

## Planning Committee

- Date and Time - **Thursday 14 April 2022**  
**9:30am – 1:00pm and 2:00pm until close of business**  
(At the discretion of the Chairman, the timing of lunch may be varied)
- Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**
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### **Councillors appointed to the Committee:**

J. Vine-Hall (Chairman), S.M. Prochak, MBE (Vice-Chairman), Mrs M.L. Barnes, G.C. Curtis, B.J. Drayson (ex-officio), S.J. Errington, A.E. Ganly, P.J. Gray, K.M. Harmer, L.M. Langlands, C.A. Madeley, A.S. Mier, Rev H.J. Norton and G.F. Stevens.

**Substitute Members:** J. Barnes, Mrs V. Cook and H.L. Timpe.

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## AGENDA

### 1. **MINUTES**

To authorise the Chairman to sign the minutes of the meeting of the Planning Committee held on the 10 March 2022 as a correct record of the proceedings.

### 2. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

### 3. **ADDITIONAL AGENDA ITEMS**

To consider such other items as the Chairman decides are urgent and due notice of which has been given to the Head of Paid Service by 12 noon on the day preceding the meeting.

### 4. **WITHDRAWN APPLICATIONS**

The Director – Place and Climate Change to advise Members of those planning applications on the agenda which have been withdrawn.

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**NOTE: Representations on any items on the Agenda must be received in writing by 9:00am on the Monday preceding the meeting.**

**All Planning Committee meetings are recorded.**

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**This agenda can be made available in large print, Braille, audiotape/CD or in another language upon request. For all enquiries please contact [julie.hollands@rother.gov.uk](mailto:julie.hollands@rother.gov.uk)**

**Tel: 01424 787811**

**Rother District Council aspiring to deliver...  
an Efficient, Flexible and Effective Council, Sustainable Economic Prosperity,  
Stronger, Safer Communities and a Quality Physical Environment**

5. **DISCLOSURE OF INTEREST**

To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

6. **PLANNING APPLICATIONS - INDEX** (Pages 1 - 2)

7. **RR/2021/1455/P - GULLIVERS BOWLS CLUB – LAND AT, KNOLE ROAD, BEXHILL** (Pages 3 - 28)

8. **RR/2021/2614/P - 23A WESTERN ROAD, BEXHILL** (Pages 29 - 38)

9. **RR2022163P - NESS VIEW, 1 THE CLOSE, FAIRLIGHT** (Pages 39 - 50)

10. **RR/2020/1826/P - CURLEW COTTAGE - LAND ADJACENT, PETT LEVEL ROAD, PETT** (Pages 51 - 76)

11. **RR/2019/2194/P - FOUNDRY CLOSE, LAND EAST, HURST GREEN - DEED OF VARIATION** (Pages 77 - 80)

(Not subject to the Rother District Council Public Speaking Scheme at Planning Committee – the application has already been determined)

12. **PROPOSED CHANGES TO THE SCHEME OF DELEGATION AND ESTABLISHMENT OF A PLANNING CONSULTATION GROUP** (Pages 81 - 84)

13. **APPEALS** (Pages 85 - 92)

14. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**

Tuesday 24 May 2022 at 9:00am departing from the Town Hall, Bexhill.

Malcolm Johnston  
Chief Executive

Agenda Despatch Date: 6 April 2022

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NOTE: Representations on any items on the Agenda must be received in writing by 9:00am on the Monday preceding the meeting.

Enquiries – please ask for Julie Hollands (Tel: 01424 787811)  
For details of the Council, its elected representatives and meetings, visit the Rother District Council website [www.rother.gov.uk](http://www.rother.gov.uk)

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## Rother District Council

Report to	-	Planning Committee
Date	-	14 April 2022
Report of the	-	Director – Place and Climate Change
Subject	-	Planning Applications – Index

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**Director: Ben Hook**

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## 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 Director – Place and Climate Change in writing by 9am on the Monday before the meeting at the latest. Any representation received after this time cannot be considered.

### 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 Director – Place and Climate Change 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. This delegation also allows the Director – Place and Climate Change 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:

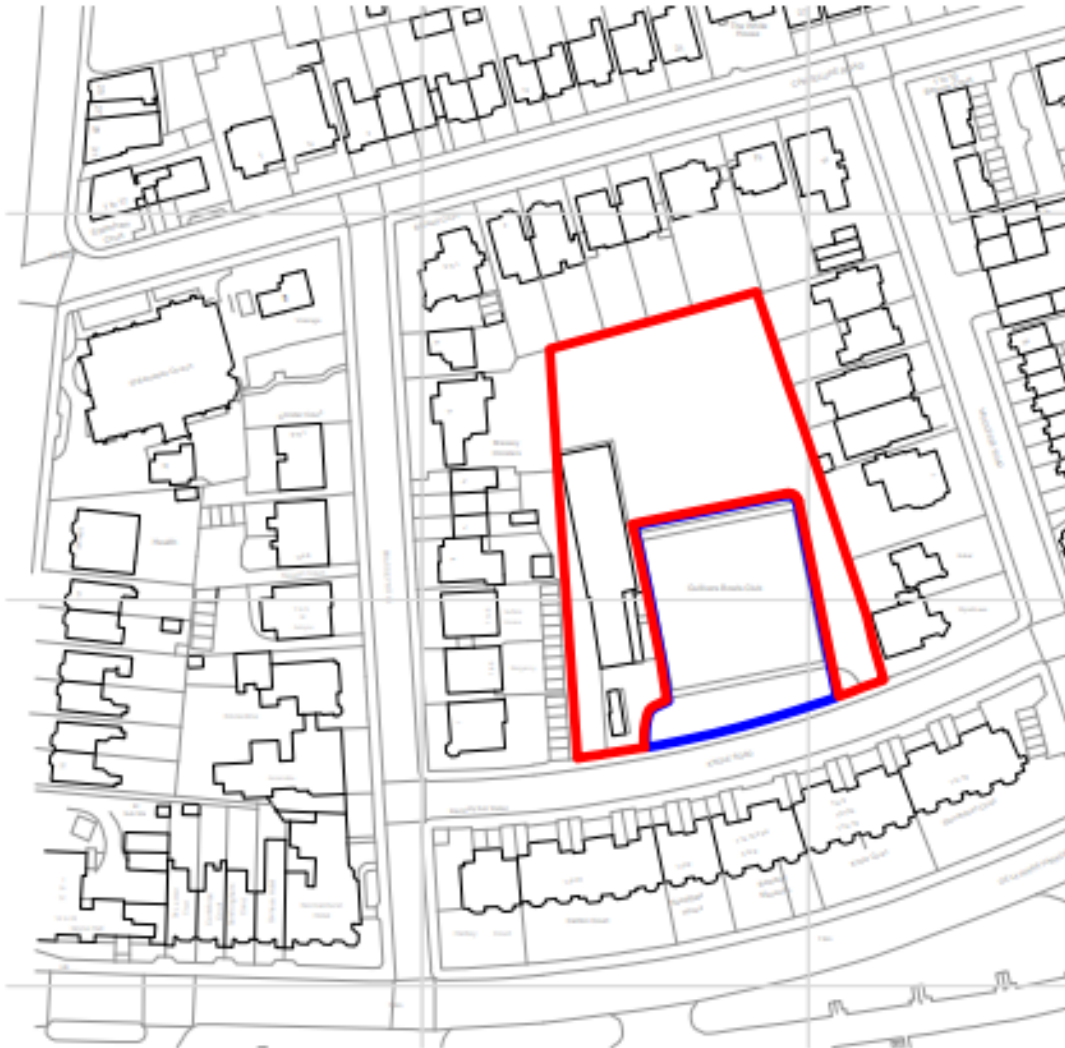
Agenda Item	Reference	Parish	Site Address	Page No.
7	<a href="#">RR/2021/1455/P</a>	BEXHILL	Gullivers Bowls Club – Land at Knole Road Bexhill TN40 1LJ	3
8	<a href="#">RR/2021/2614/P</a>	BEXHILL	23A Western Road Bexhill TN40 1D	29
9	<a href="#">RR/2022/163/P</a>	FAIRLIGHT	Ness View 1 The Close Fairlight TN35 4AQ	39
10	<a href="#">RR/2020/1826/P</a>	PETT/ FAIRLIGHT	Curlew Cottage – Land adj, Pett Level Road Pett Level Pett TN35 4EE	51

SITE PLAN

BEXHILL

RR/2021/1455/P

Gullivers Bowls Club – Land at, Knole Road



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Not to Scale

## Rother District Council

Report to - Planning Committee  
Date - 14 April 2022  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2021/1455/P  
Address - Gullivers Bowls Club – Land at, Knole Road, Bexhill,  
TN40 ILJ  
Proposal - Replacement of club house, refurbishment of indoor  
bowls rink and the erection of 8 No. 2 bedroom dwellings  
together with associated car parking and landscaping.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT FULL PLANNING PERMISSION**

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**Director: Ben Hook**

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**Applicant:** Court Developments Ltd  
**Agent:** Jonny Pickup  
**Case Officer:** Lucia Devon  
(Email: [lucia.devon@rother.gov.uk](mailto:lucia.devon@rother.gov.uk))

**Parish:** BEXHILL SACKVILLE

**Ward Members:** Councillors T.J.C. Byrne and H.L. Timpe

**Reason for Committee consideration:** Director – Place and Climate Change referral: “There is considerable local interest in this application both for and against and a great desire to have an open debate in front of the planning committee.”

**Statutory 8-week date:** 14/10/21

**Extension of time agreed to:**

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

1.1 This application seeks permission for the replacement of the club house, the refurbishment of indoor bowls rink and the erection of 8 No. 2-bedroom dwellings together with associated car parking and landscaping.

- 1.2 The site resides within Bexhill Development Boundary and is allocated for residential development under BEX5 of the Development and Site Allocations Local Plan (DaSA).
- 1.3 The proposal is considered to satisfy the requirements of Policy BEX5, is of an acceptable scale and design for the site, proximity to listed buildings and adjacent conservation area and would have an acceptable impact upon neighbouring amenity, the highways and drainage network. A good standard of residential accommodation has been provided. No objection is raised in respect of arboriculture or ecology matters. The application is therefore recommended for approval, subject to the imposition of conditions.

1.4 **PROPOSAL DETAILS**

<b>PROVISION</b>	
No of houses	8
No of affordable houses	0
CIL (approx.)	£54,387

**2.0 SITE**

- 2.1 The application site comprises the Gulliver’s Bowls Club in central Bexhill, along with a disused former bowls green to the rear. It is located within the Bexhill Development Boundary. The bowls club is located at the front of the application site facing towards Knole Road and comprises a single storey club house, indoor rink and a building used as a changing room. There are two existing access points from Knole Road at the south eastern and south western corners of the site, leading onto a small car park.
- 2.2 The site is open in nature towards the front, with some boundary trees surrounding the northern part together with some additional vegetation, with housing beyond front onto Cantelupe Road to the north, Middlesex Road to the east and Brasse Road to the west.
- 2.3 The surrounding housing which backs on the application site comprise a mix of Victorian and Inter-War properties including detached and semi-detached houses and small apartment buildings. On the opposite side of Knole Road to the south is an extensive grade II listed terrace (Berkeley Mansions, Charlton Court, Knole Court, Newdigate House and Stonehaven Court).
- 2.4 The application site occupies a central location in Bexhill, within close walking distance of the town centre and train station and has easy access to local key amenities. There are bus stops on Cantelupe Road and Sea Road which provide regular services to Bexhill train station, Hastings and Eastbourne.

**3.0 PROPOSAL**

- 3.1 The application seeks permission for:

Replacement of club house, refurbishment of indoor bowls rink and the erection of 8 No. 2 bedroom dwellings together with associated car parking and landscaping.

- 3.2 The proposal is to replace the existing club house building and to refurbish the indoor bowls rink, including recladding the external walls and replacing the roof access to the bowls club and car parking arrangements are proposed to remain the same.
- 3.3 The new bowls club building would be of brick construction, following a similar footprint and location as the existing building. The pitched roof would be covered with natural slate tiles, with a stone parapet at the southern elevation. There would be a mixture of sash and regular windows. The bowls rink would be re-clad with cedar weatherboard cladding, and the replacement roof would be composite insulated panels. The building footprint would be 22.3m x 12.4m x 2.9m (eaves height)/6.1m (ridge height).
- 3.4 Amendments were sought throughout the course of the application to amend the design of the club house following recommendations from the Heritage Officer.
- 3.5 In terms of site layout, an existing access point at the south eastern corner of the site is proposed to be reused with a new internal shared access road being provided along the eastern boundary of the site to the rear. This would lead into a courtyard area provided the allocated parking spaces (eight in total) for the mews dwellings. Four unallocated spaces are proposed on the eastern side of the shared access road.
- 3.6 The news terrace would form an 'L' shape, with Plots 1-5 running from east to west at the northern end and Plots 6-8 running from the north to south adjacent to the eastern boundary. A paved area to the front of each property is proposed and a patio to the rear, with rear gardens extending to at least 10m, with Plots 1 and 6 having larger wrap around gardens.
- 3.7 The terrace would be of brick construction, faced with red brickwork incorporating sash windows with stone surrounds. Each property would have a timber front door with a gable hanging porch above and to the rear, each would have full bi-folding doors leading out onto the rear patio. Two cottages would be single storey and six would have a bedroom in the roof space. All cottage would have accommodation in the roofspace, served by rooflights.

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#### **4.0 HISTORY**

- 4.1 RR/2006/2226/P Redevelopment to Form 41 Sheltered Apartments for the Elderly, Car Parking, Landscape and Access and New Outdoor Bowls Green, Indoor Rink, Club Facilities and Car Parking Including Alteration to Existing and Formation of New Vehicular Access. Refused – Appeal Allowed – subsequently dismissed following High Court challenge.
- 4.2 RR/2014/235/P Redevelopment to form 39 private sheltered apartments for the elderly (Category II type accommodation) with associated communal facilities, access, car parking and landscaping, including demolition and replacement outdoor bowls green, indoor rink, club facilities and car



park. Approved at Planning Committee subject to Section 106 Agreement.

- 4.3 RR/2014/235/P Redevelopment to form 39 private sheltered apartments for the elderly (Category II type accommodation) with associated communal facilities, access, car parking and landscaping, including demolition and replacement outdoor bowls green, indoor rink, club facilities and car park. Previous decision quashed by Judicial Review.
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## 5.0 POLICIES

5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:

- PC1: Presumption in Favour of Sustainable Development
- OSS2: Use of Development Boundaries
- OSS3: Location of Development
- OSS4: General Development Considerations
- BX1: Overall Strategy for Bexhill
- BX3: Development Strategy
- SRM1: Towards a Low Carbon Future
- SRM2: Water Supply and Wastewater Management
- CO3: Improving Sports and Recreation Provision
- CO6: Community Safety
- LHN1: Achieving Mixed and Balanced Communities
- EN2: Stewardship of the Historic Built Environment
- EN3: Design Quality
- EN5: Biodiversity and Green Space
- EN6: Flood Risk Management
- EN7: Flood Risk and Development
- TR2: Integrated Transport
- TR3: Access and New Development
- TR4: Car Parking

5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:

- DHG3: Residential Internal Space Standards
- DHG7: External Residential Areas
- DHG11: Boundary Treatments
- DHG12: Accesses and Drives
- DEN4: Biodiversity and Green Space
- DEN5: Sustainable Drainage
- DIM2: Development Boundaries
- BEX5: Land at Gullivers Bowls Club, Knole Road, Bexhill

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

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## 6.0 CONSULTATIONS

6.1 Cantelupe Community Association – **OBJECTION**

6.2 Bexhill Heritage – **OBJECTION**

6.3 Victorian Society – **OBJECTION**

6.4 East Sussex County Council (ESCC) Highways – **NO OBJECTION, SUBJECT TO CONDITIONS**

6.5 Rother District Council (RDC) Waste & Recycling – **NO OBJECTION**

6.6 ESCC Flood Risk Management Officer – **NO OBJECTION, SUBJECT TO CONDITIONS**

6.7 ESCC Ecology Officer – **NO OBJECTION, SUBJECT TO CONDITIONS**

6.8 Environmental Health – **NO OBJECTION**

6.9 Planning Notice

6.9.1 16 letters of objection have been received. The concerns raised are summarised as follows:

- Inadequate private garden space
- No charging points for electric vehicles or bicycle storage
- Parking and turning space concerns
- Inadequate housing mix – no ‘family’ homes
- Drainage, sewerage and flooding concerns
- Loss of green space and community asset
- Negative impact on listed buildings on Knole Road
- Concern regarding consultation procedure
- Alternative recreational uses on the site should be considered
- Privacy concerns
- Ecology and loss of wildlife concerns
- Asbestos concerns
- Harmful impact on gas pipe infrastructure of the area
- Harmful glare considered to be caused from proposed slate roofing
- Granting planning permission would set an unwanted precedent
- Light pollution
- Security and anti-social behaviour concerns
- Disturbance from construction

6.9.2 15 letters of support have been received. The reasons are summarised as follows:

- Development is considered to be sympathetic to the surroundings and would preserve this local amenity (club house)
- Without the redevelopment of the site, the club will have to close
- Development not considered to result in traffic issues by way of small number of properties proposed on site

- If planning permission were not to be granted, concern raised in respect of the future use of the site
- Development considered to safeguard green space and community asset
- Contribute to housing supply

6.9.3 Four letters with general comments have been received. The comments are summarised as follows:

- Concern that all affected parties have not been consulted
- Loss of community asset
- Concern regarding who will be responsible for maintaining the road, boundaries of site and run off water tanks
- Concern of flooding to lower ground flats opposite the site
- Light pollution/disturbance from cars
- Additional noise
- Parking concerns
- Use of tax payer's money to cover cost of previous planning appeals on site
- Loss of green space
- Removal of asbestos

6.10 Bexhill Town Council – **OBJECTION**

6.10.1 “The town council met to review the plans for Gulliver’s Bowls Club following representations from members of the public and the Cantelupe Community Association. The council objects to the development as it will represent a loss of amenity green space which should be protected. The development is not in keeping with the character of the area and will cause a loss of privacy for the surrounding residents. The town council supports the views of Cantelupe Community Association.”

## 7.0 LOCAL FINANCE CONSIDERATIONS

*Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a Local Planning Authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.*

7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £54,387.

