the two site allocations in the 2006 Local Plan, there remains an outstanding requirement of 53 dwellings for Battle ($287 - 220 - 14 = 53$).
- 7.3 Most of the housing requirement for the plan period for Battle has therefore been already identified. However, set against this, it is significant that Battle has seen the lowest levels of completions to date, with only 6% of its overall housing requirement built by September 2018. The need for an additional release at this time is therefore balanced, but weight must also be given to the lack of a 5-year housing land supply (currently 3.9 years) in the “planning balance”, as should the significance of any impacts on the High Weald AONB.
- 7.4 The National Planning Policy Framework (paragraph 11) and Policy PC1 of the Core Strategy require that planning decisions are made in accordance with a presumption in favour of sustainable development. Paragraph 11(d) and footnote 7 of the National Planning Policy Framework says that where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites including appropriate buffer, that its policies for housing supply must be considered out of date. Decisions in that case should be made in accordance with paragraph 11 (c) and (d), which requires that proposals for sustainable development are permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework taken as a whole (ii), or the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provides a clear reason for refusal (footnote 9). i.e. paragraph 172 concerning AONBs suggests that development should be restricted. Within the AONB the principal consideration in the planning balance to be made is that great weight should be given to conserving and enhancing the landscape and natural beauty of the AONB, which has the highest status of protection in relation to landscape and scenic beauty.
- 7.5 The whole of Battle is within the designated AONB. As previously stated, there will be a need to adjust development boundaries in Battle to accommodate further housing need and this will result in the development of green-field land at the edge of the town – within the AONB. The proposed development would introduce built development on a green-field site and in this regard would have some impact on the AONB landscape. In this case, however, it is considered that the impact would be limited, given the contained nature of the site, relationship with surrounding development, it is not part of the medieval field pattern and as part of landscape enhancement it is proposed to gradually replace the non-native conifers with native

species. Subject to this, and further details that would be negotiated and agreed as reserved matters, it is considered that the proposed development would cause limited harm to the landscape of the AONB or the setting or character of the village within it.

- 7.6 In terms of the location of the site and access to services and community facilities, this offers travel choice other than the private car, especially for reaching town centre services and when making local journeys. In this regard the sustainability requirement is also met.
- 7.7 The proposal, by providing up to 20 dwellings, would make a significant contribution towards the additional 53 dwellings that the Rother Local Plan Core Strategy requires are delivered in Battle over the plan period and therefore meets the economic dimension. In light of the Council not currently being able to demonstrate a five year supply of deliverable housing sites, this consideration weighs heavily in favour of the proposal within the planning balance to be made. The development would result in some limited harm to the AONB. However, the proposal would also increase the supply of housing land by providing up to 20 dwellings and this can be given significant weight. In exercising the planning balance therefore, it is considered that the material planning considerations weigh in favour of granting the planning application.
- 7.8 There are no ecological matters that would preclude the potential development of this site, subject to controls of the nature of construction and appropriate mitigation.
- 7.9 Having regard to the indicative layout and the density of 16.6 dwellings per hectare, the proposal does not constitute over development of the site.
- 7.10 Battle Town Council has no objection in principle to the proposal and subject to conditions and the prior completion of a section 106, the proposal may be regarded as acceptable in principle in the context of the development plan and National Planning Policy Framework paragraphs 11 and 14 in particular.

8.0 LOCAL FINANCE CONSIDERATIONS

- 8.1 The proposal is for a type of development that is CIL liable. However, this is outline application with no indication of the total floorspace of the development. At the reserved matters stage, an indication of the how much CIL money the development could generate can be provided once the total floorspace is known.
- 8.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could be approximately £143,480.

RECOMMENDATION: GRANT (OUTLINE PLANNING) DELEGATED (SUBJECT TO A SECTION 106 PLANNING OBLIGATION RELATING TO:

- **Provision of 35% affordable housing units and nomination rights (including 65% affordable rented).**
- **Provision of and future management of the landscaping to the site including retention of boundary trees and replacement over time of conifers with native broadleaved trees.**

- **Ecology mitigation and biodiversity improvements.**
 - **Off-site Highway works:**
 - **A new vehicular access into the site.**
 - **Footways alongside the access and continuing onto North Trade Road to be agreed.**
 - **Pedestrian crossing on North Trade Road close to site access to include dropped kerb and tactile paving.**
 - **Improvements to the bus stops on the north and south of the road as previously detailed.**
-

CONDITIONS:

1. Approval of the details of layout, appearance, landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development commences on each phase of the development.
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
2. Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
3. Application for approval of all 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).
4. 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).
5. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location plan: Drawing No. FD 18-1623-51-SK, submitted 15/2/2019
Proposed site access as existing position and shown on 'illustrative layout': Drawing No. FD 18-1623-55-SK revised, submitted 15/2/2019
For the avoidance of doubt the 'illustrative layout' is not hereby approved.
Preliminary Ecological Appraisal by PJC Consultancy dated 13 April 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.
6. The following details shall be submitted pursuant to Condition 1 and the development shall thereafter be completed in accordance with the approved details:

- a) 1:200 scale street-scene drawings, accurately reflecting site topography, and showing proposed buildings in context.
- b) 1:50 drawings of all proposed buildings including details of all fenestration, eaves details, porches, dormers, roof-lights, chimneystacks, pipes, vents and utility meters and boxes.
- c) Samples of the materials to be used in the construction of all external faces of the buildings.
- d) The proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps).

Reason: To ensure a high building appearance and architectural quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

7. The following public realm and hard landscaping details shall be submitted pursuant to Condition 1 and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme:

- a) Proposed finished levels or contours.
- b) Boundary treatments and other means of enclosure (fences, railings and walls) indicating the locations, design, height, materials of such
- c) Car-parking layouts.
- d) Design of other vehicle and pedestrian access and circulation areas, (including street widths, pavements and cycle-ways where relevant, and other strategic public realm).
- e) footpaths, parking spaces and other areas of hard-standings, kerbs and tactile paving).
- f) Street furniture, signage and lighting (if proposed), including proposed locations.

Reason: To ensure the creation of a high quality public realm, landscape setting, minimal impact upon retained trees and architectural quality in accordance with Policy EN3 and EN1 of the Rother District Local Plan Core Strategy.

8. The soft landscaping details to be submitted pursuant to Condition 1 shall include the following:

- a) Indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development.
- b) Design, layout and appearance of structural and amenity green space, including verges.
- c) Planting plans, including landscape and ecological mitigation (buffer planting and green buffers).
- d) Written specifications (including cultivation and other operations associated with plant and grass establishment).
- e) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- f) Details for implementation.

The development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

Reason: To ensure the creation of a high quality public realm and landscape setting that enhances the landscape and scenic quality of the High Weald AONB in accordance with Policies EN1 and EN3 of the Rother District Local Plan Core Strategy.

9. If within a period of five years from the date of occupation any retained tree, planted tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason: To enhance the appearance of the development and the landscape of the High Weald AONB in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.
10. Prior to the occupation of the development, a landscape management plan, including management responsibilities and maintenance schedules for the communal hard and soft landscape/open space areas, including any street furniture and minor artefacts therein, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.
Reason: To ensure a high quality public realm taking account of the characteristics of the locality and enhancing the landscape character and quality of the High Weald AONB in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy.
11. No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details first submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of road safety in accordance with Policy TR3 of the Rother Local Plan Core Strategy.
12. No part of the development shall be first occupied until visibility splays of 2.4m by 99.3m to the east and 2.4m by 119.6m to the west have been provided at the proposed site vehicular access onto North Trade Road in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
Reason: In the interests of road safety in accordance with Policy TR3 of the Rother Local Plan Core Strategy.
13. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
- a) the anticipated number, frequency and types of vehicles used during construction;
 - b) the method of access and egress and routeing of vehicles during construction;
 - c) the parking of vehicles by site operatives and visitors;
 - d) the loading and unloading of plant, materials and waste;
 - e) the storage of plant and materials used in construction of the development;
 - f) the erection and maintenance of security hoarding;
 - g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
 - h) details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with Policies OSS4 (ii) and TR3 of the Rother Local Plan Core Strategy.

14. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework. A pre-commencement condition is necessary to avoid disturbance and damage to any below-ground archaeology during initial groundwork.

15. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 18 to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

16. Within the details required under condition 1, the following details in respect of a surface water drainage scheme, to discharge northwards and not southwards into the Combe Haven Hydrological Catchment area, shall be submitted for the consideration and subsequent approval of the Local Planning Authority in consultation with the LLFA, and the development shall thereafter be completed and maintained in accordance with the approved details:

- a) An additional ground investigation should be undertaken, to confirm infiltration rates and groundwater levels. This should include soakage testing in accordance with the BRE365 (2016 publication) and groundwater monitoring between autumn and spring. Infiltration testing should be carried out at the same depth and location of any proposed soakaways.
- b) The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- c) A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:
 - a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
 - b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.
- d) The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

- e) Prior to the occupation of the development, provide evidence (including photographs) showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: The very nature of surface water drainage schemes can require works to be put in place prior to any other above ground development being undertaken and it is thus an integral part of the development which should inform the layout and design of the proposals. A scheme is required to control the quality and rate of run-off in relation to surface water drainage thereby protecting water quality and reducing local flood risks in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy, Policy DEN5 of the DaSA Local Plan Submission 2018 and paragraphs 100 and 103 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

17. Within the details required under condition 1, a scheme for the provision of foul water drainage works shall be submitted for the consideration and subsequent approval of the Local Planning Authority in consultation with Southern Water and none of the dwellings shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

Reason: These details are integral to the whole development and are therefore required as part of the design and layout for the site and prior to commencement of works to prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 100 and 103 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

18. No development shall commence until an ecological design strategy (EDS) addressing method of site clearance, construction and enhancement of the site for biodiversity 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) the 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 the 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 enable the Local Planning Authority to properly ensure the protection of 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.

19. Within the details required under Condition 1, proposals for the siting and form of bins for the storage and recycling of refuse within the site (internally or externally), and a collection point, shall be submitted for the consideration and subsequent approval of the Local Planning Authority. The approved details shall be implemented prior to the occupation of any dwellings and thereafter continued, with all bins and containers available for use, maintained and replaced as need be.
- Reason: In the interests of providing sustainable development and protect and safeguard the residential and visual amenities of the locality in accordance with Policy OSS4 (i), (ii) and (iii) of the Rother Local Plan Core Strategy.

NOTES:

1. This permission is the subject of an obligation under section 106 of the Town and Country Planning Act 1990.
2. The applicant/developer is advised that the submitted illustrative layout is not approved. Specific concerns are raised in respect of plots 1-4 and 13 which are not considered acceptable in terms of their layout, relationship with the access road serving the Beech Estate industrial units and parking arrangements. Proximity with trees also needs to be addressed.
3. The ESCC Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards
4. The ESCC Highway Authority's requirements associated with this development proposal will need to be secured through a section 106/278 Legal Agreement between the applicant and ESCC.
5. The proposed development will be subject to the Community Infrastructure Levy (CIL) at the reserved matters stage.
6. Southern Water has indicated that an application for connection to the public sewer is required.

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

[View application/correspondence](#)

SITE PLAN

BATTLE

RR/2018/1934/P

25 Tollgates, Martletts



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Not To Scale

RR/2018/1934/P

BATTLE 25 Tollgates, Martlets

Erection of four detached chalet bungalows, access and parking

Applicant:

Mr S. Bowyer

Agent:

Kember Loudon Williams LLP

Case Officer:

Mr M. Worsley

(Email: matthew.worsley@rother.gov.uk)

Parish:

BATTLE

Ward Members:

Councillors K.P. Dixon and K.M. Field

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

Statutory 8 week date: 6 February 2019

Extension of time agreed to: 21 March 2019

This application is included in the Committee site inspection list.

1.0 POLICIES AND LEGISLATION

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

- DS3: Use of development boundaries

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

- PC1: Presumption in favour of sustainable development
- OSS1: Overall spatial development strategy
- OSS2: Use of development boundaries
- OSS3: Location of development
- OSS4: General development considerations
- BA1: Policy framework for Battle
- RA2: General strategy for the countryside
- RA3: Development in the countryside
- SRM2: Water supply and wastewater management
- CO6: Community safety
- EN1: Landscape stewardship
- EN2: Stewardship of the historic built environment
- EN3: Design quality
- EN5: Biodiversity and green space
- EN6: Flood risk management
- 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. 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 CS. Policies DHG3 (residential internal space standards) and DHG7 (external residential areas) are also applicable.
- 1.4 High Weald AONB – Management Plan 2019-2024, together with the National Planning Policy Framework and Planning Policy Guidance are material considerations.
- 1.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
-

2.0 SITE

- 2.1 The site is an undeveloped plot of land located to the south of Tollgates. It is immediately to the north of the site where up to 63 dwellings have been granted in outline (RR/2017/1259/P). To the northeast of the site is a listed building and to the east is a converted oasthouse, a non-designated heritage asset. The site is outside of but adjoins the development boundary of Battle, as identified within the Rother District Local Plan (2006), is within the High Weald Area of Outstanding Natural Beauty (AONB) and is also partly within an archaeological notification area.
-

3.0 HISTORY

- 3.1 Land immediately to the south of the application site:

RR/2017/1259/P Outline: Residential development of up to 63 dwellings with all matters reserved except for means of access – Approved Conditional.

RR/20182985/P Reserved matters relating to residential development for 63 dwellings (outline permission RR/2017/1259/P): appearance, layout, scale and landscaping.

- 3.2 A/67/904 Outline: Estate stage III – Refused.

- 3.3 A/63/305 Outline: Residential development (Stage III) – Refused – Appeal Dismissed.

