

## Planning Committee

- Date and Time - **Thursday 16 February 2023**  
**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 (Chair), S.M. Prochak, MBE (Vice-Chair), Mrs M.L. Barnes, T.J.C. Byrne, G.C. Curtis, B.J. Drayson, S.J. Errington, A.E. Ganly, N. Gordon, P.J. Gray, K.M. Harmer (ex-officio), C.A. Madeley, A.S. Mier, Rev H.J. Norton and G.F. Stevens.

**Substitute Members:** J. Barnes, Mrs V. Cook and L.M. Langlands.

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## AGENDA

### 1. **MINUTES**

To authorise the Chair to sign the minutes of the meeting of the Planning Committee held on the 12 January 2023 as a correct record of the proceedings.

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

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

To consider such other items as the Chair 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 **WITHDRAWN APPLICATIONS**

The Director – Place and Climate Change to advise Members of those planning applications on the agenda which have been withdrawn.

### 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

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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.**

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**Tel: 01424 787811**

**Rother District Council putting residents at the heart of everything we do.**

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 3 - 4)
7. **RR/2022/1538/P - OAKLEIGH, 6 WOODLAND WAY, CROWHURST**  
(Pages 5 - 20)
8. **RR/2021/1234/P - 29 SEABOURNE ROAD, LAND AT, BEXHILL** (Pages 21 - 40)
9. **RR/2022/2712/P - GLEBELANDS, POTMANS LANE, CATSFIELD** (Pages 41 - 52)
10. **RR/2022/1233/P - CEMETERY LODGE, 250 TURKEY ROAD, BEXHILL**  
(Pages 53 - 72)
11. **RR/2022/2988/P - EAST PARADE, LAND AT, BEXHILL** (Pages 73 - 82)
12. **RR/2022/2989/P - GALLEY HILL, LAND AT, BEXHILL** (Pages 83 - 90)
13. **PLANNING STATISTICS FOR THE QUARTER OCTOBER – DECEMBER 2022 (3RD QTR) INCLUDING SUMMARY OF PLANNING STATISTICS FOR 2020-2023)** (Pages 91 - 100)
14. **APPEALS** (Pages 101 - 112)
15. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**  
Tuesday 14 March 2023 at 9:00am departing from the Town Hall, Bexhill.

Malcolm Johnston  
Chief Executive

Agenda Despatch Date: 8 February 2023

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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	-	16 February 2023
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 have 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/2022/1538/P</a>	CROWHURST	Oakleigh 6 Woodland Way Crowhurst TN33 9AP	5
8	<a href="#">RR/2021/1234/P</a>	BEXHILL	29 Seabourne Road – Land at Bexhill TN40 2SN	21
9	<a href="#">RR/2022/2712/P</a>	CATSFIELD	Glebelands Potmans Lane Bexhill TN33 9BJ	41
10	<a href="#">RR/2022/1233/P</a>	BEXHILL	Cemetery Lodge 250 Turkey Road Bexhill TN39 5HT	53
11	<a href="#">RR/2022/2988/P</a>	BEXHILL	East Parade – Land at Bexhill	73
12	<a href="#">RR/2022/2989/P</a>	BEXHILL	Galley Hill – Land at Bexhill	83

SITE PLAN

CROWHURST

RR/2022/1538/P

Oakleigh,  
6 Woodland Way



## Rother District Council

Report to	-	Planning Committee
Date	-	16 February 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/1538/P
Address	-	Oakleigh, 6 Woodland Way, Crowhurst, TN33 9AP
Proposal	-	Erection of bungalow and changes to ground levels within curtilage of existing dwellinghouse (part retrospective)

[View application/correspondence](#)

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

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**Director: Ben Hook**

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<b>Applicant:</b>	<b>Mr K. Eason</b>
<b>Agent:</b>	<b>Mr Andrew Gerken</b>
<b>Case Officer:</b>	<b>Mr Michael Vladeanu</b> (Email: <a href="mailto:michael.vladeanu@rother.gov.uk">michael.vladeanu@rother.gov.uk</a> )

<b>Parish:</b>	<b>CROWHURST</b>
<b>Ward Members:</b>	<b>Councillor G.C. Curtis</b>

**Reason for Committee consideration: Call in by Councillor Curtis – Crowhurst Parish Council requested and wishes to speak at the meeting as required**

**Statutory 8-week date: 15 August 2022**  
**Extension of time agreed to: 23 February 2022**

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Members visited the application site prior to the Planning Committee meeting on 10 November 2022.

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### **1.0 UPDATE/SUMMARY**

- 1.1 The application was reported to the November Planning Committee with an officer recommendation to grant planning permission subject to conditions. Members raised particular concern about the importation of spoil onto the site due to the lack of information supplied with the application regarding the amount of spoil imported and its composition.
- 1.2 Members resolved to defer a decision and requested that the Environment Agency (EA) and East Sussex County Council (ESCC) be consulted on the application. The EA has decided to make no comment on the application and ESCC have advised that if the Council is minded to grant permission for the

application various conditions should be attached, which include a Waste Minimisation Strategy and a condition to control further spoil movements at the site.

- 1.3 The site lies within the development boundary as defined within the Development and Site Allocations Local Plan (DaSA) therefore, it is within an area where there is a presumption that development could be acceptable in principle subject to other policies in the Local Plan. The proposed dwelling and land levels are considered to be appropriately designed for this location, would provide a good standard of amenity for future occupiers and would not have an adverse impact on neighbouring properties, the surrounding locality or ecological designations. The application is recommended for approval subject to conditions.

1.4 PROPOSAL DETAILS

PROVISION	
No of houses	1
No of affordable houses	0
CIL (approx.)	£32,112
New Homes Bonus (approx.)	£6,684

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**2.0 SITE**

- 2.1 Oakleigh is a detached single-family dwelling located on the southern side of a private access track situated off London Road. The site is located within the Crowhurst Development Boundary and the Combe Valley Countryside Park lies directly east of the site.
- 2.2 The land in question is to the east of Oakleigh and has been built up by imported soil to form a flat area of land.

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**3.0 PROPOSAL**

- 3.1 Planning permission is sought for the erection of a 3-bedroom single storey dwelling with hipped roof. The site would be accessed off Woodland Way and would provide off-street car parking for three vehicles.
- 3.2 The external materials comprise of brickwork and tiles with details to be submitted to the Local Planning Authority should the application be recommended for approval. The dwelling would host three bedrooms, a bathroom, ensuite, living/dining area, a kitchen and a garage.
- 3.3 This application also seeks retrospective planning permission for the importation of spoil to the site and changes to the ground level.

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**4.0 HISTORY**

- 4.1 RR/2022/509/P Proposed extension and conversion of existing garage building to create annexe/overspill ancillary living accommodation. APPROVED CONDITIONAL

- 4.2 RR/2021/3003/P Proposed extension and conversion of existing garage building to create annexe/overspill ancillary living accommodation. REFUSED
- 4.3 RR/2010/2896/P Installation of velux type rooflight (conservation rooflight) to be fitted above top of stairs on east elevation of property. APPROVED CONDITIONAL
- 4.4 RR/2006/1280/P Demolition of existing dwelling and erection of replacement detached dwelling including roof dormer windows and rooflight with provision of four parking spaces pursuant to outline planning permission RR/2004/566. APPROVED CONDITIONAL
- 4.5 RR/2005/2954/P Demolition of existing dwelling and erection of replacement dwelling including roof dormer windows and rooflights and single integral garage with provision for one parking space pursuant to outline permission RR/2004/566. APPROVED CONDITIONAL
- 4.6 RR/2004/566/P Outline: Demolition of existing dwelling and erection of replacement dwelling. APPROVED
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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
  - OSS1: Overall Spatial Development Strategy
  - OSS2: Use of Development Boundaries
  - OSS3: Location of Development
  - OSS4: General Development Considerations
  - EN1: Landscape Stewardship
  - EN3: Design Quality
  - EN5: Biodiversity and Green Space
  - EN7: Flood Risk and Management
  - CO6: Community Safety
  - TR3: Access and New Development
  - TR4: Car Parking
  - SRM1: Towards Low Carbon Future
  - SRM2: Water Supply and Wastewater Management
- 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
  - DHG4: Accessible and Adaptable Homes
  - DHG7: External Residential Areas
  - DHG11: Boundary Treatments
  - DHG12: Accesses and Drives
  - DEN1: Maintaining Landscape Character



- DEN4: Biodiversity and Green Space
  - DEN5: Sustainable Drainage
  - DEN7: Environmental Pollution
  - DIM2: Development Boundaries
- 5.3 The following policies of the Crowhurst [Neighbourhood Plan](#) are relevant to the proposal:
- CS1: Development Boundary
  - CE1: Landscape Character of Crowhurst
  - CB1: Design
- 5.4 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.
- 5.5 Section 12 paragraph 126 of the National Planning Policy Framework states that *“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*
- 5.6 Paragraph 134 states that *“development that is not well designed should be refused, especially where it fails to reflect 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. 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; and/or*
  - b. outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

## 6.0 CONSULTATIONS

- 6.1 RDC Waste & Recycling – **NO OBJECTION**
- 6.2 Sussex Newt Officer – **NO OBJECTION**
- 6.3 Environment Agency – **NO COMMENTS TO MAKE**
- 6.4 East Sussex County Council (Planning Policy & Development Management) – **NO OBJECTION SUBJECT TO CONDITIONS**
- 6.5 Building Control – **GENERAL COMMENT**

6.5.1 *“Generally drainage and structure of the building would be reviewed as part of our process once they make an application.”*

## 6.6 Planning Notice

6.6.1 Six letters of objection have been received (from eight representatives). The concerns raised are summarised as follows:

- Inaccuracies with the planning statement
- Damage to the highway
- Damage to the roots of trees
- Drainage issues
- Safety issue regarding slope stability
- Extra traffic

6.6.2 Two letters with general comments have been received (from eight representatives). The comments are summarised as follows:

- Are the earthworks stable?
- Red line boundary not accurate
- Concerns of drainage
- Damage to the environment and wildlife
- Potential damage to trees

## 6.7 Crowhurst Parish Council – OBJECTION

6.7.1 The Council objects to both the engineering works and the application for the bungalow for the following reasons: overlooking and loss of privacy for neighbouring properties; highway safety and the extensive movement of lorries; parking - there are no details; traffic - the additional movement of traffic down the lane and into the village; effect on the sightlines from the 1066 Country Path and the Recreation Ground; the potential effect on trees which have Tree Preservation Orders; and the extensive engineering works already carried out without planning consent.

We may have had further comments to add to this list, in the event that a full set of information had been provided with the planning application, and we reserve our position in this respect.

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## 7.0 **LOCAL FINANCE CONSIDERATIONS**

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, and the Applicant has stated they wish to claim self-build exemption from the fee, however, the self-build exemption form has not been completed so would need to be done if approval is granted.

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 for consideration are:
- Principle of development
  - Impact on the character and appearance of the area
  - Neighbouring residential amenities
  - Accommodation standards
  - Ecology
  - Highway safety and parking
  - Drainage
  - Spoil Importation
- 

## 9.0 PLANNING BALANCE AND CONCLUSION

### 9.1 Principle of development

9.1.1 The site falls within the development boundary for Crowhurst, where redevelopment or intensification is acceptable in principle. Policies OSS2 and OSS3 of the Rother Local Plan Core Strategy, DIM2 of the DaSA and CS1 of the Crowhurst Neighbourhood Plan all support the presumption of residential development, subject to other policies within those adopted planning documents.

### 9.2 The impact upon the character and appearance of the locality

9.2.1 Policy OSS4 of the Rother Local Plan Core Strategy requires new development to respect and not detract from the character and appearance of the locality.

9.2.2 Policy EN3 of the Rother Local Plan Core Strategy requires 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.

9.2.3 Policy DGH11 of the DaSA expects boundary treatment to be consistent with the character of the locality.

9.2.4 The locality is characterised by a row of residential dwellings on the western side of a private access track, which is mostly screened by a mature trees and vegetation to the east of the track. The site and surroundings are not overly prominent from the recreation park or the 1066 footpath to the east although views of the site from these viewpoints is achievable.

9.2.5 The boundaries of the site itself are well screened by existing mature trees. However, there is a gap within the eastern boundary tree line of the application site.

9.2.6 The application site sits at a higher land level to the west and slopes sharply downwards to the east towards the recreation park. Spoil has been imported into the site in order to level the land which has created somewhat of a flat shelf in the landscape. This build-up of land however is well screened from viewpoints especially to the east by the mature vegetation seen, as such causes little wider harm to the locality and is considered acceptable.

- 9.2.7 The proposed dwelling would sit on the built-up land levels and would be visible from the 1066 pathway and recreation park. However, the dwelling would be seen in the context of the built development that forms part of the development boundary for Crowhurst. The development would not substantially change or detrimentally affect views into or out of the site and the single storey nature of the dwelling would ensure that it would not appear as a dominant addition to the landscape. Existing views from the recreation park and 1066 pathway towards the site are of a residential nature and this would not be altered through the addition of this dwelling.
- 9.2.8 A condition should be imposed to ensure that the surrounding trees are retained and protected. Additional tree planting should also be considered, and a condition will be placed on any decision notice requesting soft landscaping details for the site.
- 9.2.9 Whilst the new dwelling and increase in land levels would have a greater footprint and overall mass than existing, the design and scale is considered to be acceptable given that it would be well screened within the landscape and by existing vegetation to the east.
- 9.2.10 Conditions should also be imposed to require further details of the hard surfacing materials to ensure that the materials are appropriate in this location.
- 9.3 Neighbouring residential amenities
- 9.3.1 Policy OSS4 (ii) requires all development to not unreasonably harm the amenities of adjoining properties.
- 9.3.2 The proposed dwelling would be separated from the neighbouring dwelling Oakleigh to the west by 3.8m. Due to this separation distance, single storey nature of the development and hipped roof, it is not considered that the proposed new dwelling would give rise to unacceptable levels of loss of light, outlook or appear overbearing. There are no ground floor windows on the eastern elevation of Oakleigh and hence the windows installed on the western elevation of the proposed dwelling would not lead to any harmful overlooking to Oakleigh.
- 9.3.3 The properties located along Woodland Way are over 20m from the proposed dwelling and it is not considered that their amenity would be adversely affected by the proposed dwelling.
- 9.4 Accommodation standards
- 9.4.1 The DaSA has introduced a policy requiring all new dwellings to be designed to achieve water consumption of no more than 110 litres per person per day. This can be secured via condition. A condition will also need to be added to ensure the dwelling is built to M4(2) standards in line with DaSA Policy DHG4.
- 9.4.2 DaSA Policy DHG7 requires rear gardens to normally measure at least 10m in length. The rear garden would measure 11.2m in length and hence no concern is raised.

9.4.3 In terms of housing standards, the proposed dwelling would exceed the nationally described space standards, providing approximately 133sqm of floor space. However, only 1sqm of built-in storage is proposed. For a 3-bedroom 6-person dwelling, there is a built-in storage requirement of 2.5sqm. There is adequate space to provide built in storage and this can be secured via condition.

## 9.5 Ecology

9.5.1 The development falls within the amber impact risk zone for great crested newts. The Sussex Newt Officer has been consulted on the application and initially raised an objection to the scheme as outlined below:

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

*There is one pond on-site, and three further ponds within 250m of the development site. The pond located 250m south west has GCN records associated with it.*

*There is direct connectivity with the on-site pond and further indirect connectivity between the development site and the ponds within 250m including that with the GCN record associated with it.*

*The Applicant has not provided any ecological information for the site. Therefore, it cannot be determined if there is a likely impact.*

*I am not satisfied that the Applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved as no ecological information for the development has been provided.”*

9.5.2 As such, the Applicant has submitted a Great Crested Newts Ecology Report prepared by The Mayhew Consultancy dated October 2022.

9.5.3 The Sussex Newt Officer has been reconsulted on the application and raises no objection subject to conditions. Their response is detailed below:

*“The Applicant has provided an Ecology Report in relation to Great Crested Newts for the land at Oakleigh (The Mayhew Consultancy, Oct 2022). The report gives a summary of the ponds within 250m of the site and concludes that only one of the ponds is suitable for GCN (approximately 250m south-west of the site). The report also states that there is some suitable habitat for GCN on site. Therefore, a Reasonable Avoidance Measures statement is recommended for the proposed development to minimise the small risk of harm to GCN.*

*We are satisfied with the ecological survey and deem a RAMs statement to be acceptable for this small development. We recommend that a compliance condition is used to secure the measures and recommendations as outlined in the ecological report.”*

- 9.5.4 As such, no concern is raised on potential impacts on Great Crested Newts.
- 9.5.5 The application is also accompanied by a Badger Survey by Martin Newcombe, dated 1 November 2021. The survey recommends the proposed mitigation is put in place and this requirement will be added as a condition should the application be recommended for approval.
- 9.6 Highway Safety and parking
- 9.6.1 Policy CO6 of the Rother Local Plan Core Strategy facilitates a safe physical environment by (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.
- 9.6.2 Policy TR4 (i) of the Rother Local Plan Core Strategy requires development to meet the residual needs of the development for off street parking having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.
- 9.6.3 Policy DHG7 (ii) of the DaSA requires car parking and cycle storage to be provided in accordance with Policy TR4 and ESCC's 'Guidance for parking at new residential development'.
- 9.6.4 The site would be accessed off an existing access point and there is space provided to the front of the dwelling to accommodate three parking spaces and cycle storage would be provided within the internal garage. As such, the proposal is considered acceptable in this regard.
- 9.7 Drainage
- 9.7.1 Policy EN7 requires development proposals to avoid flood risk, including from surface water by including appropriate drainage.
- 9.7.2 The application form states that surface water will be discharged via a soakaway and foul drainage will be disposed of via the main sewer, however, no further details have been provided. Should the application be recommended for approval a condition will be placed on any decision notice requesting full details of the drainage of the site before development commences.
- 9.8 Spoil Importation
- 9.8.1 Concerns have been raised regarding the stability of the land and potential slippage. Ultimately it is the Applicants/Developer's responsibility to ensure that the development is safe. However, in this case it is thought prudent to add a condition requiring a site stability assessment be completed and submitted to the council for review before development commences.
- 9.8.2 The application was deferred at November Planning Committee so that further information could be obtained regarding the importation of spoil onto the site.