## 8.0 APPRAISAL

8.1 The main issues raised by the proposal are as follows:

- The principle of development
- Standard of residential accommodation
- Impact on neighbouring amenity
- Design and appearance of the development
- Ecology
- Trees
- Drainage
- Highways
- Other matters

## 8.2 The principle of development

- 8.2.1 In respect of the proposed development, Policy OSS1 of the Core Strategy stipulates that the strategy for the overall spatial development is to: (i) plan for at least 5,700 dwellings (net) in the district over the period 2011-2028 and (iii) identify suitable sites in accordance with the following distribution: (a) focus on new development at Bexhill, giving particular attention to promotion economic regeneration and growth of the Hastings and Bexhill area, including through mixed use development.
- 8.2.2 The site resides with the Bexhill Development Boundary. Policy OSS2 of the Rother Local Plan Core Strategy states that development boundaries provide a clear and readily understood indication of where development would, and would not, be allowed in principle. Within development boundaries there is a presumption that infilling, redevelopment and changes of use will be acceptable subject to other policies of the plan.
- 8.2.3 BX1 stipulates that two of the overarching objectives for Bexhill is to (ii) develop local amenities, including support for community activity and facilities, learning opportunities, and improved sports and leisure facilities, including a new leisure/swimming centre, and a network of accessible green space around the town and (ix) provide for employment and housing growth, in accordance with Policy BX3, with particular regard to the needs of families, affordable housing for younger people and a range of supported housing options for older households.
- 8.2.4 Policy BX3 states that new residential and employment development will contribute to the overall strategy for Bexhill through: (ii) an overall level of housing growth of 3,100 dwellings between 2011-2028.
- 8.2.5 Although objections were received in respect of loss of green space and that it was deemed that an alternative recreational use on the land should be considered before a residential use, land at Gullivers Bowls Club, Knole Road, Bexhill, as shown on the Policies Map, is allocated for mixed use development comprising of housing and a replacement bowls facility. The site is allocated for 39 units. Considering the reduced number of units proposed in this case, it would retain green space to the front of the site, which would be most visible from Knole Road.
- 8.2.6 Policy BEX5 states that proposals will be considered on the site where:
- (i) Some 39 sheltered dwellings are provided, of which 30% are affordable;

- (ii) An improved bowls facility comprising of an outdoor bowls green, an indoor rink and associated clubhouse and maintenance facilities is provided;
- (iii) Development at the rear of the site is single storey only;
- (iv) Separate access points are provided for the residential and bowls facility part of the scheme;
- (v) The design of the scheme does not adversely affect the character of the area or the setting of the listed terrace to the south;
- (vi) Sustainable drainage (SuDS) is provided in accordance with Policy DEN5; and
- (vii) Provision is made for the retention and enhancement of boundary planting, particularly on the western, northern and eastern boundaries, as indicated on the Detail Map.

8.2.7 As the site is allocated for housing, redevelopment for residential use is supported in principle. While the proposal would be different from the site allocations (for up to 39 sheltered accommodation flats), it is considered that the provision of eight houses would be acceptable in principle, subject to the improvements to the existing bowls facilities. Furthermore, the design of the mews style development is considered favourable, as it has been carefully crafted and thought to respond positively to the setting of the listed buildings. It is considered that a balanced approach has been taken by the development and that the criteria of BEX5 have largely been achieved.

8.2.8 Although objections have been made in respect of the housing mix, it should be noted that Policy LHN1 of the Rother Local Plan Core Strategy states that in Bexhill, developments should contribute to increased provision of family dwellings, unless site circumstances make this inappropriate. In this case, the site circumstances (limited site size, proximity to listed buildings and conservation area), it is considered that the proposed unit size is more appropriate. Family sized units are likely to occupy more of the site, and would unlikely be accommodated by single storey dwellings, which is a requirement of BEX5.

8.2.9 The remaining requirements of BEX5 (points ii-vii) will be addressed in the following sections.

### 8.3 Standard of residential accommodation

8.3.1 Policy OSS4 'General Development Considerations' states that in addition to considerations set out by other policies, all development should meet the needs of future occupiers, including providing appropriate amenities. Specifically, Policy DHG3 states that all new dwellings should provide adequate minimum internal space in line with the standard provided at national level.

8.3.2 The standard requires that the dwelling provides:

- at least the minimum gross internal floor area and built-in storage
- that a dwelling with two or more bed spaces has at least one double bedroom
- a single bedroom has a floor area of least 7.5sqm and be at least 2.15m wide
- a double bedroom has a floor area of at least 11.5sqm and is at least 2.75m wide and every other double room is at least 2.55m wide

- any are with a headroom of less than 1.5m is not counted within the GIA unless used solely for storage
- any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all
- a built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72m<sup>2</sup> in a double bedroom and 0.36m<sup>2</sup> in a single bedroom counts towards
- the built-in storage requirement
- the minimum floor to ceiling height is 2.3m for least 75% of the GIA

8.3.3 The GIA requirements for a 2-bedroom 4 person dwelling is as follows:

1 storey = 70 sqm with 2 sqm of built in storage

2 storey = 79 sqm with 2 sqm of built in storage

8.3.4 The proposed dwellings would meet this standard, and the bedrooms would accord with the above size requirements. An internal head height of at least 2.3m would also be achieved. The units provide the following GIA:

Unit 1 = 96 sqm

Unit 2 = 128 sqm

Unit 3 = 128 sqm

Unit 4 = 120 sqm

Unit 5 = 107 sqm

Unit 6 = 103 sqm

Unit 7 = 110 sqm

Unit 8 = 107 sqm

8.3.5 The proposed units are considered to be provided with adequate levels of outlook and daylight provision.

8.3.6 Policy DHG7 of the DaSA states that in relation to residential development, appropriate and proportionate levels of private usable external space will be expected. For dwellings, private rear garden spaces of at least 10m in length will normally be required. This requirement would be met by the proposed development.

8.3.7 Policy DHG7 (iii) requires sufficient bin storage and collection points to be provided on all new residential developments. The Waste & Recycling team have been consulted with throughout the course of the application who have advised that “the waste contractor has advised that the plans look good, and the turning circle looks efficient to turns providing its clear of parked cars”. Details of bin storage and their locations can be obtained via condition.

#### 8.4 Impact on neighbouring amenity

8.4.1 Policy OSS4 (ii) of the Core Strategy states that all development should not unreasonably harm the amenities of adjoining properties. Such as, result in loss of light and privacy, causing an overbearing presence and causing intrusion such as through noise, activity at unsocial hours, lighting etc.

- 8.4.2 In respect of Policy DHG9, para.4.86 of the DaSA states that overlooking is most commonly an issue where windows to habitable rooms would directly face those in neighbouring property. Regard should be given to any significant change in level between properties, as this may increase the impact of an extension on the amenity of neighbouring homes.
- 8.4.3 Throughout the course of the public consultation period, objections were received in respect of harm to neighbouring amenity (namely loss of privacy concerns and noise disturbance from vehicle entering and exiting the site).
- 8.4.4 The proposed mews terrace would be single storey or one and a half storey in height and set into the site by at least 10m to the north and east, and 6.5m from the western boundary. Along the rear boundary, all existing boundary trees and hedgerows would be retained. Coupled with the distance (approximately 30-31m) between the rear of properties along Cantelupe Road and the rear elevation of the mews properties, it is not considered that the residential element of the proposal would result in any significant sense of enclosure, loss of light or outlook to these rear facing properties. Additionally, overlooking and loss of privacy from the rear facing habitable room windows is considered to be mitigated by the separation distance.
- 8.4.5 To the west of Plot 1 is Brassey Cloisters. Between the sites a 1.8m close board fence is proposed and the pine and sycamore tree would be retained. A distance of approximately 24.94m would be retained between the rear of Brassey Cloisters and the flank wall of Plot 1. Considering the single storey nature of this unit, it is not considered that any significant harm would arise to the occupiers of Brassey Cloisters in respect of overlooking, loss of privacy, sense of enclosure, loss of light and outlook.
- 8.4.6 Similarly, the siting of the mews along the eastern boundary adjacent to Middlesex Road, coupled with a minimum separation distance of approximately 24m, it is not considered that any significant harm would arise to occupiers of these facing properties.
- 8.4.7 The level of occupancy associated with the mews development, is not considered to give rise to an unacceptable or overly harmful level of noise generation. As noted by the ESCC Highways Officer, *the level of traffic likely to be generated by the 8 x 2 bedroom cottages is likely to be relatively low, with approximately four tips during AM and PM peak hours of the day.*

## 8.5 Design and appearance of the development

- 8.5.1 The supporting paragraphs for Policy OSS4 of the Rother Local Plan Core Strategy states that the suitability of a specific development proposal needs to be considered in terms of the extent to which it delivers appropriately high standards that conserve landscape character as well as fosters local identity and safeguard amenities. Good design should respect the character of its setting, whether urban or rural, and make a positive contribution to reinforcing local distinctiveness. This relates not only to the layout and design of buildings, but also the treatment of external areas which should respect landscape character.
- 8.5.2 This is reiterated by Policy EN3 of the Rother Local Plan Core Strategy which states that new development will be required to be of high quality

design by: (i) contributing positively to the character of the site and surroundings including taking opportunities to improve areas of poor visual character or with poor townscape qualities.

- 8.5.3 In respect of the application site, Policy BEX5 of the DaSA states that the design of the scheme should not adversely affect the character of the area or the setting of the listed terrace to the south. It is noted that throughout the public consultation period a number of objections were received, raising concerns over the design of the development and the harmful impact that would be had on the adjacent listed buildings and Conservation Area.
- 8.5.4 However, prior to formal submission, the Applicant engaged in the pre-application service with the Local Planning Authority, at which stage various design and layouts were negotiated. A scheme that takes its cue from a traditional mews development was supported, being as it is common to see mews development in the vicinity of large terraces such as in the context of the grade II mansion terrace to the south of the site.
- 8.5.5 The design response for the housing is considered to be carefully crafted and to respond positively and appropriately to local area. The linked, single storey buildings arranged in a strong rhythm around a courtyard is considered to create a strong 'mews' character and sense of place. This is reinforced by the simple approach at the front with no front gardens, and instead buildings fronting onto hard landscaping which delineates the space. Details of hard landscaping, in the event of an approval will be covered by a condition.
- 8.5.6 The dwellings themselves are considered to be architecturally strong and well-detailed, with arched brick lintels, brick arches over the passageways to rear gardens parapeted gables with finials, and a central clocktower/weathervane features. However, further details can be covered by a condition in the event of an approval. A brick wall is advised to be needed to enclose the southern boundary of the garden to plot 8 but can also be covered by a condition.
- 8.5.7 Overall, the form, character and appearance of the dwellings is considered to be of intrinsically high design quality as to comply with Policy EN3 of the Rother Local Plan Core Strategy, and to preserve the character of the setting of the listed mansion terrace to the south of the site, having regard to paragraph 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- 8.5.8 Notwithstanding the above, concerns however were raised about the proposed design of the bowls club pavilion. Its design was considered to be unimaginative and bland in its form, massing and articulation – in particular the southern, front elevation, (notwithstanding the attempt to introduce the parapet gable and finial at the southern end). The design was considered to respond neither the wealth of historic nor contemporary precedent of pavilion design available today. As advised by the Rother Heritage Officer, the proposal was suggested to be amended to reflect such character; the key amendment would be to include a central pediment gable and a detail such as a clock. A pediment gable, supported on columns, could extend forward (1.5-2m), providing a useful veranda feature giving shelter below,



whilst still providing clear access and not impinging on the existing tarmac path in front.

8.5.9 Additionally, it had been advised that in regard to internal layout, while not strictly a planning matter, it would not be ideal to have the disabled WC openings straight out into the club room area. A better arrangement would be to have the changing rooms located along the back (western) wall of the new pavilion, with a new lobby and disabled WC between them. An additional benefit would be a more regular shaped, spacious and useable clubroom area. As per the above recommendations made by the Heritage officer, a formal resubmission was made (Drawing Nos. 6729-100-2C and 6729-100-1-C. Upon review by the Heritage officer it was advised that the amended plans address the concerns raised and that the design of the dwellings together with the bowls club were acceptable in respect of the impact on the site, listed buildings and wider locality.

## 8.6 Ecology

8.6.1 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, as amended, states that: “every public authority must, in exercising its functions, have regard, so far as consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity.”

8.6.2 The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.

8.6.3 The National Planning Policy Framework (2020) states that “*the planning system should contribute to and enhance the natural and local environment by...protecting and enhancing...sites of biodiversity or geological value or soils...*”, “*...recognising the wider benefits from natural capital and ecosystem services...*” and “*minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...*” (paragraph 174).

8.6.4 The National Planning Policy Framework sets out principles that local planning authorities should seek to apply when determining planning applications to protect and enhance biodiversity, these include refusing planning permission if significant harm to biodiversity from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for; refusing development that would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy exists; and encouraging opportunities to incorporate biodiversity improvements in and around developments, especially where this can be secure measurable net gains for biodiversity (para.180).

8.6.5 Policy EN5 of Rother’s Core Strategy 2014 states that biodiversity, geodiversity and green space will be protected and enhanced. Development must retain, protect and enhance habitats of ecological interest, including ancient woodland, water features and hedgerows, and provide for appropriate management of these features. Developers are also required to integrate biodiversity into development schemes by avoiding adverse impacts from development on biodiversity or habitat, or where wholly

unavoidable, provide mitigation against or compensation for any losses. Developers are also expected to consider and promote opportunities for the creation and/or restoration of habitats appropriate to local context.

8.6.6 An ESCC Ecology Officer has been consulted throughout the course of the application, who raised no objection to the proposed scheme. The proposed development is not designated for its nature conservation interest. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on the designated wildlife asset. The site currently comprises buildings, hard standing, amenity grassland and scattered trees. The habitats of greatest importance are the trees which are to be retained and protected.

#### 8.6.7 Bats

8.6.7.1 All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulation 2017, as amended, making them European Protected Species. The buildings and trees on site do not support any potential roost features, and the site overall offers low potential for foraging and commuting. However, there are records of bats from the local area, so lighting design should take account of best practice guidance to minimise spill.

#### 8.6.8 Breeding Birds

8.6.8.1 Habitats on site offer potential for breeding birds, and house sparrows were recorded nesting on the gable end of the existing indoor bowling green building. Under section 1 of the Wildlife and Countryside Act 1981, as amended, wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any removal of scrub/trees or demolition of/works to buildings that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales and given the mitigation required for other protected species, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation. House sparrow terraces should be provided on new/and or refurbished buildings to compensate for the loss.

#### 8.6.9 Other species

8.6.9.1 The site is unlikely to support any other protected species. If protected species are encountered during development, work should cease immediately, and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

#### 8.6.10 Mitigation Measures

8.6.10.1 In addition to the mitigation measures discussed above, the site offers opportunities for enhancement which will help the Council meet its duties and responsibilities to provide biodiversity net gain under the NERC Act and national and local planning policy. The Preliminary Ecological Appraisal (PEA) submitted with the application (Marsh Environmental, June 2021)

recommends the provision of bird, bat and insect boxes and the provision of gaps in boundaries to allow movement of wildlife through the site. In addition to the house sparrow terraces referred to above, bird, bat and insect boxes should be provided on suitable locations throughout the site, targeting species of known conservation concern. The landscaping scheme should use native species/and or species of known wildlife value, which should be of local provenance. Site boundaries should be enhanced through the provision of new species rich native hedgerow where possible, and/or areas of longer grassland. These measures should be set out in an Ecological Design Strategy.

In light of the above, and in line *BS42020: 2013 Biodiversity – code of practice for planning and development*, if the Council is minded to approve the application, it is recommended that the conditions and informatives are applied.

## 8.7 Trees

8.7.1 An arboricultural impact assessment and method statement was submitted alongside the application. It confirms that there are five Grade B trees and seven Grade C trees on the site. However, it is not proposed that any trees are removed as part of the proposal.

8.7.2 It states that a small section of foundations would intrude into the root protection area (RPA) of tree T2, although this is less than 10% of the total RPA. In addition, the rear patio of Plot 1 would enter into the RPA, but 'no-dig' paving would be used in this area, as shown in the Tree Protection Plan. It is also intended that bike sheds would be installed above the RPAs of trees T4 and T5 although again, 'no-dig' paving would be used as the shed base to avoid any harm to the tree.

8.7.3 Subject to the tree protection measures and construction methodologies specified within the report being carried out throughout the course of the construction phase, no objections are raised. This can be conditioned to secure implementation.

## 8.8 Drainage

8.8.1 Policy DEN5: Sustainable Drainage outlines that drainage should be considered as integral part of the development design process, with Sustainable Drainage Systems (SuDS) utilised unless demonstrated to be inappropriate. In particular:

- (i) Peak run-off rates from development should remain as close to greenfield runoff rates as possible, and not exceed the existing rate/volume of discharge as minimum;
- (ii) New development should utilise opportunities to reduce the causes and impacts of all sources of flooding, ensuring flood risks are not increased elsewhere, that flood risks are associated with the construction phase of development are managed, and that surface water run-off is managed as close to its source as possible;
- (iii) Drainage should be designed and implemented having regard to the latest East Sussex Local Flood Risk Management Strategy (LFRMS) and related guidance;

- (iv) SuDS should be designed and implemented to be 'multi-functional' and deliver other Local Plan policy objectives where appropriate, such as: the provision of habitats and support for biodiversity; reinforcing local landscape; enhancing the design of development; provision of open space/recreation; promotion of water use efficiency and quality; and reducing risks of land instability;
- (v) Applicants should demonstrate that arrangements are in place for ongoing maintenance of SuDS over the lifetime of the development;
- (vi) Within the Pevensey Levels Hydrological Catchment Area, SuDS designs should incorporate at least two stages of suitable treatment, unless demonstrably inappropriate; and
- (vii) Within the Fairlight and Pett Level Drainage Area, surface water run-off from development shall be no more than the greenfield rat, in terms of volume and flow; and at Fairlight Cove, drainage proposals should accord with Policy DEN6.