- 3.4 A/61/548 Outline application: Residential development stage III – Refused.
-

4.0 PROPOSAL

- 4.1 Permission is sought to erect four detached dwellings, each to be served by two parking spaces and a single visitor space would be shared by them all. A new access road with turning head would be provided across the north side of the site.
- 4.2 As originally submitted each of the four dwellings would have fronted the proposed access road to the north. The Local Planning Authority raised concerns over this layout, especially to the dwelling at the west end of the site which would have been side on to and in close proximity to the road to the west. The Local Planning Authority considered that this would have an adverse impact on the streetscene. The layout was subsequently amended so that two dwellings would face the road to the west and two would front the new access road to the north.
-

5.0 CONSULTATIONS

5.1 Town Council – **OBJECTION**

5.1.1 12 September 2018: Object.

‘Council feels this is overdevelopment of the site with insufficient parking provision and poor access.’

9 January 2019: Object.

‘Council can see no difference in this re-submission and therefore reiterate its previous comment: overdevelopment of the site with insufficient parking provision and poor access.’

5.2 Highway Authority

5.2.1 Initial comments:

- Access road width acceptable for a development of this size.
- No tracking provided for a refuse vehicle.
- Raise concerns over how far refuse vehicles would have to reverse up the access road if the turning head isn’t suitable.
- Would not want refuse vehicles reversing significant distances.
- A link to the existing footpath on Tollgates should be provided.
- A visitor space should be provided.

5.3 County Archaeologist – **NO OBJECTION**

5.3.1 No objection subject to the imposition of archaeological conditions.

5.4 Lead Local Flood Authority – **OBJECTION**

5.4.1 Initially objected due to insufficient information.

A drainage strategy was subsequently submitted which the LLFA still object to as assurances are not provided that flood risk is capable of being

managed on site as there is no confirmation of a viable discharge point for surface water runoff.

5.5 Southern Water – NO OBJECTION RAISED

- 5.5.1 Advises that a formal application should be made to Southern Water in order to connect to the public sewerage system. Also advises that surface water should not be disposed of to the public sewer and should comply with Part H3 of the Building Regulations.

5.6 Planning Notice

- 5.6.1 10 objections received (summarised):

- No justification for four more dwellings.
- Agricultural land.
- Within AONB.
- Higher density proposed than surrounding estate.
- Site to south has restrictions on the height of dwellings on the highest ground.
- Overdevelopment.
- Out of keeping.
- Adverse lighting impact.
- Views would be blocked.
- Increase in noise.
- Overlooking would be created.
- Increase in traffic and congestion.
- Increased risk of road accidents.
- Access appears insufficient in width to accommodate larger vehicles.
- On street parking would be encouraged.
- Tollgates used as a drop off point for school – hazardous.
- Poor visibility from Tollgates onto North Trade Road.
- Improvements required to the locality for non-motorised users.
- Risk of increased flooding.
- Increased pressure on local services.
- Existing infrastructure has issues.
- Could encourage others to develop in the locality.
- Objections to Catesby's development ignored.

6.0 **APPRAISAL**

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

- The principle of the proposed development.
- The character and appearance of the locality, including the landscape and scenic beauty of the AONB.
- The setting of nearby listed buildings.
- Archaeology.
- Highway safety.
- Drainage.
- Ecology.
- The living conditions of neighbouring properties.

6.2 Principle

- 6.2.1 Whilst the application site is adjacent to the development boundary of Battle, in planning policy terms it is still located within the countryside. Policy RA3 (iii) lists the exceptional circumstances in which new dwellings within the countryside will be permitted including (a) agricultural worker's dwellings, (b) the conversion of traditional historic farm buildings in accordance with Policy RA4, (c) the one for one replacement of an existing dwelling or (d) as a rural exception site.
- 6.2.2 Although the four dwellings proposed would not meet any of the exceptions provided for in Policy RA3 (iii), the Council cannot currently demonstrate a 5-year supply of housing, meaning that relevant housing supply policies, including RA3, are out of date. As of the 1 October 2018 the Council could only demonstrate a 3.9 year housing supply. Reduced weight must therefore be attributed to Policy RA3. Increasing the supply of housing by four units would represent a small but useful contribution and can be given some weight.
- 6.2.3 In terms of the location, the site is adjacent to the development boundary of Battle and is linked to the centre of the town by footpaths. The proposed development is considered to be well located in terms of access to services and public transport and being able to make best use of walking and cycling.

6.3 Character and appearance

- 6.3.1 Policy OSS4 (iii) requires all development to respect and not detract from the character and appearance of the locality. Policy EN1 (i) provides protection for the landscape and scenic beauty of the AONB. Policy EN3 requires all development to be of a high quality design.
- 6.3.2 The site is adjacent to Tollgates to the north and Claverham Way to the west which is part of a mid C20 housing estate. There is also the converted Oasthouse and listed building to the east. Towards the south of the estate dwellings generally consist of detached bungalows or chalets. There are examples of two storey properties further north, closer to North Trade Road. The land slopes away into the countryside to the south. Whilst there is currently an undeveloped field to the south, permission has been granted in outline to erect 63 dwellings. A reserved matters application is currently under consideration for that site.
- 6.3.3 Provided the site to the south is subsequently developed, the application site would be surrounded by dwellings. Even if it's not, the site is still surrounded by buildings to the north, east and west. The provision of four dwellings would therefore be seen in this context and would not be read as an encroachment into the surrounding countryside.
- 6.3.4 The proposed dwellings would be of a chalet style design, with a two storey gabled projection in the centre of the front elevation with pitched roof dormers either side. There would be three pitched roof dormers in the rear roof slopes. The properties would measure around 12m in width, 10.5m in depth and 7.4m at ridge height.
- 6.3.5 In terms of the footprints of the properties, they would be smaller than many of the dwellings nearby. However, they would still occupy relatively generous

plots, with rear gardens measuring at least 10m in length. In addition, the agent has provided some calculations of the plot densities. The proposed plots range from having a building footprint of 25.7% - 29.2% of the plot area. In comparison, No. 4 Claverham Way has been calculated as having a building footprint of 25.1% of the plot area, No. 5 Claverham Way is 23% of the plot area, No. 8 Claverham Way is 18.5% and No. 9 Claverham Way is 32%. For the reasons explained the proposed plots would not look unduly cramped or out of character with development in the locality.

- 6.3.6 The height of the properties would be 7.4m, which is slightly taller than that of No. 25 Tollgates, which is around 6.8m. Nevertheless, the proposed dwellings would be set at a lower ground level than No. 25 Tollgates. It is also worth noting that on the site to the south, the intention is to provide two storey dwellings across the southeast half of the site. The proposed chalets would be seen in this context and would not appear excessively tall.
- 6.3.7 Turning to the proposed materials, bricks and clay roof tiles are detailed, together with casement windows. In principle this would be in keeping with the pallet of materials used in the locality. The details could be conditioned if minded to approve.
- 6.3.8 Overall the proposed development is considered to be in keeping with the character and appearance of the locality and would not adversely affect the landscape and scenic beauty of the AONB.

6.4 Setting of listed buildings

- 6.4.1 The setting of the grade II listed Lower Almonry Farm and the adjacent converted Oasthouse, a non-designated heritage asset, located to the northeast of the site, is a necessary consideration.
- 6.4.2 To the north and west of these buildings is mid-C20 housing development. The current application site is separated from the listed building and Oasthouse by some of this modern development, consisting mainly of No. 25 Tollgates, although it is acknowledged that the application site and converted Oasthouse would share a boundary. To the south and east of the listed building and Oasthouse are open fields, which are important to the farmstead's rural setting, which would be unaffected by the proposal.
- 6.4.3 The proposed development of the site in question would not impact on the rural setting of the listed building and Oasthouse due to the presence of the C20 housing development to the north and west.

6.5 Archaeology

- 6.5.1 The site is within an archaeological notification area. The proposed development would involve excavating the ground which has the potential to disturb archaeological remains. The archaeology related conditions recommended by the County Archaeologist should therefore be attached to any approval.

6.6 Highway safety

- 6.6.1 The comments from the Highway Authority are noted. However, the submitted Transport Assessment explains that the proposed turning head

would only be used by fire engines and smaller service vehicles. It would not be used for turning by refuse lorries. Instead, it is explained that refuse lorries would reverse into the road up to 25m, which is in accordance with the guidance provided within the Good Practice Guide (GPG) Refuse & Recycling Storage at New Residential Developments within Eastbourne, Hastings, Rother and Wealden. The furthest property from the location where the refuse lorry would stop would be less than 25m, which accords with the maximum carry distance set out in the guidance.

- 6.6.2 The development would generate a small increase in vehicle movements along Tollgates and North Trade Road. However, in the context of the existing level of traffic in the locality, the increase would be relatively small scale and unlikely to cause issues on the local highway network. Visibility from the new access would be good.
- 6.6.3 Each of the proposed dwellings would be served by two parking spaces and a visitor space has now been included to be shared between the dwellings. Adequate off road parking would be provided.
- 6.6.4 Overall the proposed development would not prejudice highway safety and adequate off-road parking provision would be provided.

6.7 Drainage

- 6.7.1 During the course of the application a drainage strategy has been prepared by the applicant. The LLFA are concerned that assurances are not provided within the drainage strategy that flood risk is capable of being managed on site as there is no confirmation of a viable discharge point for surface water runoff.
- 6.7.2 In response, the applicant's drainage engineer has advised that there appears to be a way forward on a variety of drainage options. They have advised that the porosity of the site has been tested. This suggests increased usage of permeable paving may be sufficient to deal with a 1:100 year event. Alternatively, a connection to surface water sewers may be possible if permission is granted by 3rd party owners. There is also a possibility that connection to a private sewer owned by East Sussex County Council may be able to be utilised.
- 6.7.3 The applicant is confident that a solution can be found and they are happy for a pre-commencement condition to be imposed relating to surface water drainage.
- 6.7.4 Given the relatively small scale nature of the scheme, there is no validation requirement to submit a drainage scheme. However, the applicant has provided additional drainage information and sought to find a solution to the issues identified by the LLFA. There appears to be a number of options to overcome the surface water drainage issue, which could be secured using a pre-commencement condition, in the event that permission was granted.

6.8 Ecology

- 6.8.1 No ecological survey has been submitted with the current application. However, a phase 1 survey was completed for the outline scheme permitted on the site to the south under RR/2017/1259/P. This found that site does not

possess any significant ecological constraints which cannot be mitigated or avoided and therefore biodiversity would not be adversely affected as a result of that development.

- 6.8.2 In respect of the site in question, it is acknowledged that it is part of an undeveloped field. Birds have the potential to utilise the boundary hedgerow and species such as badgers and bats could use the site for foraging. Separate legislation provides protection for these species. In the event that permission is granted, advisory notes should be attached to the decision to remind the applicant of their responsibilities towards protected species.

6.9 Living conditions

- 6.9.1 The main properties that could be potentially affected by the proposed development include numbers 23 and 25 Tollgates, numbers 4 and 6 Claverham Way and the Oasthouse to the east of the site.
- 6.9.2 In respect of Nos. 4 and 6 Claverham Way, a distance of more than 40m would exist between those properties and the dwellings proposed. The proposed dwellings would also be more than 25m from the boundary of the gardens serving those properties. This level of separation is sufficient for the development to not adversely affect the living conditions of occupants of the neighbouring properties.
- 6.9.3 The plot 2 dwelling would be positioned 25m from no. 23 Tollgates and would be at an oblique angle. It would also be positioned more than 15m from the boundary of their rear garden. This is also sufficient separation for no unacceptable levels of overlooking to occur.
- 6.9.4 Turning to No. 25 Tollgates, a gap of around 10m would be provided between the dwelling and plot 2. This is also where the proposed access road would be provided. The dwelling on plot 2 would not adversely impact on the living conditions of No. 25 Tollgates. Plots 3 and 4 would be provided behind 1 and 2 and would face north towards the rear garden of No. 25 Tollgates. However, the front elevations of these properties would be at least 15m from the side boundary of the rear garden. Whilst some views into the garden may be possible, this would be at some distance and should not be unacceptably intrusive.
- 6.9.5 The Oasthouse to the east would be positioned around 17m from the proposed plot 4 dwelling. The rear elevation of the Oasthouse faces south and the front elevation of the plot 4 dwelling would face north. However, due to the separation and the staggered positioning of the properties, only oblique views would be possible between windows which would not create unacceptable levels of overlooking. It is also noted that there are some mature trees on the boundary and in the rear garden of the Oasthouse which could be retained.
- 6.9.6 Both the internal space proposed in each of the dwellings and external space would comply with the policies contained within the DaSA.
-

7.0 PLANNING BALANCE AND CONCLUSION

- 7.1 Paragraph 11 of the National Planning Policy Framework states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means:
- 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 the National Planning Policy Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.2 The four dwellings proposed would support the social dimension of sustainable development, as set out in the National Planning Policy Framework. The proposal would contribute toward the District's targets for housing delivery and five year land supply. Whilst the number of units proposed is relatively low, the increase proposed can still be given moderate weight. There would also be some economic benefits relating to construction work.
- 7.3 Turning to the environmental role of sustainable development, the site would be well located to the centre of Battle and would provide occupants with the opportunity to walk or cycle. The development would also not be read as an encroachment into the countryside and there would be no adverse impact on the landscape and scenic beauty of the AONB or the setting of nearby heritage assets.
- 7.4 When the National Planning Policy Framework is considered as a whole, the proposal is considered to constitute sustainable development. The scheme complies with the development plan as a whole together with the various provisions contained within the National Planning Policy Framework. For the reasons explained the application can be supported.
-

8.0 LOCAL FINANCE CONSIDERATIONS

- 8.1 The proposal is for a type of development that is CIL liable. Although the total amount of CIL money to be received is subject to change, as floorspace checks are to be undertaken and the applicant could claim an exemption following any approval, the development could generate approximately £164,029.
- 8.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could be approximately £26,736.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing No. 18.02.p.010 revision G dated 09.10.2018
Drawing No. 18.02.p.011 revision G dated 06.10.2018
Drawing No. 18.02.P.400 revision A dated 05.07.2018
Drawing No. 18.02.P.200 revision A dated 05.07.2018
Drawing No. 18.02.P.210 revision A dated 05.07.2018
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: A pre-commencement condition is required due to the risk that excavation work poses to any archaeological remains that may be present. Compliance with the condition will ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policy EN2 (vi) of the Rother Local Plan Core Strategy.
4. No development shall commence until details of a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and Southern Water. The approved surface water drainage scheme shall be completed in accordance with the approved details before the first occupation of any of the dwellings hereby permitted.
Reason: A pre-commencement condition is required as the very nature of surface water drainage schemes can require works to be put in place prior to any other above ground development being undertaken. To control the quality and rate of run-off in relation to surface water drainage thereby protecting water quality and reducing local flood risks in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy.
5. No development above ground level shall take place until samples or additional details of the materials, to include clay roof tiles, to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To preserve the visual amenities of the area in accordance with Policies OSS4 (iii), EN1 (i) and EN3 of the Rother Local Plan Core Strategy.