9.8.3 The Environment Agency were consulted on the application however they did not wish to comment. The Applicant has since submitted a Supporting Statement which demonstrates that the Applicant had previously applied for a registration for the disposing of waste soil onto the site. The Supporting Statement also provides details on what material was imported onto the site which is described as screened soil delivered by the Blackford Group.

9.8.4 ESCC were consulted on the application and make the following comments:

*“Despite the description of the development indicating changes to ground levels, the submitted existing and proposed plans do not appear to show any change to the levels of the land. Furthermore, the Planning Statement accompanying the application suggests that terraces were created, without the need to import any materials. However, it is understood, that materials have previously been imported to the site in order to alter the levels of the land.*

*With regard to the use of waste materials in developments, the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 (the Plan) is of relevance. Policy WMP3a of the Plan supports and encourages the re-use of suitable waste materials in “non-waste” developments and Policy WMP8b permits the deposit of inert waste, subject to other relevant Plan policies, where it is demonstrated that, inter alia, the proposal would significantly enhance other development or its setting; and that the resulting final landform, landscape and after use enhances the environment, including landscape character, and that a minimum volume of inert material is used to achieve necessary improvements.*

*As stated above, the application documents do not provide any information regarding the importation of waste materials, either in terms of volume or type, other than referring to three loads of topsoil. However, subject to Rother District Council, as the determining authority, being satisfied regarding the acceptability of the landform and design, the use of suitable waste materials in the development would be supported by Policies WMP3a and WMP8b.*

*Policy WPM3d of the Plan encourages development proposals to minimise and manage waste during construction, demolition and excavation. There is no information in the application regarding how waste arisings during construction will be managed and whether they will be re-used on site, for example in landscaping, or removed from the site. In order to manage the movement and volume of waste generated during construction, it is recommended that a condition be attached to any grant of planning permission requiring the submission of a Waste Minimisation Statement.*

*Additionally, it is not clear whether further waste materials will be required to be imported. Therefore, if you consider that the development is acceptable, it is also recommended that conditions are included regarding the management of any further waste imported into the site. This should require details to be submitted of the type of materials to be imported and be very clear regarding the quantity. Only clean, uncontaminated inert materials should be used, and this should be suitable for immediate use without further treatment or processing.”*

9.8.5 With regards to the comments made above it is considered that the landform that has been created with the importation of spoil is acceptable. The raised area of land would not be clearly visible from the 1066 pathway and recreation park and would be well screened by existing vegetation. Furthermore, the land levels have not been raised significantly and do not appear as a dominant or alien feature within the landscape. It is considered that with the addition of conditions the raised land levels would not harm the character or appearance of the area and would support Policies WMP3a and WMP8b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

## 9.9 Conclusion

9.9.1 The site lies within the development boundary as defined within the DaSA therefore, it is within an area where there is a presumption that development could be acceptable in principle subject to other policies in the Local Plan.

9.9.2 The proposed dwelling is considered to be appropriately designed for this location, would provide a good standard of amenity for future occupiers and would not have an adverse impact on neighbouring properties, the surrounding locality or ecological designations.

9.9.3 The application is recommended for approval subject to conditions.

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

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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 plans and details:  
Location Block Plan, Drawing No. 6971/100/LBP/A, dated October 2022  
Proposed Sections, Drawing No. 6971 / 100 / 2 / A, dated September 2022  
Proposed Elevations and Floor Plans, Drawing No. 6971/100/1, dated May 2022  
Reason: For the avoidance of doubt and in the interests of proper planning
3. No development above ground level shall take place until details/samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: To ensure that the development reflects the character and appearance of the locality within the High Weald Area of Outstanding Natural Beauty and to preserve the visual amenities of the area in accordance with Policies EN3 and OSS4 (iii) of the Rother Local Plan Core Strategy and Policy DEN2 of the Development and Site Allocations Local Plan.



4. No development shall commence until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority and none of the dwellings shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.  
Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.
5. No works above ground shall take place until the hard and soft landscaping details for the site have been submitted to and approved by the Local Planning Authority, which shall include:  
a) planting plans;  
b) written specifications (including cultivation and other operations;  
c) associated with plant and grass establishment);  
d) schedules of plants, noting species, plant sizes and proposed  
e) numbers/densities where appropriate;  
f) hard surfacing materials; and  
g) implementation programme.  
All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.  
Reason: To enhance and maintain the character and appearance of the locality within the High Weald AONB, in accordance with Policy OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy and Policy DEN1 and DEN2 of the Development and Site Allocations Local Plan.
6. Before commencement of any works on site, a Waste Management Plan/Statement to include details of the measures to minimise and manage waste generated by the scheme shall be submitted for the consideration and approval of the Local Planning Authority. The development shall only be carried out in accordance with the approved details.  
Reason: In the interests of seeking a sustainable development which minimises waste, in accordance with the Supplementary Planning Guidance on "Construction and Demolition Waste" (2006), by East Sussex County Council and having regard to amenity issues in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.
7. No development shall take place until details of a full site investigation, including stability report, with a scheme for remedial/preventative works, has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.  
Reason: In order to safeguard the construction of the property in accordance with Policy OSS3 (viii) of the Rother Local Plan Core Strategy.
8. No development shall commence until 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 have been submitted to and approved by the Local Planning Authority and such approved protection measures shall be retained in situ for the duration of construction works.  
Reason: These details are required prior to commencement of works to ensure the protection of trees and hedgerows during construction and the creation of

a high quality public realm and landscape setting in accordance with Policy EN3 of the Rother Local Plan Core Strategy.

9. No further spoil or waste material shall be imported onto the site until details are submitted to and approved in writing by the Local Planning Authority. Details shall include but are not limited to the type of materials to be imported and the quantity of materials to be imported. Only clean, uncontaminated inert materials should be used, and this should be suitable for immediate use without further treatment or processing.  
Reason: In the interests of seeking a sustainable development which minimises waste, in accordance with the Supplementary Planning Guidance on "Construction and Demolition Waste" (2006), by East Sussex County Council and having regard to amenity issues in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.
10. The development shall not be occupied until a parking and turning area has been provided to accommodate a minimum of two cars, and the area shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.  
Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
11. The development hereby approved shall be implemented strictly in accordance with the recommendations/measures stated in section 4 of the supporting document, Ecology Report in relation to Great Crested Newts for the land at Oakleigh (The Mayhew Consultancy, Oct 2022).  
Reason: To minimise the impacts of development on biodiversity, in accordance with paragraphs 174 and 180 of the National Planning Policy Framework and Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.
12. The development hereby approved shall be implemented strictly in accordance with the recommendations/measures stated in section 5 of the supporting document, Badger Survey (Martin Newcombe dated 1 November 2021).  
Reason: To minimise the impacts of development on biodiversity, in accordance with paragraphs 174 and 180 of the National Planning Policy Framework and Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.
13. The dwelling hereby permitted shall not be occupied until the refuse and recycling areas have been laid out within the site in accordance with Drawing No. 6971/100/LBP/A. Thereafter, these areas shall be used for the storage and collection of waste only.  
Reason: To ensure sufficient bin storage and collection points are provided for the dwelling and in the interests of visual amenity, having regard to Policy OSS4 of the Rother Local Plan Core Strategy and Policy DHG7 (iii) of the Development and Site Allocations Local Plan.
14. The development shall not be occupied until at least 2.5m<sup>2</sup> of built-in storage has been provided within the dwelling hereby permitted.

Reason: To provide the dwelling with adequate built in storage in line with the Nationally Described Space Standards and Policy DHG3 of the Development and Site Allocations Local Plan.

15. The dwelling hereby permitted shall not be occupied until it has been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.

Reason: To ensure that an acceptable standard of access is provided to the dwelling in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Development and Site Allocations Local Plan.

16. The dwelling hereby approved shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwelling hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwellings have been constructed to achieve water consumption of no more than 110 litres per person per day.

Reason: To ensure that the dwelling is built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy and Policy DRM1 of the Development and Site Allocations Local Plan.

#### **NOTES:**

1. The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.
2. The Applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that conditions triggering the optional technical standards for Water Efficiency and Accessibility are attached to this planning permission and that development should be built accordingly. Enforcement action may be taken without further notice if the relevant standards are not achieved.

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

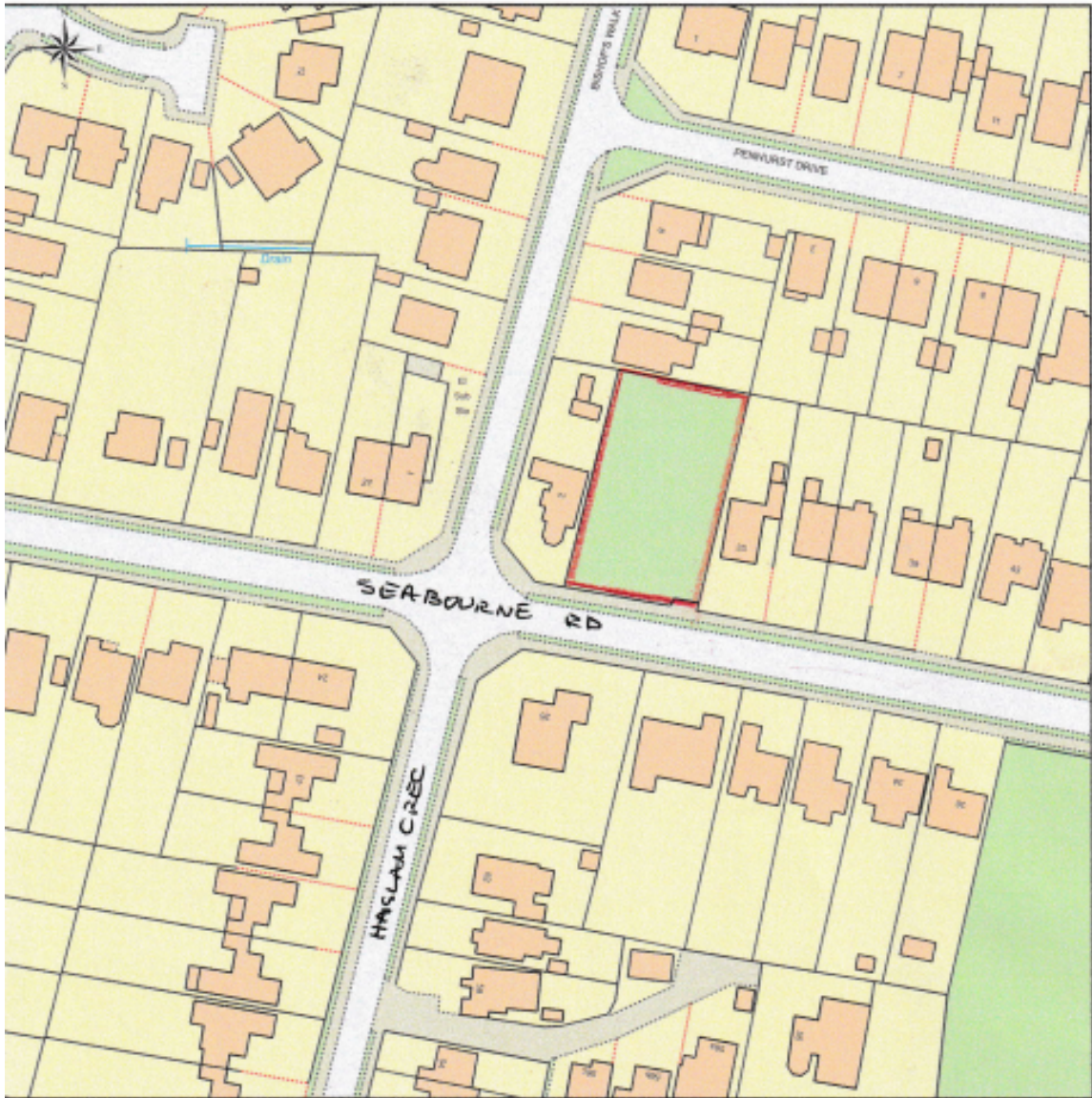
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SITE PLAN

BEXHILL

RR/2021/1234/P

29 Seabourne Road – Land at



## Rother District Council

Report to	-	Planning Committee
Date	-	16 February 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2021/1234/P
Address	-	29 Seabourne Road – Land at, Bexhill, TN40 2SN
Proposal	-	Demolition of existing dwelling and construction of 3 No. detached family dwellings including gardens, parking and access to Seabourne Road (alternative proposal to RR/2020/2132/P).

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT (FULL PLANNING) (SUBJECT TO A SECTION 106 OBLIGATION TO SECURE AN OFF-SITE RECEPTOR SITE FOR THE EXISTING REPTILE POPULATION)**

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**Director: Ben Hook**

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**Applicant:** Mr Andrew Stewart Christie  
**Agent:** Mr Ashley Wynn (Greenhayes Planning)  
**Case Officer:** Mr Michael Vladeanu  
(Email: [michael.vladeanu@rother.gov.uk](mailto:michael.vladeanu@rother.gov.uk))

**Parish:** BEXHILL PEBSHAM/ST MICHAELS  
**Ward Members:** Councillors J.H.F. Brewerton and C.A. Clark

**Reason for Committee consideration:** Previous planning history at the site and significant public interest received in relation to the impact of the proposed development on wildlife, particularly badgers.

**Statutory 8-week date:** 21 September 2021  
**Extension of time agreed to:** 23 February 2023

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### 1.0 BACKGROUND

- 1.1 This proposal is an alternative submission to RR/2020/2132/P: Demolition of existing bungalow and detached garage and construction of 3 No. new houses (previously approved under planning permission RR/2017/2588/P).
- 1.2 Members have visited the site previously prior to the Planning Committee meeting on 26 May 2022 and approved the previous application at the meeting held in June 2022 subject to a Section 106 agreement.

- 1.3 This current application differs to that of RR/2020/212/P in that the three dwellings are detached and would be moved further forward towards the road to leave extra room for badgers to the rear of the site.
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## **2.0 SUMMARY**

- 2.1 The proposal is an alternative submission to RR/2020/2132/P for the demolition of the existing dwelling and construction of 3 No. detached family dwellings including gardens, parking and access to Seabourne Road.
- 2.2 A key issue is the effect of the proposal on wildlife. The original mitigation strategy recommended retention of the main sett, with safeguards to protect badgers during development, and closure of the annex sett under licence. It also proposed the creation of a 5m wide badger/reptile/biodiversity habitat area across the northern part of the site. However, an Alternative Badger and Reptile Mitigation Strategy has been submitted and proposes the creation of an artificial sett on the site. This proposed sett would be located to the east of the existing main sett and would be followed by the permanent closure of the main and annex setts, and the establishment of underground barriers to prevent badgers tunnelling into neighbouring properties. The alternative strategy also proposes the creation of a 5m wide badger/reptile/biodiversity habitat area across the northern part of the site, with the existing reptile (slow worm) population relocated to this area – this is as per the original mitigation strategy.
- 2.3 The County Ecologist accepts that the alternative mitigation strategy would be the best option to retain badgers on site, and to address the concerns raised about them being displaced into, and excavating under, neighbouring properties. A Badger Mitigation Licence would be required from Natural England (NE) to execute the works, but it should be noted that NE will not consider a mitigation licence application until planning permission has been granted for the proposal. It should also be noted that planning permission gives no guarantee that NE will grant a licence. Without a licence, the proposed development will not be able to proceed. As a safeguard, a condition can be attached to the planning permission requiring proof that a licence has been obtained prior to works commencing.
- 2.4 With regard to the proposed reptile mitigation, the County Ecologist has advised that the development would impact all the remaining reptile habitat on site, and as such, an off-site receptor site for the existing reptile population would need to be secured. A planning obligation would be required to secure this off-site receptor site. The approach taken as part of this application is the same as that approved under the previous application RR/2020/2132/P. Either a deed of variation to that completed agreement or a new agreement is recommended for this application.
- 2.5 Overall, the proposal is for a sustainable residential development, which will have an acceptable impact on the environment, including wildlife, and will make a positive contribution to the district's housing supply. Planning permission should be granted, subject to a legal agreement to secure an off-site receptor site for the existing reptile population, and subject to appropriate conditions.