8.8.2 Policy BEX5 States that a Sustainable drainage (SuDS) is provided in accordance with Policy DEN5. This element of the application has been reviewed by an ESCC Drainage officer, who's comments are as follows:

*"The Applicant has submitted evidence to demonstrate that there is sufficient capacity within the Southern Water foul system to receive surface water runoff from the development. Discharging surface water runoff to the foul sewer is not an ideal option, however, there are no other feasible options for this development site.*

*BGS data indicates that groundwater levels beneath the site may be less than 3m below ground level. We require that groundwater monitoring is carried out between November and April to understand groundwater levels beneath the site, as elevated groundwater could reduce available capacity within the underground attenuation tank.*

*We are satisfied that it will be possible to manage surface water runoff from the development site, subject to the provision of further information at the detailed design stage. If the Local Planning Authority is minded to grant planning permission, the LLFA requests a number of conditions are imposed to ensure surface water runoff from the development is managed safely."*

## 8.9 Highways

8.9.1 ESCC Highways have been consulted as part of the application, who provided the following comments on the scheme:

*"The development proposal is for the replacement of club house, refurbishment of indoor bowls rink and the erection of 8 No. 2 bedroom dwellings together with associated parking and landscaping.*

*I have no major concerns regarding the development proposal and do not wish to object; however, I recommend that any grant of consent takes into account the comments below and is also subject to the following obligations and conditions.*

## *The Site*

*The application site comprises part of the Gulliver's Bowls Club in central Bexhill. The site is situated on the northern side of Knole Road. The application site is allocated under Policy BEX5 of the DaSA to provide up to 39 sheltered accommodation apartments together with improvements to the existing bowls club facilities. While a planning application of this nature was approved, the decision was later quashed by a judicial review and withdrawn.*

## *Accessibility*

*The application site is located relatively centrally in Bexhill, within walking distance of the town centre and train station and has access to key local amenities such as shops, medical centres, restaurants, public houses and public transport. Bus stops on Sea Road provide regular services to Bexhill train station, Hastings and Eastbourne. Bexhill provides regular rail services to Hastings in 12 minutes, Eastbourne in 16 minutes and London Victoria in 1 hour and 58 minutes.*

## *The Development Proposal*

*This application seeks to undertake improvement works to the existing bowls club facilities including the replacement of the club house and refurbishment of the indoor bowls rink, together with the erection of 8x2 bedroom mews style cottages together with associated access, car parking and landscaping.*

*The proposal is to replace the existing club house building and the refurbish the indoor bowls rink, including recladding the external walls and replacing the roof. access to the bowls club and car parking arrangements would remain the same.*

*The new bowls club building would be of brick construction, following a similar footprint and location as the existing building.*

## *Site Access*

*The existing access point at the south eastern corner of the site would be reused to serve the new dwellings and provide access only to the bowls club parking area.*

*The access would be reconstructed with a 6m width and sufficient radii either side to accommodate refuse vehicles.*

*Vehicles would exit the bowls club parking area by the existing access located to the west of the site frontage.*

*It is noted that the parked vehicles partially obstruct the available sightlines for vehicles turning vehicles are likely to be more difficult. However, given likely slow traffic speeds and low volume of traffic on this section of the road and as the accesses are existing this is not considered a major cause of concern.*

*Overall, I have no major concerns regarding the proposed access arrangement; however the access required to serve the proposed dwellings and bowls club parking area will require reconstructing in accordance with ESCC specification by an approved contractor under the appropriate license.*

*It is noted that the widening of the access will impact on the parking bays marked out on the north side of Knole Road. This area is covered by the Rother Civil Parking Order and so the bays are for residents or max 2-hour parking. A Traffic Regulation Order will therefore be required to shorten one or both of the parking bays wither side of the access and to extend the double yellow lines across the site access. A financial contribution of £5k is required to process the TRO.*

### *Parking*

*Each dwelling is to be provided with one allocated parking space with four additional visitor spaces provided alongside the access route at the front of the site.*

*The proposed level of parking (12 spaces in total) meets the requirements as determined under the ESCC Parking Demand Calculator; however, it should be noted that each parking space should meet the minimum dimensions of 2.5m x 5.0m.*

*The Council encourages developers to include charging facilities for electric vehicles at all properties with off-street parking in accordance with current standards and codes of practise as and when they become available.*

*Car parking for the bowls club will be unchanged and will continue to be provided in an informal arrangement alongside the vehicular route which runs through the site parallel to Knole Road.*

*Each dwelling will also be provided with a covered cycle shed with garden area.*

### *On-Site Turning*

*A courtyard area is to be provided which accommodates the allocated parking spaces (8 in total) and a turning area of sufficient size to enable large (refuse and emergency) vehicles to manoeuvre.*

*Tracking drawings have been provided to demonstrate that refuse vehicle turning can be accommodated within the site; however, the vehicles dimensions have not been specified.*

*With this in mind the RDC Waste Collection team should be consulted on whether refuse vehicles would enter the site or alternatively collect from the roadside. Should roadside collection be required then a communal waste storage/collection should be provided in a location that satisfies that maximum carry distance for residents and refuse collectors.”*

*RDC Waste and Recycling Team have been consulted throughout the course of the application and raised no objection to the scheme, stating that*

“the waste contractor has advised that the plans look good, and the turning circle looks efficient to turns providing its clear of parked cars.”

*The refuse and recycling and collection arrangements for the bowls club would remain the same as existing.*

#### *Traffic Generation and Highway Impact*

*In terms of traffic generation, the bowls club daily would remain the same as existing. The level of traffic likely to be generated by the 8 x 2 bedroom cottages is likely to be relatively low, with approximately four tips during AM and PM peak hours of the day. I am satisfied this would not have a material impact upon the local highway network.*

#### *Highways Conclusion and Conditions*

*Overall, I have no major concerns regarding the development proposal. However, I recommend that any consent should take into account the above comments and include conditions.”*

### 8.10 Other matters

8.10.1 Throughout the course of the application, comments were received from the Cantelupe Community Association in respect of the size of the site and it was considered that the application should be considered as a ‘Major’ application: *“The land area of the application site is stated as being 0.48 hectares. The application is for eight houses and a new access road as well as for a new larger clubhouse for the bowls club and alterations to the dominant indoor bowls rink building. It therefore covers the entire site of 0.74 hectares”.*

8.10.2 A planning application involving new dwellings is a major application if the number of dwellings to be constructed is 10 or more; or if the number of dwellings is not provided in the application, the site area is 0.5 hectares or more. The following is also taken into consideration in the decision to classify a development as major or not:

- The area of the site is defined as the area directly involved in some aspect of the development (usually outlined on the plan).
- If the area involved in a development is split into two parts by a classified road it should still be considered as one site. The area occupied by the road should not be included in the site area.
- The floorspace of a building is defined as the total floor area within the building, which is measured externally to the external wall faces at each level. Basement car parks, rooftop plant rooms, caretakers, flats etc. should be included in the floor space figure.
- Where a major development is subject to a change of use application it should be coded as a major development, not as a change of use, for example converting a warehouse into 12 flats.

8.10.3 While it is acknowledged that the entire site measures 0.7 hectares, the red line boundary of the site (where the proposed works would be undertaken), does not exceed the 0.5-hectare threshold. The application therefore constitutes minor development.

- 8.10.4 During public consultation, comments were received in respect of the potential presence of asbestos within the Bowls club. Environmental Health was consulted on this aspect who provided the following comments:

*“We have visited Gullivers Bowls Club a number of times over the years, but not in relation to ACM and no concerns have been raised to us concerning ACM at the property. However, under Regulation 4: (Duty to manage asbestos) of the Asbestos Regulations 2021 the owner of the premises should hold an asbestos register for the property which would identify any ACM in the building. If an asbestos survey of the building has not been conducted it would be prudent to require one.”*

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## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 The proposal is considered to satisfy the requirements of Policy BEX5, is of an acceptable scale and design for the site, proximity to listed buildings and adjacent conservation area and would have an acceptable impact upon neighbouring amenity, the highways and drainage network. A good standard of residential accommodation has been provided. No objection is raised in respect of arboriculture or ecology matters. The application is therefore recommended for approval, subject to the imposition of conditions.

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## **RECOMMENDATION: GRANT FULL PLANNING PERMISSION**

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### **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:  
6729/100/1/C dated November 2021  
6729/100/2/C dated November 2021  
2355/SU-01 dated September 2005  
6729/8/D dated May 2021  
6729/9/C dated May 2021  
6729/10/C dated May 2021  
6729/7/C dated May 2021  
6729/100/LBP/B dated June 202  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. 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 including gable pediment projection to bowls pavilion; fenestration and eaves details for housing and bowls club buildings, and porches, rooflights and clocktower to housing.



The houses shall be constructed in accordance with the architectural details shown on approved Drawing No. 6729/8/D unless otherwise approved in writing by the Local Planning Authority.

- b) Samples of the materials to be used in the construction of all external faces of the buildings (housing and bowls club buildings).
- c) The proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties.

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.

- 4. Notwithstanding the details on the approved Layout Drawing No. 6729/7/C, 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.
  - a) Boundary treatments and any other means of enclosure (fences, railings and walls) indicating the locations, type, design, height, and materials of such. This shall include the provision of a brick garden wall to the southern rear garden boundary of Plot 08.
  - b) Hard surfacing materials (including road surfaces, parking spaces and other areas of hardstandings).
  - c) Minor artefacts and structures (e.g. bins, sheds, bike and refuse stores).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. No above ground works shall commence until the following soft landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.
  - a) Indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development.
  - b) Planting plans, including landscape and ecological mitigation (buffer planting and green buffers).
  - c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - d) Details for implementation, including written specifications for cultivation and other operations associated with plant and grass establishment.Reason: To ensure the creation of a high quality public realm and landscape setting in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.

- 6. If within a period of 10 years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
Reason: To enhance the appearance of the development in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.

7. Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:
- a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 2 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
  - b) The details of the outfall of the proposed drainage system and how it connects into the sewer shall be submitted as part of a detailed design including cross sections and invert levels.
  - c) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
  - d) The detailed design of the surface water drainage features (underground tank) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed tank. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided

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 163 and 165 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

8. 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 shall 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.
  - b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development These details shall submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

Reason: The full implementation of the approved scheme and its long term management is to prevent the increased risk of flooding, to improve and protect water quality in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraph 165 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

9. 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.

Reason: To control the quality and rate of run-off in relation to surface water drainage thereby protecting water quality and reducing local flood risks in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 163 and 165 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

10. Prior to the 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: The full implementation of the approved scheme is to prevent the increased risk of flooding, to improve and protect water quality in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraph 165 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

11. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity through the provision of bird, bat and insect boxes, and the use of native species and/or species of known wildlife value in the landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures; and
- j) details for disposal of any wastes arising from works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Policy EN5 of the Rother Local Plan Core Strategy 2014.

12. No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing and the details agreed at Outline stage.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies CO6 and TR3 of the Rother Local Plan Core Strategy and DHG12 of the Development and Site Allocations Local Plan.

13. The development shall not be occupied until parking areas have been provided in accordance with the approved plans which have been submitted

to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6, TR3 and TR4 of the Rother Local Plan Core Strategy and DHG12 of the Development and Site Allocations Local Plan.

14. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6 and TR4 of the Rother Local Plan Core Strategy.

15. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area(s) shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development in accordance with Policies SMR1 and TR2 of the Rother Local Plan Core Strategy and DHG7 of the Development and Site Allocations Local Plan.

16. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6, TR3 and TR4 of the Rother Local Plan Core Strategy and DHG12 of the Development and Site Allocations Local Plan.

17. The new estate roads shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway

Reason: In the interest of highway safety and for this benefit and convenience of the public at large in accordance with Policies CO6, TR3 and TR4 of the Rother Local Plan Core Strategy and DHG12 of the Development and Site Allocations Local Plan.

18. Before building commences, the new estate roads shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large in accordance with Policies CO6, TR3 and TR4 of the Rother Local Plan Core Strategy and DHG12 of the Development and Site Allocations Local Plan.

19. No part of the development shall be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced,

drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development in accordance with Policies CO6, TR3 and TR4 of the Rother Local Plan Core Strategy and DHG12 of the Development and Site Allocations Local Plan.

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

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

Reason: These details are required prior to commencement of any works to ensure highway safety and to protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

21. The development hereby permitted must be carried out in accordance with the recommendations contained within the submitted Arboricultural Impact Assessment and Method Statement dated May 2021.

Reason: To ensure that the development does not unduly impact the nearby trees in accordance with Policy EN3 (ii) (e) of the Rother Local Plan Core Strategy.

#### **NOTES:**

1. The Applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub and buildings are likely to contain nesting birds between 01 March and 31 August inclusive. These habitats are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
2. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.

3. The Applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed Traffic Regulation Order. The Applicant would be responsible for meeting all costs associated with this process which is a minimum of £5000. The Applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.

**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.

<p>SITE PLAN</p> <p>RR/2021/2614/P</p>	<p>BEXHILL</p> <p>23A Western Road</p>
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## Rother District Council

Report to - Planning Committee  
Date - 14 April 2022  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2021/2614/P  
Address - 23a Western Road,  
Bexhill-on-Sea, TN40 1DU  
Proposal - Proposed replacement windows and entrance door.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **REFUSE (PLANNING PERMISSION)**

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**Director: Ben Hook**

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**Applicant:** Miss N. Tidd & Mrs S. Ingamells  
**Agent:** Pump House Designs  
**Case Officer:** Mr Sam Koper  
(Email: [sam.koper@rother.gov.uk](mailto:sam.koper@rother.gov.uk))

**Parish:** BEXHILL CENTRAL

**Ward Members:** Councillors C.A. Bayliss and P.C. Courtel

**Reason for Committee consideration:** Applicant is related to a member of staff of Rother District Council

**Statutory 8-week date:** 5 April 2022

**Extension of time agreed to:** 21 April 2022

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### 1.0 SUMMARY

1.1 The proposal is for the replacement of seven timber windows with heritage uPVC windows and a replacement uPVC door. The only issue for consideration is whether the proposal provides a sustainable solution that minimises potential environmental impact whilst ensuring the character and appearance of the Bexhill Town Centre Conservation Area (BTCCA) is sustained and enhanced. The application is recommended for refusal due to the harm caused to the conservation area.

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### 2.0 SITE

2.1 The property is a mid-terrace late Victorian / early Edwardian building built over three floors. The ground floor is a shop unit, currently a pet shop with a separate residential access to the east of the frontage. The windows appear



to be original and display a distinct Edwardian style with the absence of glazing bars that were so dominant in previous periods. The brick elevation has unfortunately been painted in the past, nevertheless, the building makes a positive contribution to the form and appearance of the conservation area.

- 2.2 Western Road is within the BTCCA, many buildings along Western Road benefitted from grant funding in the early 2000's that included the installation of shopfronts and windows. A consistent theme of shopfronts, 1st floor bay windows, and console brackets can be seen, in terms of original fenestration, the road maintains a prevalence of timber sliding sash windows, some UPVC or aluminium casement and sliding sash type windows which is considered to bring detriment to the character and appearance of the conservation area.

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### 3.0 PROPOSAL

- 3.1 The proposal involves replacement of existing timber sash windows Northern (front) elevation of the building at 1<sup>st</sup> and 2<sup>nd</sup> floor level, and the replacement of the residential access front door.

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### 4.0 HISTORY

- 4.1 RR/94/545/P Rear extension to No. 23 and provision of new shopfronts to Nos. 23 and 25 – Approved Conditional
- 4.2 RR/86/0380 Use of two existing first floor offices as instruction areas for office studies – Approved Conditional
- 4.3 RR/84/2388 Change of use of first and second floors from residential to office use including alterations – Approved Conditional

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### 5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- OSS4: General Development Considerations
  - BX2: Bexhill Town Centre
  - EN2: Stewardship of the Historic Built Environment
  - EN3: Design Quality
- 5.2 The following policy of the [Development and Site Allocations Local Plan \(DaSA\)](#) is relevant to the proposal:
- DHG9: Extensions, Alterations and Outbuildings
- 5.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations particularly section 16 on the conservation of historic assets.
- 5.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when exercising planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

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## 6.0 CONSULTATIONS

### 6.1 Rother District Council Conservation and Design Officer – **OBJECTION**

6.1.1 The Conservation and Design Officer has been consulted on this application and their comments have been incorporated into this report.

### 6.2 Planning Notice

6.2.1 One letter of objection has been received (from Bexhill Heritage). The concerns raised are summarised as follows:

- Low quality uPVC replacement windows
- Windows should have a textured finish
- Windows should be an off-white colour

6.3 Bexhill Town Council – No comments received.

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## 7.0 APPRAISAL

7.1 The only issue for consideration is whether the proposal provides a sustainable solution that minimises potential environmental impact whilst ensuring the character and appearance of the BTCCA is sustained and enhanced.

7.2 Policy OSS4 (iii) of the Rother Local Plan Core Strategy states all development should respect and not detract from the character and appearance of the locality.

7.3 Policy BX2 (vi) of the Rother Local Plan Core Strategy states that development and change should respect and, where appropriate, enhance the late Victorian/Edwardian character of the Conservation Area.

7.4 Policy EN2 (ii)(iii) relates to development affecting the historic built environment, including that both statutorily protected and the non-statutorily protected, and it will be required to take opportunities to improve areas of poor visual character or with poor townscape qualities and to 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.

7.5 Policy EN3 (i) required new development to contribute positively to the character of the site and surroundings, including taking opportunities to improve areas of poor visual character or with poor townscape qualities.

7.6 Policy DHG9 (v) of the DaSA Local Plan states that extensions to existing buildings will be permitted where they fully respect and are consistent with the character and qualities of historic buildings and areas, where appropriate.

7.7 It is considered that Policy BX2 of the Rother Local Plan Core Strategy should be afforded great weight as it seeks to ensure development and change

respects and, where appropriate, enhances the late Victorian/Edwardian character of the town.

- 7.8 The front elevation is easily visible within the public realm from Western Road. The replacements will be of a UPVC sliding sash design. Although the proposed UPVC sash windows do attempt reproduce the appearance of a traditional timber window, they do not reproduce the design to a satisfactory degree in terms of section sizes and proportions. The proposed door does not reflect the appearance of a traditional door.
- 7.9 In terms of windows, the main reason for this variation is the need to accommodate larger gas filled double glazed units within the sashes requiring larger section material to support the heavier glazing configuration. The depth of the meeting rail increases from a typical depth of 40mm in timber to 55mm in UPVC. The overall depth of both meeting rails from front face to back of the two sashes increases from a typical depth of 97mm in timber to 117mm in UPVC. These variations in section size have a cumulative adverse effect on the elegance, fine sightlines and details of a timber sliding sash window which by way of a loss of elegance would be detrimental to the character of the building and the setting of the conservation area. This in turn would be detrimental to the building's aesthetic value, a principle of significance, and have an adverse impact upon the wider setting of the conservation area.
- 7.10 It is also noted that the proposed glazing bar is not only too thick being 22mm rather than a typical 15mm, but actually not reflective of the established Edwardian appearance where all surrounding properties in the immediate vicinity do not have glazing bars at all. The introduction of glazing bar will disturb the consistent rhythm seen and create an overly vertical emphasis that 'squashes' the horizontal presence of the window.
- 7.11 The proposed UPVC door details show wholly inadequate rails and stiles in terms of size and the overall design does not attempt to reflect the character of the conservation area which would be best served by a 4-panel timber door. The design and overly bulbous appearance of the door lining and jambs also fail to reflect the established character and is wholly unsuitable for use in a conservation area.
- 7.12 Many of the town's local streetscapes rely on historic doors and windows for much of their architectural impact and character; yet such subtle features can easily be eroded, and historic buildings degraded by inappropriate, poor quality replacement doors and windows. The current trend is to replace historic timber windows and doors with uPVC or aluminium. However, in historic areas the size of window frames, the glazed proportions, the pattern of glazing bars, the method of opening, materials and colour are often distinctive. It is difficult to introduce new materials and designs without altering the character or appearance of an area. Where inappropriate replacements predominate, the character of an area will be compromised, and the historic character of the street scene and surrounding area will be undermined. Other buildings along the street do have UPVC in both casement and sash forms present and the detrimental impact in terms of proportion, loss of elegance and fine sightlines and opening method is clear to see when assessing the contrast between No. 3 Western Road in UPVC casement, Nos. 5 to 13 western road (odd numbers) in original timber, and Nos. 15, and 17 (UPVC sash).

7.13 Some other replacement windows of various opening methods may benefit from planning permission; However, it should be noted that these windows do not meet the current policies detailed in the current Rother Local Plan Core Strategy or DaSA. The Council intends to ensure that all window installations comply with local and national policy through the planning system and will seek reversal of this installation in terms of materials and appearance when they are to be replaced. The presence of these unauthorised, and/or detrimental windows should not therefore be used as a precedent for replacement windows in this area.

7.14 In relation to Policy BX2 of the Rother Local Plan Core Strategy it is considered that it is appropriate to seek enhancement to the character and appearance. This is reinforced by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The BTCCA Appraisal (adopted 2004) details the following:

7.15 *The appraisal has identified the key components which provide the Town Centre with its special identity. The features which combine to create its sense of place have survived the passage of time and some thoughtless alterations remarkably well. This is especially so since an area like Bexhill Town Centre has not until quite recently been recognised as being special in any way. Since its designation as a Conservation Area development proposals in the Town Centre have been subject to closer scrutiny and guidelines drawn up to provide advice on the key elements defining its appearance as well as new shopfronts and security grilles. Using its development control powers the Council has begun to reverse the erosion in character which has occurred. At the same time a three year programme of grant aid has been made available jointly by the Council and English Heritage starting this year (2002) to provide positive assistance to repair buildings in the town Centre's commercial streets and restore lost character. (Heritage Economic Regeneration Scheme – HERS). Adverse changes have taken two main forms. As parts of the buildings have worn out they have either been replaced with unsympathetic modern materials such as interlocking concrete tiles in place of clay tiles or slate, or poorly designed plastic windows in place of double hung sliding sashes, or in the case of ornamental details such as corner roof turrets, simply not replaced. The other area of change involves periodic modernisation and has affected shopfronts more than any other aspect of the Town Centre, though works to the public realm have been equally harmful with the loss of street trees and original lamp columns.*

*Other alterations are however recoverable, the use of planning controls to insist on an appropriate design of plastic window when replacement is planned could do much to improve the principal street elevations. The provision of grants through the HERS to replace unsuitable windows, both plastic and wooden with new well detailed purpose made wooden windows could encourage owners to undo past harm.*

7.16 It is considered that the proposed replacement of the windows and residential access door are not in accordance with the ambition detailed within the conservation area appraisal and do not satisfy Policies BX2 and EN2 of the Rother Local Plan Core Strategy as the proposal would not sustain and enhance the character and appearance of a designated conservation area, by way of their design, proportions and materials used.