6. The development shall not be occupied until the parking and turning area have been provided in accordance with the approved plans, Drawing Nos. 18.02.p.010 revision G dated 09.10.2018 and 18.02.p.011 revision G dated 06.10.2018, and the areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles
Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
7. No development above ground level shall take place until the hard and soft landscaping details for that part of the site, including the proposed boundary treatments, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
Reason: To protect the character and appearance of the locality in accordance with Policy OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.
8. Within three months of the completion of any archaeological investigations, a written record of any archaeological works undertaken shall be submitted to and approved in writing by the Local Planning Authority, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policy EN2 (vi) of the Rother Local Plan Core Strategy.
9. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree 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 preserve the visual amenities of the area in accordance with Policies OSS4 (iii), EN1 (i) and EN3 of the Rother Local Plan Core Strategy.

NOTES:

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
2. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please also read Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on their website via the following link: <https://beta.southernwater.co.uk/infrastructure-charges>.

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

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

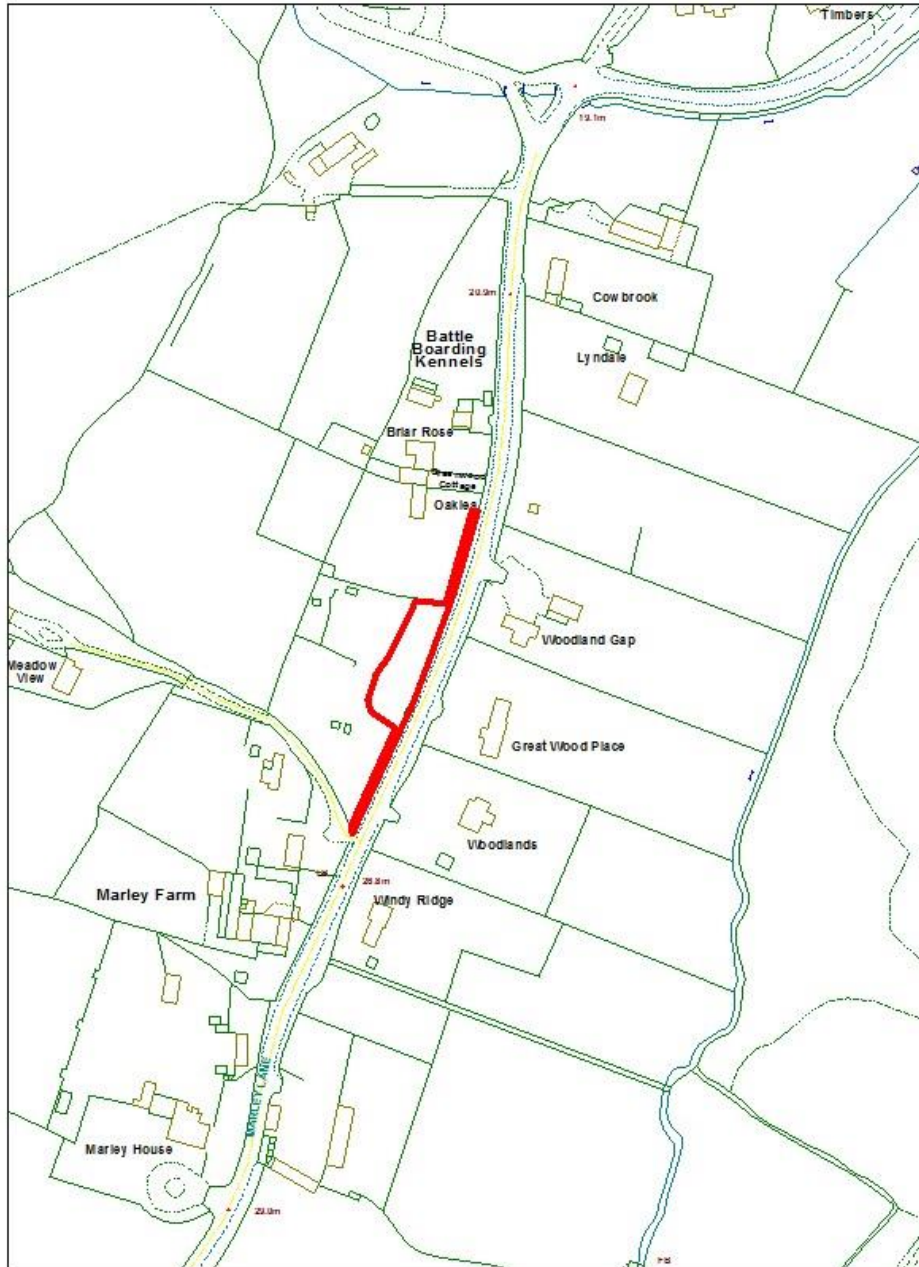
[View application/correspondence](#)

SITE PLAN

BATTLE

RR/2019/222/P

Oaklea - Land adjoining, Marley Lane.



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Not To Scale

RR/2019/222/P**BATTLE Oaklea – Land adjoining, Marley Lane****Formation of vehicular access and drive to serve Oaklea**

Applicant: Mr A. Webster
Agent: Mr C. Polito
Case Officer: Mr M. Worsley
(Email: matthew.worsley@rother.gov.uk)

Parish: BATTLE**Ward Members:** Councillors K.P. Dixon and K.M. Field**Reason for Committee consideration:** Head of Service Strategy and Planning referral: Agent is related to a member of staff.**Statutory 8 week date: 28 March 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
- BA1: Policy framework for Battle
- RA2: General strategy for the countryside
- RA3: Development in the countryside
- CO6: Community safety
- EN1: Landscape stewardship
- EN3: Design quality
- EN5: Biodiversity and green space
- 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. 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.

1.3 High Weald AONB – Management Plan 2019-2024, together with the National Planning Policy Framework and Planning Policy Guidance are material considerations.

2.0 SITE

- 2.1 The application site lies to the west side of Marley Lane and consists of a residential property and its garden and adjoining scrub land. The site is located within the countryside and is within the High Weald AONB.
-

3.0 HISTORY (RELEVANT)

- 3.1 RR/2017/1285/P Demolition of existing dwelling and erection of a replacement dwelling – Approved Conditional.
- 3.2 RR/2016/250/P Demolition of existing dwelling and erection of a replacement dwelling – Approved Conditional.
-

4.0 PROPOSAL

- 4.1 Permission is sought for a vehicular access in a similar position to an existing informal agricultural access. The new access would link into a driveway which is proposed to run parallel with the road and would lead to the residential curtilage of Oaklea where a new parking area is detailed. The access would be surfaced to Highway Authority standards and the driveway would be surfaced with road planings.
-

5.0 CONSULTATIONS

5.1 Town Council

- 5.1.1 Any comments will be reported.

5.2 Highway Authority – NO OBJECTION

- 5.2.1 Recommend conditions being imposed on any permission relating to the access construction and the provision of adequate visibility splays.

5.3 Planning Notice

- 5.3.1 Three objections from the same household received (summarised):

- In approving a replacement house, it did not have to have the same ridge height as the existing and no section 106 or Tree Preservation Order were imposed.
- Removal of vegetation and trees will severely impact on their privacy and create overlooking from the new house.
- Sloping nature of the site is not detailed on the plans.
- Light pollution from vehicles.
- Parking area would urbanise the site.
- Inadequate visibility.
- Proposal would affect the streetscene.
- Proposal will not be sustainable due to water drainage and the sloping nature of the site.
- The property has never had access from Marley Lane.

- The property has never had any rights to park on the verges.
- Removal of hedge will mean the development as a whole will not have a similar landscape impact.
- Lack of information regarding the replacement hedgerow.
- Replacement hedgerow will take a long time to establish.

5.3.2 One general set of comments received (summarized):

- Replacement dwelling was granted under the condition that the hedgerows and trees would not be disturbed.
- Old oaks and other indigenous trees are not shown on the plans.
- Natural hedgerow would be destroyed.
- Some dispute between highways requirements for acceptable visibility.
- No stipulation for 600mm hedge height restriction.
- Soil erosion and drainage issues would be created.
- New dwelling would be much more noticeable once vegetation is removed.

6.0 APPRAISAL

6.1 The main issues to consider include the impact of the proposed development on the character and appearance of the locality, including the landscape and scenic beauty of the AONB, highway safety and the living conditions of occupants of nearby residential properties.

6.2 Character and appearance

6.2.1 Policy OSS4 (iii) requires all development to respect and not detract from the character and appearance of the locality. Policy EN1 (i) provides protection for the landscape and scenic beauty of the AONB. Policy EN3 requires all development to be of a high quality design.

6.2.2 This stretch of Marley Lane is rural in character with hedges and trees lining the verges. However, there are a number of accesses nearby serving residential properties. A similar scheme, to provide a new residential access across a field, has recently been approved at Marley House, which is a short distance south of the application site (RR/2018/1686/P).

6.2.3 The existing access is very informal in character and is effectively a field gate positioned within the hedge line. It is not surfaced and there is no dropped kerb. Formalising the access with a dropped kerb and hardsurfacing would have some impact on the rural character of the lane. However, it would be in close proximity to a number of other residential accesses and should therefore not be out of character with development nearby.

6.2.4 Land to the north of the access drops away quite steeply. The agent has confirmed that some earth would be brought onto the site in order to provide a shallower incline. The agent has suggested a condition is attached to any permission to secure this detail. The driveway would run parallel with the lane. Most of the roadside vegetation would be retained and a new indigenous hedge is proposed meaning that the driveway would not be noticeable when viewed from the lane.

6.2.5 It is proposed to remove some of the roadside vegetation to improve visibility splays, including a small number of trees. However, the vegetation is not of a high quality and appears mainly self-seeded. Trees and other vegetation would be retained within the site and a new indigenous hedge would be planted behind the visibility splays. These factors would help retain the rural character of the site and locality.

6.2.6 Overall the proposal would respect and not detract from the character and appearance of the locality and would not adversely affect the landscape and scenic beauty of the AONB.

6.3 Highway safety

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

6.3.2 The Highway Authority has advised the following:

'...Marley Lane is a classified road [C94] subject to a 60mph speed limit. Design Manual for Roads and Bridges (DMRB) recommends that accesses on roads subject to a 60mph limit require visibility splays measuring 2.4m by 215m.

The visibility either side of the proposed access currently falls significantly below this distance; however, the submitted plan indicates that the hedgerow and associated vegetation within the roadside verge will be cut back and removed either side of the access to increase the visibility splays to 2.4m x 97m in each direction.

The 2.4m x 97m visibility splays proposed would remain far below the distance generally required for a 60mph road; however, the results of a speed survey undertaken for a nearby development indicate that the 85th percentile wet weather speeds are approximately 39mph for vehicles travelling both north and southbound. Guidance provided by DMRB indicates that the visibility splay requirement based on the recorded speeds is 2.4m x 97m and therefore the achievable splays are appropriate in this instance.

Having reviewed the speed survey report it is noted that the survey was carried out at a distance approximately 130m to the north of the proposed access point. The vehicle speeds were therefore recorded on a stretch of road closer to the sharp bend and therefore the results may be slightly lower than if the survey was carried out close to the site access. This is less than ideal; however, it is acknowledged that vehicle speeds on this stretch of road are unlikely to increase significantly on approach to the access. The visibility splays are therefore considered to be acceptable in this instance for an access serving an existing dwelling, especially when considering that there would be some highway safety benefit in enabling vehicles to park on-site rather than on the highway verge as existing. It should be noted however that any further intensification in use of the access is likely to be resisted unless a new speed survey carried out in close proximity to the access confirms that 85th percentile vehicle speeds remain below 39mph.

The proposed access has a 3m width at a point 6m back from the edge of the highway, this is sufficient to allow a single vehicle to access the property. The access layout is therefore considered to be acceptable...'