## 2.6 PROPOSAL DETAILS

PROVISION	
No of houses	3
CIL (approx.)	£16,781
New Homes Bonus (approx.)	£20,052

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## 3.0 SITE

- 3.1 The application relates to a vacant residential plot located on the northern side of Seabourne Road, close to the junction with Bishops Walk. It lies within a large residential area within the Development Boundary for Bexhill.
- 3.2 The site slopes down from south to north and previously contained a detached bungalow and single garage. Ecological surveys have confirmed the presence of two badger setts and slow worms.
- 3.3 There are three adjoining properties: No. 4 Bishops Walk, which is a detached bungalow to the north, No. 33 Seabourne Road, which is a detached bungalow to the east, and No. 2 Bishops Walk, which is a detached bungalow to the west.
- 3.4 The surrounding area contains a mixture of bungalows, chalet-bungalows and two-storey houses on varying plot sizes. There is a variety of facing materials including brick, tile hanging and render.
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## 4.0 PROPOSAL

- 4.1 This application seeks planning permission for the demolition of an existing dwelling and construction of 3no. detached family dwellings including gardens, parking and access.
- 4.2 The proposed dwellings follow a chalet style design and would appear as single storey bungalows from Seabourne Road, but by way of the drop in site level as you move to the rear of the plot, two storeys would be accommodated. The external materials palette consists of render, brickwork with plain clay tiles for the roof.
- 4.3 The proposal includes the formation of three separate accesses onto Seabourne Road with car parking spaces to the front of each dwelling.
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## 5.0 HISTORY

- 5.1 RR/2014/459/P Demolition of existing bungalow and detached garage and construction of 3 No. new houses. REFUSED
- 5.2 RR/2014/1455/P Demolition of existing bungalow and detached garage and construction of 3 new houses. GRANTED
- 5.3 RR/2017/2588/P Demolition of existing bungalow and detached garage and construction of 3 No. new houses. GRANTED



- 5.4 RR/2020/2132/P Demolition of existing bungalow and detached garage and construction of 3 No. new houses (previously approved under planning permission RR/2017/2588/P). GRANTED SUBJECT TO S106 AGREEMENT WHICH IS NEARING COMPLETION
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## 6.0 LEGISLATION AND POLICIES

- 6.1 The following wildlife legislation is relevant to the proposal:
- Wildlife and Countryside Act 1981
  - Protection of Badgers Act 1992
  - Natural Environment and Rural Communities Act 2006
  - Environment Act 2021
- 6.2 The following policies of the [Rother Local Plan Core Strategy 2014](#) (Core Strategy) are relevant to the proposal:
- PC1: Presumption in Favour of Sustainable Development
  - OSS1: Overall Spatial Development Strategy
  - 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
  - CO6: Community Safety
  - EN3: Design Quality
  - EN5: Biodiversity and Green Space
  - EN7: Flood Risk and Development
  - TR3: Access and New Development
  - TR4: Car Parking
- 6.3 The following policies of the [Development and Site Allocations Local Plan](#) (DaSA) are relevant to the proposal:
- DRM1: Water Efficiency
  - DRM3: Energy Requirements
  - DHG3: Residential Internal Space Standards
  - DHG4: Accessible and Adaptable Homes
  - DHG7: External Residential Areas
  - DHG11: Boundary Treatments
  - DHG12: Accesses and Drives
  - DEN1: Maintaining Landscape Character
  - DEN4: Biodiversity and Green Space
  - DEN5: Sustainable Drainage
  - DEN7: Environmental Pollution
  - DIM2: Development Boundaries
- 6.4 The National Planning Policy Framework, Planning Practice Guidance, Government guidance entitled *Protected species and development: advice for local planning authorities (How to assess a planning application when*

*there are protected species on or near a proposed development site) and previous planning permissions are also material considerations.*

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## **7.0 CONSULTATIONS**

7.1 RDC Waste & Recycling – **NO COMMENTS RECEIVED**

7.2 East Sussex County Council Ecologist – **NO OBJECTION**

7.2.1 Subject to the imposition of conditions.

7.3 East Sussex Highway Authority – **NO COMMENTS RECEIVED**

7.4 Natural England – **NO COMMENTS TO MAKE**

7.5 Planning Notice

7.5.1 39 letters of objection have been received (from 40 representatives). The concerns raised are summarised as follows:

- Harm to badgers and wildlife
- Development not in keeping with character of area
- Drainage concerns
- Overdevelopment of site
- Noise and disturbance
- Loss of light
- Privacy concerns
- Parking and highways concerns.

7.5.2 One letter with general comments have been received (from 30 representatives). The comments are summarised as follows:

- Hiding the building type in unknown terms to the general public is still three town houses where, once stood one detached bungalow. As a corner position will make this a congested point on a busy road. Unsuitable building.

7.6 Bexhill-on-Sea Town Council – “The Town Council requests information from Rother District Council on why the ecological reports were redacted as this has made it difficult for the council to take a view on the matter.”

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## **8.0 LOCAL FINANCE CONSIDERATIONS**

8.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £16,781.

8.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £20,052 over four years.

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## 9.0 APPRAISAL

9.1 The main issues for consideration are:

- The principle of development
- Impact on the character and appearance of the property, streetscene and wider area
- Impact on neighbouring amenity
- Living conditions for future occupiers
- Highways
- Surface water drainage
- Ecology

9.2 The principle of development

9.2.1 In accordance with Policies OSS1, OSS2 and OSS3 of the Rother Local Plan Core Strategy and Policy DIM2 of the DaSA, new development should be focused within existing development boundaries.

9.2.2 The application site is within the development boundary for Bexhill and as such there is a presumption in favour of development. Given the site's location within an existing residential area, the principle of development is deemed acceptable, subject to the development meeting all other relevant policy tests as outlined below.

9.3 Impact on the character and appearance of the property, streetscene and wider area

9.3.1 Paragraph 126 of the National Planning Policy Framework states that: *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process'*.

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

9.3.3 Rother Local Plan Core Strategy Policy EN3 requires new development to be of high design quality by (i) contributing positively to the character of the site and surroundings, including taking opportunities to improve areas of poor visual character or with poor townscape qualities.

9.3.4 For the most part, the surrounding area is characterised by bungalows. The original bungalow on site benefited from a generous plot with a good-sized front garden, gaps on either side between its flank walls and the site boundaries, and a good-sized back garden. It stood between No. 33 Seabourne Road and No. 2 Bishop's Walk, which are also detached bungalows.

- 9.3.5 The original submission proposed 3 No. detached two storey dwellings. The case officer has engaged with the Applicant throughout the course of the application regarding concerns that were had over the initial design. The two-storey nature of the dwellings, together with the squat gable roof forms proposed, were thought to appear as poor in design and would not reflect the prevailing character of development within the area. Considering the site level variation, particularly between the application site and properties to the rear of the site and No.33 to the east (which is single storey), the dominance of the two storey properties was thought to be exacerbated.
- 9.3.6 Amendments were received to reduce the massing of the proposed dwellings. From the streetscene, the revised dwellings would appear as single storey bungalows, but by way of the drop in site level as you move to the rear of the plot, two storeys would be accommodated. The amendments received are considered to address the abovementioned concerns. In terms of scale, when viewed from the main streetscene and alongside the adjoining bungalows, the proposed houses would appear consistent with the surrounding ridge heights and roof forms. The dwellings would be arranged in such a way to be relatively consistent with the front and rear building lines of the adjoining properties.
- 9.3.7 It is noted that previously, two storey style buildings have been approved on site. However, the current proposal follows a chalet style design which seeks to avoid excessive height or bulk. Furthermore, a proportionate amount of front and rear space would be retained for parking and amenity purposes, and the distances retained between the boundaries of the plots and flank walls would be consistent with the layout and arrangement of properties within the streetscene.
- 9.3.8 The arrangement of fenestration, roof form, choice of materials is considered to be reflective of the architectural appearance of properties along Seabourne Road and would be in accordance with Policies OSS4 and EN3 of the Rother Local Plan Core Strategy.
- 9.4 Impact on neighbouring amenity
- 9.4.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that all development should not unreasonably harm the amenities of adjoining properties. This includes from loss of light and privacy, causing an overbearing presence and causing intrusion through noise, activity at unsocial hours, lighting etc.
- 9.4.2 No. 2 Bishops Walk would reside to the west of the plot, with No. 33 Seabourne Road to the east. As noted above, the proposed dwellings would comprise a chalet style design which seeks to avoid excessive bulk or height. The adjoining dwellings would not project beyond the rear walls of these properties by an extent that would warrant concern. For these reasons, the proposal would not result in a significant sense of overshadowing/loss of outlook to the detriment of residential amenity.
- 9.4.3 The scheme includes bedroom windows in the rear elevation which could result in some perceived sense of overlooking of the rear gardens of properties along Bishops Walk. Nevertheless, the rear gardens are proposed to measure approximately 17m in length, which is considered to be an adequate separation distance to prevent overlooking and loss of privacy to

the detriment of residential amenity. The insertion of windows on the rear elevation of Plots 1&3 would create a mutual level of overlooking with No. 2 and No. 33 and no concern is raised.

9.4.4 Use of the site would intensify as a result of the proposal but there is nothing intrinsically harmful about residential activities taking place within a defined settlement, such as parking, comings and goings and noise associated with single family dwellings.

#### 9.5 Living conditions for future occupiers

9.5.1 Policy DHG3 of the DaSA requires new housing development to achieve the Government's nationally described space standards.

9.5.2 The proposed dwellings would each contain three double bedrooms and one single bedroom and would therefore be considered as 4b7p units. A minimum of 115sqm floorspace would be expected across two storeys. Each unit would exceed this minimum floorspace requirement and would therefore provide a good standard of accommodation.

9.5.3 In accordance with DHG3, the minimum floor to ceiling height should be 2.3m for at least 75% of the Gross Internal Area. The application has provided sectional drawings to demonstrate that this internal height would be achieved.

9.5.4 Policy DHG7 (i) of the DaSA states that 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. The units would be provided with amenity space measuring in excess of the required 10 metres (approximately 17m in each case).

9.5.5 Policy DHG7 (iii) requires sufficient bin storage and collection points to be provided on all new residential developments. A bin store is proposed to be located to the forecourt of each dwellinghouse, which the typical arrangement along Seabourne Road.

9.5.6 Policy DHG4 of the DaSA requires all new dwellings to be built in accordance with Part M4(2) – Accessible and Adaptable Dwellings – of the Building Regulations. Policy DRM1 requires all new dwellings to achieve water consumption of no more than 110 litres per person per day. Both these requirements can be secured by condition.

#### 9.6 Highways

9.6.1 Policies TR3 and CO6 (ii) of the Rother Local Plan Core Strategy seek to ensure adequate and safe access arrangements and avoid prejudice to road and/or pedestrian safety.

9.6.2 It is considered that the proposed development would not give rise to any significant highway concerns, in accordance with TR3 and TR4 of the Rother Local Plan Core Strategy, and the East Sussex County Council Minor Application Guidance.

- 9.6.3 Six on-site car parking spaces are proposed to serve the dwellings. This number of on-site parking spaces meets the residual needs of the development for off-street parking.
- 9.6.4 No details in respect of cycle parking have been submitted. The provision of appropriate cycle parking spaces can be secured by condition.
- 9.7 Drainage
- 9.7.1 This is a publicly sewered area with both foul and surface water sewers present. With regard to the disposal of foul sewage there is a presumption in favour of connection to the public sewer. This means of foul sewage disposal is proposed for the development, which is acceptable.
- 9.7.2 Local residents have indicated that flooding of gardens from surface water is a problem in the area, and that the proposal would make the existing situation worse. No evidence has been submitted to substantiate these assertions. However, it is acknowledged that flooding from surface water could be a problem, resulting from the increase in built development on the land – which would create additional surface water run-off – and the sloping nature of the site. A surface water drainage condition is therefore required to ensure proper management of the additional surface water run-off that would be created.
- 9.8 Ecology
- 9.8.1 A large number of objections have been received about the impact of the proposed development on wildlife, particularly badgers.
- 9.8.2 Section 40(1) of the Natural Environment and Rural Communities Act 2006 says that:
- “The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”*
- 9.8.3 Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii) of the DaSA 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.
- 9.8.4 The Applicant has submitted four ecological reports and there are three ecological constraints associated with this site: badgers, reptiles and breeding birds. However, none of these preclude the proposed development.
- 9.8.5 With regard to badgers, these are protected under the Protection of Badgers Act 1992. Under the Act, it is an offence inter alia to: wilfully kill, injure or take a badger, or attempt to do so; cruelly ill-treat a badger; or intentionally or recklessly interfere with a badger sett, by a) damaging a sett or any part of one, b) destroying a sett, c) obstructing access to or any entrance to a sett, d) causing a dog to enter a sett, or e) disturbing a badger when it is occupying its sett. Activities that can affect badgers include noise, additional lighting or vibration.

- 9.8.6 Surveys have confirmed the presence of two setts on site: a main sett with eight active entrances in the north-west part of the site (with an additional two entrances in the garden of the neighbouring property, No. 2 Bishops Walk); and an annex/subsidiary sett with one active entrance by the western site boundary.
- 9.8.7 The original mitigation strategy recommended retention of the main sett, with safeguards to protect badgers during development, and closure of the annex sett under licence. It also proposed the creation of a 5m wide badger/reptile/biodiversity habitat area across the northern part of the site. However, it was considered that this method may be unsuitable and so an alternative mitigation strategy has been submitted.
- 9.8.8 As such, an alternative strategy has been submitted and is as follows:  
*“The proposed solution put forward by the Ecology Co-op involves the creation of an artificial sett on the north-east corner of the site and then permanently excluding badgers from both the main and annex setts under licence. This approach will enable permanent underground badger proofing to be installed around the site boundary and development site to prevent badgers from excavating tunnels under neighbouring properties. The proofing works would be completed in two stages, with that in the northeast corner installed before the artificial sett, and then around the area of the main sett once the badgers have been excluded and have established into the artificial sett.*
- This is a standard approach to badger mitigation that Natural England routinely licence, provided that the methods adhere to best practice guidance, carried out successfully by The Ecology Co-op on other projects. The proposed 5m buffer zone along the northern section of the site would be retained as set out in the original proposal, together with a corridor for badgers along the western boundary so that badgers can disperse for foraging over their home territory as before the scheme.*
- This strategy does rely on the full co-operation of the neighbouring homeowners to permit ecologists to install one-way badger gates on the main sett entrances and subsequently carry out excavation works to the main sett once badger have been excluded. However, ultimately this approach will be beneficial to them in the long term by preventing badgers from extending the sett under their property, whilst still ensuring that the badgers are able to continue to exhibit their natural behaviour and remain safe at the site.”*
- 9.8.9 The proposed badger proofing measure is galvanised chain-link fencing buried to a depth of 2m. This underground barrier would prevent badgers digging beneath the adjacent properties. The County Ecologist has recommended that the barrier is installed along the western and northern boundaries of the site, and potentially the eastern boundary. The exact position can be secured by condition. In addition to this, the Applicant has now agreed to fund and install above-ground badger proofing to the eastern and western boundaries in order to prevent direct access by badgers from the active main sett to the gardens of the adjacent properties.
- 9.8.10 The County Ecologist accepts that the alternative mitigation strategy would be the best option to retain badgers on site, and to address the concerns raised about them being displaced into, and excavating under, neighbouring

properties. A Badger Mitigation Licence would be required from NE to execute the works, but it should be noted that NE will not consider a mitigation licence application until planning permission has been granted for the proposal. It should also be noted that planning permission gives no guarantee that NE will grant a licence. Without a licence, the proposed development will not be able to proceed.

- 9.8.11 The Applicant has committed to pursue mitigation and that mitigation could change during consideration of a licence application to NE. The required mitigation is for NE to agree with the Applicant. There is no contradiction from NE or the County Ecologist on this point and hence there is considered to be a likelihood that mitigation could be achieved. Given that likelihood, having regard to the Government guidance it is considered reasonable to grant permission subject to the recommended conditions.
- 9.8.12 Turning to reptiles, slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981.
- 9.8.13 A reptile survey has confirmed a good population of slow worms distributed across the site, with the presence of juveniles indicating that it is a breeding population.
- 9.8.14 The proposed development will result in the loss of the majority of suitable habitat for reptiles, although it is proposed that a 5m wide area is retained at the northern extent of the site. The mitigation strategy proposes that with enhancement measures put in place within this area, the population can be maintained on site. However, the County Ecologist has advised that the development could impact all remaining reptile habitat on site, and as such, an off-site receptor site for the existing reptile population will need to be secured. Ultimately, the provision of an off-site receptor site will need to be secured through a planning obligation (either through a deed of variation to the completed Section 106 agreement for the previous approval or a new Section 106 agreement). A detailed ecological design strategy addressing the rescue and translocation of reptiles has been recommended by the County ecologist and this can be secured by condition.
- 9.8.15 The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In order to avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.
- 9.8.16 The above information regarding breeding birds can be brought to the Applicant's attention by way of a note on the decision notice.
- 9.8.17 Neighbours are concerned that the proposal will not secure the minimum 10% Biodiversity Net Gain, as required by the Environment Act 2021. For the



avoidance of doubt, this does not become a mandatory requirement until November 2023. Nevertheless, measures to enhance the site for biodiversity can be secured by condition.