- 7.17 It is also considered that the proposed use of 28mm double glazed units is not slimline and by way of location is also in clear view from the public realm. This is not considered acceptable, the use of 28mm double glazed units create an unacceptable level of bulk and erode the finesse of the windows overall form, giving a somewhat bulbous and clumsy appearance. The materials employed are also contrary to the requirements of this policies as they do not adequately reflect the original materials and are considered to be of detriment and do not create the required enhancement.
- 7.18 However, it is acknowledged that the level of harm is considered to be less than substantial and as such the National Planning Policy Framework allows that harm to be mitigated under paragraph 200 by way of clear and convincing justification or under paragraph 202 by way of public benefit. It is considered that the overall condition was generally described but not in detail. Rather than requiring total replacement, timber sash windows are repairable, and it is unlikely that all of the windows were in such poor order to the extent of requiring complete and total replacement. Periodic maintenance such as painting, replacement of sash cords and potentially sash repair or replacement is all possible without total replacement of the whole unit.
- 7.19 Condensation which is commonly cited, is a symptom of high relative humidity and no details of condensation were included within the application. It should however, also be considered that energy efficiency and increased thermal comfort could provide some mitigation towards the harm caused by tackling climate change. This in turn could be considered as a public benefit.
- 7.20 There is no doubt that original single pane glazing is not as efficient as its double-glazed counterpart. Timber is an efficient insulator when compared to UPVC. However, it is considered that other options such as secondary glazing or shutters have not been considered fully as realistic options that would cause no harm to the conservation area. Historic England's publications; Energy Efficiency and Historic Buildings - Draught-proofing Windows and Doors (2016); Traditional Windows - Their Care, Repair and Upgrading (2017); and Energy Efficiency and Historic Buildings - How to Improve Energy Efficiency (2018) give considerable detail regarding measures that can be taken to improve the efficiency of traditional windows. Installation of staff beads and parting beads that have built in brush pile draft excluders, the use of secondary glazing and the possibility to retrofit double glazed slimline units into existing sash windows are some of the many options.
- 7.21 Historic England have conducted much research and published many publications in relation to efficiency and climate change. These publications note that buildings constructed before 1914 generally have had differing methods of utilised in their construction when compared to modern methods. Although not listed, it is considered that due to the age of the property, the recommendations made by Historic England should be referred to. Historic England refer to a 'whole house approach' which is also reinforced by the suggestion that measures to tackle heat loss should wherever possible should not be detrimental to the heritage asset. The proposal has not demonstrated convincingly that all options for improving efficiency have been thoroughly explored including draft exclusion, air source heating, wall and roof insulation, renewable energy tariffs and secondary glazing/shutters.

- 7.22 In terms of materials, the National Design Guide (2019) states that materials used for building or landscape affect how well it functions and lasts over time. The lifespan of a material has a contributory effect on the environmental impact of the development. It is considered that great weight should be given to the significant lifespan of timber and the inadequate lifespan of UPVC, which in this case is considered to typically have a lifespan 75% less than the original timber material. It is also considered that similar proposals to this could be made for neighbouring and nearby properties should permission be granted in this case. There is a clear possibility that a proposal that causes less than substantial harm to the conservation area as an individual development may have an adversely incremental effect on the area if similar proposals are approved elsewhere creating substantial harm by way of cumulative development.
- 7.23 In relation to this particular proposal, it is considered that comparison with standard timber windows is suitable, but it is also noted that the original current windows within the building are in excess of 120 years old. As such it is considered that the proposed UPVC material with a lifespan of up to 35 years does not have sufficient longevity when compared to new or existing timber windows, and its ongoing replacement at relatively short intervals would create an avoidable carbon cost, that would be contrary to local and national guidance and policy.
- 7.24 The National Planning Policy Framework paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs, and specifically in paragraph 8 refers to an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. For the reasons of a comparatively poor design life and consequently increased waste, and avoidable carbon cost in the materials production, it is considered that the proposal does compromise the abilities of future generations and does not contribute towards minimising waste and pollution, mitigating and adapting to climate change or moving towards a low carbon economy.
- 7.25 Although the desire to increase energy efficiency is admirable, the use of UPVC has a detrimental impact upon both the character and appearance of the conservation area, and the environment. The council does not object to improved energy efficiency or enhanced thermal comfort, but this must be carried out in such a way that the preservation and enhancement of heritage assets is also fully considered and the environment around us is not adversely affected. UPVC by way of its poor design life and carbon intensive production methods will be detrimental to future generations, create more waste and pollution, does not mitigate sufficiently to tackle climate change and does not move towards a low carbon economy. The material is also incapable of having a lifespan the is equal to either the host building or the existing windows. There is no justification that is either clear and convincing or in the public interest for the use of UPVC.

- 7.26 The proposal also failed to provide a heritage statement or statement of significance which is a requirement of paragraph 194 of the National Planning Policy Framework. Therefore, in relation to the National Planning Policy Framework, the proposal fails to satisfy paragraph 7,8, 130, 194, 200 and 202 of the National Planning Policy Framework, and the final determination is in accordance with paragraph 134. The benefits associated with the installation of UPVC double glazing can still be realised by way of utilising a timber window design and also create a more accurate reproduction of traditional windows that will be of benefit to the conservation area. It is also considered that the greater design life of timber windows will be of benefit to future generations by encouraging the minimisation of waste, carbon cost and the transition to a low carbon economy.
- 

## **8.0 PLANNING BALANCE AND CONCLUSION**

- 8.1 The proposed development would fail to provide a sustainable solution that minimises potential environmental impact whilst also conserving and enhancing the character and appearance of the BTCCA.
- 

### **RECOMMENDATION: REFUSE (PLANNING PERMISSION)**

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#### **REASONS FOR REFUSAL:**

1. Having regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed scheme does not demonstrate how it will sustain and enhance the significance of the designated heritage asset (the conservation area), the proposed UPVC does not reflect the materials or proportionality of the original fittings, the proposal is in clear public view and slimlite double glazing is not proposed, and as such would be contrary to Policies BX2 and EN2 of the Rother Local Plan Core Strategy, Policy DHG9 of the Development and Site Allocation Plan. In relation to the National Planning Policy Framework, the proposal fails to satisfy paragraph 7,8, 130, 194, 200 and 202 of the National Planning Policy Framework.

#### **NOTE:**

1. This refusal relates to the proposal as shown on the following plans:
  - Location Block Plan, Drawing No. 7159 / LBP, dated February 2022
  - Existing Layout, Drawing No. 7159 / EX, dated January 2022
  - Proposed Layout, Drawing No. 7159 / 1, dated January 2022
  - Technical Details, Drawing No. 7159 / 2, dated January 2022

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the 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.

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<p>SITE PLAN</p> <p>RR/2022/163/P</p>	<p>FAIRLIGHT</p> <p>Ness View, 1 The Close</p>
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Not to Scale

## Rother District Council

Report to - Planning Committee  
Date - 14 April 2022  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2022/163/P  
Address - Ness View, 1 The Close  
FAIRLIGHT  
Proposal - Remove existing dormers and extensions, replace with two new continuous first floor dormers, single storey front and rear replacement extensions, proposed glazed infill and internal alterations.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **REFUSE (FULL PLANNING)**

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**Director: Ben Hook**

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**Applicant:** Mr Ford  
**Agent:** Miss R. Kinneavy – BakerBrown Studio Limited  
**Case Officer:** Mrs M. Taylor (Email: [maria.taylor@rother.gov.uk](mailto:maria.taylor@rother.gov.uk))  
**Parish:** FAIRLIGHT  
**Ward Member(s):** Councillors R.K. Bird and A.S. Mier

**Reason for Committee consideration:** Referred by Councillor Mier

**Statutory 8 week date:**

**Extension of Time Requested: 20 April 2022**

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

1.1 This application is a resubmission of a previous application, which was withdrawn following the advice it would be recommended for refusal, due to the adverse impact on the visual amenity of the streetscene and locality.. It differs from the previous proposal in that this application no longer proposes a roof terrace over the existing single storey outshot at the rear. Instead a green roof is proposed here.

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## 2.0 SITE

- 2.1 A detached chalet style bungalow occupying a corner plot on the east side of The Close and the north side of Warren Road, with the Fire Hills Country Park to the south. The property is outside any development boundary and the High Weald Area of Outstanding Natural Beauty as defined in the Development and Site Allocations Local Plan 2019 (DaSA).
- 

## 3.0 PROPOSAL

- 3.1 This application seeks permission for:
- The removal of the existing dormers and their replacement with two new continuous first floor dormers in both the front and rear roof slopes. The proposed dormers would be set below the main ridgeline and inset approximately 500mm either side.
  - Replacement single storey front and rear extensions on the same footprints but with extended roof canopy over the front entrance.
  - Proposed glazed infill lobby area to link to garage.
  - Proposed replacement windows and internal alterations to the layout of both the ground and first floors.
- 3.2 In terms of materials it is proposed to reuse the existing roof tiles to clad the main dormer walls with vertical timber cladding between the windows, chamfered zinc fascia and zinc cheeks.
- 3.3 Both single storey replacement extensions in matching materials of rendered walls and brick plinths and the proposed link to the garage would be predominantly glazed with a zinc fascia.
- 

## 4.0 HISTORY

- |     |                |  |
|-----|----------------|--|
| 4.1 | RR/2002/1461/P | Erection of side extension to bungalow to form garage with room in roof over, addition of porch with pitched roof and alteration to existing access – Approved Conditional.                              |
| 4.2 | RR/2008/2739/P | Erection of first floor extension to side and rear elevations to provide bedroom. Formation of dormer windows to front and rear – Approved Conditional.  |
| 4.3 | RR/2015/1248/P | Proposed dormer for ensuite shower room and internal alterations – Approved Conditional.   |
| 4.4 | RR/2021/2015/P | Existing dormers and extensions to be demolished and replaced with two new continuous first floor dormers, a single storey front and rear extension, glazed infill and internal alterations – Withdrawn. |
- 

## 5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:

- OSS2: Use of Development Boundaries
- OSS3: Location of Development
- OSS4: General Development Considerations
- RA3: Development in the Countryside
- EN1: Landscape Stewardship
- EN3: Design Quality
- EN5: Biodiversity and Green Space

5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:

- DHG9: Extensions, Alterations and Outbuildings
- DEN1: Maintaining Landscape Character
- DEN4: Biodiversity and Green Space
- DIM2: Development Boundaries

5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations. Of particular relevance in this instance are paragraphs 130 and 134 contained within Chapter 12 - Achieving well-designed places.

## 6.0 CONSULTATIONS

### 6.1 Planning Notice

6.1.1 Four emails have been received in support of the application and are summarised as follows:

- Strongly support application which will bring a welcome improvement to the appearance of the entrance to the road.
- Provides an aesthetically pleasing building that functionally will improve the quality of life for occupants.
- To encourage diversity of architecture is to be applauded.
- No difference in this application in its aesthetics to those already approved in close proximity.
- House has prominent position at head of The Close – clear to view for all residents and visitors to The Close and Warren Road. Also highly visible to visitors to Country Park.
- Current house result of amalgamation of various extensions and alterations and has a disjointed appearance without clear focal point.
- Proposed design would remove the mismatched additions and create an architecturally balanced and much improved external appearance – a massive improvement over current property.
- Improvements would add to beauty of this special part of Fairlight.

### 6.2 Fairlight Parish Council

6.2.1 General Comment:

- “1) The revised proposal for the Juliette balcony / roof terrace to the rear of the eastern flank are acceptable.
- 2) The mitigation measures in the biodiversity survey, the provision of bat boxes and low level lighting, should be required as planning conditions.
- 3) Any comments made by neighbours should be taken into account.”

## 6.3 Sussex Newt Officer

6.3.1 *“The development falls within the red impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the red impact zone, there is suitable habitat and a high likelihood of great crested newt presence.*

*Due to the scale of the development and location of the ponds we do not expect newts to be a constraint for this development.”*

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## 7.0 APPRAISAL

7.1 The main issues for consideration are:

- Impacts upon neighbouring and nearby properties.
- Impact on the character and appearance of the property, streetscene and wider locality.
- Ecology.

### 7.2 Impacts upon neighbouring and nearby properties

7.2.1 Policy OSS4(ii) of the Rother Local Plan Core Strategy and DHG9(i) of the DaSA seek to protect the amenities of neighbouring properties.

7.2.2 *Sunninghill:* Is a detached house to the south east of the application site situated at a lower ground level. The side elevation of this property faces the rear elevation of the application site. The boundary currently comprises 1.8-2m high timber fencing and some planting. Taking account of the existing situation with a number of both ground and first floor dormer windows facing towards this neighbouring property, it is considered that the views from the proposed dormer would be similar. However, it is noted that the accommodation at first floor level currently facing this property comprises three bedrooms and bathroom. The proposal involves the provision of three bedrooms and a lounge. The withdrawn application detailed a roof terrace from the lounge over the ground floor extension but this element has been deleted. The roof area is now detailed as a green roof with no access onto it. To protect the amenity of neighbouring residential properties, a condition could be imposed to ensure that this area could not be used as a terrace without the need for planning permission.

7.2.3 *16 The Close:* Is a detached property on the opposite side of the road to the north west of the application site. Like the rear dormer, the proposed front dormer would replace existing dormer windows, which currently serve three bedrooms and a bathroom. The proposed front dormer would serve a bedroom, bathroom, stairway and en-suite. Taking this into account and the separation distance with the added screening of high hedging, it is considered there would be no greater impact to the amenities of this neighbouring property.

7.2.4 *2 The Close:* Is a detached property to the north side of the application site. The garage of the application site currently abuts the side boundary with this neighbouring property, where the garage for this property sits close to the boundary the other side. This relationship helps give a good degree of

separation between the dwellings. Whilst it is not proposed to physically alter the garage externally other than the construction of a link to the main house, the plans do detail the addition of an additional first floor window in the side elevation of the main dwelling serving bedroom 1. This would be regarded as a secondary window as there is a much larger principal window in the rear elevation also serving this bedroom. In the event of an approval, this side window could be conditioned to be obscure glazed to protect neighbouring amenity.

### 7.3 Impact on the character and appearance of the property, streetscene and wider locality

7.3.1 The Close at Fairlight comprises detached properties varying in age, style and design set in good sized plots. Some of the properties have first floor accommodation with small dormer windows set within the roof slopes. This application seeks permission for replacement single storey extensions and the replacement of the smaller existing dormers on both the front and rear facing roof slopes with two large continuous dormers within both the front and rear slopes to create a more contemporary design to the property.

7.3.2 Policy RA3 (iv & v) of the Rother Local Plan Core Strategy seeks to ensure that extensions to existing buildings maintain and do not compromise the character of the countryside and landscape and that all development is of an appropriate scale and will not adversely impact on the landscape character or natural resources of the countryside.

Policy OSS4 (iii) of the Rother Local Plan Core Strategy and Policy DHG9 (i) of the DaSA together, amongst other things, state that extension to dwellings will only be permitted where they are in keeping with the character of the existing dwelling, and where they would respect and not detract from the character and appearance of the locality.

Policy EN3 states that new development will be required to be of high design quality by:

(i) contributing positively to the character of the site and surroundings

DHG9 of the DaSA states that extensions, alterations & outbuildings will be permitted where:

(ii) they respect and respond positively to the scale, form, proportions, materials, details and overall design, character and appearance of the dwelling;

(iii) they do not detract from the character and appearance of the wider street-scene, settlement or countryside location, as appropriate, in terms of building density, form and scale; and

(vi) in the case of extensions and alterations, they are physically and visually subservient to the building, including its roof form, taking into account its original form.

*Para 130 of the National Planning Policy Framework states planning policies and decisions should ensure that developments:*

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

- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting; and*
- 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.*

*Paragraph 134 states development that is not well designed should be refused, ... Conversely, significant weight should be given to:*

- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.*

7.3.3 To the ground floor, a new front entrance is proposed to form a lobby with a supporting ground floor WC. Additionally, a new lobby link is proposed between the house and the detached garage that can be accessed from the kitchen. The works proposed to the ground floor, in terms of scale are considered to be acceptable. The existing rear extension that is proposed to be demolished would be reconstructed to the same footprint and the newly proposed lobby, although greater in width, would not excessively protrude beyond the principle elevation or be excessive in height. As such, it would continue to be read as a sympathetic, secondary structure to the main dwellinghouse. The link structure between the main dwellinghouse and garage would be read within the existing footprint of the property and would therefore appear as a congruent and subordinate addition.

Furthermore, no objection is raised to the proposed use of materials. As stipulated within the design and access statement, both single storey replacement extensions at ground floor level would follow the existing material strategy with render walls and brick plinths. Green roofs are proposed for both flat roofs.

7.3.4 Notwithstanding this, there are concerns with the scale, bulk and massing of the proposed dormers to the front and rear roof slopes. The existing dwelling is a chalet bungalow with a variety of dormers and extensions that have been added over time. It is proposed to remove the existing dormers and elements of the roof structure to provide 2 No. large box dormers. Paragraphs 4.95 and 4.96 of the supporting text for Policy DHG9 of the DaSA stipulates that alterations to roofs to create attic-level accommodation require careful design. It is stated that *'Overly large or box-like dormers are inappropriate for the majority of domestic properties, as they give the house a top-heavy appearance. Several dormer windows in a roof slope may also be harmful in terms of design or character'*.

It is recognised both that the existing arrangement of dormers would benefit from improvement and that there are properties within the streetscene that have been modernised and altered through the addition of dormers. However, the context of the approvals is considered to be materially different and therefore of limited weight to the application in question.

For instance, No.6 has obtained approval for the enlargement of the existing dormer via Application ref RR/2020/2514/P. However, the dormer is positioned Rto the rear and largely hidden from public vantage points. It is also noted that the existing large dormer was approved in 1979 under historic

policy guidance and would unlikely obtain approval for these works under current policy.

Front and rear dormers were approved at No.11 via Application Ref RR/2016/768/P. However, the design of the dormers is largely reflective of the traditional bungalow and are sympathetic in terms of their subordinate scale and clearly set within the resultant roof profile.

It is acknowledged that the existing arrangement of dormer windows are poor in appearance and that an improvement would be welcomed. However, it is not considered that 2 No. large dormers would be the solution to this. As outlined within the DaSA, several dormers in a roof slope may be harmful in terms of character, but equally overly large or box-like dormers are inappropriate for the majority of domestic properties, as they give the house a top-heavy appearance.