- 6.3.3 The provision of an access at the site, to include 2.4m x 97m visibility splays, would bring benefits to highway safety, allowing residents to park and turn on site as opposed to parking on the busy and hazardous lane.
- 6.4 Living conditions
- 6.4.1 Policy OSS4 (ii) requires all development to not unreasonably harm the amenities of adjoining properties.
- 6.4.2 The properties most likely to be affected by the proposed development are those on the opposite side of the road including 'Great Wood Place' and 'Woodland Gap'. The occupant of 'Woodland Gap' has objected to the proposal. They have concerns over potential overlooking and the impact of vehicle headlights.
- 6.4.3 The proposed driveway and parking area would be more than 40m from the neighbouring properties on the opposite side of the road. Whilst the parking area would be provided on higher ground, the separation is considered sufficient for no unacceptable levels of overlooking to occur. Occupants of the property opposite may see headlights at night. However, this would not be for any prolonged periods of time and would be more than 40m away, meaning lights should not be intrusive. Both sites also benefit from some vegetation screening which may help screen any headlights.
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7.0 SUMMARY

- 7.1 The proposed development would bring benefits to highway safety and would not adversely impact on the character and appearance of the locality, including the landscape and scenic beauty of the AONB, or the living conditions of occupants of neighbouring properties. The proposal complies with Core Strategy policies together with the various provisions contained within the National Planning Policy Framework and can therefore be supported.
-

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing No. 5002/18/LBP/A dated February 2019
Drawing No. 5002/18/1/A dated February 2019
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 above-ground works in respect of the driveway hereby permitted shall commence until details of the levels of the driveway have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
Reason: To protect the character and appearance of the locality and the landscape and scenic beauty of the High Weald AONB in accordance with Policies OSS4 (iii), RA3 (v) and EN1 (i) of the Rother Local Plan Core Strategy.
4. The new access shall be in the position shown on the approved plan, Drawing No. 5002/18/1/A dated February 2019, and laid out and constructed in accordance with the attached HT407 form/diagram.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
5. The driveway and parking area hereby permitted shall be surfaced in road planings only, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To protect the character and appearance of the locality and the landscape and scenic beauty of the High Weald AONB in accordance with Policies OSS4 (iii), RA3 (v) and EN1 (i) of the Rother Local Plan Core Strategy.
6. The access, driveway and parking area hereby permitted shall not brought into use until planting details for the indigenous hedge to be provided behind the visibility splays have been submitted to and approved by the Local Planning Authority, which shall include:
 - a) planting plans;
 - b) written specifications (including cultivation and other operations associated with plant establishment);
 - c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
 - d) implementation programmeReason: To protect the character and appearance of the locality and to maintain the landscape and scenic beauty of the High Weald AONB in accordance with Policies OSS4 (iii), RA3 (v), EN1 (i) and EN3 of the Rother Local Plan Core Strategy.
7. The access shall not be used until visibility splays of 2.4m by 97m are provided in both directions and maintained thereafter.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
8. If within a period of five years from the date of the planting of any hedge that hedge, or any hedge planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another hedge of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason: To protect the character and appearance of the locality and to maintain the landscape and scenic beauty of the High Weald AONB in accordance with Policies OSS4 (iii), RA3 (v), EN1 (i) and EN3 of the Rother Local Plan Core Strategy.

NOTES:

1. The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.
2. The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found and these should be sought before development commences.
3. This planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation. Further advice on the requirements of these Acts is available from Natural England, Sussex and Surrey Team, Phoenix House, 33 North Street, Lewes, East Sussex BN7 2PH.
4. The applicant's attention is drawn to the need for a section 184 licence for the construction of the access. Please call East Sussex Highways on 0345 60 80 193 for further information.

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

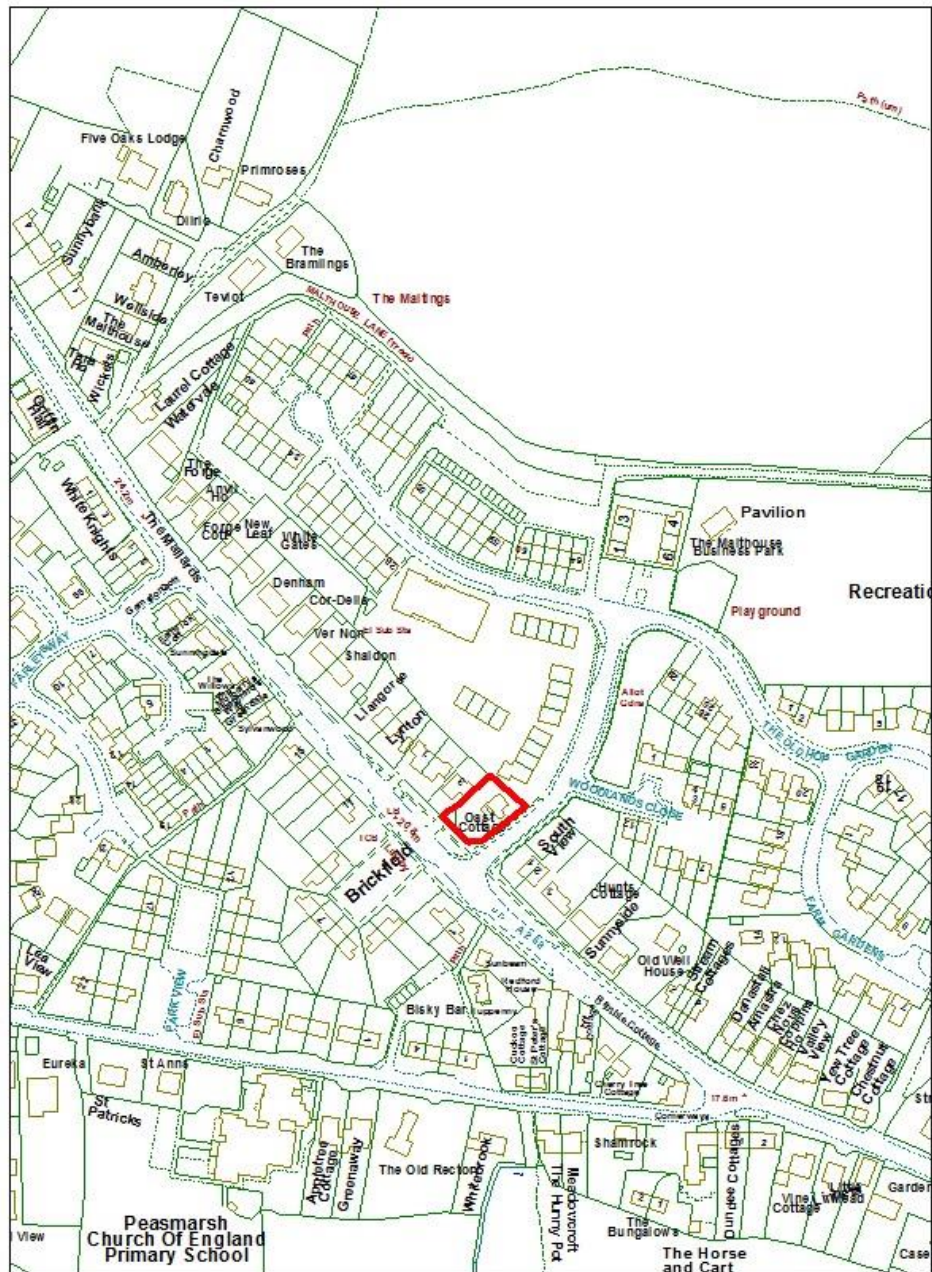
[View application/correspondence](#)

SITE PLAN

PEASMARSH

RR/2018/2480/P

Oast Cottage, Main Street.



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Not To Scale

RR/2018/2480/P

PEASMARSH Oast Cottage, Main Street

Demolition of one detached dwelling and the construction of 2 No. 3 bedroom semi-detached dwellings with integral carports with associated access, parking and landscaping

Applicant: Denton Homes Limited
Agent: N/A
Case Officer: Mr E. Corke (Email: edwin.corke@rother.gov.uk)
Parish: PEASMARSH
Ward Members: Councillors I.G.F. Jenkins and M. Mooney

Reason for Committee consideration: Referred by Councillor I.G.F. Jenkins

Statutory 8 week date: 2 January 2019

Extension of time agreed to: 20 March 2019

This application is included in the Committee site inspection list.

1.0 POLICIES

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

- DS3: Proposals within Development Boundaries
- HG7: Retention of Existing Housing Stock

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

- PC1: Presumption in Favour of Sustainable Development
- 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
- EN2: Stewardship of the Historic Built Environment
- 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 (AONB)
 - DEN4: Biodiversity and Green Space
 - DEN5: Sustainable Drainage
 - DIM2: Development Boundaries
- 1.4 The National Planning Policy Framework, Planning Practice Guidance and High Weald AONB Management Plan 2019-2024 are also material considerations.
-

2.0 SITE

- 2.1 Oast Cottage is a small vernacular building, which is thought to date from the early-mid 19th century, located on the north-east side of Main Street (A268). It is sited towards the rear of a modest-sized plot that occupies a prominent corner position at the junction of Main Street and The Maltings. It has previously been established that the cottage is a heritage asset (non-designated), as defined in the National Planning Policy Framework.
- 2.2 The site is adjoined by a modern housing development to the rear and a two-storey house 'No. 3 Hamish Court' to the north-west.
- 2.3 In policy terms, the site is located within the development boundary for Peasmarsh – as defined in the Rother District Local Plan 2006 – is within the High Weald AONB, and is situated within an Archaeological Notification Area (ANA).
-

3.0 HISTORY

- | | | |
|-----|----------------|---|
| 3.1 | RR/2006/430/P | Erection of four detached dwellings with garages including alteration to an existing access (with retention of Oast Cottage). Refused. |
| 3.2 | RR/2006/1347/P | Erection of four semi-detached dwellings including alteration to an existing access (with retention of Oast Cottage). Refused and appeal dismissed (Appeal Ref: APP/U1430/A/06/2021919/NWF). |
| 3.3 | RR/2006/2624/P | Erection of three detached two storey dwellings including roof lights and dormer windows with alteration to an existing access and provision of three garages and three new parking spaces (with retention of Oast Cottage). Refused and appeal dismissed (Appeal Ref: APP/U1430/A/07/2033859). |

- | | | |
|-----|----------------|--|
| 3.4 | RR/2010/925/P | Erection of detached two storey house with associated access from Main Street and a carport ancillary to the existing house (with retention of Oast Cottage). Granted. |
| 3.5 | RR/2010/934/P | The erection of two semi-detached two storey houses with associated access from Main Street. Granted. |
| 3.6 | RR/2015/2445/P | Demolition of one detached dwelling (Oast Cottage) and the erection of two, three bed semi-detached houses with integral garages. Refused and appeal dismissed (Appeal Ref: APP/U1430/W/16/3152580). |
-

4.0 PROPOSAL

Background

- 4.1 Oast Cottage previously stood in a larger site, but the plot has been sub-divided and permission granted for a detached house (Application Ref: RR/2010/925/P) and two semi-detached houses (Application Ref: RR/2010/934/P) to the north-west, which have now been constructed.
- 4.2 In 2015 a refusal of planning permission (Application Ref: RR/2015/2445/P) was issued for demolition of Oast Cottage and the erection of two, 3-bed semi-detached houses with integral garages. Permission was refused because there was no clear or convincing justification for the loss of this non-designated heritage asset, which makes a valuable contribution to the character and cultural history of Peasmarsch. Permission was also refused because the siting, layout, architectural detailing and materials of the new development would have caused harm to the appearance of the street scene and harm, at a localised level, to the landscape of the High Weald AONB.
- 4.3 A subsequent appeal (Appeal Ref: APP/U1430/W/16/3152580) was dismissed on the grounds that the proposed development would have been harmful to the character and appearance of the area, arising from the loss of Oast Cottage and its replacement with a development that would be of inadequate quality in terms of its siting, layout and use of materials.

Current proposal

- 4.4 The current proposal is a re-submission of the 2015 scheme for demolition of Oast Cottage and the erection of two, three bed semi-detached houses, but with integral car ports instead of garages.
- 4.5 The new building would be positioned forward of Oast Cottage, more or less in line with the adjacent house to the north-west, although at a different angle. The building would be two storeys in height and each dwelling would be provided with an attached pitched roof car port with a bedroom above. The main roof would be pitched and hipped and there would be a front and rear gable feature. Proposed external materials are brick at ground floor level with horizontal timber boarding to the first floor under a plain clay tiled roof.
- 4.6 The dwellings would be accessed via a shared driveway (also shared with the adjacent house), which it is proposed to widen from 4m to 4.5m. An area of hardstanding for the manoeuvring of vehicles would be provided in front of the dwellings and a parking space would be provided in front of each car

port. The rear gardens would be fenced and some planting is proposed to the front and rear.

4.7 The siting, layout and design of this revised scheme is very similar to the previously refused scheme. The main differences are:

- Widening of the existing driveway from 4m to 4.5m.
- The use of car ports instead of garages.
- The use of horizontal timber boarding to the first floor instead of white PVCu weatherboarding.
- The inclusion of porch canopies.

4.8 The application is accompanied by, amongst other things, two structural reports relating to Oast Cottage, one of which is dated April 2016 and the other October 2017. The 2016 report was submitted with the most recent appeal.

5.0 CONSULTATIONS

5.1 Peasmarsh Parish Council – **SUPPORT**

5.1.1 *“The Parish Council fully support this planning application. It is noted that a resident has objections; the Parish Council hope these objections can be resolved amicably.”*

5.2 East Sussex County Council (ESCC) Highway Authority – **NO OBJECTION**

5.2.1 No objection subject to the imposition of conditions.

5.3 ESCC County Archaeologist – **NO OBJECTION**

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

5.4 SGN Gas Pipelines

5.4.1 No comments received.

5.5 Planning Notice

5.5.1 One letter of objection from a neighbouring property raising the following concerns (summarised):

- Second reason for refusal relating to Application RR/2015/2445/P is still relevant to this latest application.
 - New development would be too close and oppressive to the neighbouring property 3 Hamish Court.
 - Existing vehicular access from Main Street is not adequate for traffic to and from three properties.
 - The proposal would be detrimental to highway safety.
-

6.0 APPRAISAL

6.1 Planning issues

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

6.1.2 The main issues are:

- Impact of the proposal on the character and appearance of the area in relation to the loss of Oast Cottage and the erection of two semis;
- Impact of the proposal 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 of the area

6.2.1 Paragraph 122 of the National Planning Policy Framework says 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),...”; and

“The importance of securing well-designed, attractive and healthy places.”