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## **10.0 PLANNING BALANCE AND CONCLUSION**

- 10.1 Having regard to the issues of ecology and in particular the impacts upon protected species, the Council has carefully considered the Government guidance Protected species and development: advice for local planning authorities (How to assess a planning application when there are protected species on or near a proposed development site). It is concluded that there is a likelihood for a licence to be granted. Any changes to the design and layout etc. of the development which may arise from the licencing regime, would need to be subject to consideration under a new planning application.
- 10.2 It is a sustainable residential development, which will have an acceptable impact on the environment, including wildlife, and will make a positive contribution to the district's housing supply. Planning permission should be granted, subject to a legal agreement to secure an off-site receptor site for the existing reptile population, and subject to appropriate conditions.
- 

### **RECOMMENDATION: GRANT (FULL PLANNING) (SUBJECT TO A SECTION 106 PLANNING OBLIGATION TO SECURE AN OFF-SITE RECEPTOR SITE FOR THE EXISTING REPTILE POPULATION)**

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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 plan, drawings and document:  
Site Location Plan, dated 30/04/2021  
Proposed Ground Floor Plans, Drawing No. 22/A/1, dated January 2022  
Proposed Site Plan, Drawing No. 20/199/04 Rev D, dated January 2022  
Proposed Lower Ground Floor Plan, Drawing No. 22/A/03, dated January 2022  
Proposed Elevations and Sections, Drawing No. 22/A/02, dated January 2022  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall commence, including any ground works or works of demolition, until the Local Planning Authority has been provided with either:
  - a) a Badger Mitigation Licence, which relates to the development granted by this planning permission, issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017; or
  - b) a statement in writing from Natural England to the effect that it does not consider a Badger Mitigation Licence is required for the development granted by this planning permission.

Reason: A pre-commencement condition is required to ensure the existing badger population is conserved through appropriate mitigation/compensation measures, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii) of the Development and Site Allocations Local Plan.

4. No development shall commence, including any ground works or works of demolition, until an ecological design strategy (EDS) addressing the rescue and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:
  - a) purpose and conservation objectives for the proposed works;
  - b) review of site potential and constraints;
  - c) detailed design(s) and/or working method(s) to achieve stated objectives;
  - d) extent and location /area of proposed works on appropriate scale maps and plans;
  - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
  - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - g) persons responsible for implementing the works;
  - h) details of initial aftercare and long-term maintenance;
  - i) details for monitoring and remedial measures; and
  - j) details for disposal of any wastes arising from works.

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

Reason: A pre-commencement condition is required to ensure the existing reptile population is conserved through appropriate mitigation/compensation measures, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii & iii) of the Development and Site Allocations Local Plan.

5. No development shall commence, including any ground works or works of demolition, until a 5m wide badger/biodiversity habitat area has been created across the northern part of the site, in accordance with details (including a scale plan identifying the area) which have first been submitted to and approved in writing by the Local Planning Authority. The approved badger/ biodiversity habitat area shall thereafter be retained and maintained in perpetuity as an undeveloped area.

Reason: A pre-commencement condition is required to ensure the existing badger population is conserved through appropriate mitigation/compensation measures, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii & iii) of the Development and Site Allocations Local Plan.

6. A landscape and ecological management plan (LEMP) for the 5m wide badger/biodiversity habitat area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:
  - a) description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions, together with a plan of management compartments;

- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan; and
- h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: A pre-commencement condition is required as biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy, and Policy DEN4 (ii & iii) of the Development and Site Allocations Local Plan.

7. No development shall commence, including any ground works or works of demolition, until a badger corridor has been created along the western boundary of the site, in accordance with details (including a scale plan identifying the corridor) which have first been submitted to and approved in writing by the Local Planning Authority. The approved badger corridor shall thereafter be retained and maintained in perpetuity as an undeveloped area.

Reason: A pre-commencement condition is required to ensure the existing badger population is conserved through appropriate mitigation/compensation measures, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii & iii) of the Development and Site Allocations Local Plan.

8. No development shall commence, including any ground works or works of demolition, until details of the following have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority:

- a) badger proofing barriers (including a plan indicating the positions of the badger proofing barriers); and
- b) timetable for installing the badger proofing barriers.

Reason: To prevent badgers being displaced into, and excavating under, neighbouring properties, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

9. No development shall commence until a scheme for the provision of surface water drainage works to serve the development has been submitted to and approved in writing by the Local Planning Authority, and the dwellings shall not be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

Reason: A pre-commencement condition is required to ensure the satisfactory drainage of the site and to prevent water pollution, in accordance with Policies SRM2 and EN7 of the Rother Local Plan Core Strategy and Policy DEN5 of the Development and Site Allocations Local Plan.

10. No development above ground level shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out in accordance with the approved details:
  - a) manufacturer's/supplier's specifications of external facing materials;
  - b) manufacturer's/supplier's specifications of hard-surfacing materials;
  - c) boundary treatment (including a plan indicating the positions, design, height, materials and type of boundary treatment to be erected); and
  - d) measures to enhance the site for biodiversity.Reason: To preserve the visual amenities of the area and to enhance the site for biodiversity, in accordance with Policies OSS4 (iii) and EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 (iii) of the Development and Site Allocations Local Plan.
  
11. No development above ground level shall take place until a scheme of soft landscape works has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Details shall include: Planting plans. Written specifications (including cultivation and other operations associated with plant and grass establishment). Schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate.  
Reason: To preserve the visual amenities of the area and to enhance the site for biodiversity, in accordance with Policies OSS4 (iii) and EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 (iii) of the Development and Site Allocations Local Plan.
  
12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
Reason: To preserve the visual amenities of the area and to enhance the site for biodiversity, in accordance with Policies OSS4 (iii) and EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 (iii) of the Development and Site Allocations Local Plan.
  
13. The dwellings shall be constructed in accordance with Part M4(2) (Accessible and Adaptable Dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.  
Reason: To ensure an acceptable standard of access to the dwellings is provided, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Development and Site Allocations Local Plan.
  
14. The dwellings shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that they have been constructed to achieve water consumption of no more than 110 litres/person/day water efficiency as set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage.  
Reason: To ensure the dwelling is water efficient, in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy and Policy DRM1 of the Development and Site Allocations Local Plan.

15. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with the approved drawings.  
Reason: To ensure adequate safe access arrangements, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy.
16. No dwelling shall be occupied until car parking and turning areas have been provided in accordance with the approved drawings. The car parking and turning areas shall thereafter be kept available for the parking and turning of motor vehicles and for no other purpose.  
Reason: To ensure there is adequate off-street car parking provision and in the interests of highway safety, in accordance with Policies CO6 (ii), TR3 and TR4 (i & iii) of the Rother Local Plan Core Strategy and Policy DHG7 (ii) of the Development and Site Allocations Local Plan.
17. No dwelling shall be occupied until secure cycle stores have been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The cycle stores shall thereafter be kept available for the parking of bicycles and for no other purpose.  
Reason: To ensure there is adequate cycle parking provision, and to preserve the visual amenities of the area, in accordance with Policy OSS4 (i & iii) of the Rother Local Plan Core Strategy and Policy DHG7 (ii) of the Development and Site Allocations Local Plan.
18. No dwelling shall be occupied until refuse and recycling storage and collection point facilities have been provided in accordance with the approved plans. The refuse and recycling storage and collection point facilities shall thereafter be kept available for the storage and collection of refuse and recycling and for no other purpose.  
Reason: To ensure there is adequate refuse and recycling storage and collection point facilities, and to preserve the visual amenities of the area, in accordance with Policy OSS4 (i & iii) of the Rother Local Plan Core Strategy and Policy DHG7 (iii) of the Development and Site Allocations Local Plan.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no enlargement of any part of a dwelling shall be carried out without a planning permission granted by the Local Planning Authority.  
Reason: Reason: To safeguard the amenities of neighbouring properties, preserve the visual amenities of the area, retain appropriate outdoor amenity space for occupiers of the dwellings, and to protect habitats and species identified in the ecological surveys from adverse impacts post-development, in accordance with Policies OSS4 (i, ii & iii) and EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii) of the Development and Site Allocations Local Plan.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no garages, building, structure or erection of any kind (including wall, fences or other means of enclosure not permitted as part of this development) shall be erected, and no caravan or mobile home shall be kept or stationed on the land, without a planning permission granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties, retain appropriate outdoor amenity space for occupiers of the dwellings, and to protect habitats and species identified in the ecological surveys from adverse impacts post-development, in accordance with Policies OSS4 (i & ii) and EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii) of the Development and Site Allocations Local Plan.

#### NOTES:

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
2. The developer and/or landowner is advised that the site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In order to avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.
3. The developer and/or landowner is reminded that it is an offence to damage or destroy protected species under separate legislation. The granting of planning permission for a development does not provide a defence against prosecution under wildlife protection legislation.
4. The developer and/or landowner is advised that any proposed works on or abutting the existing highway will require a Section 184 Licence with the County Council, prior to the commencement of works. Details of construction, surface water drainage, gradients and potential traffic management requirements can all be discussed with East Sussex County Council through the Section 184 Licence process. Any temporary access would also be subject to the Section 184 Licence process prior to any commencement of work.
5. The developer and/or landowner is advised that a formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water's New Connections Services Charging Arrangements document, which is available at <https://beta.southernwater.co.uk/developing-building/connection-charging-arrangements>.
6. The development will be subject to the requirements of the Building Regulations, and advice should be sought from the East Sussex Building Control Partnership. No work should be carried out until any necessary permission has been obtained.
7. The developer and/or landowner should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the

hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Public Holidays.

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

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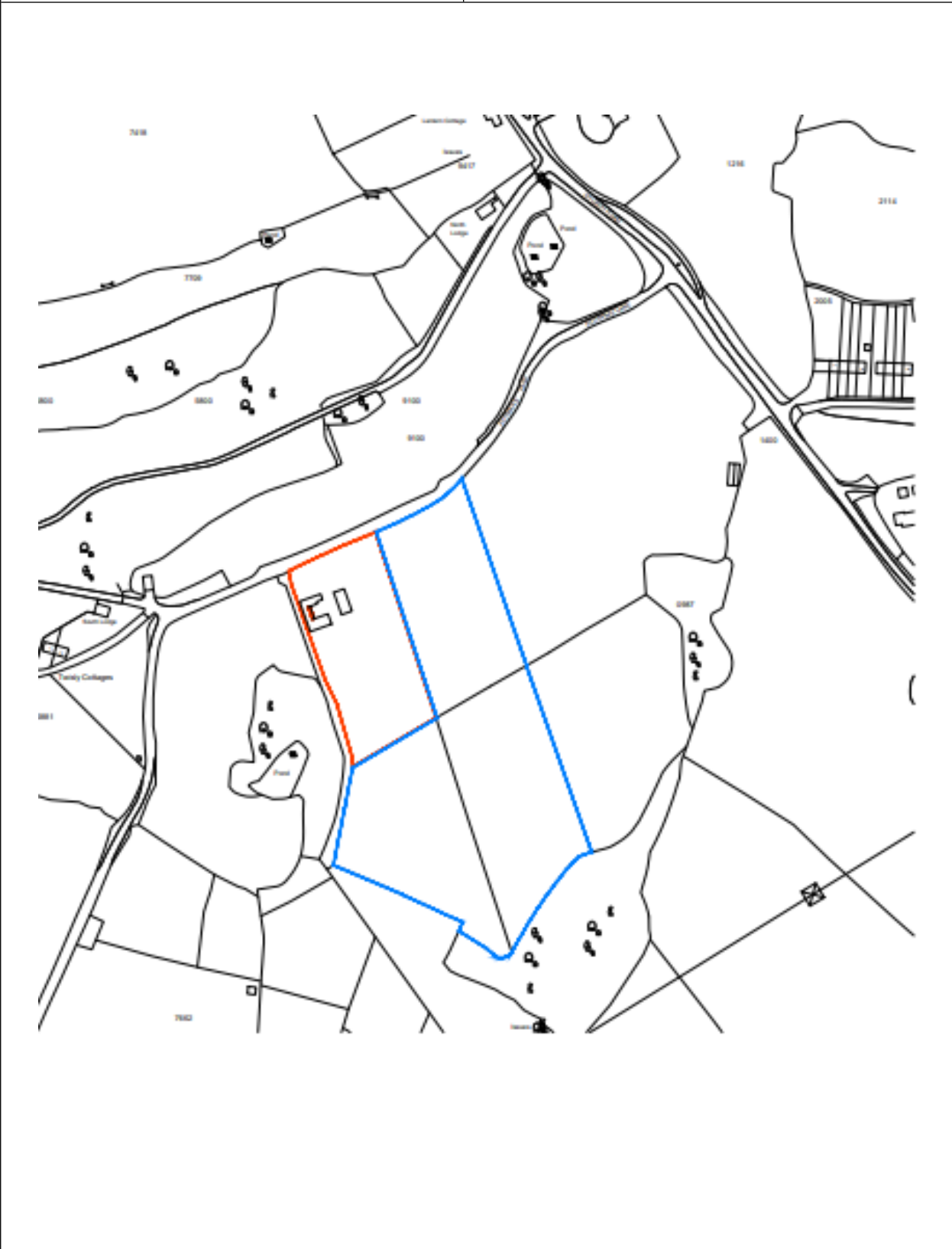


SITE PLAN

CATSFIELD

RR/2022/2712/P

Glebelands,  
Potmans Lane



## Rother District Council

Report to - Planning Committee  
Date - 16 February 2023  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2022/2712/P  
Address - Glebelands, Potmans Lane, CATSFIELD  
Proposal - Change of use (part retrospective) and extension of existing agricultural building to a live/work residential unit for a temporary period of three years (Resubmission of RR/2022/219/P).

[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 and Mrs Morris  
**Agent:** Finnis Planning Ltd  
**Case Officer:** Miss Harriet Nurse  
(Email: [harriet.nurse@rother.gov.uk](mailto:harriet.nurse@rother.gov.uk))

**Parish:** CATSFIELD  
**Ward Members:** Councillor G.C. Curtis

**Reason for Committee consideration: Councillor Curtis call-in.**

**Statutory 8-week date: 14 February 2023**

**Extension of time agreed to: 22 February 2023 (No Response)**

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### 1.0 SUMMARY

1.1 This application proposes the creation (retrospective) of a live/work unit within a stable/barn, with a small extension, for a temporary time period of three years. It follows application reference RR/2022/219/P for the change of use (part retrospective) and extension of an existing agricultural building to a live/work residential unit, which was considered at the October 2022 Planning Committee meeting and it was resolved to refuse planning permission. The same business plan and agricultural statement accompany the current application, which the Council's Rural Estates Surveyor found deficient. The 'U' shaped building lies within the countryside outside any defined development boundary.

1.2 The holding is very small with part used as a 'certificated' caravan site. The site does not have formal planning permission and only operates under the auspices of the Camping and Caravan Club. The remaining agricultural

activity is limited and does not require an agricultural worker to live on site. The agricultural business is neither operating at a profit or proposed to operate at a profit.

- 1.3 During consideration of RR/2022/219/P, the Rural Estates Surveyor confirmed there was no functional need relating to a full-time worker. They said the scale of the proposals in terms of labour need, or out of hours need, is too small to warrant the provision of a rural worker's dwelling. In addition, they advised that no business accounts had been provided and therefore no evidence to demonstrate that the unit and the agricultural activity concerned was financially sound or had a clear prospect of remaining so. In such circumstances, the financial test cannot be met. The brief information that has been provided has limited basis for assessment; no supporting documentation, and the figures appear wholly speculative. Finally, they advised that it had not been demonstrated that the claimed functional need cannot be fulfilled by existing accommodation in the local area.
- 1.4 As such the proposal for a dwelling for an agricultural worker has not been demonstrated to satisfy the policy requirements and there is no functional or financial justification for any dwelling on site, with a temporary nature or permanent.
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## **2.0 SITE**

- 2.1 The site is a field which lies to the southern side of Potmans Lane, around 0.3km southwest of the junction with Church Road. The site is outside the Development Boundary for Bexhill as defined in the Development and Site Allocations Local Plan (DaSA). The site lies outside the High Weald Area of Outstanding Natural Beauty (AONB) but is in the countryside.
- 2.2 The site comprises a barn, together with a polytunnel and other smaller structures, which support the existing small holding. The field gently slopes towards the south.
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## **3.0 PROPOSAL**

- 3.1 The application is a resubmission of RR/2022/219/P which seeks planning permission for a temporary period of three years for the change of use (part retrospective) and extension of the existing agricultural building permitted under RR/2015/2309/P to a live/work residential unit.
- 3.2 The extension would provide an internal passageway, facing the internal courtyard, which would be used to access each room within the building. The residential accommodation would be separated into individual rooms comprising: kitchen/dining room, cupboard, shower room, a living room and bedroom.
- The agricultural rooms, again, separated individually comprise: store, processing and Dyeing room, a machinery workshop and pinning workshop.
- 3.3 The planning statement advises: *'It is the Applicant's intention to begin selling the products made in site. With the creation of a live/work unit and being able*

*to live on site, the Applicants will have the confidence to invest further into the business.....’.*

- 3.4 It is proposed to grow more exotic and niche plants and start a breeding programme for the alpacas and Angora goats. It is stated that there have been many security issues with attempted break-ins. It is stated that the onsite presence will deter this and provide assistance for users of the adjoining campsite.
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#### **4.0 HISTORY**

- 4.1 RR/2004/2830/P Siting of temporary agricultural workers mobile home (retrospective application). REFUSED, APPEAL DISMISSED
- 4.2 ENF/CAT/2004/304 (Enforcement appeal) – Change of use of land to mixed use comprising storage of caravan and use of land as caravan site. APPEAL DISMISSED
- 4.3 RR/2006/301/FN Erection of barn for storage of equipment/feed/hay. additional safe rearing area. PLANNING REQUIRED
- 4.4 RR/2007/2456/P Retention of hardstanding and two sheds used for storage of animal feed/equipment. REFUSED
- 4.5 RR/2013/1310/FN Storage shed. PLANNING REQUIRED
- 4.6 RR/2015/2309/P Erection of stable building/barn, together with permeable turning area for vehicle. Setting back of existing access gate. APPROVED CONDITIONAL.
- 4.7 RR/2016/649/P Provision of store for animal welfare linked to existing approved housing for livestock. APPROVED CONDITIONAL
- 4.8 RR/2016/2420/P Erection of single polytunnel within existing agricultural unit. APPROVED CONDITIONAL
- 4.9 RR/2020/2483/FN Proposed horticultural polytunnel. PLANNING REQUIRED
- 4.10 RR/2021/869/O Certificate of Lawfulness for the existing use of section of agricultural units group as residential dwelling (Use Class C3). REFUSED
- 4.11 RR/2022/219/P Change of use (part retrospective) and extension of existing agricultural building to a live/work residential unit. REFUSED
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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:

- OSS2: Use of Development Boundaries
- 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) (part (i) was superseded by the Rother District Council Development and Site Allocations Local Plan)
- SRM2: Water supply and wastewater management)
- CO6: Community Safety
- EN1: Landscape Stewardship
- EN3: Design Quality
- 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
- DRM3: Energy Requirements
- DHG3: Residential Internal Space Standards
- DHG4: Accessible and Adaptable Homes
- DHG7: External Residential Areas
- DEN1: Maintaining Landscape Character
- DEN5: Sustainable Drainage
- DEN7: Environmental Pollution
- DIM2: Development Boundaries

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

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## 6.0 CONSULTATIONS

6.1 None.

6.2 [Planning Notice](#)

6.2.1 Nine letters of support. The comments are summarised as follows:

- The planting of native hedges and trees, in keeping with local area.
- Animals are an asset to all caravaners who stay at the site.
- This comes over immediately as a very professional, well laid out and maintained small holding, with well cared for and happy animals.