This policy guidance is particularly relevant to the application dwelling given its siting. It is located on the corner of the The Close where it meets Warren Road. This prominent corner location would exacerbate the massing of the dormers, where it would be highly visible from public vantage points. Furthermore, by way of the low-rise nature and scale of Chalet style bungalows, large box-like dormers can appear overly dominant and top-heavy on a dwelling of this type.

Para.4.89 of the DaSA with Policy DHG9 outlines that contemporary design approaches can be appropriate in a particular context; their success dependent on how well they are thought out and detailed. The scale of the proposed dormers in conjunction with their modern design would poorly relate to the original appearance of the dwellinghouse. In all cases, even where the existing building is architecturally unremarkable, proposals should demonstrate basic design principles of scale, form, massing, height and proportion in relation to the existing dwelling and the wider area.

Whilst contemporary designs can be acceptable, it is important that traditional design features are accounted for where possible. The original half-hipped roof would be removed as part of the proposal, resulting in a dwelling with two gable ends and contrary to Policy DHG9 (vi) that requires extensions and alterations to be physically and visually subservient to the building including its roof form.

Overall, the proposed development by virtue of the size and scale of dormers across the front and rear roof slopes would appear as prominent, top-heavy and unsympathetic additions to the main dwellinghouse and would relate poorly to the context of the streetscene, comprising predominantly of dwellings with hipped roofs, even where dormers have been implemented. As such the proposal would be contrary to Policy OSS4 (iii), RA3 (v) and EN3 of the adopted Rother Local Plan Core Strategy (2014) and Policies DHG9 (ii & iii & vi) and DEN1 of the adopted DaSA and paragraph 130 of the National Planning Policy Framework.

#### 7.4 Ecology

Policy EN5 of the Core Strategy states: *“Biodiversity, geodiversity and green space will be protected and enhanced, by multi-agency working where appropriate to:-*



- (viii) *Ensure that development retains, protects and enhances habitats of ecological interest, including ancient woodland, water features and hedgerows, and provides for appropriate management of these features; and*
- (ix) *Require developers to integrate biodiversity into development schemes by avoiding adverse impacts from development on biodiversity or habitat, or where wholly unavoidable, provide appropriate mitigation against or compensation for any losses. In the event, developers will also be expected to consider and promote opportunities for the creation and/or restoration or habitats appropriate to local context.”*

Policy DEN4 of the DaSA states that: “*Development proposals should support the conservation of biodiversity and multi-functional green spaces in accordance with Core Strategy Policy EN5 and the following criteria, as applicable:*

- (ii) *development proposals should seek to conserve and enhance:*
  - (a) *The biodiversity value of international, national, regional and local designated sites of biodiversity and geological value, and irreplaceable habitats (including ancient woodland and ancient or veteran trees); and*
  - (b) *Priority Habitats and Species; and Protected Species, both within and outside designated sites.*  
*Depending on the status of habitats and species concerned, this may require locating development on alternative sites that would cause less or no harm, incorporating measures for prevention, mitigation and (in the last resort) compensation.*
- (iii) *In addition to (ii) above, all developments should retain and enhance biodiversity in a manner appropriate to the local context, having particular regard to locally present Priority Habitats and Species, defined ‘Biodiversity Opportunity Areas’, ecological networks, and further opportunities identified in the Council’s Green Infrastructure Study Addendum.*

7.4.1 *Bats:* The Ecology Partnership were commissioned to undertake a bat emergence/re-entry survey at the site and subsequent a A Bat Survey report has been submitted with the application dated August 2021. This report follows the initial preliminary assessment undertaken, which identified several external features on the house with potential suitability for crevice dwelling bat species. It also stated the proposed development would result in the loss of some of these external features and as such a further dusk bat emergence survey was recommended. In addition two common pipistrelles were observed to emerge from the southern gable end of the building during the survey and therefore a further two bat surveys were recommended – one dusk emergence survey and one dawn re-entry survey. The report now submitted documents the findings of the further recommended emergence/re-entry surveys on the bat roosting potential building, which aims to provide further information on the sites potential to support roosting bats.

Within the first emergence survey on 15 June 2021 Common Pipistrelle bats were recorded foraging within the garden and western aspect of the building and one single one observed emerging form the southern gable end. A second emergence survey was carried out on the 14 July 2021 and again Common Pipistrelle bats were observed foraging and passing through the garden but none emerging from the building. A third dawn re-entry survey was undertaken on the 29 July 2021 where no re-entries were observed but several brown long-eared bats were recorded to the east of the site within the garden entering the site from the property to the north and from the east. Common Pipistrelle bats were also recorded.

The survey considered the bat activity on the site to be 'low' and within paragraph 4.4 states; "Based on the findings of the surveys completed for the house, due to the small number of individual bats considered likely to be present and species which are considered more common and widespread, it is considered that development of this building falls under the Low Impact licence scheme." Natural England Low Impact Licence required suitable mitigation measures in order to alleviate the damage and disturbance to all bat roosts where work should be undertaken in a sensitive manner. A mitigation strategy is therefore recommended to demonstrate mitigation measures can be accommodated within the design of the site and that post development the favourable conservation status of bats will not be impacted upon. Section 4.9 explains the licensing process and 4.10 begins to address mitigation stating new roosting provisions must be included within the scheme and section 4.19 summarises the mitigation strategy for the site. In the event of an approval, the mitigation and protection measures contained within the survey would be conditioned so that they are carried out in full accordance throughout construction.

- 7.4.2 *Great Crested Newts*: Consultation has been undertaken with NatureSpace in respect of the site being located within a red impact risk zone for great crested newts. The consultee response received concluded that if approval was granted due to the scale of the development and the location of the ponds it was not expected newts to be a constraint for the development.

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## **8.0 PLANNING BALANCE AND CONCLUSION**

- 8.1 The proposed development is considered to have an unacceptable impact on the character and appearance of the existing dwelling and surrounding area by virtue of the large box like dormers dominating both the front and rear roof slopes contrary to both local and national planning policies.

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### **RECOMMENDATION: REFUSE (FULL PLANNING)**

#### **REASON:**

1. The proposed development, by virtue of the proposed roof extension and the addition of large box-dormers across the front and rear roof slopes would appear as top-heavy, dominant and unsympathetic additions to the dwellinghouse. As a result, the extended and altered building would appear as an incongruous and prominent feature within the street scene and the wider landscape setting. The proposed development would therefore be contrary to Policy OSS4 (iii), RA3 (v) and EN3 of the adopted Rother District Local Plan Core Strategy (2014) and Policies DHG9 (ii & iii & vi) and DEN1 of the adopted Development and Site Allocations Local Plan (2019) and paragraph 130 of the National Planning Policy Framework.

#### **NOTE:**

1. The development hereby refused is in respect of the following plans:  
Site Location and Block Plan, Drawing No. BB\_PL\_0001 Rev B dated 21.01.22

Proposed Site and Roof Plan, Drawing No. BB\_PL\_0110 Rev B dated 21.01.22

Proposed Floor Plans, Drawing No. BB\_PL\_0111 Rev C dated 21.01.22

Proposed West and South Elevations, Drawing No. BB\_PL\_0120 Rev C dated 21.01.22

Proposed East and North Elevations, Drawing No. BB\_PL\_0121 Rev C dated 21.01.22

For Information

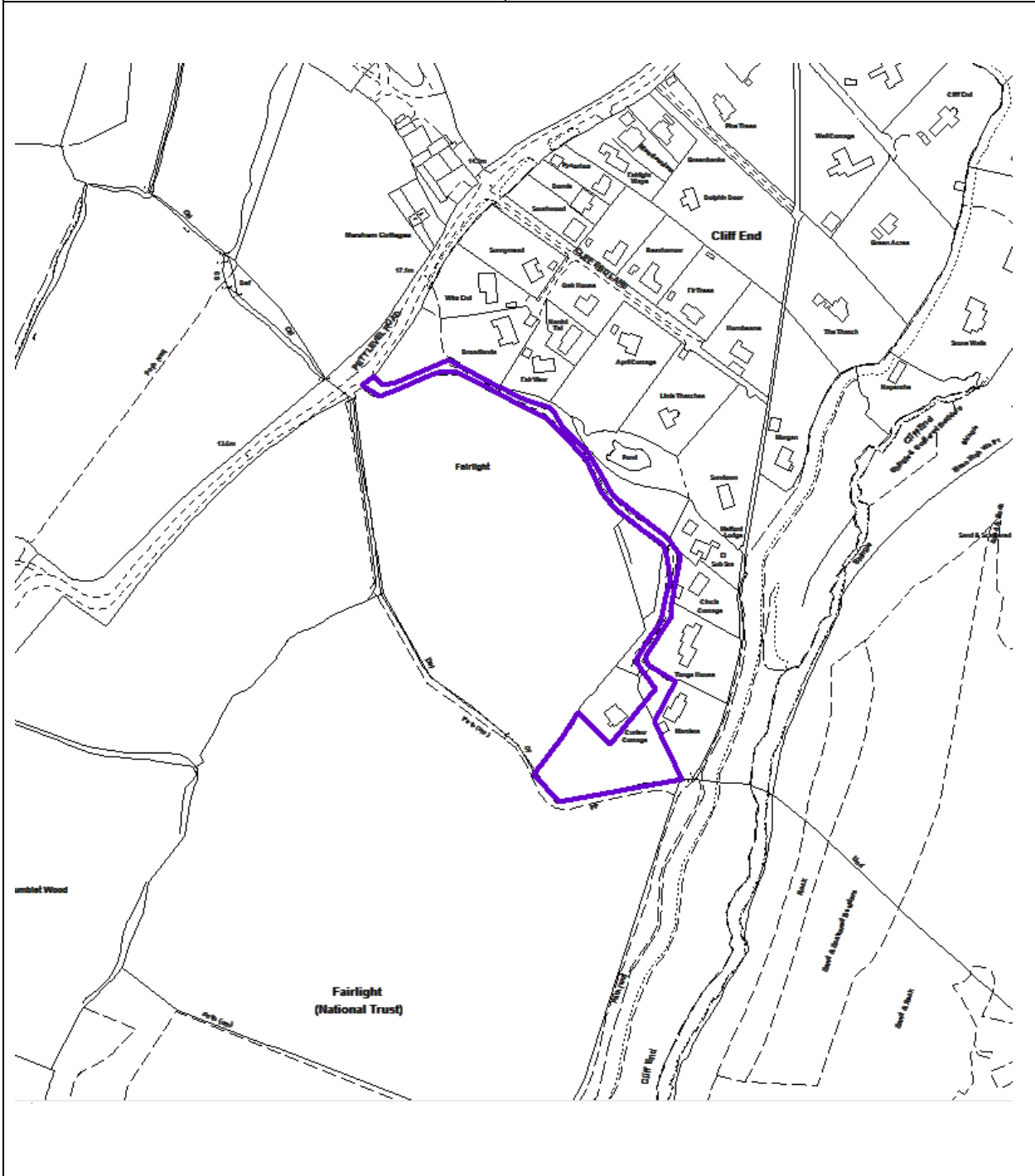
Proposed 3D Massing, Drawing No. BB\_PL\_0130 Rev B dated 21.01.22

Proposed Front and Rear Elevations 3D Views, Drawing No. BB\_PL\_0130 Rev D dated 21.01.22

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

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<p>SITE PLAN</p> <p>RR/2020/1826/P</p>	<p>PETT / FAIRLIGHT</p> <p>CURLEW COTTAGE – LAND ADJ, PETT LEVEL ROAD</p>
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## Rother District Council

Report to - Planning Committee  
Date - 14 April 2022  
Report of the - Director – Place and Climate Change  
Subject - RR/2020/1826/P  
Address - Curlew Cottage - land adjacent  
Pett Level Road  
Pett Level  
Pett/Fairlight, TN35 4EE  
Proposal - Erection of a new single detached dwelling and detached garage and, associated works.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **REFUSE FULL PLANNING PERMISSION**

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**Director: Ben Hook**

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**Applicant:** Mr & Mrs M. Rampling  
**Agent:** Mr D. Blackwell – Oakland Vale Ltd  
**Case Officer:** Mark Simmonds  
(Email: [mark.simmonds@rother.gov.uk](mailto:mark.simmonds@rother.gov.uk))

**Parish:** PETT/FAIRLIGHT

**Ward Members:** Councillors R.K. Bird and A.S. Mier

**Reason for Committee consideration:** Councillor Call-In.

**Statutory 8-week date:** 13 January 2021

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

1.1 This is an additional report to Planning Committee following a third party legal challenge to the Planning Committee Decision on 11 November 2021 to not follow the officer recommendation to refuse planning permission and instead to grant planning permission subject to conditions.

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## **2.0 THE CHALLENGE**

2.1 The decision was challenged on four grounds:

- Ground 1: Procedural impropriety: The Defendant has failed to provide any, or any sufficient reasons in respect of the decision to grant planning permission contrary to the officer's recommendation.
- Ground 2: Procedural impropriety and/or error of law: The Defendant's exclusion of Members who had not conducted a site visit from voting in respect of the proposed development amounted to an error of law, in that the Defendant considered itself bound to apply its policy in this way when it was not, or else amounted to procedural impropriety by applying a legally erroneous procedure to its consideration of the application.
- Ground 3: Consideration of irrelevant considerations: the consideration of the pre-application discussions between the Applicant and the Defendant in respect of the application prior to the adoption of the Development and Site Allocations Local Plan (DaSA) was not a material planning consideration in the course of this application but was nevertheless considered by the Defendant.
- Ground 4: Error of law: the Planning Committee adopted a legally erroneous understanding of what comprised 'sustainable development'.

2.2 After taking legal advice, the Council considered that the challenge had merit in that it accepted that Grounds 1 and 3 are of significant substance. To that end, the Council decided to concede that the decision should be quashed on application to the Court. It is agreed that the reasons given for the decision to grant permission were insufficient and that an error of law occurred in the consideration of factors that were not material to the decision.

2.3 Further legal advice was sought with regard to the second ground of legal challenge. Legal advice was that Members who did not/could not attend site visit in relation to a planning application should not be precluded from voting on that said application when it came before them at Planning Committee.

2.4 The matter appeared before the High Court on 4 March 2022 and the grant of planning permission was quashed, decision notice was quashed.

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## **3.0 MEMBER TRAINING**

3.1 On 13 January 2022, Member training was undertaken which referred to the Planning Advisory Service (PAS) publication 'Probity in Planning' and this looked at sections relevant to the relevant sections below:

### Impartiality and Avoiding Bias

3.2 Planning issues must be assessed fairly and on their planning merits, even when there is a predisposition in favour of one side of the argument or the other. Avoiding predetermination and the impression of it is essential. The decision-making process must be seen to be fair and impartial from the perspective of an external observer.

### Officer reports

- 3.3 Officer reports are a critical part of the decision-making process. They can also be difficult to write, as officers have to grapple with complex and technical information such as viability and daylight and sunlight analysis along with matters such as any equalities impacts of the proposed development. Conclusions can be finely balanced, having exercised planning judgement as to the merits of a scheme.

### Decisions which differ from a recommendation

- 3.4 The law requires that decisions should be taken in accordance with the DaSA, unless material considerations (which specifically include the National Planning Policy Framework) indicate otherwise (Section 38A of the Planning and Compensation Act 2004 and Section 70 of the Town and Country Planning Act 1990).
- 3.5 This applies to all planning decisions. Any reasons for refusal must be justified against the DaSA and other material considerations.
- 3.6 The Courts have expressed the view that the Committee's reasons should be clear and convincing. The personal circumstances of an applicant or any other non-material considerations which might cause local controversy, will rarely satisfy the relevant tests.
- 3.7 Planning committees can, and do, make decisions which are different from the officer recommendation. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations.
- 3.8 Planning committees are advised to take the following steps before making a decision which differs from the officer recommendation:
- If a Councillor is concerned about an officer's recommendation they should discuss their areas of difference and the reasons for that with officers in advance of the committee meeting. Care should be taken however to ensure that this does not lead to predetermination of a decision.
  - Recording the detailed reasons as part of the mover's motion.
  - Adjourning for a few minutes for those reasons to be discussed and then agreed by the Committee.
  - Where there is concern about the validity of reasons, considering deferring to another meeting to have the reasons tested and discussed.
- 3.9 If the Planning Committee makes a decision contrary to the officers' recommendation a detailed minute of the Committee's reasons should be made and a copy placed on the application file. Councillors should be prepared to explain in full their planning reasons for not agreeing with the officer's recommendation, which should be set in the context of the DaSA or the National Planning Policy Framework. The decision is ultimately the Committee's; however, it is imperative that the decision is made with regard to relevant planning considerations.
- 3.10 All applications that are clearly contrary to the DaSA must be advertised as such and are known as 'departures' from the DaSA. If it is intended to



approve such an application, the material considerations leading to this conclusion must be clearly identified, and how these considerations justify overriding the DaSA must be clearly demonstrated.

- 3.11 The common law on giving a statement of reasons for decisions has developed significantly in the last few years. It is important that the report that supports planning decisions clearly shows how that decision has been reached – whether for the grant or refusal of permission.
- 3.12 It should always be remembered that the public have a stake in the planning process and are entitled to understand how decisions are reached.
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#### **4.0 APPRAISAL**

- 4.1 The proposal is for one dwelling on a part of the garden of Curlew Cottage. On 16 December 2019, the Council adopted the DaSA. One of the results of this is that Pett Level does not have a defined settlement boundary within the recently adopted DaSA. For the purposes of planning policy, the appeal site therefore lies within the open countryside and a proposal for a residential development must be assessed on that basis. The policies within the Rother District Local Plan Core Strategy, 2014 that address development in the countryside are therefore relevant to my assessment.
- 4.2 Pett Level is a settlement with a limited range of services. It is not identified as a Rural Service Centre or a Local Service Village. Existing and future residents will need to travel to Hastings or Rye to access the facilities that they need. On this basis, unless there are benefits to outweigh the unsustainability of the site, the application should be refused.
- 4.3 The site is surrounded by the High Weald Area of Outstanding Natural Beauty (AONB); the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Ramsar site; the Hastings Cliffs to Pett Beach and Dungeness, and Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI).
- 4.4 There is no recent relative site history to the site itself but of note is a nearby site which resulted in the dismissal on appeal which is of note and is considered in detail in the report as a material planning consideration. RR/2018/1644/P, APP/U1430/W/19/3243501 Warren Cottage, Pett Level Road, Pett Level TN35 4EE, proposed is erection of two detached houses together with detached garages and associated works. Dismissed on appeal.
- 4.5 Paragraph 3 of the appeal decision letter dated 20 March 2020 stated:
- “On 16 December 2019, after this application was determined, the Council adopted the Development and Site Allocations Local Plan (DaSA). The appellant and other interested parties have had an opportunity to comment on the implications of these recently adopted policies on the appeal proposal. I have taken these into account in reaching my decision which must be made having regard to the current development plan as a whole”.*
- 4.6 Paragraphs 6-10 of this appeal decision note that:

- Pett Level does not have a defined settlement boundary within the recently adopted DaSA. For the purposes of planning policy the appeal site therefore lies within the countryside and the proposal for a residential development must be assessed on that basis.
- Policy RA2 sets out the overarching strategy for the countryside which is to support rural businesses and strictly limit new development to that which support local agriculture, economic or tourists needs and maintains or improves rural character. Policy RA3(iii) states that the creation of new dwellings will only be permitted in extremely limited circumstances of which there was no evidence submitted.
- Pett Level is a settlement with a limited range of services.
- Although there is a bus stop within walking distance of the site, services from it are limited.
- Pett Level Road is an unlit, rural road with no footways that is subject to the national speed limited.
- Walking along it for any distance is potentially dangerous. All these factors mean that future residents are likely to find that the most practical and convenient means of travel is the private car.
- For all these reasons, Inspector concluded that the appeal site is not a suitable location for a residential development.