6.2.2 Paragraph 127 says that planning decisions should ensure that developments:

“(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

- 6.2.3 Policy OSS4 of the Core Strategy seeks to ensure that development proposals (iii) respect and do not detract from the character and appearance of the locality.
- 6.2.4 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.”*
- 6.2.5 Policy EN3 requires new development to be of high design quality by (i) contributing positively to the character of the site and surroundings.
- Loss of Oast Cottage*
- 6.2.6 Oast Cottage is a heritage asset (non-designated) and in this respect, paragraph 184 of the National Planning Policy Framework says:
- “These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”*
- 6.2.7 Paragraph 190 says:
- “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*
- 6.2.8 Paragraph 191 says:
- “Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.”*
- 6.2.9 Paragraph 192 says:
- “In determining applications, local planning authorities should take account of:*
- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - (c) the desirability of new development making a positive contribution to local character and distinctiveness.”*
- 6.2.10 Paragraph 197 says:
- “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage*

assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

- 6.2.11 Policy EN2 of the Core Strategy seeks to protect the historic built environment, including non-statutorily protected heritage assets, and (iii) preserve locally distinctive vernacular building forms.
- 6.2.12 In reaching her decision to dismiss the appeal for the previous proposal for demolition of the existing cottage and the erection of two, 3-bed semi-detached houses with integral garages, the Inspector commented as follows in relation to the loss of Oast Cottage:

“Oast Cottage is a small vernacular building, which is thought to date from the early-mid 19th century. In considering its merits for the purposes of listing, Historic England thought it likely that the original building pre-dated 1840. However, it has been substantially altered during the 20th century and is thought to have been partially reconstructed as a consequence of damage by fire in the 1950s. The addition of larger dormer windows has resulted in the loss of much of its original catslide roof, the internal layout has been changed and the doors and windows are modern. In March 2016, after this application had been determined by the Council, Historic England concluded that Oast Cottage was not sufficiently intact to be worthy of designation as a listed building.

Nevertheless, the cottage retains a number of historic features. It has a prominent chimney on its western elevation serving a large fireplace in the living room which has a low beamed ceiling. It has a clay tile roof, hipped to the east and is of brick with a timber-framed, clay tile hung first floor. It is therefore typical of vernacular buildings of the period and the local area. Many of these features are visible from the public realm, whereas most of the alterations at the rear of the building are not. I therefore consider that the external appearance of Oast Cottage makes a positive contribution to the character and appearance of the surrounding area.

Whilst this part of Peasmarsh is not a conservation area, Main Street is interspersed with a number of vernacular buildings and together they contribute to the appearance of the village as a rural settlement within the High Weald AONB. The cottage is consequently a significant and tangible link with the history of the village as a rural community and contributes to the mixed character of the street scene.

The value of the cottage to the historic context of the village has also been upheld in three previous appeal decisions. Included in their assessments of those previous schemes, the Inspectors described Oast Cottage as an attractive, albeit simple and unassuming, traditional Sussex cottage whose setting should be respected. In the most recent of these decisions the Inspector commented that, irrespective of its state of disrepair and disputed vintage, Oast Cottage has considerable architectural merit. I agree with the previous Inspectors’ observations and assessments.

I understand that the Council does not retain a ‘local list’ of non-designated heritage assets. However, as most of the features described above are visible from Main Street, I consider that there can be no doubt that Oast Cottage is a heritage asset. The Government’s approach to heritage assets is set out in the National Planning Policy Framework. The National Planning

Policy Framework states that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. In determining applications that affect a non-designated heritage asset the National Planning Policy Framework advises that a balanced judgment will be required having regard to the scale of any loss and its significance. The National Planning Policy Framework also advises that where there is evidence of deliberate neglect to a heritage asset its deteriorated state should not be taken into account in any decision.

Oast Cottage is suffering from serious neglect, the consequences of which are described in the structural report submitted with the appeal. In particular water penetration as a result of broken windows, doors and a partially collapsed roof have contributed to the first floor now being inaccessible because of concerns about the safety of the staircase and floor. This deterioration appears to have occurred under the stewardship of the current owner. The report suggested various works that might be required to bring the cottage into a habitable condition. However, it lacked specific details and contained no estimate of the likely cost of restoration. Whilst it suggested that it might be difficult to provide room heights that would be normally required in a modern house, there was no substantiated evidence to persuade me that the house could not be made fit to live in, or that the building had reached the end of its useful life.

In my view the report was little more than a description of the physical state of the building, most of which could be ascertained from a visual inspection. It did not amount to a thorough condition survey and did not include a repair specification supported by a conservation specialist. Furthermore, there were no suggestions about the possible value of the property either in its current or restored state. There was therefore no means of assessing whether or not the cost of the necessary repairs could render the restoration work unviable. Consequently, I can give the conclusions of the report little weight in my determination of the appeal. Overall, I consider that the Council has presented a convincing case that demolition of Oast Cottage would result in the loss of a heritage asset for which there is not a clear or convincing justification.”

6.2.13 The National Planning Policy Framework is clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, requiring a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. In this case, the scale of loss is total, and the effect on the significance is maximum, since the proposal involves the complete demolition of the cottage. Furthermore, as noted at paragraph 6.2.11 of this report, the Core Strategy seeks to preserve locally distinctive vernacular building forms.

6.2.14 The submitted Design and Access Statement asserts that the demolition of Oast Cottage would meet criterion (ii) and (iii) of saved policy HG7 of the Rother District Local Plan 2006, which states that:

“The loss of residential accommodation will be resisted (by change from another use or by redevelopment) unless there are special circumstances, namely:

(i) that the residential use is not appropriately located;

- (ii) *that the building is unsuitable for residential use in its present form and is not capable of being readily improved or altered in order to make it suitable; or*
- (iii) *that the retention of the building or use for residential purposes would prevent an important development, redevelopment or other change of greater benefit to the community.”*

6.2.15 The Design and Access Statement goes on to say that the demolition of Oast Cottage would meet the requirement of Policy OSS4 of the Core Strategy and that:

“The property is not suitable for residential use in its present form and could not readily be improved without substantial prohibitive costs, it is not sustainable, and its retention prohibits the development of two environmentally friendly family dwellings which is of a wider benefit to the community.”

6.2.16 With regard to criterion (ii) of saved policy HG7, Oast Cottage continues to suffer from serious neglect, the consequences of which are described in the structural reports submitted with the application. This deterioration appears to have been deliberately allowed by the current owner, since the cottage was acquired in 2007. The 2017 structural report, which post-dates the appeal, asserts that the property is beyond economic repair, but it is again the case that no estimate of the likely cost of restoration has been provided – supported by a repair specification from a conservation specialist – and nor has the possible value of the property either in its current or restored state been provided. As such, there is no means of assessing whether or not the property is beyond economic repair. Consequently, the proposal would result in the loss of a heritage asset for which there is not a clear or convincing justification.

6.2.17 Turning to criterion (iii) it is not considered that the demolition of the building as a heritage asset and its replacement with two new dwellings (a net gain of one dwelling) would represent an *“important development of greater benefit to the community.”*

6.2.18 In summary, Oast Cottage is a non-designated heritage asset, which makes a significant contribution to the character and cultural history of Peasmarsh. Its loss would therefore be harmful and there is no convincing justification for concluding that it could not be restored as a dwelling.

New houses

6.2.19 In reaching her decision to dismiss the appeal for the previous proposal, the Inspector commented as follows in relation to the replacement of Oast Cottage with two semis:

“The proposal would replace Oast Cottage with a pair of semis that would be set much further forward on the appeal site. There would be only limited gaps between the newly constructed dwelling to the west and the footway along The Maltings to the east. The openness that currently characterises the corner of the junction between Main Street and The Maltings would be significantly reduced and a sense of enclosure would be introduced along the western side of The Maltings. This would be at odds with the more generous space on the opposite corner where the house is set further back from the

street. Furthermore, the staggered building line and the orientation of the proposed dwellings would appear awkward alongside the new development to the west. These factors demonstrate that the scheme would not respect the established and more spacious pattern of development in Main Street.

The shared access arrangement would result in a significant part of the area in front of the dwellings being required for hardstanding and manoeuvring of vehicles. Although this could be screened by hedges and landscaping, the development as a whole would increase the extent of harsh, suburbanising features in this part of the village, particularly when considered in combination with the loss of the open space that is currently in front of Oast Cottage. In addition, the inclusion of large box fascias and bargeboards and the use of PVCu weatherboarding would fail to reflect the materials used in either the new houses immediately to the west, or the surrounding traditional buildings. The proposal would therefore not integrate satisfactorily into the existing street scene.”

- 6.2.20 In terms of siting and layout, the development now proposed is essentially the same as the previously refused scheme. As such, the Inspector’s comments regarding these matters are still relevant (i.e. the scheme would not respect the established and more spacious pattern of development in Main Street). The shared access arrangement in front of the dwellings is also the same and so it is again the case that the development as a whole would increase the extent of harsh, suburbanising features in this part of the village, particularly when considered in combination with the loss of the open space that is currently in front of Oast Cottage. Policy DHG12 of the emerging DaSA, which is given significant weight, is specific to proposals for accesses and drives and criterion (ii) requires them to maintain the character of the locality, particularly in rural areas.
- 6.2.21 Turning to the proposed external materials, it is acknowledged that horizontal timber boarding is now proposed instead of PVCu weatherboarding, which would reflect the materials used in surrounding buildings. However, the inclusion of box fascias and bargeboards would fail to reflect the materials used in either the houses immediately to the north-west, or the surrounding traditional buildings. The proposal would therefore not integrate satisfactorily into the existing street scene.
- 6.2.22 Taking all of the above factors into consideration, the proposed development would be harmful to the character and appearance of the area, arising from the loss of Oast Cottage and its replacement with a development that would be of inadequate quality in terms of its siting, layout and use of materials.

6.3 Living conditions of adjoining residents

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

Outlook

- 6.3.2 The new building would be sited in close proximity to the neighbouring property ‘No. 3 Hamish Court’ to the north-west. However, it would be positioned more or less in line with the adjacent house and as such would not be harmfully dominant in terms of the outlook from the rear garden of that property. There are two windows in the south-eastern flank wall of the neighbouring house (one serves a kitchen at ground floor level and the other

serves a bathroom at upper floor level) that could be affected by the proposal. However, there would be a separation distance of some 7m between the flank wall of the new building and these windows, which is considered to be an adequate degree of separation with regard to it being a side on side relationship.

Privacy

- 6.3.3 There is a single staircase window at ground floor level in the north-western flank wall of the new building that has the potential to afford views into the kitchen of the adjacent house. However, the proposed erection of a new 1.8m high close-boarded fence on the common between the properties would prevent any overlooking.
- 6.3.4 There is also a neighbouring dwelling at the rear of the site. However, the new houses would be further forward in the plot than Oast Cottage, with the resulting degree of separation likely to be just about sufficient to prevent unacceptable overlooking, subject to appropriate boundary screening at the rear.
- 6.3.5 With regard to meeting the needs of occupiers of the proposed dwellings, adequate-sized internal space and rear gardens would be provided.

6.4 Highway issues & parking provision

- 6.4.1 Policies CO6 (ii) and TR3 of the 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 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 Highway Authority has no objection to the proposed access and car parking arrangements. The provision of cycle parking spaces could be secured by condition. As such, there is no objection to the proposal on highway grounds.

6.5 Archaeology

- 6.5.1 The proposed dwellings would be situated within an ANA defining the historic core of the medieval and post-medieval village of Peasmarsh, where there is potential for buried archaeological remains to be present. The proposal would also result in the demolition of a heritage asset.
- 6.5.2 In light of the above, and if planning permission was to be granted for the development, a programme of archaeological works – secured by condition – would be required, both to record the building before its loss and to enable any archaeological deposits and features that would be disturbed by the development to be either preserved *in situ* or, where this cannot be achieved, adequately recorded in advance of their loss.

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 Peasmarch and as such there is no objection in principle to a residential redevelopment of the site, provided this can be achieved without harm to the local environment. In this respect, the government is seeking to protect heritage assets and requires them to be conserved in a manner that is appropriate to their significance.
- 7.2 The proposal would provide a net gain of one dwelling in a sustainable location, which would make a contribution to the District's housing land supply (currently some 3.9 years), and would bring about social and economic benefits. Taken collectively, these are all benefits of the scheme. However, Oast Cottage is a non-designated heritage asset, which makes a significant contribution to the character and cultural history of Peasmarch. Its loss would therefore be harmful and there is no convincing justification for concluding that it could not be restored as a dwelling. It is also the case that in the context of the surrounding area the siting, layout and materials of the proposed development would be unacceptable. The benefits that would accrue from the provision of an additional dwelling would not outweigh the harm to the character and appearance of the area arising from the proposal, including the loss of Oast Cottage. As such, a refusal of planning permission is recommended.
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8.0 LOCAL FINANCE CONSIDERATIONS

- 8.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. Although the total amount of CIL money to be received is subject to change, as floorspace checks are to be undertaken and the applicant could claim an exemption following any approval, the development could generate approximately £30,463.
- 8.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could be approximately £13,368.
-

RECOMMENDATION: REFUSE (PLANNING PERMISSION)

REASON FOR REFUSAL:

1. The proposed development would be harmful to the character and appearance of the area, arising from the unjustified loss of Oast Cottage (a non-designated heritage asset) – which is typical of vernacular buildings of the period and the local area and makes a significant contribution to the character and cultural history of Peasmarch – and its replacement with a development that would not respect the established and more spacious pattern of development in Main Street, would introduce a significant area of hardstanding in front of the houses, which would increase the extent of harsh, suburbanising features in this part of the village, and includes box fascias and bargeboards, which would fail to reflect the materials used in

either the houses immediately to the north-west, or the surrounding traditional buildings. The proposal would be contrary to Policy EN2 (iii) of the Rother Local Plan Core Strategy 2014, which seeks to protect the historic built environment, including non-statutorily protected heritage assets and preserve locally distinctive vernacular buildings. In terms of the National Planning Policy Framework, the proposal would conflict with paragraph 184, which seeks to conserve heritage assets in a manner appropriate to their significance. The scheme would also fail to comply with Policies OSS4 (iii), RA1 (i) and EN3 of the Rother Local Plan Core Strategy 2014, and Policy DHG12 (ii) of the emerging Development and Site Allocations Local Plan, which require development to be of high quality and to make a positive contribution to the character of the district's villages. In terms of the National Planning Policy Framework, the proposal would conflict with paragraphs 122 and 127, which amongst other things, seek to maintain an area's prevailing character and setting.