6.2.2 Two objections received (summarised):

- Residential use not justified.
- Applicant's intention has always been to live on the site.

- Blatant disregard for planning rules.
- Highway safety concerns.
- Increase in traffic.

### 6.3 Catsfield Parish Council – **GENERAL COMMENT**

6.3.1 The Parish Council as with the previous application remains divided in its assessment of this application. We understand that the previous application was rejected by Rother District Council at least in part because the business was not proven to be a going concern and that this application for a temporary 3-year period would assess if the business is an going and concern and is dependent on having on-site accommodation to be so.

6.3.2 The Parish Council will support by a significant majority this temporary 3-year period of assessment if a business case is provided now which either confirms that the business is a going concern now or would likely to be so within three years, and that it would make a positive contribution to the community and that the on-site accommodation is required to meet these criteria. If after the 3-year period these criteria are not met the Parish Council's view is that the accommodation should be removed.

## 7.0 **LOCAL FINANCE CONSIDERATIONS**

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 £4,829.00.

## 8.0 **APPRAISAL**

8.1 The main issues for consideration:

- Justification of a farm worker's dwelling
- Sustainability
- The impact of the dwelling on the locality within the countryside
- The impact on neighbouring properties
- Drainage and pollution
- Highway safety and parking

### 8.2 *Justification of a farm worker's dwelling*

8.2.1 Policy OSS2 of the Rother Local Plan Core Strategy and Policy DIM2 of the Development and Site Allocations Local Plan (DaSA) explain that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not.

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

8.2.3 Policy EN1 of the Rother Local Plan Core Strategy seeks the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features. Policy DEN1 of the

DaSA seeks to reinforce the natural and built landscape character of the area in which development is to be located.

- 8.2.4 Policy EN3 of the Rother Local Plan Core Strategy requires all new development to be of a quality design taking into account a variety of factors including context.
- 8.2.5 Policy RA2 of the Rother Local Plan Core Strategy states that the overarching strategy for the Countryside is to:
- (i) *maintain the farming capacity of the district, and support the agricultural industry, including diversification within farming;*
  - (ii) *encourage agricultural practices, land-based economic activities and woodland management, and related agri-environmental schemes, that reinforce local distinctiveness, landscape character and ecology;*
  - (iii) *strictly limit new development to that which supports local agricultural, economic or tourism needs and maintains or improves the rural character;*
  - (v) *support rural employment opportunities in keeping with rural character and compatible with maintaining farming capacity; and*
  - (viii) *generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.*
- 8.2.6 Policy RA3(iii)(a) of the Rother Local Plan Core Strategy sets out the extremely limited circumstances under which new dwellings will be allowed in the countryside and includes the following:
- (a) *Dwellings to support farming and other land-based industries. Normally, accommodation will initially be provided on a temporary basis for a period of three years. Both **temporary** and permanent dwellings will be subject to appropriate occupancy conditions, and **all applications** should comply with the following criteria:*
    - i. *Demonstrate a clearly established functional need, relating to a full-time worker primarily employed in the farming and other land-based businesses;*
    - ii. *Demonstrate the functional need cannot be fulfilled by other existing accommodation in the area;*
    - iii. *Demonstrate the unit and the agricultural activity concerned are financially sound and have a clear prospect of remaining so;*
    - iv. *Dwellings are of appropriate size, siting and design.*
- 8.2.7 Paragraph 80 National Planning Policy Framework states: *Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.*
- 8.2.8 The Applicant puts forward the case that there is an essential need for a rural worker to live at the site. This resubmitted application is made on a temporary 3-year basis.
- 8.2.9 The onus is on the Applicant to satisfy the functional and financial tests identified in the policy criteria and businesses should be demonstrably financially sound. The supporting text in the Rother Local Plan Core Strategy

(paragraph 12.64) states that this normally means that permissions will initially be on a temporary basis, if a case is proven. Policy RA3 (iii) (a) sets out that both **temporary** and permanent dwellings will be subject to appropriate occupancy conditions, and that **all applications** should comply with the following listed criteria; *i. Demonstrate a clearly established functional need, relating to a full-time worker primarily employed in the farming and other land-based businesses; ii. Demonstrate the functional need cannot be fulfilled by other existing accommodation in the area; iii. Demonstrate the unit and the agricultural activity concerned are financially sound and have a clear prospect of remaining so; iv. Dwellings are of appropriate size, siting and design.*

- 8.2.10 In terms of the financial test, the Rural Estates Surveyor previously advised that no business accounts had been provided. Also there was no evidence to demonstrate that the unit and the agricultural activity concerned are financially sound or have a clear prospect of remaining so. In such circumstances, the financial test cannot be met. The brief information provided had limited basis for assessment, no supporting documentation, and the figures appeared wholly speculative. For both permanent and temporary dwellings, prices for produce need to have already been achieved and evidenced, as opposed to forecast, and business accounts must be provided. The Applicant's business plan and agricultural statement remain the same and therefore the Rural Estate Surveyor's comments still stand.
- 8.2.11 With specific regard to whether a 'functional need' has been demonstrated, which necessitates the presence of a worker to live on site and therefore a dwelling, this is not the case. It is not considered that the small number of animals justifies a functional need and the business has not been shown to be viable. This view is supported by the Rural Estates Surveyor who has confirmed that the livestock kept does not require a full-time worker primarily employed in farming. Whilst there does need to be someone available to assist, the likely timings are such that this will be occasional. There are other houses nearby that could furnish that need. Equally, a caravan could be used for occasional overnight stays to provide for the needs of the livestock.
- 8.2.12 Furthermore, the presence of the caravan site, resulting in profits that have been factored into the business plan, is not an agricultural activity that requires a worker to live on site and therefore does not necessitate a rural workers' dwelling. The proposal fails to demonstrate that the functional need and financial soundness test have been met in accordance with Policy RA3 (iii) (a) i and iii of the Rother Local Plan Core Strategy.
- 8.2.13 In terms of other accommodation available in the area, as of January 2023, the Rightmove website shows many properties within three miles of the site priced between £230,000 and £300,000 or from £875 per month to rent. There is other existing accommodation in the area that would be appropriate to meet any functional need, should it be demonstrated.
- 8.2.14 Part (iv) of Policy RA3 also references appropriate size, siting and design. The supporting text for Rother Local Plan Core Strategy Policy RA3 (paragraph 12.64) states that careful consideration should be given to the siting, size and design, as well as access. The siting of new dwellings should be well-related to existing farm buildings or other dwellings, wherever practicable.



8.2.15 In this instance the residential accommodation would be provided in separate rooms connected by an internal corridor/passageway and would comprise a kitchen/dining room, cupboard, shower room, living room and one bedroom. The alterations involve enclosing an external passageway to create the internal corridor/passageway. While the creation of the enclosed passageway on its own may be considered acceptable and would not cause harm to the character or appearance of the locality, the quality of the resulting accommodation is considered sub-standard. The majority of habitable rooms, bedroom, living room and kitchen have a window within its walls providing no open outlook; only rooflights within the roof slope above. The dining area is the only room with small windows within the walls and these are primarily located facing (2 of 3) into the internal courtyard, which itself is also fenced, so enclosed on all sides.

8.2.16 In terms of the DaSA policies setting internal (DHG3) and external (DHG7) space standards, the residential element comprises approx. 62sqm of floorspace and thus meets the standard of 51.5sqm. However, the very narrow bathroom, which is only just over 1m wide and 3m long, would not appear sufficient size to accommodate toilet and washing facilities with the internally opening door. There is no private external space identified although there is the enclosed yard.

### 8.3 *Sustainability*

8.3.1 The site is located within the countryside, remote from any town or village or other built up area. It is around 1km from the village of Catsfield and its associated shops, school and other services. There are no pavements or streetlights along the narrow lane.

8.3.2 There are no bus stops near to the site and no other public transport options. Occupiers of the dwelling on the site would therefore be heavily reliant on private vehicles, the least sustainable form of transport.

8.3.3 The development would not be well located in terms of access to public transport and services and would undermine the aims of local and national planning policies, which seek to direct development, and that of residential accommodation, to settlements where there is ready access to services and facilities. The development is contrary to Policies OSS3 (v), SRM1 (vii) and TR3 of the Rother Local Plan Core Strategy and paragraphs 8 and 110 (a) of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.

### 8.4 *The impact of the dwelling on the locality within the countryside*

8.4.1 While alteration of the existing stables/barn as put forward may not in itself have direct impacts on the landscape of the surrounding countryside, the additional domestic activity and paraphernalia that comes with domestic use would introduce an urbanising effect and be out of keeping with the intrinsic landscape character and visual appearance.

### 8.5 *The impact on neighbouring properties*

8.5.1 The dwelling would be sited away from neighbouring buildings and as such, would not appear overbearing or result in harmful overlooking.

## 8.6 *Drainage and pollution*

8.6.1 The accompanying planning statement with the application states that a septic tank is used for drainage with permeable paving to the parking area and pathway.

## 8.7 *Highway safety and parking*

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

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

8.7.3 The existing access is shared by Glebelands, Seven Acre Horse Sanctuary and Brackendale Farm. The application does not include the anticipated number of vehicle movements from customers.

8.7.4 The planning statement advises that it is the Applicant's intention to begin selling the products made on site and to start a breeding programme for the alpacas and Angora goats. It is also envisaged to provide a 'home delivery service', however, no further details are given in this respect.

8.7.5 In view of the lack of information, the impact on highway safety cannot be fully assessed but given the narrowness of the access and implications for increased vehicular use, concern exists that there could be impacts to highway safety.

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## **9.0 PLANNING BALANCE AND CONCLUSION**

9.1 The holding is not currently operating on a financially sound and viable basis. Furthermore, the new business has not been shown to be planned upon a sound financial basis. The forecasted income also includes earning from activities that would not necessitate a rural worker to live on site. The temporary nature of this application for a 3-year time period, does not evidence or demonstrate a compliant case to Policy RA3 (iii) (a).

9.2 The consultation response (Rural Estates Surveyor), in respect of the previous application for a permanent residential use, confirmed there is no functional need relating to a full-time worker. They said the scale of the proposals in terms of labour need, or out of hours need, is too small to warrant the provision of a rural worker's dwelling. The temporary nature of this proposal being assessed, would continue to be too small scale to need to warrant the provision of a rural workers dwelling and as such there is evidence of no functional need relating to a full-time worker.

9.3 In addition, they also previously advised that no business accounts had been provided and therefore no evidence to demonstrate that the unit and the agricultural activity concerned were financially sound or had a clear prospect

of remaining so. With this current application, no business accounts have been provided and as such we can make the same conclusion. In such circumstances, the financial test cannot be met. It is considered that the brief information that has been provided has limited basis for assessment, no supporting documentation, and the figures and projections for future years appear to be wholly speculative. Finally, they advised that it has not been demonstrated that the claimed functional need cannot be fulfilled by existing accommodation in the local area or by a caravan for occasional overnight stays to provide for the needs of the livestock. An internet search reveals that there is such accommodation available in the vicinity of the application site. Therefore, it is concluded that it has not been demonstrated that existing accommodation could not fulfil the claimed functional need.

- 9.4 In addition, the site is in an unsustainable location which would undermine the aims of local and national planning policies, which seek to direct development, and that of residential accommodation, to settlements where there is ready access to services and facilities.
- 9.5 For the reasons explained, the proposed development does not comply with Rother Local Plan Core Strategy or DaSA policies or the various provisions contained within the National Planning Policy Framework. For the reasons explained the application cannot be supported.

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**RECOMMENDATION: REFUSE (FULL PLANNING)**

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**REASONS FOR REFUSAL:**

1. It has not been demonstrated that the existing agricultural enterprise has a functional requirement for a full-time agricultural worker to live on site. In addition, it has not been demonstrated that the agricultural business is financially sound nor that it is forecast to become financially sound and as such it would not have regard to the need for it to fund a full-time agricultural worker's wage and creation/maintenance of the proposed dwelling. As such, the proposal would result in an unjustified new dwelling in the countryside, in conflict with Policy RA3 (iii) of the Rother Local Plan Core Strategy and paragraph 80 of the National Planning Policy Framework.
2. The site lies within an unsustainable countryside location where occupiers of the development would be highly reliant on private motor vehicles and would not be able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development is contrary to Policies PC1, OSS3 (v), SRM1 (vii) and TR3 of the Rother Local Plan Core Strategy and paragraphs 8 and 110 (a) of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.
3. In the absence of justification for the erection of an agricultural dwelling, the proposed residential use of the site with associated domestic activity and paraphernalia, would have a harmful urbanising effect in the countryside. The proposal as such would be an alien and obtrusive development within the otherwise rural character and appearance of the countryside that would cause harm to the intrinsic landscape and visual appearance of the rural locality, in

conflict with Policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (v) & EN1 of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan and paragraph 174 of the National Planning Policy Framework.

**NOTE:**

1. This refusal of planning permission relates to the following drawings:  
Site Plan as Proposed, Drawing No. 113-21-201, dated March 2021  
Plans and Elevations as Existing, Drawing No. 113-21-100, dated Jan 2021  
Plans and Elevations Proposed, Drawing No. 113-21-200, dated Jan 2021  
Planning Statement by Finnis Planning  
Appendix 2 – Business Plan  
Supporting information – photographs

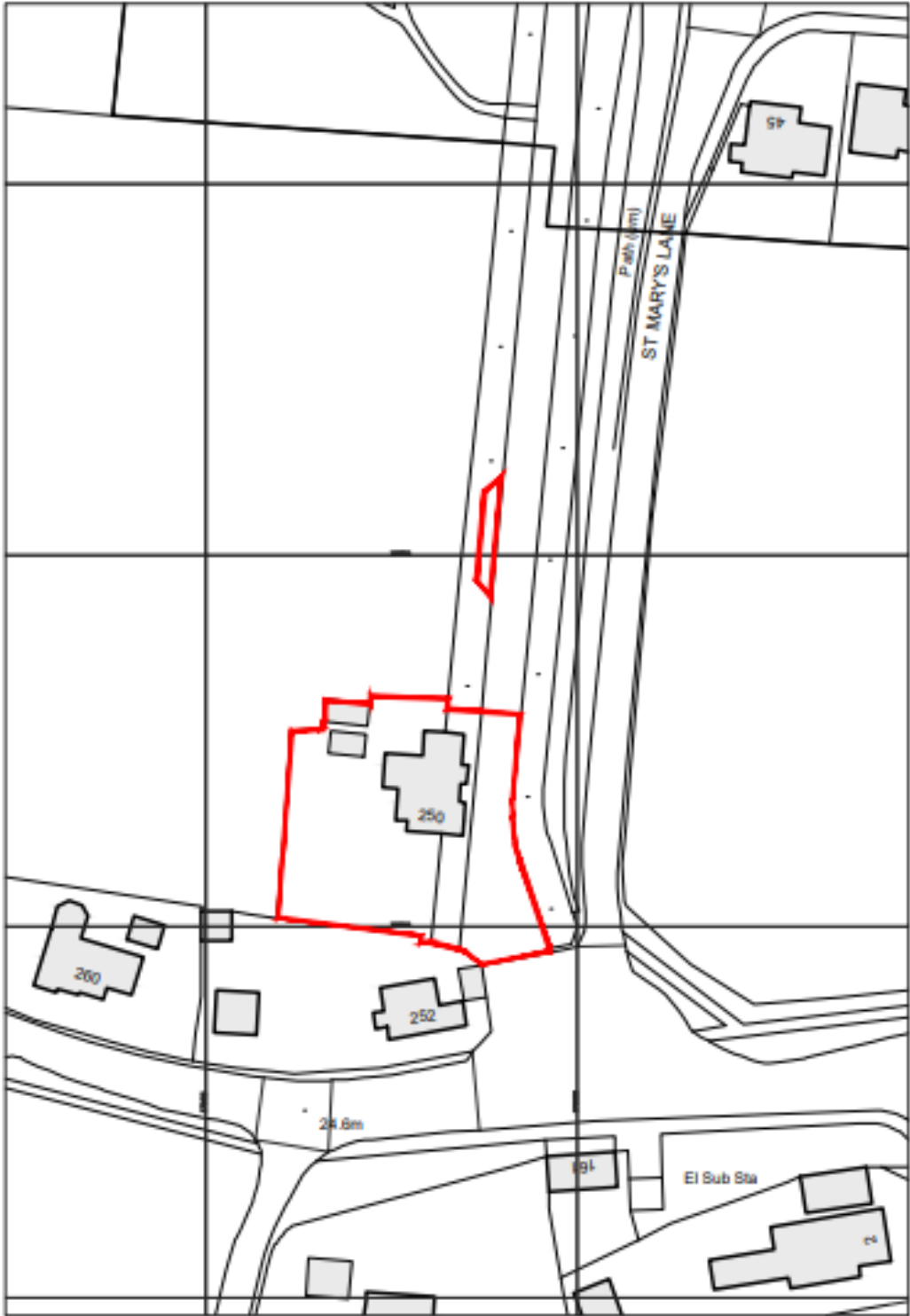
**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining 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 reasons for the refusal, approval has not been possible.