4.7 The main issues are considered to be:

- (a) whether or not the site is suitable for a residential development having regard to local and national planning policy for the location of housing;
- (b) the impact on the character and appearance of the locality; and
- (c) other matters.

4.8 Officers advise that Pett Level does not have a defined settlement boundary within the adopted DaSA. For the purposes of planning policy the site therefore lies within the countryside and the proposal for a residential development must be assessed on that basis. The policies within the Rother Local Plan Core Strategy, 2014 that address development in the countryside are therefore relevant to my assessment.

4.9 It is acknowledged that the Applicants received some pre-application advice which was considered positive, however this is considered to be historical and since that advice was given there has been a change in local plan policy. The application therefore must be assessed in line with this change in policy and the site therefore falls within the open countryside.

4.10 As the site is adjacent to but not in AONB. The 'tilted balance' does apply as the Council cannot demonstrate a five year housing land supply.

4.11 Para 11 of the National Planning Policy Framework 2021 advises that:

- (d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:*
  - (i) *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development 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.*

- 4.12 In appraising the proposal it is recognised that it does not accord with the development plan taken as a whole. Officer would advise that the Committee report attached demonstrates that paragraph 11(d)(ii) is engaged and that the recommendation to refuse planning permission remains.
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## **5.0 CONCLUSION**

- 5.1 Planning committees can, and do, make decisions which are different from the officer recommendation. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations.
- 5.2 The legal challenge to the Planning Committee's decision with regard to Curlew Cottage was on four grounds. The Council concerned that at least on Grounds 1 to 3 that the challenge was sufficient not to be contested. Accordingly, the Planning Committee decision was quashed in the High Court.
- 5.3 Correspondingly, the matter has been returned to Planning Committee for determination.
- 5.4 Further legal advice sought had held that the second reason for challenge with regard to Members attending site visits and voting had merit and accordingly all members present should have the right to vote regardless of attendance or not at site.
- 5.5 The law requires that decisions should be taken in accordance with the DaSA, unless material considerations (which specifically include the National Planning Policy Framework) indicate otherwise (Section 38A of the Planning and Compensation Act 2004 and Section 70 of the Town and Country Planning Act 1990).
- 5.6 This applies to all planning decisions. Any reasons for refusal must be justified against the DaSA and other material considerations.
- 5.7 The Courts have expressed the view that the Committee's reasons should be clear and convincing. The personal circumstances of an applicant or any other non-material considerations which might cause local controversy, will rarely satisfy the relevant tests.
- 5.8 The main issues in appraising this application are considered to be:
- (a) whether or not the site is suitable for a residential development having regard to local and national planning policy for the location of housing;
  - (b) the impact on the character and appearance of the locality; and
  - (c) other matters.

However, the scheme is considered to be an overdevelopment of the site and out of keeping with the characteristics of the area resulting in a development

which would adversely affect the countryside location which is contrary to local and national policy requirements.

- 5.9. Fundamentally, Pett Level no longer has a settlement boundary. The proposal would conflict with the spatial strategy set out in the Rother Local Plan Core Strategy which seeks to strictly control residential development in the countryside. These adverse impacts significantly and demonstrably outweigh the very limited social and economic benefits associated with the provision of dwelling. The presumption in favour of sustainable development therefore does not apply in this case and on balance the proposal is not acceptable in planning terms.
- 5.10 This recommendation is supported by the 2020 Appeal decision at Warren Cottage and the officer's report refers to this in significant detail as well as that outlined above. The appeal decision holds that inter alia Pett Level is not a sustainable location.
- 5.11 That in conclusion the reasons for refusal in the officer's report attached is sound and therefore unchanged.

### **List of Appendices**

- Appendix 1 APP/U1430/W/19/3243501 Appeal Decision Letter for Warren Cottage, Pett Level Road, Pett Level TN35 4EE, proposed is erection of two detached houses together with detached garages and associated works (RDC Ref. RR/2018/1644/P,
- Appendix 2 Planning Committee Report by Mark Simmonds for Curlew Cottage recommending refusal of planning permission on 11 November 2021.



## Appeal Decision

Site visit made on 9 March 2020

by **S M Holden BSc MSc CEng MICE CTPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 March 2020

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**Appeal Ref: APP/U1430/W/19/3243501**

**Warren Cottage, Pett Level Road, Pett Level TN35 4EE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms S Jeffries against the decision of Rother District Council.
  - The application Ref RR/2018/1644/P, dated 15 June 2018, was refused by notice dated 1 July 2019.
  - The development proposed is erection of two detached houses together with detached garages and associated works.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application form gave the site address as 'The Warren'. However, the Council's decision notice, the appeal form and the statements from the main parties all refer to it as 'Warren Cottage'. I have therefore used this description throughout my decision.
3. On 16 December 2019, after this application was determined, the Council adopted the Development and Site Allocations Local Plan (DSA). The appellant and other interested parties have had an opportunity to comment on the implications of these recently adopted policies on the appeal proposal. I have taken these into account in reaching my decision which must be made having regard to the current development plan as a whole.
4. Although not cited as a reason for refusal, the appeal site is in close proximity to the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Ramsar Sites. I therefore have a duty to consider this matter under the Habitats Regulations.

### Main Issues

5. Following the adoption of the DSA I consider that the main issues are:
  - (a) Whether or not the appeal site is suitable for a residential development having regard to local and national planning policy for the location of housing;
  - (b) The effect of the proposal on the character and appearance of the area;
  - (c) The effect of the proposal on the risk of surface water flooding.

## Reasons

### *Suitability of location*

6. Pett Level does not have a defined settlement boundary within the recently adopted DSA. For the purposes of planning policy the appeal site therefore lies within the countryside and the proposal for a residential development must be assessed on that basis. The policies within the Rother District Local Plan Core Strategy, 2014 (CS) that address development in the countryside are therefore relevant to my assessment.
7. Policy RA2 sets out the overarching strategy for the countryside which is to support rural businesses and strictly limit new development to that which support local agriculture, economic or tourists needs and maintains or improves rural character. Policy RA3(iii) states that the creation of new dwellings will only be permitted in extremely limited circumstances. There is no evidence before me to suggest that the two dwellings proposed in this case would meet any of these exceptions.
8. Policy OSS2 states that development boundaries around settlements will differentiate between areas where most forms of development would be acceptable and where they would not. The review of those boundaries, which has now been concluded with the adoption of the DSA, has taken into account amongst other things, the availability of and accessibility to facilities and services. Policy OSS3 states that the suitability of a location should have regard to the need for access to employment opportunities. Policy TR3 states that new development should minimise the need to travel and support good access to employment, services and community facilities.
9. Pett Level is a settlement with a limited range of services. It is not identified as a Rural Service Centre or a Local Service Village. Existing and future residents will need to travel to Hastings or Rye to access the facilities that they need. Although there is a bus stop within walking distance of the site, services from it are limited. Pett Level Road is an unlit, rural road with no footways that is subject to the national speed limit. It is used as an alternative to the A259 for trips between Hastings and Rye. Walking along it for any distance is potentially dangerous. All these factors mean that future residents are likely to find that the most practical and convenient means of travel is the private car.
10. For all these reasons, I conclude that the appeal site is not a suitable location for a residential development. The appeal proposal would conflict with Policies RA2, RA3, OSS3 and T3 of the CS which seek to protect the countryside from inappropriate development and locate new residential development where there is good access to facilities and services. Given its proximity to other residential development, the site is not isolated in terms of Paragraph 79 of the National Planning Policy Framework (the Framework). However, it would fail to accord with Framework's approach of supporting rural housing where it would maintain or enhance the vitality of rural communities.

### *Character and appearance*

11. In the vicinity of the appeal site the southern side of the Pett Level Road is predominantly characterised by detached properties in modest sized plots. The dwellings are set back from the street and are barely visible from it due to the wooded nature of the hillside which rises from the road.

12. Warren Cottage and its garden are sited to the rear of existing development and accessed by a single-track driveway from Pett Level Road. Immediately to the northeast of this access is another driveway providing access to The Thatch. Between the two driveways is a belt of trees, 13 of which are the subject of a Tree Preservation Order (TPO). The appeal site comprises a substantial part of the garden of Warren Cottage which is largely overgrown. The land rises towards the southern and eastern boundaries giving the site as a whole a bowl-like appearance which is enclosed by trees and other vegetation. Its location, enclosure and use as part of a domestic garden limits its contribution to the landscape quality of the wider area.
13. The proposal would improve the existing access and extend it to provide access to two detached dwellings set out in a staggered arrangement, each served by a double garage. The resultant plot sizes would be a little smaller than others in the immediate locality, but the houses would be sufficiently separated from each other to prevent a regimented appearance. Even with the garages and additional driveway and hard surfacing, the site is of an adequate size to accommodate the development. While the layout would require a shared access, which is not typical of other properties, it would not be out of place in this locality, bearing in mind the adjacent development which has taken place at Pine Trees.
14. The chalet-style dwellings would be identical in terms of their size and internal layout. However, the external materials would differ; one would be rendered and the other would be a brick finish. I acknowledge that the properties in the surrounding area exhibit a variety of design, style and materials. However, most are well screened by vegetation so many of these differences are not immediately apparent. The proposed dwellings would not be visible from Pett Level Road, so their similarities would not jar with their context.
15. There are glimpses into the site from the footpath to the rear, due in part to the dilapidated nature of the existing fence. However, subject to the introduction of a suitable boundary treatment, only the upper sections of the roofs would be visible. This is little different from views of other established houses in the area which can also be seen from the footpath. Once established, the overall impression would be of a development nestling within a largely wooded hillside.
16. I am aware of the significant concerns that have been raised about the effects of the proposal on trees, particularly those that are protected by the TPO. Six trees would be lost as a consequence of the development. However, these have only limited amenity value and none are subject to the TPO. The greatest risk to the protected trees is therefore likely to occur during construction. The arboricultural report identified appropriate protection measures and construction methods which have not been contested by the Council. In this context I am not persuaded that their loss would be harmful to the overall wooded character of the site's setting.
17. I therefore conclude that the proposal would not be harmful to the character and appearance of the area. It would comply with Policies OSS4 and EN3 of the CS which requires development to respect its context. It would also accord with the advice of the Framework insofar as it would be sympathetic to the surrounding built environment and landscape setting while not preventing appropriate change, such as increased densities.

### *Flood risk*

18. The proposal would include the use of permeable paving and filter drains to discharge surface water runoff from the development into a number of soakaways. However, in addition to the requirement to address run-off from the site itself the Environment Agency has identified a flow route across the site for overland/surface water flooding. The Lead Local Flood Authority (LLFA) therefore requested further information about how surface water flood risk, including exceedance flows and flow routes would be managed in order to prevent increased off-site flood risk. The LLFA also required additional information to be submitted to address any potential flood risk during the construction phase to protect existing properties downslope of the appeal site.
19. Tests have indicated that the underlying Wadhurst Clay Formation is likely to be sandstone which will be free draining. The permeable paving is likely to intercept any overland flows allowing them to discharge to the ground. As any such flows would tend to occur after the main rainfall, the proposed drainage system should have sufficient capacity to accommodate these additional flows. Including a safety factor of 2.5 into the detailed design would ensure that the proposal is sufficiently robust in this respect.
20. There is no evidence before me to suggest that a scheme which meets these requirements could not be designed and implemented. The LLFA was therefore satisfied that the drainage of the site and any risk of additional surface water flooding could be addressed by appropriately worded conditions.
21. I therefore conclude that the proposal would not give rise to an unacceptable risk of surface water flooding either on the site or in the surrounding area. Subject to the implementation of a scheme that could be secured by conditions, the proposal would therefore comply with Policies SRM2 and EN7 of the CS and Policy DEN5 of the DSA. All these policies seek to direct development away from areas of highest flood risk and ensure that new development provides sustainable drainage systems.

### **Other Matters**

22. The Dungeness, Romney Marsh and Rye Bay SPA and Ramsar sites are internationally important wetland sites designated for wetland features including birds, invertebrates and vegetation. These interest features rely on a high quality of water and stable water levels. Natural England indicated that it required detailed information regarding the disposal of foul sewage to ensure any negative effects on water quality could be mitigated and the local planning authority has provided additional information. The responsibility for addressing the matter now falls to me as the Competent Authority in respect of the appeal. I will therefore return to it later in this decision.
23. Local residents have expressed concerns about the effects of the development on wildlife and protected species, including bats, great crested newts and badgers. The application was accompanied by reports and surveys which have also been updated to take account of the findings. The information has identified the need for suitable protection measures which would be necessary, particularly during the construction period. However, I am satisfied that these matters would be capable of being addressed by the imposition of appropriate conditions to secure their implementation, if the proposal had been acceptable in all other respects.



24. Concerns about highway safety have been addressed by agreement to improved visibility splays being provided at the access on Pett Level Road. These could also be secured by the imposition of appropriate conditions.

### **Planning Balance**

25. It is common ground that the Council is unable to demonstrate a five-year supply of deliverable housing sites (5YHLS). In these circumstances Paragraph 11(d) of the Framework is engaged. This states that permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
26. The erection of two houses would be a small social benefit that would make a minimal contribution to the District's housing supply. There would be some very limited economic benefits arising from the scheme, although these would primarily be short-term and associated with the construction phase. These factors weigh in the scheme's favour. I have found that the scheme would not harm the character and appearance of the area. Neither would it give rise to an unacceptable increased risk of surface water flooding, subject to suitable controls that could be secured by conditions. However, the absence of harm in these respects is not a factor in the scheme's favour but is neutral in the planning balance.
27. However, following the adoption of the DSA, Pett Level no longer has a settlement boundary. The proposal would conflict with the spatial strategy set out in the CS which seeks to strictly control residential development in the countryside. It would also be contrary to the objective of ensuring that development is located where future residents would have good access to services and facilities without relying on private transport. These environmental harms weigh against the scheme. In view of the shortfall in the 5YHLS they cannot carry full weight, nevertheless, I consider that the permanent harm arising from poorly located housing would be significant.
28. Consequently, in my view, these adverse impacts significantly and demonstrably outweigh the very limited social and economic benefits associated with the provision of two dwellings. The presumption in favour of sustainable development therefore does not apply in this case.
29. If the outcome of my assessment against Paragraph 11(d)(ii) had concluded that the scheme was acceptable, it would have been necessary for me to consider the additional information which has been provided in order to undertake an Appropriate Assessment in respect of the effects on the Dungeness, Romney Marsh and Rye Bay SPA. However, as I have found the scheme to be unacceptable for other reasons, there is no need for me to consider the implications of the proposal on the SPA.

### **Conclusion**

30. I have found that the proposal conflicts with the development plan and there are no other considerations, including the advice of the Framework, that outweigh that conflict. I therefore conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR

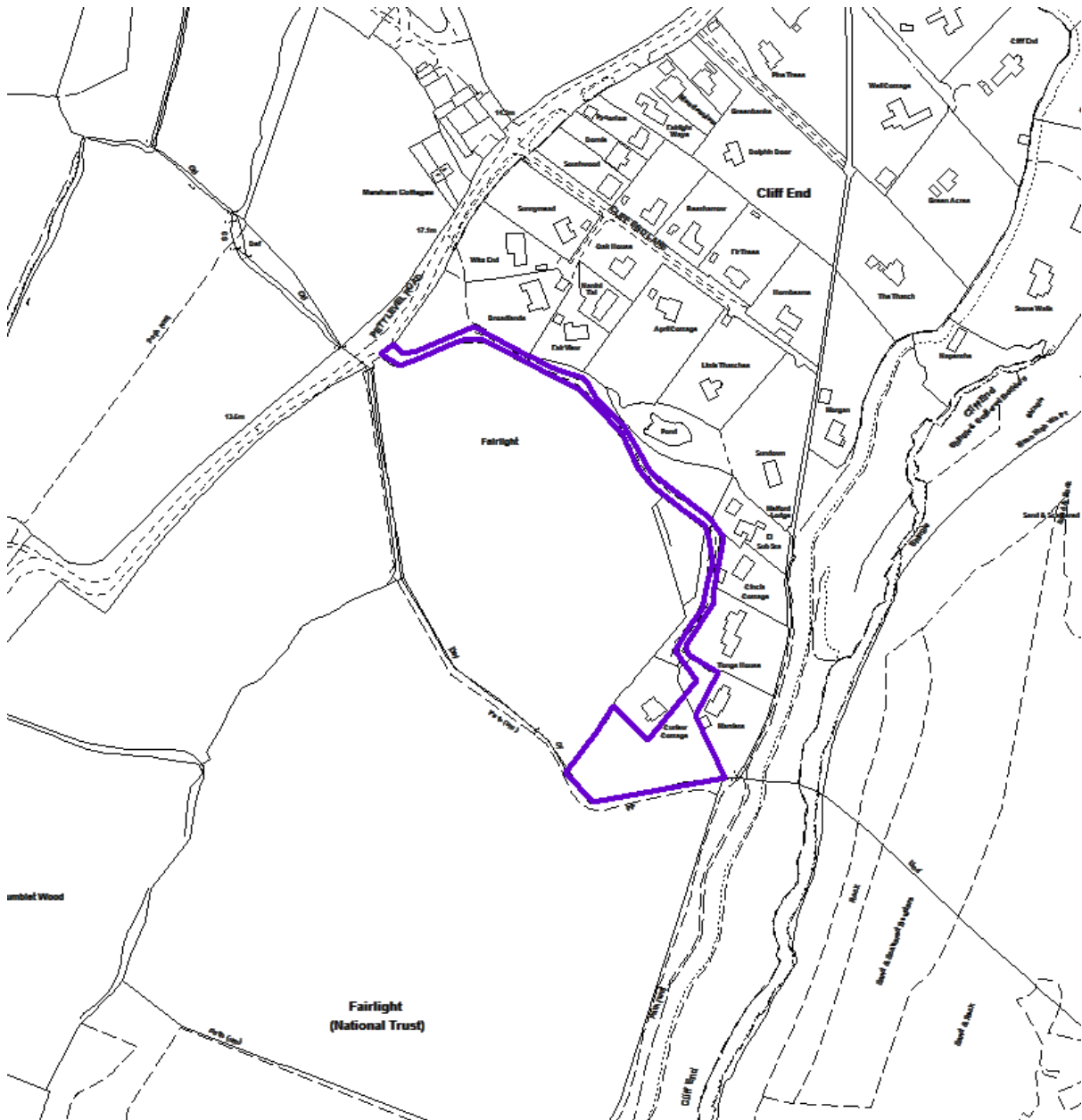
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SITE PLAN

PETT / FAIRLIGHT

RR/2020/1826/P

CURLEW COTTAGE – LAND ADJ,  
PETT LEVEL ROAD



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Not to Scale

## Rother District Council

Report to - Planning Committee  
Date - 11 November 2021  
Report of the - Director – Place and Climate Change  
Subject - RR/2020/1826/P  
Address - Curlew Cottage - land adjacent  
Pett Level Road  
Pett Level  
Pett/Fairlight, TN35 4EE  
Proposal - Erection of a new single detached dwelling and detached garage and, associated works.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **REFUSE FULL PLANNING PERMISSION**

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**Director: Ben Hook**

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**Applicant:** Mr & Mrs M. Rampling  
**Agent:** Mr D. Blackwell – Oakland Vale Ltd  
**Case Officer:** Mark Simmonds  
(Email: [mark.simmonds@rother.gov.uk](mailto:mark.simmonds@rother.gov.uk))

**Parish:** PETT/FAIRLIGHT

**Ward Members:** Councillors R.K. Bird and A.S. Mier

**Reason for Committee consideration:** Councillor Call-In.

**Statutory 8-week date:** 13 January 2021

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

1.1 The proposal is for one dwelling on a part of the garden of Curlew Cottage. On 16 December 2019, the Council adopted the Development and Site Allocations Local Plan (DaSA). One of the results of this is that Pett Level does not have a defined settlement boundary within the recently adopted DaSA. For the purposes of planning policy, the appeal site therefore lies within the open countryside and a proposal for a residential development must be assessed on that basis. The policies within the Rother District Local

Plan Core Strategy, 2014 that address development in the countryside are therefore relevant to my assessment.