NOTE:

1. This refusal of planning permission relates to the following drawings:
No. 027-02-01 (EXISTING SITE LOCATION PLAN) dated JUNE 2018
No. 027-02-03 (PROPOSED SITE LOCATION PLAN) dated JUNE 2018
No. 027-02-04 Rev A (PROPOSED SITE PLAN) dated Dec 2018
No. 027-02-05 Rev A (PROPOSED FLOOR PLANS) dated JUNE 2018
No. 027-02-06 Rev A (ROOF PLAN & SECTIONS) dated JUNE 2018
No. 027-02-07 Rev A (PROPOSED ELEVATIONS) dated June 2018
No. 027-02-08 Rev A (PROPOSED & EXISTING STREET SCENE) dated June 2018

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

[View application/correspondence](#)

SITE PLAN	BEXHILL
RR/2018/2801/P	Bexhill Cemetery, Turkey Road.



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Not To Scale

RR/2018/2801/P

BEXHILL Bexhill Cemetery, Turkey Road

New entrance (opposite The Ridings) with associated drainage and landscaping

Applicant:	Rother District Council		
Agent:	N/A		
Case Officer:	Mr J. Pyrah	(Email: jeff.pyrah@rother.gov.uk)	
Parish:	BEXHILL		
Ward Members:	Councillors J.J. Carroll and M.R. Watson		

Reason for Committee consideration: Council owned land and application.**Statutory 8 week date: 21 March 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
 - BX1: Overall strategy for Bexhill
 - CO6: Community safety
 - EN3: Design quality
 - TR3: Access and new development
- 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 although none are considered particularly relevant to this proposal.
- 1.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
-

2.0 SITE

- 2.1 The application site comprises an area of land, adjacent to St Mary's Lane and opposite the junction with The Ridings. The Ridings is a cul-de-sac of 45 dwellings.
- 2.2 The application site is part of the Bexhill Cemetery. Bexhill Cemetery is currently served by an access adjacent to the St Mary's Lane/Turkey Road junction. This access, complete with cemetery gates also serves the Cemetery Lodge (currently vacant). An avenue, lined with pine trees leads

north to the cemetery. There is a second access to the cemetery on St Mary's Lane.

3.0 HISTORY

- 3.1 None relevant.
-

4.0 PROPOSAL

- 4.1 This application is made by Rother District Council for development on its land. It proposes a new access to Bexhill Cemetery. The proposed access would replace the existing access on Turkey Road, however pedestrian access is proposed to be retained through the existing cemetery gates and along the avenue.
- 4.2 The construction of the access (including the provision of visibility splays) would require the removal of 16 trees. This includes 4 mature pine trees which form the northern end of the eastern side of the avenue.
- 4.3 Although the cemetery avenue and St Mary's Lane are at similar datum levels, there is a small bank between them. The application proposes to cut through this bank to provide the access and visibility splays. It is proposed that this area is grassed.
- 4.4 The planning statement submitted with the application advises that the main purpose of the planning application is to provide vehicle access to the former cemetery lodge site and improve the developable area available, by closing off the existing entrance. While this explains the reason for this application, the proposed development relates to a new access only and not to the development of the Cemetery Lodge. The Planning Committee should consider the impact of the access for use by the existing cemetery use and existing lodge only.
- 4.5 Should an application for residential development of the Cemetery Lodge be submitted in the future, the suitability of the access for that use and the 'developable area' would be considered at that time.
-

5.0 CONSULTATIONS

5.1 Highway Authority – NO OBJECTION

- 5.1.1 No objection subject to conditions. Any further comments in response to recently submitted tracking drawings will be reported verbally at the committee meeting.
- 5.1.2 No major concerns regarding the layout of the access in principle: however, tracking drawings are required to demonstrate that the largest vehicles likely to visit the site can enter and leave in a safe and convenient manner [NOTE: these tracking drawings have been submitted and any further advice from the Highway Authority will be reported verbally at the Planning Committee meeting].

- 5.1.3 The submitted plan indicates the provision of visibility splays measuring 2.4m x 43m either side of the new access. This is considered to be appropriate.
- 5.1.4 The location of the access directly opposite the junction with The Ridings is less than ideal and a staggered access arrangement would generally be preferred; however, the volume of traffic on St Mary's Lane is likely to be at its busiest (when funeral services are held) and with this in mind the access location does not give any major cause for concern.
- 5.1.5 Should a proposal for a residential development be submitted in the future the suitability of the access would be assessed separately; however, in principle I am satisfied that the access arrangement could accommodate a relatively low level of residential traffic.
- 5.1.6 The East Sussex County Council (ESCC) Road Safety Team has also been consulted and they are in agreement that 'the relocation of the access would be welcomed as the existing access is on the junction with very poor visibility westwards along Turkey Road'. The Road Safety Team has raised no major concerns regarding the location of the new access.
- 5.1.7 Despite this the access arrangement should be subject to an independent Road Safety Audit (RSA) [following planning decision but prior to construction of the access]. Any issues raised in this audit would need to be adequately addressed.
- 5.1.8 The St Mary's Lane carriageway is generally wide enough to accommodate two-way traffic flow; however, on some stretches it narrows sufficiently to make it difficult for two vehicles to pass conveniently.
- 5.1.9 The level of traffic generated by the cemetery would generally be quite low with the busiest periods unlikely to coincide with the peak periods on the highway network. Also, the cemetery is currently served by an access off St Mary's Lane (further to the north) and so some visitors would already use this route. With this in mind the relocation of the access and the resulting increase in traffic using this route is unlikely to have a significant impact on how the road currently functions; however, in order to assess this fully I would wish for tracking drawings to be provided to identify any pinch points on St Mary's Lane between the proposed new access and the junction with Turkey Road. Any issues raised could then be addressed by providing local carriageway widening as part of the proposal. The stretch of road considered most likely to require widening is to the immediate south of the new access.
- 5.1.10 The relocation of the cemetery access is considered to offer some highway safety benefits as the existing access located on the junction with Turkey Road is poorly aligned with sub-standard visibility.
- 5.1.11 The location and layout of the proposed new access is considered to be acceptable in principle; however, this is subject to any issues raised in the RSA being addressed in a satisfactory manner. Following the receipt of the tracking drawings road widening works on St Mary's Lane may also be necessary.
- 5.1.12 It should be noted that this assessment considers the use of the access in serving the cemetery and therefore a further assessment would be required should a proposal for a residential development be submitted in the future.

5.1.13 With the above in mind I do not wish to object to the development proposal; however, this is subject to the above comments being taken into account as well as the following conditions:

1. Access – No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
2. Access closure – No part of the development shall be occupied until such time as the existing vehicular access onto Turkey Road/St Mary's Lane has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
3. Visibility – The new access shall not be utilised until visibility splays of 2.4m by 43m have been provided at the proposed site vehicular access onto St Mary's Lane in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
4. Safety Audit Recommendations – No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

5.2 Planning Notice

- 5.2.1 Twenty-five objections have been received. This includes five which consist of a pre-prepared five point objection.
- 5.2.2 In addition a 'petition' has been submitted, signed by 26 people (many of whom have also made separate objections). The document does not meet the Council's criteria for a petition as each sheet of signatures includes neither the application number nor the grounds of objection (instead each sheet refers to grounds attached). The attached grounds are the five point objection statement referred to above. The petition was received after the end of the statutory period.

The objections raised are summarised as follows:

- Highway Safety – St Mary's Lane is already dangerous for occupiers of The Ridings and this would be exacerbated by an access opposite. In addition, the road will become busier, and more dangerous, when the North Bexhill Access Road opens. Planning Committee should visit between 6 and 8.30am.
- Loss of Trees – detrimental impact to wildlife and character of the area.
- Character of the Area – insensitive to those who have family buried in the cemetery.
- Purpose of the application – the true purpose is to create further housing land.
- Noise – lane is already noisy and will become worse.

- Pedestrian Access of no benefit – encourages the crossing of St Mary's Lane and Turkey Road and would not be lit (unsafe for lone pedestrians). A pavement should be provided adjacent to St Mary's Lane.
 - Unnecessary – the existing southern access is adequate (not awkward) and together with the northern access there is no need for this proposal. It is a waste of public money (misuse of funds).
 - Housing – drainage systems insufficient, not suitable for housing.
- 5.2.3 Bexhill Heritage has also provided comments. They note that the application seems modest and would 'perhaps attract few criticisms' were it not for the application's reference to 'improving the developable area on this site by closing off the existing entrance'. Bexhill Heritage objects to this approach and the impact that housing on the lower part of the avenue could have. They therefore suggest an alternative approach to the provision of access to the cemetery lodge site, utilising the existing access, and ask the Council to bear in mind that the proposed access would cause a rise in traffic on St Mary's Lane; impact on character through the loss of trees (both on St Mary's Lane and at the top of the avenue); and a simple pedestrian access opposite The Ridings could be provided to benefit these residents. They request that if planning permission is granted, a condition is imposed requiring that the access should not serve a developable area larger than a retained and extended Cemetery Lodge and former garden area.
-

6.0 APPRAISAL

6.1 The main issues to consider are the impacts on:

- Highway safety,
- Trees and Biodiversity, and
- Character of the locality.

6.2 Highway Safety

- 6.2.1 Core Strategy Policy CO6 strongly promotes a high level of community safety. This includes road safety and CO6(ii) explains that this will be facilitated by ensuring that all development avoids prejudice to road and/or pedestrian safety. This issue is the predominant concern of most objections.
- 6.2.2 The Highway Authority has been consulted and they raise no objection, subject to conditions.
- 6.2.3 Their advice is that the proposed visibility splays are appropriate and that, given that the volume of traffic is relatively low, especially when the cemetery use is likely to be at its busiest, the access location does not give cause for concern. They also advise that the ESCC Road Safety Team has been consulted and they advise that the relocation should be welcomed, given the very poor westwards visibility of the junction with Turkey Road. They also raise no major concerns regarding the location of the new access. The applicant has recently submitted tracking drawings which indicate that minor road widening is necessary south of the proposed junction to alleviate pinch points. These widening works can be required, prior to use of the junction, by imposing a planning condition.

- 6.2.4 The Highway Authority also advises that the access should be the subject of an independent road safety audit. This could result in minor changes to the technical details of the junction layout and a condition could be imposed to ensure that these changes are agreed prior to commencement of construction.
- 6.2.5 While the concerns of local residents are noted, there is no reason to take a different view on the safety of the access and the impact on St Mary's Lane from that taken by the Highway Authority. The proposed access does not give rise to highway safety concerns subject to conditions requiring the existing vehicular access to Turkey Road to be closed, the visibility splays to be provided and maintained and a safety audit undertaken.
- 6.2.6 It should be noted that the Highway Authority's assessment considers the use of the access to serve the cemetery only and that a further assessment would be required should a proposal for residential development be submitted in the future. However, the consultation response does advise that, in principle, the access could accommodate a relatively low level of residential traffic.

6.3 Trees and Biodiversity

- 6.3.1 Core Strategy Policy EN5(viii) seeks to ensure that development retains, protects and enhances habitats of ecological interest, including hedgerows. EN5(ix) requires developers to provide appropriate mitigation for any losses. In the context of the trees within the cemetery and closely surrounding area, the impact on biodiversity of the loss of 16 trees is not significant. However, any loss of mature trees should be carefully considered. In this case, the pine trees play an important role as part of the avenue of trees on the cemetery access. Four mature pine trees, which form the northern end of the eastern line of trees would be lost. It is noted that there is a gap within these four and it appears that one pine tree has been previously felled. This reduces the potential loss and it is considered that if an access is to be created from St Mary's Lane, this is the location which would cause least harm.
- 6.3.2 The impact could be mitigated to some extent by the planting of new trees either side of the proposed entrance. A native species such as oak would be appropriate and would create a welcoming new gateway to the cemetery. Planting could be secured by condition.

6.4 Character and Appearance

- 6.4.1 Policy OSS4(ii) states that new development should respect and not detract from the character and appearance of the locality. St Mary's Lane has a semi-rural character, with no pavements and green verges but with streetlights indicating that it is part of residential Bexhill. The introduction of an access and necessary visibility splays will have an impact on this character, however, given that the proposed access would be opposite The Ridings, which has pavements and open front gardens, the impact on the character would be minimal.
- 6.4.2 The avenue of trees provides a strong sense of character to the entrance to the cemetery. Given that the proposed access would be at the northern end of the eastern line of trees and that the western line of trees would be retained, this sense of character would be retained, both when viewed from

the original cemetery gates and from where the new access would connect with the avenue. Again, it is considered that the impact on the character of the area would be minimal.