SITE PLAN

BEXHILL

RR/2022/1233/P

Cemetery Lodge,  
250 Turkey Road



## Rother District Council

Report to	-	Planning Committee
Date	-	16 February 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/1233/P
Address	-	Cemetery Lodge, 250 Turkey Road, Bexhill, TN39 5HT
Proposal	-	Conversion and extension to the existing building to provide 6 No. flats with associated car parking and landscaping.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT PLANNING PERMISSION SUBJECT TO COMPLETION OF A SECTION 106 AGREEMENT** to secure the provision of the units as affordable housing

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**Director: Ben Hook**

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**Applicant:** Bexhill Community Land Trust  
**Agent:** MH Architects Limited  
**Case Officer:** Mr Sam Koper  
(Email: [sam.koper@rother.gov.uk](mailto:sam.koper@rother.gov.uk))

**Parish:** BEXHILL ST STEPHENS  
**Ward Members:** Councillors A.K. Jeeawon and R.B. Thomas

**Reason for Committee consideration:** Director – Place and Climate Change  
**referral:** The application site is located on land owned by Rother District Council.

**Statutory 8-week date: 6 July 2022**  
**Extension of time agreed to: 23 February 2023**

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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 the conversion and extension of the existing building to provide No.6 flats for affordable rent. The main issues for consideration are; the principle of development, impact on character and appearance, as well as the non-designated heritage asset, impact on the amenity of neighbouring dwellings, living conditions for future occupiers, highways and parking, affordable housing provision and biodiversity and ecology. The application is recommended for approval subject to conditions as well as completion of a Section 106 agreement.

## 1.2 PROPOSAL DETAILS

<b>PROVISION</b>	
No of houses	6
No of affordable houses	6
CIL (approx.)	£16,240
New Homes Bonus (approx.)	£48,504

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## 2.0 SITE

- 2.1 The site is a square parcel of land roughly 0.07 hectares in size and is located to the north of Turkey Road and south of the Bexhill Cemetery. The site contains the Cemetery Lodge building which is currently vacant. The site is located within the development boundary for Bexhill. The site is located directly adjacent to allocated land under Policy BEX6 of the Development and Site Allocations Local Plan (DaSA), however is not included within this allocated land.
- 2.2 The existing building is located towards the northern end of the site and set back from the Main Road. It is currently accessed via St Marys Lane to the east however a pedestrian access is located at the front gate directly off Turkey Road.
- 2.3 The existing building is not listed, however, is considered to be a non-designated heritage asset and as such the application is accompanied with a heritage statement. The existing building is a two storey Edwardian Lodge, set behind the prominent entrance gate and pillars and surrounded by mature trees and vegetation.

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## 3.0 PROPOSAL

- 3.1 Permission is sought for the conversion and extension of the existing lodge building to provide 6 No. flats. The main lodge building would be retained, with some of the later added single storey extensions being demolished. The extension to the lodge would be located west and run down to the south. Three units are proposed on the ground floor and three on the first floor. All six of the proposed residential units are proposed to be for affordable rent.
- 3.2 The extension would sit at a slightly lower level than the main lodge and be comprised of two wings of a similar shape and footprint. The proposed materials would be Bexhill red stock brickwork of a slightly paler shade than the existing lodge, also with an expressed header detail at first floor level, a brown zinc cladded roof, aluminium windows and metal guttering.
- 3.3 The site frontage as well as the entrance road leading from the north will be used to provide 9no. car parking spaces and a formal bin enclosure near the front gate. There is also a proposed cycle storage area to the north of the site.
- 3.4 Accompanying the application is a Heritage Statement, a Tree Survey and Arboricultural Report, a Drainage Plan and Report and a Preliminary Ecological Appraisal Report. Following discussions with the agents, amended floor plans and elevations have also been submitted.

## 4.0 HISTORY

- 4.1 RR/2007/3104/P Change of use of part of premises to temporary costume store. APPROVED CONDITIONAL
- 4.2 RR/2006/2044/P Change of use of maisonette area of building to office accommodation. APPROVED CONDITIONAL
- 4.3 B/67/441 Office Extension. APPROVED
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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
- OSS1: Overall Spatial Development Strategy
- 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
- CO6: Community Safety
- LHN1: Achieving Mixed and Balanced Communities
- LHN2 Affordable Housing
- EN1: Landscape Stewardship
- EN2: Stewardship of the Historic Built Environment
- EN3: Design Quality
- EN5 Biodiversity and Green Space
- EN6 Flood Risk Management
- 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
- DHG1: Affordable Housing
- DHG3: Residential Internal Space Standards
- DHG4: Accessible and Adaptable Homes
- DHG7: External Residential Areas
- DHG11: Boundary Treatments
- DHG12: Access and Drives
- DEN1: Maintaining Landscape Character
- DEN4: Biodiversity and Green Space
- DEN5: Sustainable Drainage
- DIM2: Development Boundaries

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



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## 6.0 CONSULTATIONS

### 6.1 East Sussex County Council Highways – **NO OBJECTION**

6.1.1 This planning application is for the conversion and extension to the existing building to provide 6 No. flats with associated car parking and landscaping. I have no major concerns regarding the proposed development and do not wish to object; however, I recommend that any grant of consent is subject to appropriate highway conditions.

### 6.2 Rother District Council Waste & Recycling – **NO OBJECTION**

6.2.2 There are no issues here, the bin store appears to be in a suitable location and visible from the road.

### 6.3 County Ecologist – **NO OBJECTION**

6.3.1 Provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective. Conditions are recommended for Biodiversity Method Statements for the protection of retained habitats and protected species, an Ecological Design Strategy setting out details of mitigation, compensation and enhancement measures, and a Landscape and Ecological Management Plan to ensure the long-term management of semi-natural habitats for biodiversity.

### 6.4 RDC Housing Enabling & Development Officer – **NO OBJECTION**

6.4.1 Housing Development is fully supportive of the proposed scheme.

### 6.5 Bexhill Heritage – **NO OBJECTION**

6.5.1 Bexhill Heritage is delighted to see this scheme moving forward and looks to a final conclusion in the near future. The importance of the excellent refurbishment scheme, which we have long advocated, cannot be overestimated and the carefully designed extension will not dominate. We have a slight query over the projecting header detail. Is there not a risk that debris, perhaps from adjacent trees could cause damage through staining, deterioration, unwanted growth? With regard to the nearby gates and pillars, though not within the control of the Applicant, we regard them a crucial as part of the history and setting of the Lodge. We ask that the Council ensure their repair and subsequent maintenance.

### 6.6 Planning Notice

6.6.1 22 letters of objection have been received. The concerns raised are summarised as follows:

- Negatively impact the setting of the cemetery
- Cause disturbance to those visiting the cemetery
- Further strain caused on local services
- Access does not have suitable visibility
- Area is not suitable for you families to live
- Insufficient parking on site

- Style of new extension is not in keeping with the existing building
- Impact on local landscape and habitats
- Construction phase would cause disturbance to the area

6.6.2 10 letters of support have been received. The points raised are summarised as follows:

- Removal of existing extension would improve the existing building
- Extension would not be intrusive
- Affordable housing provision is needed
- Makes good use of a currently vacant building
- Good standard of living and amenity
- Would not result in any overlooking
- Impacts on trees and ecology can be mitigated
- Existing houses are sited closer to the cemetery than the proposed

6.7 Bexhill-on-Sea Town Council – **NO RESPONSE RECEIVED**

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## **7.0 LOCAL FINANCE CONSIDERATIONS**

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, but the development could generate approximately £16,240. However, as the proposed development would provide unit for affordable rent, there is a potential extension from CIL subject to the affordable housing meeting the relief criteria set out in Regulation 49 of the Community Infrastructure Levy Regulations 2010.

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 £48,504 over four years.

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## **8.0 APPRAISAL**

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

- Principle of development
- Impact on character and appearance of locality and non-designated heritage asset
- Impact on neighbouring properties
- Living conditions for future occupiers
- Highways and parking
- Affordable housing and housing mix
- Biodiversity and ecology

8.2 Principle of development

8.2.1 Rother DaSA Policy DIM2 following Rother Local Plan Core Strategy Policy OSS2 requires new development to be focused within defined settlement boundaries. The development boundary reflects the more built-up areas of the village. As the site lies within the development boundary for Bexhill, residential development is supported in principle, subject to the below considerations.

### 8.3 Character and appearance / non-designated heritage asset

- 8.3.1 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.
- 8.3.2 Policy EN2 (iii) of the Rother Local Plan Core Strategy states development affecting the historic built environment, including that both statutorily protected and the non-statutorily protected, will be required 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.
- 8.3.3 Policy EN3 of the Rother Local Plan Core Strategy states new development should contribute positively to the character of the site and surroundings and demonstrate robust design solutions tested against key design principles.
- 8.3.4 Policy DEN1 of the DaSA states that the siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located.
- 8.3.5 The application site is set back from the main road and features mature trees and vegetation along its boundaries. The site is also partially set behind the dwelling at No. 252 Turkey Road, and as such, is not in prominent view from the street. The proposed extension of the lodge would be located on the western side of the main building and would be set on a lower ground level with a lower maximum ridge height.
- 8.3.6 The impact of the proposed development would not be readily apparent when viewing from the street and would not result in any harm to the character and appearance of the locality.
- 8.3.7 The submitted Heritage Statement provides a strong and detailed explanation and appraisal of the heritage significance of the existing Edwardian Lodge and the wider cemetery site.
- 8.3.8 The retention and incorporation of the Edwardian Lodge in the scheme is welcomed (which is considered to be a non-designated heritage asset, due to its historic functional relationship with the cemetery). In this regard, the proposal accords with Policy EN2 of the Rother Local Plan Core strategy, with regard to the preservation of heritage assets.
- 8.3.9 The removal of mid/late twentieth century single storey additions to the Lodge are considered to enhance the overall appearance of the Lodge, and will better reveal the significance of the building, as well as improving its aesthetic.
- 8.3.10 The additional accommodation is proposed to be provided by way of a new two storey 'wing' running north/south, in a contemporary architectural style. Sitting slightly subservient to the existing building in terms of ridge and eaves height, this new wing has been well envisaged to reflect and respect the scale, proportions and articulation of the existing Edwardian lodge in terms of building width and modulation, addition of gable projections, and contemporary architectural brick detailing. The materials palette has been

developed to support this architectural language, and is generally successful following a minor change from yellow stock brick to Bexhill red.

- 8.3.11 The existing stone gate piers and gates to the southern end of the site are not proposed to be removed or altered. These are considered to positively contribute to the overall character of the site and the non-designated heritage asset, and a condition would also be imposed requiring their retention.
- 8.3.12 The location of the additional development is also not considered to prejudice the potential future development of DaSA allocated site BEX6 to the north west of the site.
- 8.3.13 There have been several objections commenting on the impacts of the proposal on the setting of the Bexhill Cemetery. Although the site is located at the southern entrance the cemetery yard, the development site would be located over 100m away from the burial grounds and headstones, separated by dense trees and vegetation.
- 8.3.14 The dwellings located to the east of St Mary's Lane are located significantly closer to the cemetery than the application site with their gardens facing west towards the grounds. Given the distance of the proposed development from the cemetery, it is not considered that it would result in any harm to its setting or cause any disturbance to those visiting.

#### 8.4 Impact on neighbouring properties

- 8.4.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that new development should not unreasonably harm the amenities of adjoining properties.
- 8.4.2 The main neighbour for consideration in this application is the No. 252 Turkey Road, located directly south of the application site.
- 8.4.3 The proposed extension to the lodge would be located closer to the southern boundary than the existing building. Given the scale of the proposed extension and distance from the boundary and neighbouring dwelling, it is not considered that there would be any harm caused with regards to massing or overshadowing/loss of light.
- 8.4.4 The southern elevation of the extension would be two storey, however would not contain any windows at first floor level. Therefore, it is not considered that the proposal would result in any increased overlooking.

#### 8.5 Living conditions for future occupiers

- 8.5.1 Policy OSS4 (i) states that all development should meet the needs of future occupiers, including providing appropriate amenities.
- 8.5.2 Policies DHG3 and DHG7 of the DaSA outline the internal and external space standards that new dwellings should adhere to in order to provide high quality living accommodation.

- 8.5.3 Paragraph 130 of the National Planning Policy Framework states planning policies and decisions should ensure that development create places with a high standard of amenity for existing and future users
- 8.5.4 All six of the proposed units would meet and exceed the internal space standards as set out within the nationally described space standards, which Policy DHG3 adopts.
- 8.5.5 Two of the proposed units on the new wings would benefit from private enclosed gardens to the west, and two of the new units at first floor level would benefit from terraces. The two units within the existing lodge building would not have any external amenity space. This is acceptable considering the limited available space within the site, the communal front garden, as well as the sustainable location of the development.
- 8.6 Highways and parking
- 8.6.1 Policies TR3 and CO6 (ii) of the Rother Local Plan Core Strategy seek to ensure adequate and safe access arrangements and avoid prejudice to road and/or pedestrian safety.
- 8.6.2 Policy TR4 (i) of the Rother Local Plan Core Strategy requires the residual needs of the development for off-street car parking to be met having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.
- 8.6.3 The East Sussex County Council Highways Authority have been consulted on this application and have given the following comments;
- 8.6.4 *Vehicular access to the site is to be via the 'new' access onto St Marys Lane as approved under planning application ref: RR/2018/2801/P. The existing access onto Turkey Road is required to be permanently closed off to vehicles under the 2018 planning consent, however, it will continue to be used by pedestrian and cyclists. I have no major concerns regarding the 6 new flats being served via the access onto St Marys Lane.*
- 8.6.5 *The proposed flats will be served by eight car parking spaces, and this is acceptable; however, the road layout in the vicinity of the main building is fairly restrictive and as a result residents may have difficulty turning and manoeuvring a larger car into some of the parking spaces. This is less than ideal from a convenience perspective but turning is likely to be achievable and there is no risk of the layout causing drivers to reverse out onto the highway.*
- 8.6.6 *It should be noted that car parking spaces require minimum dimensions of 5.0m x 2.5m (A minimum additional 0.5m will need to be added to either or both dimensions where the space is adjacent to a wall(s) or fence(s).*
- 8.6.7 *Electric Vehicle Provision – East Sussex County Council encourage developers to include charging facilities for electric vehicles to enable future residents of the site to activate such charging points at a time convenient to them.*

- 8.6.8 *Safe, secure and covered cycle parking facilities are required. The level of cycle parking will need to meet the requirements of the East Sussex County Council standards which are 1 space per unit for one and two-bedroom dwellings or if communal storage is provided, then 0.5 spaces is required per unit.*
- 8.6.9 *It is noted that refuse storage is to be provided near to the pedestrian access onto Turkey Road and this will allow roadside collection, which is presumably the case for the neighbouring dwelling.*
- 8.6.10 *Overall, I have no major concerns regarding the development proposal and do not wish to object; however, I recommend that any consent is subject to imposition of conditions.*
- 8.6.11 Considering the comments above, the development would not result in any highway safety impacts and would provide an adequate level of car parking and cycle storage subject to conditions.
- 8.7 Affordable housing and housing mix
- 8.7.1 Policy LHN1 of the Rother Local Plan Core Strategy states that in order to support mixed, balanced and sustainable communities, housing developments should in relation to affordable housing, contribute to an overall balance of 65% social/affordable rented and 35% intermediate affordable housing and (vi) Ensure that affordable housing is integrated with market housing, where practical. Also, it states that developments should be of a size, type and mix which will reflect both current and projected housing needs within the district and locally and specifically in Bexhill, contribute to increased provision of family dwellings, unless site circumstances make this inappropriate.
- 8.7.2 Policy LHN2 of the Rother Local Plan Core Strategy and DHG1 of the DaSA states that on housing sites, the Council will require affordable housing provision. In Bexhill, 30% on-site affordable housing on schemes of 15 or more dwellings (or 0.5 hectares or more) should be provided.
- 8.7.3 The proposal makes use of the non-designated heritage asset that is the Cemetery Lodge itself as the focal point of the scheme. The conversion of the lodge and its supplementation with a new build extension allows this small scheme to deliver six 2-bedroom units. The development area of the site is 0.07ha given a development density of some 85 dwellings per hectare. It is considered that this constitutes an efficient use of space.
- 8.7.4 The proposed development would not trigger Policies LHN2 or DHG1 with regards to affordable housing provision. Nevertheless, the application proposes the provision of six residential units all of which are to be made available for affordable rent. The delivery of this affordable housing will be set out within a Section 106 agreement, subject to the granting of planning permission.
- 8.7.5 Currently there are over 250 two-bedroom need households with a local connection specifically to Bexhill on the Council's housing register. It is the intention of Bexhill Community Land Trust that the units are let to local

households in housing need. The six units proposed here represent a small but significant opportunity to tackle specific housing need in Bexhill.