- 1.2 Pett Level is a settlement with a limited range of services. It is not identified as a Rural Service Centre or a Local Service Village. Existing and future residents will need to travel to Hastings or Rye to access the facilities that they need. On this basis, unless there are benefits to outweigh the unsustainability of the site, the application should be refused.

1.3 **PROPOSAL DETAILS**

<b>PROVISION</b>	
No of houses	1
CIL (approx.)	£40,868
New Homes Bonus	£6,684

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**2.0 SITE**

- 2.1 The application site lies within the Cliff End area of Pett Level and comprises a substantial part of the garden of Curlew Cottage. Curlew Cottage is set on a rise of land which gives it an elevated position on the south eastern side of Pett Level Road. The nearest neighbour is Martlets which sits adjacent and there is a Public Right of Way to the south of the site.
- 2.2 Curlew Cottage is to be retained but with a notably reduced garden area. Curlew Cottage is a 1950's chalet style bungalow with stone effect, concrete blocks and shiplap boarding to the external walls. The site benefits from some mature natural screening.
- 2.3 Existing vehicular access to the site is via an existing access road which is directly off Pett Level Road.
- 2.4 The site is surrounded by the High Weald Area of Outstanding Natural Beauty (AONB); the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Ramsar site; the Hastings Cliffs to Pett Beach and Dungeness, and Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI).

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**3.0 PROPOSAL**

- 3.1 The proposal is for the erection of one dwelling which is to be located in the southern section of the garden which would have an overall gross internal floorspace of 218sqm to create a substantial 2-storey dwelling, garden room, large balcony and detached double garage. The driveway would be extended to serve the new dwelling.
- 3.2 The application is accompanied by a number of documents including a Geotechnical Survey Report, design plans and photographs demonstrating the screening of the site.

## 4.0 HISTORY

- 4.1 There is no recent relative site history to the site itself but of note is a nearby site which resulted in the dismissal on appeal which is of note and is considered in detail in the report as a material planning consideration. RR/2018/1644/P, APP/U1430/W/19/3243501 Warren Cottage, Pett Level Road, Pett Level TN35 4EE, proposed is erection of two detached houses together with detached garages and associated works. Dismissed on appeal.
- 

## 5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1: Presumption in favour of Sustainable Development
  - OSS1: Overall Spatial Development Strategy
  - OSS2: Use of Development Boundaries
  - OSS3: Location of Development
  - OSS4: General Development Considerations
  - RA2: General Strategy for the Countryside
  - RA3: Development in the Countryside
  - SRM1: Towards a Low Carbon Future
  - 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
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DRM1: Water Efficiency
  - DRM2: Renewable Energy Developments
  - DHG3: Residential Internal Space Standards
  - DHG7: External Residential Areas
  - DHG11: Boundary Treatments
  - DHG12: Access and Drives
  - DEN1: Maintaining Landscape Character
  - DEN2: The High Weald AONB
  - DEN4: Biodiversity and Green Space
  - DEN5: Sustainable Drainage
  - DEN6: Land Stability
  - DEN7: Environmental Pollution Policy DIM2: Development Boundaries
- 5.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
-

## 6.0 CONSULTATIONS

6.1 Natural England – No objection

6.2 Planning Notice

6.2.1 Eight objectors submitted a number of representations. The concerns raised are summarised as follows:

- Applicant owns three of the six properties in this lane and a large allotment, the needs of the Applicant can be easily met by one of these.
- Area of high landscape and wildlife value, in the countryside and is a location outside any building area (development boundary).
- APP/U1430/W/19/3242501 with reference to Warren Cottage, Pett Level Road TN35 4EE. This is attached and supports the view that new housing in our area is unsuitable.
- Pre-application is no longer relevant as it was given in 2016 and has been superseded by the DaSA Plan which has changed the planning circumstances significantly.
- Concerns with single track access and parking – not suitable and cannot take anymore.
- Curlew Cottage will also be left with a very small amount of land that is not in keeping with the properties in this area.
- Plot would be out of character with the rural character of the lane.
- New house will have a detrimental impact on the unique and rural context of the site.
- The development will erode the special character of the lane, which itself is seen within a countryside context.
- Water pressure is very low. The water board has assured us that they cannot supply another source for a new house. Running a new supply over National Trust owned field would require permission.
- Natural stream to the left of the lane, in the winter this freezes over and causes treacherous conditions.
- new build is very near the edge of the cliff, these cliffs are very vulnerable and are falling away.
- Should this planning permission be granted, it is our fear that many homes in Cliff End who have had their plans turned down will re-apply, so this becomes a precedent and should be taken very seriously.
- Unique setting, with rolling countryside wrapping around the property on three sides, all of which is within High Weald AONB, and undeveloped coastline to the other which itself is a SSSI and Ramsar site.
- Urbanise the rural character of the lane and is considered to be inappropriate to this rural area.
- Within the Fairlight and Pett Level Drainage Area and thus the development is required to ensure surface water run off does not exceed greenfield rates.
- Not identified as a Rural Service Centre or a Local Service Village and existing and future residents will need to travel to Hastings or Rye to access the facilities that they need.
- If this application was granted, it would open the floodgates and destroy all the efforts of residents in Cliff End, who recently joined forces so effectively to oppose the development of houses in the gardens of other properties.

6.2.2 Nine letters of support have been received. The reasons are summarised as follows:

- Make little an impact on this area as is possible they have taken into consideration the very special environment in which they live and are aware of the need to be sympathetic to this landscape.
- Allow family to remain as part of the community.
- Every confidence that the Applicants will only improve the diversity of habitats for the species which we have here.
- The farm land around the site is working farmland, and as such is often subject to change and disruption, the area where the proposed build is to be sited sits within an area which the family have spent restoring since they moved here.
- Will enhance the landscape and not block neighbours views, clear it will be an ecologically and sympathetically built home.
- So many properties are for second-homers and where smaller homes, ideal for less well-off local people, are replaced by enormous houses.
- Well-designed, ecologically aware home that will be built and most importantly lived in by a family who have raised their children here in Pett Level and who have contributed so much to our community.
- Highly ecological and environmentally-aware self-build project, in keeping with nature and not for self-gain, proposed by a full-time resident of our community that deserves closer inspection and to be supported.

### 6.3 Town/Parish Council – Comments

6.3.1 This property is not in Fairlight but just over the boundary in Pett. Fairlight Parish Council would not normally comment on applications in another Parish but has concerns that the application is to build property very close to a cliff edge where there are regular cliff falls. The site is to the east of the Coastal Buffer Zone but very close to it. A detailed engineering report should be required to demonstrate that the proposed development would have no detrimental impact on cliff stability.

Pett Parish Council would wish to support any local family wishing to stay in Pett Level whether it would be either building to accommodate a larger family unit, which is becoming more prevalent today, or building smaller for downsizing. However, the parish council recognises that the Pett Level area is a protected rural community and, under the latest local plan, new homes are only allowed in limited circumstances. This application may currently not fulfil these criteria. Should this not be the case, then conditions should be applied to ensure least inconvenience to neighbours with traffic management plans and least damage to surrounding National Trust land, cliff area and landscape

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## 7.0 LOCAL FINANCE CONSIDERATIONS

*Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments),*



*or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.*

- 7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £40,868.
- 7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £6,684 over four years.
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## **8.0 APPRAISAL**

8.1 The main issues are considered to be:

- (a) whether or not the site is suitable for a residential development having regard to local and national planning policy for the location of housing;
- (b) the impact on the character and appearance of the locality; and
- (c) other matters.

### **8.2 Principle of Development**

8.2.1 Pett Level does not have a defined settlement boundary within the adopted DaSA. For the purposes of planning policy the site therefore lies within the countryside and the proposal for a residential development must be assessed on that basis. The policies within the Rother District Local Plan Core Strategy, 2014 that address development in the countryside are therefore relevant to my assessment.

8.2.2 It is acknowledged that the Applicants received some pre-application advice which was considered positive, however this is considered to be historical and since that advice was given there has been a change in local plan policy. The application therefore must be assessed in line with this change in policy and the site therefore falls within the open countryside.

8.2.3 Local Plan Policy OSS2 states that development boundaries around settlements will differentiate between areas where most forms of development would be acceptable and where they would not. The development boundaries, recently considered and formally adopted by the Council, took into account a number of factors, the main being the accessibility to facilities and services. Policy OSS3 states that the suitability of a location should have regard to the need for access to employment opportunities. Policy TR3 states that new development should minimise the need to travel and support good access to employment, services and community facilities. The adopted DaSA has therefore assessed the sustainability of areas.

8.2.4 A Planning Inspector in March of this year, considered the principle of development on Pett Lane and made the following assessment:

*“9. Pett Level is a settlement with a limited range of services. It is not identified as a Rural Service Centre or a Local Service Village. Existing and*

*future residents will need to travel to Hastings or Rye to access the facilities that they need. Although there is a bus stop within walking distance of the site, services from it are limited. Pett Level Road is an unlit, rural road with no footways that is subject to the national speed limit. It is used as an alternative to the A259 for trips between Hastings and Rye. Walking along it for any distance is potentially dangerous. All these factors mean that future residents are likely to find that the most practical and convenient means of travel is the private car.*

*10. For all these reasons, I conclude that the appeal site is not a suitable location for a residential development. The appeal proposal would conflict with Policies RA2, RA3, OSS3 and T3 of the Core Strategy which seek to protect the countryside from inappropriate development and locate new residential development where there is good access to facilities and services. Given its proximity to other residential development, the site is not isolated in terms of Paragraph 79 of the National Planning Policy Framework (the Framework). However, it would fail to accord with Framework's approach of supporting rural housing where it would maintain or enhance the vitality of rural communities."*

- 8.2.5 Every case must be assessed on its own merits, however due to the subject site being in the same vicinity as the appeal site and the appeal dismissed only earlier this year, the appeal decision is a material planning consideration.
- 8.2.6 In applying Local Plan Policy, Policy RA2 is relevant as it sets out the overarching strategy for the countryside which is to support rural businesses and strictly limit new development to that which support local agriculture, economic or tourists needs and maintains or improves rural character. Policy RA3(iii) states that the creation of new dwellings will only be permitted in extremely limited circumstances. The personal justification of the Applicants has been assessed in the balance, but these do not constitute an accepted limited circumstance.
- 8.2.7 Based on the above the proposal site is not a suitable location for a residential development as it would wholly conflict with Policies RA2, RA3, OSS3 and T3 of the Core Strategy which seek to protect the countryside from inappropriate development. These policies also aim to locate new residential development where there is good access to facilities and services and the revised boundary allocation takes into account the unsustainable nature of the site.
- 8.2.8 **Character and Appearance**  
Pett Level Road is predominantly characterised by detached properties in modest to generous sized plots. The site is surrounded by the High Weald AONB; the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site; the Hastings Cliffs to Pett Beach and Dungeness, and Romney Marsh and Rye Bay SSSI. In this context and with the Local Plan designation it can only be described as a countryside location with sporadic and varied development.
- 8.2.9 The additional 2-storey dwelling is proposed in the southern side of the garden area to Curlew Cottage and is of modest proportions. Policy DEN1 of the DaSA plan states that *"The sitting, layout and design of development*

*should maintain and reinforce the natural and built landscape character of the area in which it is to be located based on a clear understanding of the distinctive local landscape characteristics.” Policy OSS4 requires that development (iii) does not detract from the character of the locality.”*

- 8.2.10 The revised National Planning Policy Framework states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Policy OSS3 of the Core Strategy states that in assessing the suitability of a particular location for development, proposals should be considered in the context of (vi) the character and qualities of the landscape and Policy OSS4 of the Core Strategy requires development to (iii) respect and not detract from the character and appearance of the locality.
- 8.2.11 The dwellings along this access track are typically modest sized dwellings in spacious garden plots. It is acknowledged that the garden area for Curlew Cottage is generous and that it has had a range of domestic outbuildings, however, the addition of a large 2-storey dwelling with detached double garage does give the feeling of a cramped form of development when compared to general arrangement of plots and dwelling in the vicinity.
- 8.2.12 Curlew Cottage itself is a modest 1950’s chalet style bungalow and on balance the scale of the proposed dwelling does create an overbearing addition which due to its scale does result in an overdevelopment of this area of garden land.
- 8.2.13 It is accepted that the site does benefit from some screening and that could be increased, however it will still be viewed from public vantage points and planting is not an acceptable solution to disguise something that perhaps should not be there.
- 8.2.14 Taking into account the above, the size and height of the dwelling proposed does not reinforce or maintain the natural and built landscape characteristics of this area. It results in an incongruous development which is an overdevelopment of the site which detracts from and is overbearing upon Curlew Cottage itself, therefore adversely affecting the countryside character of this area.
- 8.2.15 **Other Matters**  
Local residents raised concerns with regard to the drainage and flooding in the area, however in the absence of any consultation response from the statutory bodies it is considered that conditions could mitigate and govern this is required.
- 8.2.16 Concerns have also been raised with the stability of the nearby Cliff. The Applicants have provided a Geographical report which addresses many of the concerns sufficiently. There are no apparent issues with amenity and impact on neighbours and the Highway Authority have not raised any issues with the proposed access.
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## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 When weighing the positives of the scheme, the erection of one house would be a small social benefit that would make a minimal contribution to the District's housing supply. There would also be some very limited economic benefits arising from the scheme, although these would primarily be short-term and associated with the construction phase.
- 9.2 However, the scheme is considered to be an overdevelopment of the site and out of keeping with the characteristics of the area resulting in a development which would adversely affect the countryside location which is contrary to local and national policy requirements.
- 9.3 Fundamentally, Pett Level no longer has a settlement boundary. The proposal would conflict with the spatial strategy set out in the Core Strategy which seeks to strictly control residential development in the countryside. These adverse impacts significantly and demonstrably outweigh the very limited social and economic benefits associated with the provision of dwelling. The presumption in favour of sustainable development therefore does not apply in this case and on balance the proposal is not acceptable in planning terms.

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### **RECOMMENDATION: REFUSE (FULL PLANNING)**

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#### **REASONS FOR REFUSAL:**

1. The application site falls within Pett Level which does not have a defined settlement boundary within the recently adopted Development and Site Allocations. For the purposes of planning policy, the appeal site therefore lies within the open countryside. The proposal does not support local agriculture, economic or tourists needs nor maintains or improves rural character and does not constitute any special circumstances. Therefore, it is contrary to Policies RA2, RA3, OSS3 and T3 of the Rother Local Plan Core Strategy which seek to protect the countryside from inappropriate development and locate new residential development where there is good access to facilities and services.
2. The proposed detached 2-storey dwelling and detached double garage due to its height and scale would be visually intrusive and would represent an incongruous addition to the site which is out of character and detracts from this countryside location. The development would therefore conflict with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy, Policy DHG9.

#### **NOTE:**

1. The refusal relates to the following plans:  
Site Location Plan, dated 9.10.20  
OV/DB/MR/RATIO/04 Comparison Land to Building Ratio of Application Site & Neighbouring Plots, dated 19.1.21  
OV/DB/MR/02 Proposed Site Layout, dated 19.1.21  
OV/DB/MR/01 Proposed Elevations/ Floor plans, dated 9.10.20

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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**Rother District Council**

- Report to - Planning Committee  
 Date - 14 April 2022  
 Report of the - Director – Place and Climate Change  
 Subject - Application RR/2019/2194/P  
 Address - Foundry Close - Land East, Foundry Close,  
 HURST GREEN  
 Proposal - Deed of Variation request: variation to Section 106 agreement regarding residential development of 20 houses, associated parking and landscaping (application RR/2019/2194/P).

[View application/correspondence](#)

**RECOMMENDATION:** It be **RESOLVED** to **APPROVE THE PRINCIPAL CHANGES FOR THE DEED OF VARIATION AND GRANT DELEGATED AUTHORITY TO THE DIRECTOR – PLACE AND CLIMATE CHANGE TO AGREE THE FINAL TERMS**

**Applicant:** Optivo Housing

**Parish:** HURST GREEN

**Ward Members:** Councillors Mrs M.L. Barnes and G.S. Browne

**Reason for Committee consideration:** Financial implications associated with the Deed of Variation request.

**Statutory 8-week date:** None

**1.0 SUMMARY**

1.1 The housing developer Optivo has acquired the above-mentioned site and is seeking to build it out with 100% affordable housing. There is an existing Section 106 Agreement in place in respect of planning permission RR/2019/2194/P. Optivo is seeking a Deed of Variation to the Section 106. The proposed Variation is in respect of those issues concerning the provision of affordable housing. However, there are also financial implications for the Council associated with the loss of Community Infrastructure Levy (CIL) payments that would have been received through the market housing.

**2.0 SITE**

2.1 The application site (0.83 hectares) is located on the eastern side of Hurst Green to the rear of properties fronting the A21, London Road, Hurst Green.

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### **3.0 PROPOSAL**

- 3.1 The proposal is a request for a Deed of Variation to the Section 106 Planning Obligation (Agreement) that was put in place prior to planning permission being granted.
- 3.2 There is no formal application for seeking variations to Section 106 Agreements that are less than five years old and the matter is dealt with (considered) on the basis of a written request. Consequently, there is no separate planning reference relating to this.

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### **4.0 HISTORY**

- 4.1 RR/2019/2194/P Residential development of 20 houses, associated parking and landscaping on vacant land – approved (with Section 106 Agreement in place).
- 4.2 RR/2021/2558/MA Non-material amendment to planning permission RR/2019/2194/P to allow the removal of rooms in the roof (plots 6, 7 and 8) and internal amendments to Plot 3 to make them 3-bedroom properties – approved.

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### **5.0 POLICIES**

- 5.1 The following policy of the Rother Local Plan Core Strategy is relevant to the proposal:
- LHN1: Achieving mixed and balanced communities
- 5.2 The following policy of the Development and Site Allocations Local Plan is relevant to the proposal:
- DHG1 Affordable Housing

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### **6.0 APPRAISAL**

- 6.1 Planning permission has been granted for the erection of 20 dwellings on land at Foundry Close, Hurst Green. Planning permission (RR/2019/2194/P) was granted subject to a Section 106 Agreement, which included a requirement that eight of the dwellings would be provided as affordable housing on the site (comprising two units affordable shared ownership and six units affordable rented). The remaining 12 dwellings would be open market housing.
- 6.2 The housing developer Optivo has since acquired the site and is seeking to build it out but with 100% affordable housing across the site (comprising an affordable housing mix of 14 units shared ownership and six units affordable rented).