6.5 Other matters

- 6.5.1 A number of other issues have been raised through the objections. The key objection is that the purpose of the application is not to improve access to the cemetery, but to enable housing development. The application is upfront about the issue and does advise that this is the reason that the Council is making the application. Concern has also been raised that the application is unnecessary as the cemetery already has two accesses.
- 6.5.2 However, regardless of the reason for the application, the determining issues are the impact of the access on the existing situation – the highway, the trees and the character of the area. No housing is proposed through this application and it would not be appropriate to consider the impact of potential housing development in its determination.
- 6.5.3 The applicant's planning statement suggests that the proposed access will benefit residents of The Ridings, by providing a pedestrian route to Turkey Road. While this is a benefit, it is noted that residents may not choose to use this given the need to cross St Mary's Lane and that it would not be lit and it is considered that this benefit is of limited weight.

7.0 **SUMMARY**

- 7.1 The application proposes a new access to Bexhill Cemetery. The proposed access would replace the existing access on Turkey Road, however pedestrian access is proposed to be retained through the existing cemetery gates and along the avenue.
- 7.2 The Highway Authority advises that the relocation of the access would provide some highway safety benefit due to the closing of the existing access and the proposed new access is acceptable in principle, subject to conditions.
- 7.3 The access location minimises the tree loss and the impact on the character of the avenue, however trees should be planted either side of the access to mitigate for the loss and provide a gateway. This can be required by condition.
- 7.4 The impact on the character of St Mary's Lane is acceptable, given the proposed location opposite The Ridings, which has a suburban character and open front gardens.
- 7.5 For these reasons, the proposed development complies with Core Strategy policies and the National Planning Policy Framework and it is recommended that the application is 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:
Drawing Nos. E11073/01/B; E11073/04/A and E11073/5/A dated 19.11.18 and E11073/02/C and E11073/03/B dated 7.12.18.
3. No works or development shall commence until details of how the trees proposed to be retained on the approved drawing (Ref: E11073/03/B, dated 07.12.18) will be protected in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations have been submitted to and approved in writing by the Local Planning Authority and the paragraphs below shall thereafter be complied with. Paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of the first use of the access hereby approved.
 - a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
 - b) If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
 - d) No fire shall be lit within 10m from the outside of the crown spread of any tree which is to be retained.
 - e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
 - f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority.
Reason: Full details of tree protection are required prior to commencement of the development to ensure that the retained trees are not damaged or otherwise adversely affected by building operations and soil compaction in accordance with Policies OSS4 (iii) and EN3 (ii)(e) of the Rother Local Plan Core Strategy.

4. No works or development shall commence until a Stage 1 Road Safety Audit has been completed. If the Audit contains recommendations for changes or additions to the design details hereby approved, then, prior to any works or development commencing, plans and details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of road safety and in accordance with Policy TR3 of the Rother Local Plan Core Strategy.
5. The access hereby approved shall not be used until the existing access onto Turkey Road/St Mary's Lane has been physically closed to vehicles (but not pedestrians and cyclists) and the kerb and footway reinstated in accordance with plans and details first submitted to and approved in writing by the Local Planning Authority. Thereafter the closed access shall not be re-opened to vehicles.
Reason: The new access is provided only as an alternative vehicular access to that existing and in accordance with Policy TR3 of the Rother Local Plan Core Strategy.
6. The access hereby approved shall not be used until visibility splays of 2.4m by 43m have been provided at the proposed site vehicular access onto St Mary's Lane in accordance with the approved plan (E11073/02/C, dated 07.12.18). Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
Reason: To ensure that the proposed development and associated works provides for sufficient visibility and does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policy TR3 of the Rother Local Plan Core Strategy.
7. The access hereby approved shall not be used until details of proposed tree planting either side of the access hereby approved has been submitted and approved in writing by the Local Planning Authority. The details shall include the quantity, size, species, and positions of all trees to be planted and the proposed time of planting in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. The details shall also include a schedule of maintenance of the trees until successfully established. The schedule shall include provision for replacement planting should establishment fail, such measures having regard to BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations.
Reason: To enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

NOTE:

1. Any proposed works on or abutting the existing highway will require a Section 184 Licence with East Sussex County Council, prior to the commencement of works. Details of construction, surface water drainage, gradients and potential traffic management requirements can all be discussed with East Sussex County Council through the Section 184 Licence process.

Any temporary access would also be subject to the Section 184 Licence process prior to any commencement of work.

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

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SITE PLAN

BEXHILL

RR/2018/3036/P

The Old Bathing Station Kiosk, De La Warr Parade.



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Not To Scale

RR/2018/3036/P

BEXHILL The Old Bathing Station – Kiosk

Erection of lean-to at rear of The Old Bathing Station
kiosk on existing back veranda

Applicant: Mrs S. Brennan-Wright
Agent: None
Case Officer: Mrs Ita Sadighi (Email: ita.sadighi@rother.gov.uk)
Parish: BEXHILL
Ward Members: Councillors P.R. Douart and I.R. Hollidge

Reason for Committee consideration: Council owned land

Statutory 8 week date: 25 March 2019

1.0 POLICIES

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

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

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

- OSS2: Development boundaries
- OSS4: General development considerations
- EC6: Tourism Activities and Facilities
- EN3: Design quality
- 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:

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

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

2.0 SITE

- 2.1 The Kiosk is a detached building situated on the De La Warr Parade section of the seafront. It lies just to the east of Bexhill Sailing Club and the war memorial, south of the junction of De La Warr Parade and Brassey Road. The Kiosk's exterior is white plastic shiplap boarding under a felt roof. It is set on a raised projecting platform (the same level as the promenade) with a balcony/walkway to its rear overlooking the beach. The Kiosk also manages and uses an open decked area set to the west. A line of small, similarly designed beach huts lies on the beach to the south and east of the Kiosk. The Kiosk also adjoins a ramp down to the beach.
- 2.2 The Kiosk offers ice cream and light refreshment with a few outside seats with a larger area of seating provided on the decking adjoining the ramped beach access.
- 2.3 The Kiosk has been in this position for a number of years.
- 2.4 The site lies just outside the Development Boundary as defined in the Rother District Local Plan (2006), which tightly follows the edge of the promenade and access ramp. It is outside the Conservation Area and in Flood Zone 3.
-

3.0 HISTORY

- 3.1 RR/78/0618 Replacement of existing sale of refreshments and renting of existing beach huts – Approved Conditionally.
- 3.2 RR/2015/1228/P Proposed permanent timber decking with timber Balustrade – Approved Conditionally.
-

4.0 PROPOSAL

- 4.1 The proposal would extend the rear of the Kiosk to provide some additional storage. A new external door would give access to the storage area from the promenade.
- 4.2 The proposed lean-to storage area would be attached to the rear of the Kiosk and measure approximately 3.4m long x 1.2m wide and approximately 1.8m to the eaves.
- 4.3 The external materials would match in with the existing.
-

5.0 CONSULTATIONS

5.1 Planning Notice

No comments received.

6.0 APPRAISAL

6.1 The Kiosk has been in place along the promenade for many years. The main issues to consider with this application are:

- Character and appearance of proposal to existing building and its setting along Bexhill seafront.
- Neighbouring amenities.
- Flood Risk.

6.2 Principle of development and impact on character and appearance

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

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

6.2.3 Policy EC6 (i) supports proposals relating to tourism activities and facilities that enhance existing attractions.

6.2.4 The proposal would enhance the usability of the refreshment Kiosk, a facility well used by residents and visitors, by providing a small lean-to area for storage. For these reasons the proposal accords with Core Strategy policies that support local businesses and tourism facilities.

6.2.5 The development is otherwise modest in size and would not undermine the unit's simple seaside hut character. Therefore, it would not harm the character of the promenade setting or the more undeveloped section of beach.

6.3 Neighbouring amenities

6.3.1 The proposal would not affect any nearby neighbouring amenities being set away on the opposite side of the road.

6.4 Flood risk

6.4.1 Policy EN7 of the Core Strategy seeks to avoid inappropriate development in areas at current or future risk of flooding.

6.4.2 The proposed is a "minor development" as detailed in the National Planning Policy Framework. Minor developments are unlikely to raise significant flood risk issues unless they would have an adverse effect on a watercourse, floodplain or its flood defences, or impede access to flood defence and management facilities, or would have a cumulative effect with other such developments.

6.4.3 The proposed development would not affect any flood defences or impede access, and would not increase the risk of flooding elsewhere. In a flood event it is likely that the refreshment Kiosk would be closed to customers. It is considered unlikely that the development would have any adverse effects on flooding.

7.0 SUMMARY

- 7.1 The proposal is a modest lean-to extension to provide storage facilities for the existing kiosk. The kiosk is a much used facility along Bexhill seafront. There would be no adverse effect on the character and appearance of the area, and there should be no adverse effect on flood risk. There are no nearby neighbours that would be affected.
- 7.2 The proposal is therefore supported.
-

RECOMMENDATION: GRANT (PLANNING PERMISSION)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Block Plan and Drawings submitted with application RR/2018/3036/P received on the 4 December 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

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/2019/109/P

Finance Building, Town Hall - Adj, Amherst Road.



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Not To Scale

RR/2019/109/P

BEXHILL Finance Building, Town Hall – adjacent to, Amherst Road

Erection of new lift lobby extension and ramp to the rear of the finance building

Applicant:
Agent:
Case Officer:Rother District Council
Rother District Council
Mr K. Deeprose
(Email: kevin.deeprose@rother.gov.uk)Parish:
Ward Member(s):BEXHILL
Councillors A.K. Azad and Mrs J.M. Hughes

Reason for Committee consideration: Application made by Rother District Council and on Council owned land

Statutory 8 week date: 15 March 2019

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
 - CO6: Community Safety
 - TR4: Car Parking
- 1.2 The National Planning Policy Framework and Planning Policy Guidance are also relevant considerations.
-

2.0 SITE

- 2.1 This application relates to the detached office building adjacent to the north of the Town Hall. There is an existing staff car park to the rear of the building. The site falls within the Development Boundary for Bexhill as defined in the Rother District Local Plan (2006).
-

3.0 HISTORY

- 3.1 RR/88/0221 Demolish outbuildings. Relocate Seaboard Substation. Erect 4 storey building adjoining Town Hall – Deemed Granted.
-

4.0 PROPOSAL

- 4.1 This application seeks planning permission for a single storey extension to the rear of the office building including a new access ramp. As a result of the

extension it is proposed to alter the existing layout of the staff car park. Materials to match the existing building would be used in the construction of the proposed extension. Planning permission is required for the development due to a restrictive condition having been imposed on the original permission (RR/88/0221).

5.0 CONSULTATIONS

5.1 Planning Notice

5.2 No representations received.

6.0 APPRAISAL

6.1 The main issues for consideration are the impact of the proposal on the character and appearance of the existing building and surrounding area, and parking provision.

6.2 Character and appearance

6.2.1 The proposed extension would be sited to the rear of the building, of a single storey design only and constructed using materials to match the host. Overall given the design, scale and siting of the proposal, including the new access ramp, it is considered that there would be no adverse impact on the character and appearance of the existing building or the surrounding area.

6.3 Car parking

6.3.1 The layout of the existing staff car park is to be altered as part of the proposal. It is proposed to remove five car parking spaces and add a single disabled space. Despite this loss of parking, a significant level of car parking would remain within the overflow car park further north of the site and as such, it is not considered that the development would exacerbate on-street parking pressures.

7.0 SUMMARY

7.1 The proposed development is considered acceptable in terms of its impact on the character and appearance of the existing building, the surrounding area and in respect of car parking provision.

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

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

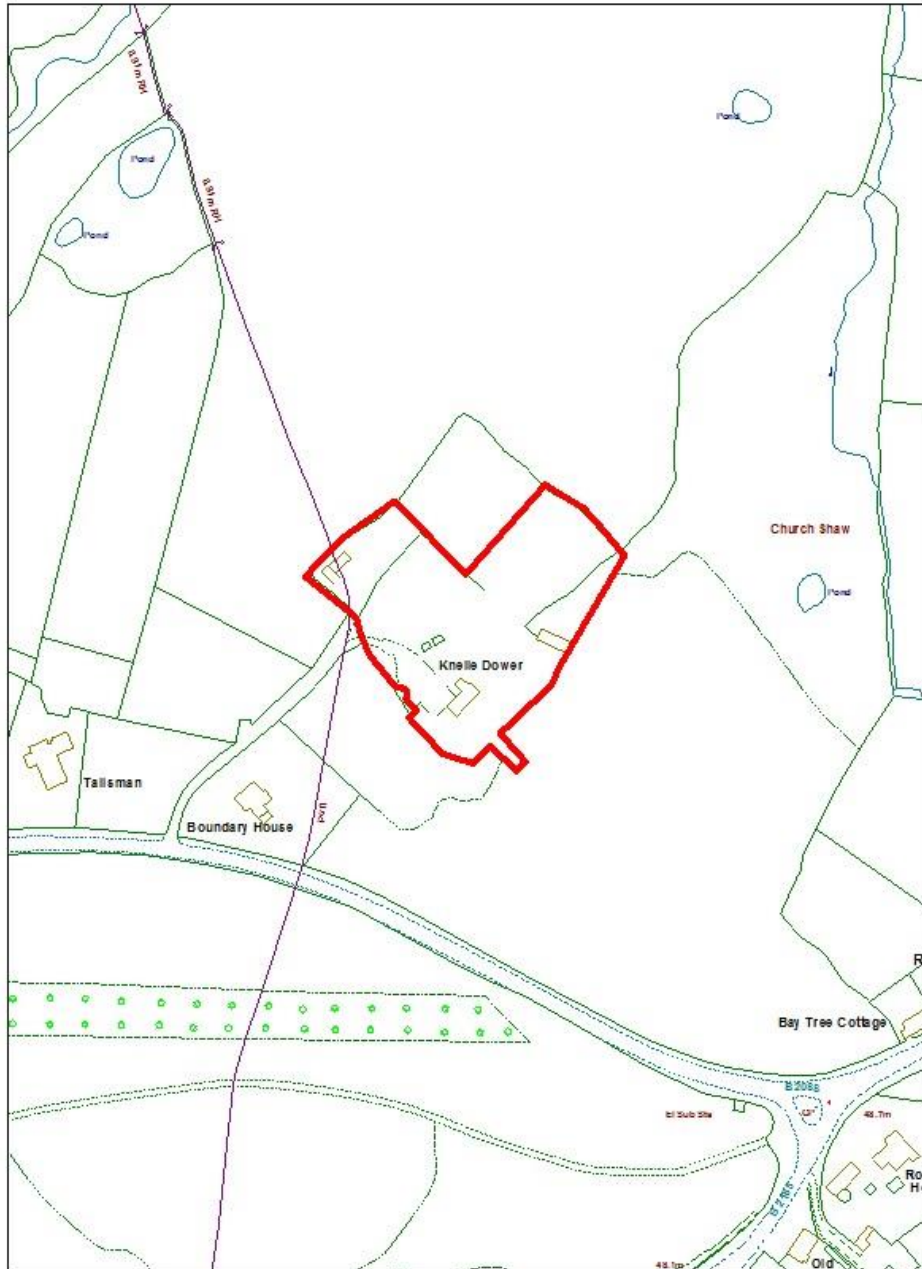
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved drawings/details:
Drawing No. E11103/01 dated 21.12.18
Drawing No. E11103/02 dated 21.12.18
Drawing No. E11103/03 dated 21.12.18
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. The materials to be used in the construction of the development hereby permitted shall be as described within the application, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To maintain the visual amenities of the surrounding area in accordance with Policies OSS4 (iii) 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.