8.7.6 Overall, the proposed development would provide much needed houses for affordable rent through conversion and extension of an existing building, as well as delivering a scheme at an efficient density and would also fulfil a localised need for 2-bedroom units within Bexhill.

## 8.8 Biodiversity and ecology

8.8.1 Policies EN5 (viii) of the Rother Local Plan Core Strategy and DEN4 of the DaSA outline how development proposal should greenspace, biodiversity and habitats and species should be protected.

8.8.2 The application has been accompanied by a tree survey, arboricultural report, and a preliminary ecological assessment.

8.8.3 The proposed development would result in the loss of nine trees within the application site, one of which being due to poor health, the rest due to the location of the proposed extension.

8.8.4 The large Oak tree to the southern end of the site, near the entrance gates, which is also subject to a Tree Preservation Order (TPO) is proposed to be retained.

8.8.5 The Pine trees located to the north of the site, along to access to the cemetery are also not proposed to be removed, nor will they be affected by the proposed development proposal.

8.8.6 The landscape buffer and retained tree belt as outlined within the allocated site under Policy BEX6 of the DaSA would also not be affected or removed as part of the development.

8.8.7 The trees proposed to be removed are predominantly set deep within the site and are not subject to preservation orders. Their removal is not considered to have a detrimental impact on the landscape character of the locality.

8.8.8 The arboricultural report also outlined protection measures to be followed during the demolition and construction phases, which is considered to be acceptable and will be enforced by a condition.

8.8.9 The application has been accompanied by a preliminary ecological appraisal (PEA). A PEA is required to set out the ecological features present or potentially present within the site and the surrounding area, as well as offered recommendations or the protection of any identified habitats and mitigation measures during the development.

8.8.10 The County Ecologist has been consulted on this application, and has given detailed comments in response to the PEA and proposed mitigation measures;

8.8.11 *The proposed development site is not designated for its nature conservation interest. An area of ancient woodland lies c. 15m east, with connectivity to the site via hedgerows and tree canopies. Measures should be put in place to*

*prevent harm to the ancient woodland and to maintain connectivity. These measures should be included in Biodiversity Method Statement (BMS) required by condition.*

- 8.8.12 *Habitats on site include scattered trees and a tree-line along the majority of the northern boundary, tall ruderal vegetation and scattered scrub mosaic, ephemeral/short perennial vegetation, introduced shrub, and buildings, bare ground and hard standing. The proposed development will result in the loss of the majority of vegetation on site, with the exception of the tree line along the northern boundary and a mature oak on the southern boundary. These features should be retained and protected in accordance with BS5837:2012. It is also recommended that the northern boundary is enhanced through additional native tree/scrub planting. The proposed landscaping set out in the PEA is considered sufficient to compensate for the loss of habitats on site.*

#### Badgers:

- 8.8.13 *Badgers are protected under the Protection of Badgers Act 1992. Under the Act, it is an offence inter alia to: wilfully kill, injure or take a badger, or attempt to do so; cruelly ill-treat a badger; or intentionally or recklessly interfere with a badger sett, by a) damaging a sett or any part of one, b) destroying a sett, c) obstructing access to or any entrance to a sett, d) causing a dog to enter a sett, or e) disturbing a badger when it is occupying its sett. Activities that can affect badgers include noise, additional lighting or vibration. Badger sett tunnels can extend for 20 m or more from the entrance holes.*
- 8.8.14 *The PEA reported no evidence of badgers on-site, with the site being unsuitable for sett building, but offering potential for commuting and foraging. Given the location of high quality badger habitat to the north, east and west, it is likely that badgers commute through and potentially forage within the site. The recommended safeguards set out in the PEA are supported and should be implemented.*

#### Bats:

- 8.8.15 *All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species.*
- 8.8.16 *Bat droppings were recorded on window sills on the southern and eastern elevations of the Lodge proposed for conversion (reported in previous ecological assessment of the site). Bat roost surveys (Bat Survey, Weald Ecology, 30/09/22) confirmed the Lodge as supporting a night roost for at least one soprano pipistrelle, and noted that the access track running north/south to the east of the building was well used by foraging common pipistrelles. Whilst a previous ecological assessment reported the northern outbuilding as offering low bat roost potential, an updated bat roost assessment found the building offered negligible potential, and no bat activity was recorded around either of the outbuildings during the bat surveys.*
- 8.8.17 *Given the presence of a bat roost within the building proposed for conversion, works will require a European Protected Species licence. Given the low conservation status of the roost, I concur with the recommendation in the PEA that a low impact licence/bat mitigation class licence would be appropriate in*



*this case. The mitigation strategy outlined in the PEA is in line with best practice and is supported. It is noted that no external lighting is proposed. Given the known presence of bats within the site, any external lighting should be designed in accordance with best practice from the Bat Conservation Trust.*

#### Breeding Birds:

8.8.18 *Habitats on site, including scattered trees, the northern tree line, scattered scrub and buildings, offer potential for breeding birds, and two old nests were recorded in the northwest of the site. 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 demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.*

#### Hazel Dormouse:

8.8.19 *The hazel dormouse is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, as amended, making it a European Protected Species. Whilst there is some suitable habitat on site, it is sub-optimal, with the site lacking structural diversity and cover, relatively low species diversity and limited canopy connectivity to off-site trees. However, given the proximity to suitable habitat off-site, the presence of dormice on site cannot be discounted. Given the small area of the site and sub-optimal habitat that would be impacted, surveys are considered disproportionate in this case. The recommendation in the PEA for works to be carried out under Reasonable Avoidance Measures (RAMs) is supported.*

8.8.20 *The RAMs set out in the PEA are broadly acceptable, but the following should be noted. The proposed first stage winter clearance would avoid impacts on breeding birds. As hibernation nests can be difficult to recognise and identify, works should be overseen by a suitably qualified and licensed ecologist. The second stage clearance should be coordinated with precautionary clearance for reptiles (see below). Full details should be provided in a BMS.*

#### Great Crested Newts:

8.8.21 *The great crested newt (GCN) is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, as amended, making it a European Protected Species. Whilst there is some suitable terrestrial habitat on site, this is sub-optimal, lacking refuges. There are also no ponds within 500m of the site. As such, GCN are considered likely absent and are not a constraint to development.*

## Reptiles:

8.8.22 *Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Whilst there is some suitable habitat on site, this is limited in extent and heavily shaded, lacking basking opportunities. The site is well connected to better quality habitat off-site to the west, and as such, the presence of low numbers of reptiles on site cannot be discounted. Given the limited extent of sub-optimal habitats on site, and the small size of the site, additional surveys are considered disproportionate in this case. However, a precautionary approach to site clearance should be taken. The PEA makes some recommendations for this approach, but provides little detail. Vegetation clearance should be undertaken in suitable conditions during the reptiles' active period, in a staged manner, and working from south to north, towards suitable habitat off-site. Works must also be coordinated with RAMs for dormice. It is recommended that the northern boundary is enhanced through additional planting of native species, and that log piles/refuges are provided along this boundary. Full details should be provided in a BMS.*

## Other Species:

8.8.23 *The site offers suitable habitat for hedgehogs, and hedgehog droppings have been recorded on site. The hedgehog is a Species of Principal Importance (SPI) under Section 41 of the NERC Act, with populations having suffered significant declines in recent years. Care should be taken during site clearance, with any animals found moved to suitable retained habitat in the north of the site. Boundaries within the site should be made permeable to hedgehogs (e.g. through the provision of hedgehog gaps in fences, or preferably through the use of boundary hedges) to ensure animals can continue to pass through the site. It is also recommended that a hedgehog dome is provided in a suitable location on site.*

8.8.24 *The site is unlikely to support any other protected species. If protected species are encountered, work should stop immediately, and advice should be sought on how to proceed from a suitably qualified ecologist.*

## Mitigation Measures and Biodiversity Net Gain:

8.8.25 *In addition to the recommended mitigation and compensation measures discussed above, the site offers potential to provide biodiversity net gain (BNG) as required under the NERC Act, and national and local planning policy. The PEA makes recommendations for mitigation, compensation and enhancement, including the creation of a green roof, planting of 25m species-rich native hedgerow along the southern boundary, flower-rich lawn mix in all grassed areas, use of diverse planting mixes through the site, and the provision of four swift and four bat boxes, and states that these will provide "measurable BNG". As no metric calculation has been carried out for the proposed development, this cannot be ascertained with certainty. However, provided the recommendations in the PEA and in the above advice are included in the scheme design, it is considered likely that the development will provide BNG.*

8.8.26 *The PEA states that a sedum roof will be provided on the new building(s). Sedum roofs offer minimal biodiversity benefits, as demonstrated by them*

*being classed as habitats of low distinctiveness reaching no more than poor condition in the Defra Biodiversity Metric. The provision of a green roof is supported, but it should be biodiverse. Given the location of the site, a native Weald meadow mix is recommended.*

8.8.27 *The recommended management of the new native species-rich hedgerow and the grassed areas are supported. Long term management of retained, enhanced and newly created habitats should be secured through a Landscape and Ecological Management Plan (LEMP).*

8.8.28 In summary, the information provided is satisfactory and enables the Council to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of the recommended planning conditions.

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## **9.0 PLANNING BALANCE AND CONCLUSION**

9.1 The proposed development is acceptable in principle and would provide 6 new residential units for affordable rent. The proposal would not have a detrimental effect on the character and appearance of the locality, or the non-designated heritage asset and it would not cause harm to neighbouring properties. The proposal would provide a good level of living accommodation for future occupiers as well as provide adequate car and cycle parking and not result in any highway safety issues. The development would result in an impact on the biodiversity of the site, however it is considered that these impacts can be mitigated through the imposition of conditions. Therefore, this application is recommended for approval.

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**RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO COMPLETION OF A SECTION 106 AGREEMENT to secure the provision of affordable housing.**

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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 plans and details:  
Location Plan, Drawing No. 19-151-001-P02, dated 05/05/22  
Existing Site Plan 1, Drawing No. 19-151-002-P02, dated 05/05/22  
Existing Site Plan 2, Drawing No. 19-151-003-P02, dated 05/05/22  
Existing Plans & Elevations, Drawing No. 19-151-004-P02, dated 05/05/22  
Proposed Block Plan, Drawing No. 19-151-005-P03, dated 05/05/22  
Proposed Floor Plans, Drawing No. 19-151-007-P04, dated 30/01/2022  
Proposed Elevations, Drawing No. 19-151-008-P06, dated 30/01/2022  
Proposed Sections, Drawing No. 19-151-009-P03, dated 05/05/22  
Tree Survey Plan, Drawing No. West/Cem/22/010, dated Feb 2022

Tree Protection Plan, Drawing No. SAN/RTW/22/011, dated April 2022  
Arboricultural Report, prepared by Landvision Landscape Architects, dated April 2022

Drainage Strategy, ref. E8572 RE001 B, dated April 2022

Schematic Drainage Layout ref: E8572 201 P1, dated 06/04/2022

Preliminary Ecological Appraisal, prepared by Ecology Works Ltd, dated December 2022

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of i) retained habitat and ancient woodland, ii) hazel dormice, iii) reptiles, iv) badgers, and v) breeding birds has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works;
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;
  - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) persons responsible for implementing the works;
  - f) initial aftercare and long-term maintenance (where relevant); and
  - g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and The Conservation of Habitats and Species Regulations 2017, as amended and in accordance with Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

4. No development shall take place until an ecological design strategy (EDS) addressing mitigation and compensation for the loss of semi-natural habitat, and enhancement measures to provide biodiversity net gain, to include the recommendations in the Preliminary Ecological Appraisal (Ecology Works, December 2022) 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;
  - j) details for disposal of any wastes arising from works.

k) 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, as amended, paragraphs 174 and 180 of the National Planning Policy Framework, and Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

5. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions, together with a plan of management compartments;
  - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) details of the body or organisation responsible for implementation of the plan;
  - h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features and is in accordance with Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

6. 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 fenestration, rooflights, and eaves details;
  - b) specifications and samples of the materials to be used in the construction of all external surfaces of the buildings; and
  - c) the proposed site levels and finished floor levels of all buildings in relation to existing site levels.

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

7. No above ground works shall commence until a full schedule of repairs to the Edwardian Lodge, has been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details. The repair schedule shall include:
- a) method statement for the demolition of the mid/late twentieth century additions, and internal alterations, to ensure the protection of the lodge building;
  - b) specifications and samples of any materials to be used in any repair/reinstatement work; and
  - c) details of any repairs to historic fabric of the lodge, including repointing, brickwork repairs, and timber repairs.
- Reason: To ensure the preservation of the non-designated heritage asset, in accordance with Policy EN2 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
8. 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 design and materials of such;
  - b) hard surfacing materials specification (samples/product literature) (including for road surfaces, paths, parking spaces and other areas of hardstandings); and
  - c) street furniture, signage and lighting, where relevant, including proposed locations.
- Reason: To ensure the creation of a high quality public realm, design quality, and landscape setting, in accordance with Policies EN3 and EN1 of the Rother Local Plan Core Strategy.
9. 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) Planting plans, including schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, and details for implementation and management.
- Reason: To ensure the creation of a high quality design quality and landscape setting, in accordance with Policies EN3 and EN1 of the Rother Local Plan Core Strategy.
10. No dwelling shall be occupied until the foul and surface water drainage works for the whole site have been completed in accordance with the submitted Drainage Strategy (ref: E8572 RE001 B, dated April 2022) and the Schematic Drainage Layout (ref: E8572 201 P1, dated 06/04/2022).
- Reason: To ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy and Policy DEN5 of the Development and Site Allocations Local Plan.
11. The development shall not be occupied until parking areas have been provided in accordance with the approved plans (ref: 19 151 0005 P03, dated 23/03/2022) 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 TR3 and TR4 of the Rother Local Plan Core Strategy.

12. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans (ref: 19 151 0005 P03, dated 23/03/2022) and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.

13. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans (ref: 19 151 0005 P03, dated 23/03/2022) and the turning space shall thereafter be retained for that use and shall not be obstructed.

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

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 TR3 and TR4 of the Rother Local Plan Core Strategy.

15. The existing stone gate piers and gates to the southern end of the cemetery avenue, at the junction of Turkey Road and St Mary's Road, are to be retained in situ.

Reason: To ensure the preservation of the non-designated heritage asset and its setting, in accordance with Policy EN2 of the Rother Local Plan Core Strategy.

16. The development hereby permitted shall be carried out only in accordance with the "Arboricultural Report" prepared by Landvision Landscape Architects, dated April 2022 and the Tree Protection Plan, ref: SAN/RTW/22/011, dated April 2022. No variation shall be made unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure protection of the trees during construction and to maintain the character and landscape setting in accordance with Policies EN3 and OSS4 (iii) of the Rother Local Plan Core Strategy.

17. The dwelling on plot No. 3 as shown on Drawing No. 19-151-007-P04, dated 30/01/2023, shall not be occupied until it has been constructed in accordance with Part M4(3) (b) (wheelchair accessible dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.

Reason: To ensure that the development contributes towards meeting the district's forecasted increase in the number of people with mobility issues and limiting illnesses in accordance with Policy DHG4 of the Development and Site Allocations Local Plan.

18. The dwelling on plot No. 5 as shown on Drawing No. 19-151-007-P04, dated 30/01/2023 shall not be occupied until it has been constructed in accordance

with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.

Reason: To ensure that an acceptable standard of access is provided to the dwelling(s) in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Development and Site Allocations Local Plan.

**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.



SITE PLAN

BEXHILL

RR/2022/2988/P

East Parade – Land at



## Rother District Council

Report to - Planning Committee  
Date - 16 February 2023  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2022/2988/P  
Address - East Parade – Land, at  
Parish - BEXHILL  
Proposal - Retain 110 existing beach huts.

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Rother District Council – Attn. Mr M. Johnson  
**Agent:** Rother District Council – Attn. Ms L. Goodwill  
**Case Officer:** Mrs M. Taylor  
(Email: [maria.taylor@rother.gov.uk](mailto:maria.taylor@rother.gov.uk))

**Parish:** BEXHILL SACKVILLE  
**Ward Member(s):** Councillors T.J.C. Byrne and H.L. Timpe

**Reason for Committee consideration:** Council Own Development

**Statutory 8 week date:** 14 February 2023  
**Extension of Time Requested:** 23 February 2023

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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 retention of 110 beach huts positioned on the beach directly adjacent to the promenade.
- 1.2 The beach huts are let out and licenced by Rother District Council (RDC). The licence stipulates the rules and regulations as well as the size of beach hut and veranda permitted.
- 1.3 Any planning permission granted would be temporary requiring renewal every five years due to the construction and materials of the beach huts. Conditions are imposed in regard to its use and appearance. The time limited condition helps in regard to monitoring the condition of the huts to ensure their appearance does not deteriorate to the detriment of the location.