- 6.3 As part of this, Optivo is seeking a variation to the terms of the Section 106 Agreement. The proposed variations are described as follows:
- i. Reference to the agreed mix of affordable housing in side letter dated 19 November 2021.
  - ii. Removal of the reference to Rural and Designated Protection Area.
  - iii. Removal of the local connection restrictions for the Shared Ownership units to comply with Homes England grant funding requirements.
  - iv. Amendments/clarification to the Mortgagee in Possession clauses to meet lender's requirements.
  - v. Reference to the recent approved Non-Material Amendment approval RR/2021/2558/MA.
  - vi. Naming Optivo as the registered provider.
  - vii. Amendments to allow Optivo to manage the Open Space rather than a private management company.

#### Community Infrastructure Levy

- 6.4 The provision of open-market housing in developments are liable for payment under CIL. CIL payments would therefore have been sought in respect of the original 12 market houses. Because no market housing is now being proposed Optivo has submitted an application for full CIL relief. The total amount of CIL money received under CIL is subject to change, including a possible exemption, but the level of payment lost would be in the region of £259,400.

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## **7.0 CONCLUSION**

- 7.1 Approving the Deed of Variation to the s106 Agreement would result in the loss of CIL payments for the Council but at the same time it would mean that the development site is brought forward, providing much needed affordable homes within a rural area. There are elements to the variation sought by Optivo in 6.3 above that would require further scrutiny by Legal Services in terms of the detail drafting of the Deed of Variation and in that regard, it is recommended that the Deed of Variation is agreed in principle and that authority is delegated to the Director – Place and Climate Change to agree the final terms of the variation.

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## **RECOMMENDATION: APPROVE (DEED OF VARIATION IN PRINCIPLE)**

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## Rother District Council

**Report to:** Planning Committee

**Date:** 14 April 2022

**Title:** Proposed changes to the scheme of delegation and establishment of a Planning Consultation Group

**Report of:** Myles Joyce

**Ward(s):** All

**Purpose of Report:** The purpose of this report is to propose changes in the scheme of delegation for certain planning applications which currently are determined at Planning Committee and whether they are more appropriately dealt with under delegated powers

### Officer

**Recommendation(s):** It be **RESOLVED:** That:

- 1) the Officer scheme of delegation in respect of the Planning Service be amended by requiring all non-Major applications that are automatically determined by Planning Committee to be discussed at a Planning Consultation Group of Members and officers organised by the Development Management Service;
- 2) the Planning Consultation Group be established and comprise of the Chair of the Planning Committee (or Vice-Chair in their stead) and two other members to be chosen by rota, the Development Manager (or Area Team Leader(s) in their stead) and where appropriate the case officer(s) in a presentational capacity;
- 3) the Planning Consultation Group shall determine only whether the said applications will be dealt with by Planning Committee or more appropriately returned to officers to decide under delegated powers;
- 4) nothing in these recommendations shall affect the local Members' right of call in;
- 5) a list of such applications and the outcome of the Planning Consultation Group's decisions be reported to the next scheduled Planning Committee; and
- 6) the Council's Constitution be amended accordingly.

### Introduction

1. The proposed amendment is to allow for the type of non-Major scheme applications which automatically are determined by Planning Committee under the scheme of delegation to go before a Planning Consultation Group

(PCG) which will consider and determine the most appropriate means of determining the planning application(s) before them.

2. Major applications are defined as for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m<sup>2</sup> or more, or a site of one hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015. This is set out in Appendix 2 of the National Planning Policy Framework 2021.
3. Such applications are those which are submitted by officers, elected members or their relatives of said officers or members as well as applications by the Council and applications on Council-owned land.
4. The PCG will comprise of the Chair of the Planning Committee (or Vice-Chair in their stead) and two other members to be chosen by rota, the Development Manager (or Area Team Leader(s) in their stead) and where appropriate the case officer(s) in a presentational capacity.
5. Whilst it is expected that there will be one such meeting to be held on the Monday prior to the deadline for submission of Committee reports for each Committee cycle, it is anticipated that on occasion more than one meeting per cycle may be required.
6. A list of applications before the PCG and the agreed method of determination will be reported to the next scheduled Planning Committee for information. There will be no opportunity for the Planning Committee to change the recommendation of the PCG.
7. The proposal is considered to be a cost and time effective way of considering the above applications and the most appropriate method of determination. It is anticipated that several items which, would automatically be before Planning Committee, at present, could be dealt with under delegated powers allowing Planning Committee resources to focus on more complex and or controversial cases.
8. The PCG shall bestow voting rights for Members with officers' present in an advisory role only. The PCG will only consider whether the items go to Committee or can be dealt with under delegated powers and have no other decision-making purpose.
9. The quorum shall be three and the chair shall have casting vote where difference of opinion between members or any abstentions.
10. That the proposed amendments do not impinge upon the existing call-in rights of Members nor any other Member right in relation to the determination of planning applications.

## Conclusion

11. It is considered that the proposed revisions to officer delegation scheme would be a resource effective way to streamline the Planning Committee procedure and its outcomes would be made public via a list.
12. In accordance with Article 15 – Review and Revision of the Constitution, 15.3 Changes to the Constitution, as this matter is in connection with officer delegations that flow from the Planning Committee, this matter does not require full Council approval.

## Financial Implications

13. No additional financial implications identified.

## Legal Implications

14. Amend the delegation scheme in the Constitution.

## Risk Implications

15. Failure to revise the Constitution to simplify the planning delegation system will mean a continuation of a less efficient system adding continuing pressure on an already over stretched planning department.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

Chief Executive	Malcolm Johnston
Report Contact Officer:	Myles Joyce, Interim Development Manager
Email address:	<a href="mailto:myles.joyce@rother.gov.uk">myles.joyce@rother.gov.uk</a>
Appendices:	N/A
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A

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**Rother District Council**

**Report to:** Planning Committee

**Date:** 14 April 2022

**Title:** Appeals

**Report of:** Ben Hook, Director – Place and Climate Change

**Ward(s):** All

**Purpose of Report:** To update the Planning Committee

**Officer Recommendation(s):** It be **RESOLVED:** That the report be noted.

**APPEALS LODGED**

RR/2021/1102/P (Delegation)	BATTLE: Caldbec Hill - Land at North Side of, Battle Proposed detached dwelling. Mr N. Whistler
RR/2020/357/P (Delegation)	BATTLE: Marley House - Outbuilding (Former Squash Court), Marley Lane, Battle Conversion of outbuilding (Former Squash Court) into a dwellinghouse with gardens and use of existing parking area and access. Mr & Mrs Tine Desoutter
RR/2020/1875/P (Delegation)	BATTLE: Frederick Thatcher Place - Land west of, North Trade Road, Battle Construction of 4 No. dwellings with associated parking and landscaping. Mr Harry Wills
RR/2021/702/T (Delegation)	BATTLE: Buckles, 7 Netherfield Way, Netherfield, Battle Proposed reduction of large Oak tree (T1) in front garden. Felicity Tylor-Jones
RR/2022/62/P (Delegation)	BEXHILL: 8 Church Vale Road, Bexhill Erection of single storey dwelling with associated parking and landscaping. (Resubmission following refusal of application RR/2021/1696/P) The Goldeneye Group
RR/2021/2942/P (Delegation)	BEXHILL: 21A Leopold Road, Bexhill Proposed loft conversion including construction of dormer to rear and addition of rooflight windows to front of dwellinghouse currently being created by conversion approved under extant planning permission RR/2018/1528/P. Mr J. Davison

RR/2021/2529/T (Delegation)	BEXHILL: 44 Collington Rise, Bexhill T1 Sycamore - Reduce western spread of lower and mid crown to 9m; height by up to 1.5m; branch lengths to draw in over- extended laterals and balance with remainder of crown; reduce southern and eastern spread of crown from 4-10m height by up to 2m branch lengths; reduce crown height by maximum 2m branch lengths to balance with reduced lateral spread; remove major deadwood. Mr Peter Bennett
RR/2021/1151/P (Delegation)	BEXHILL: 3 & 5 Gunters Lane, Bexhill Two storey rear extension to No. 3 and single storey rear extension to No. 5, existing pair of cottages. Side extension to provide an additional 3-bedroom dwelling (resubmission). Dale Saunders Holdings Ltd
RR/2021/1830/P (Delegation)	BEXHILL: 42 Ingrams Avenue, Bexhill Erect 1 bed room semi-detached dwelling. ox1group
RR2020/1779/P (Delegation)	BEXHILL: Long Acres, St Margarets Crescent, Whydown, Bexhill Retention of essential rural worker's dwelling. Retention of all other agricultural structures and infrastructure within site (retrospective). Proposed use of land for agricultural purposes, including a community farm (for educational and therapeutic purposes) and non-agricultural purposes including breeding of pets including dogs and rabbits. Ms S. Clark
RR/2021/194/P (Delegation)	BODIAM. Park Farm Oast, Park Farm Lane, Bodiam Erection of an external staircase and balcony / veranda, construction of an overhanging roof entrance feature, new entrance doors at first floor level, changes to the previously approved elevations, comprising vertical timber boarding, amendments to the elevations to involve additional windows and enclosure of a previous opening and the surfacing of a track in permeable material. (Retrospective) Oastbrook Winery
RR/2021/113/P (Delegation)	BREDE: The Lions Den, Opposite entrance to Gotham Lane, Brede Change of use of land from agricultural to outside fitness facility. (Retrospective) Mr Ricky Burgess
RR/2021/2449/P (Delegation)	BURWASH: White House, High Street, Burwash Replacement of existing shed and open bay garage with integrated workshop and open bay garage Dr John O'Connor



RR/2020/1304/P Delegation	CAMBER: Dorena, Wall Farm Lane, Camber Demolition of existing single storey chalet bungalow and erection of a two storey 3-bedroom detached dwelling with associated car parking. Mr Eric Moon
RR/2020/2306/P (Delegation)	CAMBER: Poundfield Farm, Farm Lane, Camber Siting of holiday lodge for seasonal tourist/holidaymakers accommodation. Mrs Michelle Bristow
RR/2020/558/P (Non-determination)	CAMBER: Car Park Central, Old Lydd Road, Camber Demolition of the beach locks up and replace with boutique hotel including 'Dunes Bar' restaurant at first floor level (relocated from Old Lydd Road). New visitors centre and landscaping. Existing car parking spaces relocated to the over flow. Mr Jimmy Hyatt
RR/2021/2012/P (Delegation)	CATSFIELD: St Kitts - Site Adjacent, Church Road, Catsfield Erection of 1 No. Chalet Bungalow, together with parking and landscaping. Mr Jack Waller
RR/2021/2077/P (Delegation)	CROWHURST: Willow Pond House, Swainham Lane, Crowhurst. Change of use of land for the siting of a timber cabin (caravan) for retreat holidays, re-positioned vehicular access off Swainham Lane and parking for two vehicles. Mr Richard Warden
RR/2021/2348/P (Delegation)	GUESTLING: Wild Meadows, Chapel Lane, Guestling Green, Guestling Demolition of existing stables and sand arena and erection for four new dwellinghouses (Use Class C3) Ms Carol Adams
RR/2021/1765/P (Delegation)	GUESTLING: Sunnyside – Garage and land opposite, Eight Acre Lane, Three Oaks, Guestling Change of use of land to allow proposed parking space associated with dwellinghouse Ms Christine Harmar-Brown
RR/2021/1907/P (Delegation)	MOUNTFIELD: Johns Cross Cafe – Land at, Johns Cross Road, Mountfield Outline: Replacement of existing self-storage containers and construction of buildings for self-storage (Class B8) along with parking, landscaping and use of existing access to the A21, with access considered. Mr M. Horley
RR/2021/1935/P (Delegation)	NORTHIAM: Cooks Farmhouse – Land Adj, New Road, Northiam

	Proposed siting of a static holiday let unit and associated change of use of the land. Mrs Sarah Secker
RR/2020/2261/P (Delegation)	NORTHIAM: Mill Corner Stables, New Road, Northiam Construction of an 'Earth House' comprising an Eco-Dwelling in conjunction with associated rural business, incorporating conversion of Stables into therapy and treatment rooms and a permaculture and smallholding business. Mr & Mrs Matthew & Anneli Hukins
RR/2021/2759/P (Delegation)	PEASMARSH: Partridge Farm, Starvecrow Lane, Peasmarsh Change of use of the building and land from holiday let accommodation to permanent dwelling. Mr and Mrs A. & W. Thomas
RR/2021/2888/P (Delegation)	PEASMARSH: 1 Brickfield, Main Street, Peasmarsh Erection of a two-storey side extension over part of existing footprint to form one bedroom maisonette. Mr Peter Bedborough
RR/2021/1657/P (Delegation)	PEASMARSH: Teviot, Malthouse Lane, Peasmarsh Proposed 4 x bedroom dwelling with associated landscaping and driveway for two vehicles. Bright Develop Ltd
RR/2021/1760/P (Delegation)	RYE: 12 Market Road, K-9 Divine, Rye Change window joinery on the front elevation. Richard A Copland Chartered Surveyors
RR/2021/665/L (Delegation)	SEDLIESCOMBE: Little Swailes Green Farmhouse, Little Swailes Green Farm, Cripps Corner, Sedlescombe Construction of a single storey extension with a glazed link connected to existing dwelling, new enclosed porch to the North, insertion of three conservation rooflights and alterations to the existing facades with new timber weatherboarding and re- instatement of an existing brick garden wall and minor landscaping works. Ms Tina Kennard
RR/2021/664/P (Delegation)	SEDLIESCOMBE: Little Swailes Green Farmhouse, Little Swailes Green Farm, Cripps Corner, Sedlescombe Construction of a single storey extension with a glazed link connected to existing dwelling, new enclosed porch to the North, insertion of three conservation rooflights and alterations to the existing facades with new timber weatherboarding and re- instatement of an existing brick garden wall and minor landscaping works. Ms Tina Kennard
RR/2020/2116/P (Delegation)	SEDLIESCOMBE: The Croft, 'Aurora', Hurst Lane, Sedlescombe

	Construction of a dwelling house and associated landscape and access works. Mr & Mrs G.M. & V.G. Slowman
RR/2021/1787/P (Delegation)	TICEHURST: Slaves Dream, Lower Hazelhurst, Ticehurst Demolition of existing dwelling and replacement with new dwelling including new detached car port Pedro and Jay Milborne
RR/2021/2600/P (Delegation)	TICEHURST: Bantham Farm, London Road, Ticehurst Change of Use of existing redundant and disused barn to residential use. Mr N. Watts
RR/2021/2337/P (Delegation)	WESTFIELD: Little Holme, Westbrook Lane, Westfield Conversion of existing detached annexe building to create a new two bedroom dwelling, with new balcony to the rear. Associated division of plot to provide amenity space and detached outbuilding to be converted into summerhouse. Mr George Allen
RR/2020/1416/P (Delegation)	WESTFIELD: Whitelands Kennels, Westfield Lane, Westfield Demolition of existing kennels. Proposed new dwelling comprising of five bedrooms. New driveway, parking area and associated landscaping. Mr Damon Robinson

### **APPEALS STARTED**

RR/2020/2418/P (Delegation)	BEXHILL: Beulah Baptist Church, Clifford Road, Bexhill Demolition of existing sanctuary and Buckhurst Room hall and construction of a new church and community centre with associated external works. Retention of the Clifford Hall and new cladding and window configuration to the Beulah Centre elevation on Clifford Road. The Trustees of Beulah Baptist
RR/2020/1791/P (Delegation)	BEXHILL: 38 Thorne Crescent, Bexhill Proposed rear extension at ground floor and first floor. Mr Daniel Talbot
RR/2021/234/P (Delegation)	BREDE: Brede Valley Farm, Frymans Lane, Brede Erection of agricultural dwelling. Brede Valley Farm Ltd
RR/2021/1424/P (Non-determination)	BURWASH: St Giles, High Street, Burwash Proposed detached single storey annex building providing accommodation ancillary to existing dwelling house. Mrs Josephine O'Donnell

RR/2020/1857/P (Delegation)	GUESTLING: Star Stud, Ivyhouse Lane, Guestling Change of use of barn to holiday accommodation. Mr J. O'Hara
RR/2019/2677/P (Non-determination)	NORTHIAM: Station Road - Land South of, Northiam Demolition of the existing marketing suite and erection of 2 x detached dwellings, car parking spaces, refuse and cycle stores. Persimmon Homes Ltd
RR/2021/879/P (Delegation)	PEASMARSH: Lyndhurst Cottage, Main Street, Peasmarsh Change of use from granny annexe/holiday let to separate residential dwelling. Mr Terry Denman
RR/2021/1094/O (Delegation)	WESTFIELD: Holland House, Hoads Farm, Moat Lane, Westfield Certificate of Lawfulness for an existing residential mobile home. Mrs S.A. Hawkins
RR/2021/240/P (Delegation)	WESTFIELD: Summer Cottage - Land to the south west of, Whitelands, Westfield Demolition of existing storage buildings and hardstanding. Construction of new dwelling with landscaping, parking and use of existing access to the A28. Creation of a new planting buffer and biodiversity enhancements. Mr and Mrs W. Cornish

### **APPEALS ALLOWED**

RR/2020/2350/P (Delegation)	BEXHILL: 33b Sackville Road, Bexhill Replacement of 1 No. timber bow window and 1no. timber window. Ms Anna Gillett
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### **APPEALS DISMISSED**

RR/2021/858/P (Delegation)	BATTLE: 110 Hastings Road, Battle Change of external materials to dwelling and garage to Grey Cedral weatherboard at upper levels. New rendered frontage wall and gates for privacy and security. Mr & Mrs S. Hastings
RR/2021/2191/P (Delegation)	BEXHILL: 3 Sandown Way, Bexhill First floor rear extension. Mrs Jacqueline Young

RR/2021/732/P  
(Delegation)

BEXHILL: 142 Pebsham Lane, Bexhill,  
Demolition of the existing dwelling and construction of  
two storey dwelling.  
Mr Balwinder Khaira

### **APPEALS WITHDRAWN**

RR/2021/1240/T  
(Delegation)

GUESTLING: Little Broomham, Church Lane, Guestling  
Crown reduction to Beech T3.  
Mr Clive Pickerill

### **FORTHCOMING HEARINGS/INQUIRIES**

RR/2020/2418/P  
(Delegation)

BEXHILL: Beulah Baptist Church, Clifford Road, Clifford  
Road  
Demolition of existing sanctuary and Buckhurst Room hall  
and construction of a new church and community centre  
with associated external works. Retention of the Clifford  
Hall and new cladding and window configuration to the  
Beulah Centre elevation on Clifford Road.  
The Trustees of Beulah Baptist  
Informal Hearing on 10 May 2022  
Ground Floor Meeting Room, Town Hall, Bexhill

RR/2020/498/O  
(Delegation)

BEXHILL: The Kloofs Caravan Site, The Kloofs,  
Sandhurst Lane  
Application for a Certificate of Lawful Existing Use or  
Development for the use of the site as recreation land  
and service area ancillary to the caravan site.  
Mr T. Griggs

Details of the above Hearings/Inquiries to be confirmed by Planning Inspectorate.

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Ben Hook, Director – Place and Climate Change
e-mail address:	<a href="mailto:ben.hook@rother.gov.uk">ben.hook@rother.gov.uk</a>
Appendices:	N/A
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A

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