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SITE PLAN	BECKLEY
RR/2018/3046/P & RR/2018/3047/L	Knelle Dower, Rye Road.



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Not To Scale

RR/2018/3046/P	BECKLEY Knelle Dower, Rye Road, Beckley
	Erection of a two storey extension to form a dining/family room with bedroom and bathroom over
RR/2018/3047/L	BECKLEY Knelle Dower, Rye Road, Beckley
	Erection of two storey extension to form dining/family room with bedroom and bathroom above

Applicant: Mr J. Wells
Agent: CLM Planning
Case Officer: Mr John McSweeney
(Email: john.mcsweeney@rother.gov.uk)
Parish: BECKLEY
Ward Member(s): Councillors I.G.F. Jenkins and M. Mooney

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

Statutory 8 week date: 31 January 2019
Extension of time agreed to: 19 March 2019

1.0 POLICIES

- 1.1 The following 'saved' policy of the adopted Rother District Local Plan 2006 are relevant to the proposal:
- HG8: Extensions and alterations to existing dwelling
- 1.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS4: General development considerations
 - EN1: Landscape stewardship
 - EN2: Stewardship of the historic built environment
 - EN3: Design quality
- 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:
- DHG9: Extensions, alterations and outbuildings
- 1.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations, especially section 16 conserving and enhancing the historic environment of the National Planning Policy Framework.

- 1.5 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when considering whether to grant listed building consent, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 1.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
-

2.0 SITE

- 2.1 Knelle Dower is a Grade II* listed 15th century timber framed and thatch roofed house in a secluded position off the north side of Rye Road. It is set outside any defined development boundary as defined within the Local Plan (2006); it does lie within the High Weald Area of Outstanding Natural Beauty (AONB). The site also falls within an Archaeological Notification Area.
-

3.0 HISTORY

- 3.1 RR/2004/2433/P and RR/2004/2460/L for the erection of a two storey extension to form dining/family room with bedroom and bathroom above – Approved/granted.
- 3.2 RR/2009/1384/P and RR/2009/1385/L for the erection of a two storey extension to form dining/family room with bedroom and bathroom above – Approved/granted.
- 3.3 RR/2009/2557/P and RR/2009/2558/L for the erection of a two storey extension to form dining/family room with bedroom and bathroom above – Approved/granted.
- 3.4 RR/2012/2181/P and RR/2012/2182/L extension to extend time limit of RR/2009/2557/P/RR/2009/2558/L for the erection of a two storey extension to form a dining/family room with bedroom above – Approved/granted.
- 3.5 RR/2015/2659/P and RR/2015/2660/L erection of a two storey extension to form dining/family room with bedroom and bathroom above – Approved/granted.
-

4.0 PROPOSAL

- 4.1 This application seeks permission/listed building consent to replace the existing brick built lean-to extension constructed in the 1930s on the north west elevation with a new two storey extension.
- 4.2 The new extension would have a footprint of some 7.8m by 5.5m with a ridge height of some 8.2m, which would sit 0.8m lower than the main ridge line. It would be of a traditional Green Oak timber framed construction sat on a

matching brickwork plinth. Lime based infill rendered panels would form the weatherproof walls matching the existing wall construction and Norfolk reed would be used for the roof covering to match the existing thatched roof.

- 4.3 The works proposed are identical to those originally approved in 2004 and subsequently renewed with the latest permission granted in 2016.

5.0 CONSULTATIONS

5.1 Parish Council – SUPPORT

- 5.1.1 *“Members discussed the application on 7.1.19. They felt the alterations were sympathetic with the existing building and voted 5:0 in support of the application.”*

5.2 Heritage England – NO OBJECTION RAISED

- 5.2.1 *“On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation advisor.”*

5.3 County Archaeology – NO OBJECTION

- 5.3.1 Recommend for approval in principle subject to the imposition of conditions that the area affected by the proposals should be the subject of a programme of archaeological works.

“The proposed development is within an Archaeological Notification Area defining a medieval and post-medieval farm complex, all of which remains above ground is the 15th century Grade II farmhouse.*

The proposed extension will be attached to a late 19th century extension to the 15th century building, therefore preventing minimal physical impact to the historic significance of the building. I assume however that your Conservation Officer will be commenting on visual impact and setting, as well as any impacts to the historic fabric of the 15th century element of the building.

The proposal has a high potential to expose or disturb buried archaeological remains relating to the occupation of this site.”

5.4 Planning Notice

- 5.4.1 No comments received.

- 5.4.2 Although not in response to the public notice a letter has been received from the agent in response to the comments received from the Council's Conservation Officer. The agent's response has been summarised below:

- Permission was granted for the proposed extension in 2012 (RR/2012/2181/P and RR/2012/2182/L) and subsequently in 2016 (RR/2015/2659/P and RR/2015/2660/L). The latest permissions were considered against up-to-date development plan policies, the National

Planning Policy Framework and relevant statutory requirements in the Planning (Listed Buildings & Conservation Areas) Act 1990.

- The roof is obviously constructed in the 15th century together with the remaining timber frame. The whole point of the design is that the historic material (the timber frame) will remain untouched, nothing will be removed.
 - The extension is not a full height extension. The scale of the extension was discussed with Historic England during their visit in 2004 and the catslide roof was subsequently introduced. It is important to note that during consideration of the applications from 2004 to 2016 Historic England and previous Conservation Officers at the Council have not objected to the extension.
 - The principal elevation is to the south east – just because vehicle access is to the north west does not mean that architecturally or historically the back of the building becomes the front.
 - The catslide to the extension is exactly what prevents any obscuring of the original roof line.
 - The extension is no wider than the existing rear extension only adding a depth of 4.5m.
 - There has been no material change in policy since the consideration of the last applications in 2016 to take an opposing view of the extension's acceptability.
-

6.0 APPRAISAL

6.1 Issues for consideration

6.1.1 The dwelling is set within its own ground sufficient distance from any neighbouring residential property, as such the main issues for consideration are:

- Design and scale of the extension.
- Impact upon the character, appearance and historic fabric of the listed building.

6.2 Design and scale

6.2.1 Policy HG8 of the Local Plan (2006) relates to extensions to dwellings and states, proposals to extend or alter an existing dwelling will be permitted where they are in keeping with the character of the existing dwelling and its surroundings in terms of its size, style, design and materials. These requirements are echoed in Policy DHG9 of the DaSA.

6.2.2 Policy OSS4 (iii) of the Local Plan Core Strategy states development should respect and not detract from the character and appearance of the locality. Policy EN3 relates to design and seeks to ensure that design solutions are tailored to and understand the site and context.

6.2.3 The north west historic elevation of the building has already been obscured by the 20th (or 19th) century extension to ground and first floor level and it is this more modern addition which is proposed to be removed to facilitate the proposed extension. The proposed construction and finish materials of this larger replacement extension appear sympathetic to the historic element

of the building. As such on balance this design approach is acceptable and will not detract from the appearance of the listed building.

6.3 Impact on listed building

- 6.3.1 Policy EN2 states development affecting the historic built environment will be required to: (iii) preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic building typologies.
- 6.3.2 Paragraph 193 of the National Planning Policy Framework states *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 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.* Paragraph 196 goes on to state *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*
- 6.3.4 The Conservation Officer has raised concern that the proposal would harm the special architectural and historic interest of the listed building as the height, depth and bulk of the extension are not subservient to the existing building. However, whilst these comments have been considered the proposed extension was originally approved in 2004, and has been subsequently approved on three further occasions with the latest application (for exactly the same works) being approved in 2016 – with that application having been considered against the Planning (Listed Buildings and Conservation Areas) Act, the Core Strategy and the relevant sections of the National Planning Policy Framework. The works propose the replacement of the existing 1930s brick built lean-to extension. Whilst the proposed extension will have a larger footprint than that existing, the design which incorporates a catslide roof will ensure that this new addition will not excessively compete with the original historic part of the building. Moreover, access to the new extension will be via the existing doorways and no part of the original house will be removed to facilitate access into the extension. The proposal is therefore considered on balance to preserve the historic fabric, character and appearance of the listed building.
- 6.3.5 Heritage England have been consulted given the Grade II* status of the building but do not wish to comment.
- 6.3.6 As such the proposal meets the statutory requirement under the planning (Listed Buildings & Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

7.0 SUMMARY

- 7.1 The proposed extension is sympathetically designed, proportionate in scale and uses materials to match those existing. As such this design approach is acceptable and will not detract from the appearance of the listed building. Furthermore, the loss of historic fabric to create the new extension and the

connection between old and new will not be significant or detract from the character of the listed building.

RECOMMENDATION: (RR/2018/3046/P) GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing No. R/XIX/IV 'A', dated 2004.
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within three months of the completion of any archaeological investigation 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 and recorded to comply with the National Planning Policy Framework and Policy EN2 (vi) of the Rother Local Plan Core Strategy.

NOTE:

1. The applicant's attention is drawn to the corresponding listed building consent RR/2018/3047/L.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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RECOMMENDATION: (RR/2018/3047/L) GRANT LISTED BUILDING CONSENT

1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.
Reason: In accordance with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The works hereby permitted shall be carried out in accordance with the following approved plans:
Drawing No. R/XIX/IV 'A', dated 2004.
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. Before any development is commenced details of any proposed alterations or cutting to the historic roof structure or other structural timbers shall be submitted to and be subject to the approval of the Local Planning Authority and the work shall be carried out in accordance with the approved details.
Reason: This pre-commencement condition is required to ensure that special regard is paid in the interests of protecting the special architectural and historic character and detailing of the listed building in accordance with Policy EN2 (iii) of the Rother Local Plan Core Strategy and paragraph 193 of the National Planning Policy Framework.
4. Before any development takes place details of windows and doors drawn to a scale of not less than 1:5 shall be submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.
Reason: This pre-commencement condition is required to ensure that special regard is paid in the interests of protecting the special architectural and historic character and detailing of the listed building in accordance with Policy EN2 (iii) of the Rother Local Plan Core Strategy and paragraph 193 of the National Planning Policy Framework.
5. Before any development takes place a comprehensive schedule of all proposed internal and external materials and finishes to be submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.
Reason: This pre-commencement condition is required to ensure that special regard is paid in the interests of protecting the special architectural and historic character and detailing of the listed building in accordance with Policy EN2 (iii) of the Rother Local Plan Core Strategy and paragraph 193 of the National Planning Policy Framework.
6. Before commencement of any external building works/alterations or repairs as hereby approved, full details including drawings to identify the areas to be rendered/re-rendered, the render mix, detailed method of application, and proposed finished colour are to be submitted to and approved in writing by the Local Planning Authority and the development thereafter is to be carried out in accordance with the approved details.
Reason: This pre-commencement condition is required to ensure that special regard is paid in the interests of protecting the special architectural and

historic character and detailing of the listed building in accordance with Policy EN2 (iii) of the Rother Local Plan Core Strategy and paragraph 193 of the National Planning Policy Framework.

7. Before any demolition commences as hereby approved, details of measures to be taken to safeguard those parts of the building shown to be retained on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be fully implemented and retained for the period of any demolition or construction works.

Reason: This pre-commencement condition is required to ensure that special regard is paid in the interests of protecting the special architectural and historic character and detailing of the listed building in accordance with Policy EN2 (iii) of the Rother Local Plan Core Strategy and paragraph 193 of the National Planning Policy Framework.

8. No works shall be carried out until the following details have been submitted to and approved in writing by the Local Planning Authority and the works thereafter shall be carried out in accordance with the approved details:

- a) Details of the flexible joint to be provided between the proposed new structure and the existing listed building.
- b) 1:10 scale drawings illustrating proposed eaves and ridge detailing, indicating the provision of eaves and ridge level ventilation and the specification of any roofing felt and insulation where proposed.
- c) Details of all proposed external flues and vents, including their method of fixing and interface with the existing structure.
- d) Details of all rainwater goods and other external pipework, drawn to a scale of 1:5, indicating section sizes and profiles.

Reason: This pre-commencement condition is required to ensure that special regard is paid in the interests of protecting the special architectural and historic character and detailing of the listed building in accordance with Policy EN2 (iii) of the Rother Local Plan Core Strategy and paragraph 193 of the National Planning Policy Framework.

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