- 1.4 The view is taken that the proposal is acceptable as beach huts are a traditional and historic feature along sections of Bexhill seafront and would be in keeping with the character and appearance of this seafront location and therefore concur with Policies OSS3 (vi), OSS4 (iii), EN1 (v) and EN3 (i & ii) of the Rother Local Plan Core Strategy and DEN1 of the Development and Site Allocations Local Plan (DaSA). As such they would promote the use and enjoyment of the beach as a recreational facility in line with Policies BX1 (ii), BX2 (i & v), CO3 (vi) and EN4 (iii) of the Rother Local Plan Core Strategy, whilst providing social and economic benefit for Bexhill Town Centre and the wider area in line with Policy DCO1 of the DaSA Local Plan.
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## **2.0 SITE**

- 2.1 The application relates to a long established site with beach huts in situ on the shingle beach directly adjacent to the promenade. The site extends along the beach in an eastly direction opposite the Dorset Road South junction, past Bethune Road, the junction with Brookfield Road, Sutton Place and finishing near the fishermans' beach by the Bexhill Sea Angling Club.
- 2.2 The beach huts are let to the public by RDC whom issue yearly licences and charge an annual fee.
- 2.3 The site is outside the development boundary for Bexhill as defined in the DaSA but is within Flood Zone 3 as identified on the Environment Agency website. To the south below the mean high water mark the area is a Marine Conservation Zone known as Beach Head East (Royal Sovereign Shoals).
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## **3.0 PROPOSAL**

- 3.1 This application seeks permission for the retention of 110 existing beach huts positioned on the foreshore adjacent to the promenade, De La Warr Parade.
- 3.2 Access to the beach huts will remain as existing via steps at various points along the promenade down to the shingle beach.
- 

## **4.0 HISTORY**

- |     |                 |   |
|-----|-----------------|---|
| 4.1 | B/62/756        | Proposed beach hut sites. APPROVED  |
| 4.2 | B/69/737        | Erection of 10 beach cabins on the beach opposite Cavendish Court. APPROVED CONDITIONAL   |
| 4.3 | RR/2005/2206/3R | Stationing of beach huts (retrospective application). APPROVED (TEMPORARY)  |
| 4.4 | RR/2009/1717/3R | Relocation of six beach huts (retrospective application). APPROVED CONDITIONAL  |
| 4.5 | RR/2011/1469/3R | Removal of Condition 1 Re RR/2005/2206/3R to enable the retention of beach huts along East Parade – Reinstatement of original huts site (RR/62/756) and |

(RR/69/737) and subsequent permission RR/2005/2206, as per conditions of licence. APPROVED CONDITIONAL

- 4.6 RR/2017/880/P Retain beach huts 1-28 and 31-44. Erection of additional 12 huts to be sited within the same footprint of existing. Access to foreshore will remain as existing and spacing between beach huts will remain. 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:
- OSS3: Location of Development
  - OSS4: General Development Considerations
  - BX1: Overall Strategy for Bexhill
  - BX2: Bexhill Town Centre
  - CO3: Improving Sports and Recreation Provision
  - EN1: Landscape Stewardship
  - EN3: Design Quality
  - EN4: Management of the Public Realm
  - EN7: Flood Risk and Development
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DCO1: Retention of Sites of Social or Economic Value
  - DEN1: Maintaining Landscape Character
- 5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations. Of particular relevance in this instance are paragraphs 98 and 99 contained within Chapter 8 – Promoting healthy and safe communities.
- 

## 6.0 CONSULTATIONS

### 6.1 Planning Notice

- 6.1.1 One email received objecting to the application and can be summarised as follows:
- Views of the beach and sea from the promenade are fragmentary and disappointing for those many locals and visitors unable to walk along the beach.
  - Their numbers must be far in excess of the few who hire these huts and their economic contribution also. What is the net income?

One email making general comments and is summarised as follows:

- We have beach hut No. 43 East Parade and do not understand why you need planning for the 110 beach huts.

6.2 Bexhill-on-Sea Town Council

6.2.1 *“It was **RESOLVED** to support this application.”*

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**7.0 APPRAISAL**

7.1 The main issues for consideration are:

- Character and appearance within the street scene and the wider locality.
- Impacts upon neighbouring and nearby properties.
- Other matters.

7.2 Character and appearance within the street scene and the wider locality

7.2.1 Policy OSS3 (vi) of the Rother Local Plan Core Strategy focuses on the development being in context with the location, Policies OSS4 (iii) of the Rother Local Plan Core Strategy and DEN1 of the DaSA seek to ensure all development maintains, respects and does not detract from the character and appearance of the locality with is further supported by Policies EN1 (v) and EN3 (i & ii) of the Rother Local Plan Core Strategy.

7.2.2 Policy OSS3 of the Rother Local Plan Core Strategy (2014) states that when determining planning applications, proposals should accord with the relevant policies of the Rother Local Plan Core Strategy and be considered in the context of: *(vi) the character and qualities of the landscape; and*

7.2.3 Policy OSS4 of the Rother Local Plan Core Strategy states *“.... all development should meet the following criteria: ... (iii) it respects and does not detract from the character and appearance of the locality; ...”*

7.2.4 DEN1 of the DaSA states that: *“The siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics in accordance with Rother Local Plan Core Strategy Policy EN1.”*

7.2.5 Policy EN1 of the Rother Local Plan Core Strategy states: *“Management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district’s nationally designated and locally distinctive landscapes and landscape features; including ... (v)... including the visual character of settlements, ...”*

7.2.6 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, ...*  
*(ii) Demonstrating robust design solutions tested against the following Key design Principles as appropriate tailored to a thorough and empathetic understanding of the particular site and context: ...”*

7.2.7 The beach huts are of a traditional appearance, normally of timber construction, a standard size and all fairly uniform in appearance being coloured white under a pitched felt roof. They are a historic and common feature on parts of the Bexhill seafront along with other furniture on the

promenade, such as the Grade II listed shelters, which all add to the seaside resort setting of the seafront.

- 7.2.8 The huts are set on the shingle beach just below the level of the promenade where views towards the sea can be obtained between them and at some points over them. Where benches are sited on the promenade behind the huts, views are more limited. However, unlike the situation on other parts of the seafront, the huts here are generously spaced maintaining acceptable views of the beach and sea beyond.
- 7.2.9 Each year a licence is issued detailing the responsibility of each licensee to ensure that their hut is maintained in good condition and that the size of the beach cabin does not exceed the standard size and also details the size of veranda that is permitted. Compliance with the licensing agreement ensures that the beach huts are uniform in appearance and are kept in good condition so that they are not detrimental to the character and appearance of the seafront. In addition, planning permissions granted for beach huts are temporary as the construction and materials of the hut are not considered suitable for erection of a permanent building in respect of the long-term visual character and amenities of an area.
- 7.2.10 An inspection of the huts has been undertaken which revealed that almost all are in situ and are in good condition. However, it was noted that beach hut No. 55 has a decked area/veranda at the front facing the sea which has been damaged by the wind and the boards lifted exposing the rafters with nails. This needs to be addressed and has been reported so the licensee can be advised and the situation rectified.

### 7.3 Impacts upon neighbouring and nearby properties

- 7.3.1 Policy OSS4(ii) of the Rother Local Plan Core Strategy and DHG9(i) of the DaSA seek to protect the amenities of neighbouring properties.
- 7.3.2 The beach huts are situated on the opposite side of the road to residential development. De La Warr Parade is a wide road with parking on both sides and in addition the seafront promenade is wide with areas of grass and pavement having railings separating the beach area where the huts are located. In addition there are restrictions placed on the use of beach huts to ensure they are not used for overnight sleeping accommodation, which could result in disturbance at unsociable hours.
- 7.3.3 Taking account of the distance these huts are from residential properties and the restrictions imposed on planning permissions it is considered there would be no detrimental impact to the amenities of any neighbouring properties.

### 7.4 Other Matters

#### 7.4.1 *Flood Risk:*

- 7.4.2 Policy EN7 of the Rother Local Plan Core Strategy states: *(ii) When development is, exceptionally, acceptable in flood risk areas, consideration is paid to the layout and form of development to minimize flood risk.*

- 7.4.3 The application has been assessed having regard to flood risk. Within government guidance water based recreation without sleeping accommodation is referred to as ‘water compatible development’. If permission is granted, conditions can be imposed for use of the beach huts for private day time recreational purposes only and preventing overnight sleeping accommodation to accord with the government guidance. The beach huts would therefore be classed as water compatible development.
- 7.4.4 *Economy and Health:*
- 7.4.5 Policies BX1 (ii) and BX2 (i & v) of the Rother Local Plan Core Strategy are specific to Bexhill and seek to develop local amenities, including improved leisure facilities and promoting these through investment in the public realm, increasing links to the seafront and activities within walking distance of the town centre. Policy CO3 (i & vi) more generally relates to the provision of sufficient recreation facilities safeguarding existing facilities and giving particular support for water-based recreation along the coast of Bexhill. In regard to public realm, Policy EN4 (iii) seeks to continue to bring forward programmes to enhance activity and the use of public spaces. Policy DCO1 of the DaSA supports the retention of sites of social or economic value.
- 7.4.6 These policies are further supported by the National Planning Policy Framework and specifically paragraphs 98 and 99 in respect of open space and recreation promoting health and well being for communities with paragraph 99 resisting any loss of such facilities without justification the use is no longer required.
- 7.4.7 Policy BX1 states the overall strategy to deliver the objectives for Bexhill includes to: (ii) *Develop local amenities, including support for community activities and facilities, ..., improved leisure facilities, ...*
- 7.4.8 Policy BX2 outlines the strategy for Bexhill Town Centre, including to:  
 (i) Promote a co-ordinated town centre initiative to improve its use including links to the seafront and activities; and  
 (v) Facilitate leisure within walking distance of the centre.
- 7.4.9 Policy CO3 relates to the provision of sufficient, well-managed and accessible open space, sports and recreation facilities ..., achieved by:  
 (i) Safeguarding existing facilities and  
 (vi) Giving particular support for water-based recreation along the coast near Bexhill.
- 7.4.10 Policy EN4 states priority will be given to working with relevant agencies to:  
 (i) *Continue to bring forward programmes to enhance activity and the use of public space.*
- 7.4.11 Policy DCO1 resists the loss or diminution of sites of social or economic value.
- 7.4.12 Paragraph 98 of the National Planning Policy Framework states “Access to a network of high quality open spaces and opportunities for sport and physical activity is important for health and well-being of communities, ...” And para 99 seeks to retain existing open space, sports and recreational buildings unless the loss is replaced by equivalent or better.

- 7.4.13 As stated above, the beach huts are a historic feature on the seafront. Some are available to rent during the summer months and others are privately owned. They create an amenity space for enjoyment of the beach and seafront facilities, whilst boosting the economy due to their siting and use as in many cases the huts are within walking distance of local businesses and Bexhill Town Centre. It is considered the loss of the huts would have both a detrimental financial and visual impact on the vitality and appearance of the seafront.
- 7.4.14 Policies within the Rother Local Plan Core Strategy and DaSA seek to promote leisure and recreational activities, with Policy CO3 (vi) specifically referencing water-based recreation along the coast of Bexhill, which the beach huts subtly achieves. It is considered the contribution the huts make to the economy, health and well-being are positive and comply with policy.
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## **8.0 PLANNING BALANCE AND CONCLUSION**

- 8.1 The site in general is well maintained and it is considered that the retention of the existing beach huts would not have any detrimental impact upon the locality or neighbouring properties and would therefore not conflict with the objectives of Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy.
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### **RECOMMENDATION: GRANT (FULL PLANNING)**

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#### **CONDITIONS:**

1. The buildings hereby permitted shall be removed and the land restored to its former condition on or before 20 December 2027 in accordance with a scheme of work submitted to and approved by the Local Planning Authority.  
Reason: The beach huts by reason of the construction and materials is not considered suitable for erection as a permanent building, in respect of the long term visual character and amenities of the area and having regard to Policy OSS4 (iii) of the adopted Rother Local Plan Core Strategy and Policies DEN1 of the adopted Development and Site Allocations Local Plan.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
Site Location Plan with huts labelled East Parade received 20-12-22  
Block Plan received 20-12-22  
Floor and Elevation Plan of beach hut received 20-12-22  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The beach huts shall be used for daytime private recreational purposes only and, in particular, not for overnight sleeping accommodation.  
Reason: To preserve the visual amenities of the locality in accordance with Policy OSS4 (iii) of the adopted Rother Local Plan Core Strategy and Policy DEN1 of the adopted Development and Site Allocations Local Plan.
4. The external walls of the beach huts shall be coloured white within one month of their erection and maintained in that condition thereafter.

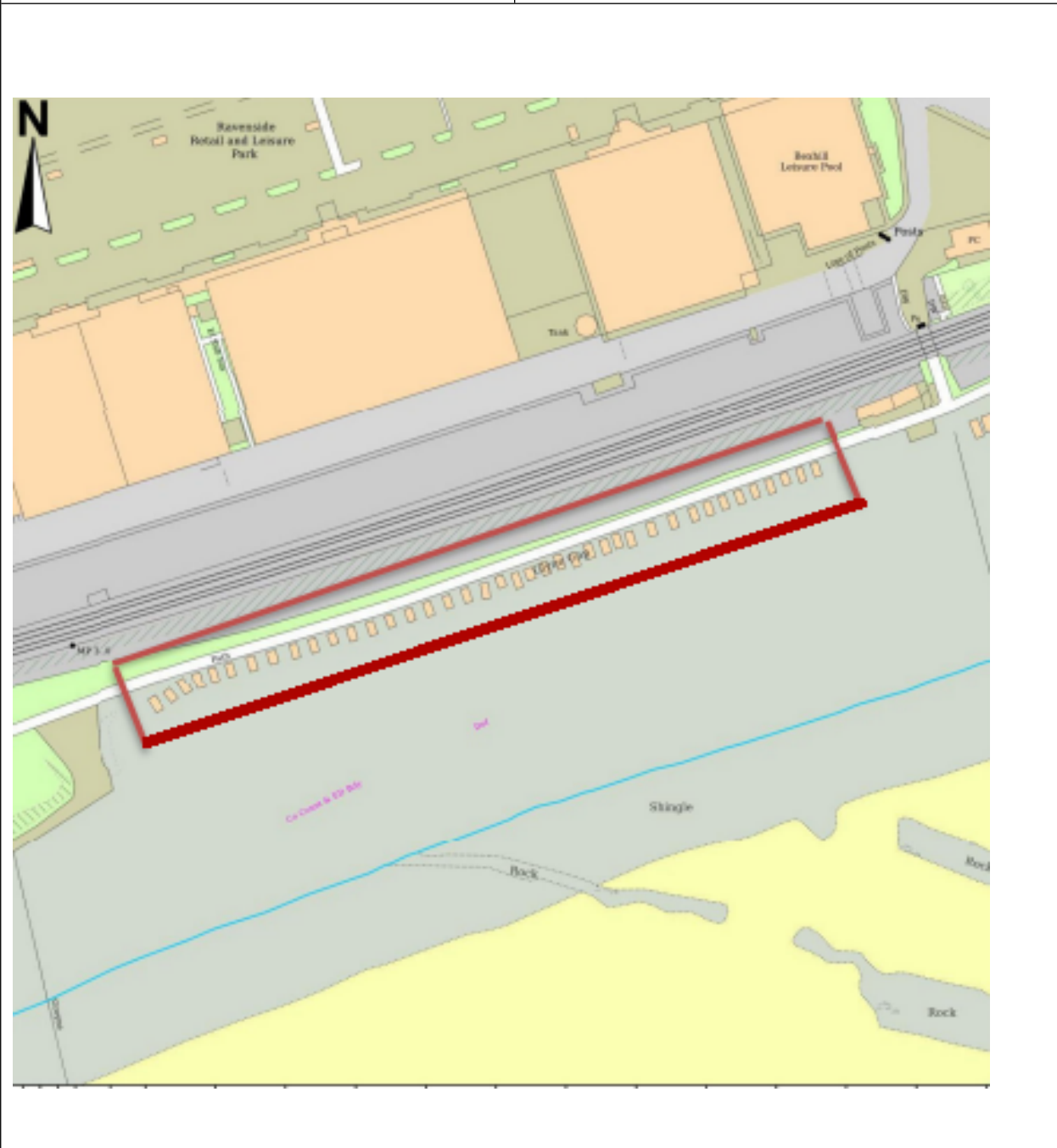


Reason: To preserve the visual amenities of the locality in accordance with Policy OSS4 (iii) of the adopted Rother Local Plan Core Strategy and Policy DEN1 of the adopted Development and Site Allocations Local Plan.

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

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SITE PLAN RR/2022/2989/P	BEXHILL Galley Hill – Land at
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## Rother District Council

Report to - Planning Committee  
Date - 16 February 2023  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2022/2989/P  
Address - Galley Hill – Land, at  
BEXHILL  
Proposal - Retain 40 existing beach huts.

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Rother District Council – Attn. Mr M Johnson  
**Agent:** Rother District Council – Attn. Ms L Goodwill  
**Case Officer:** Mrs M. Taylor  
(Email: [maria.taylor@rother.gov.uk](mailto:maria.taylor@rother.gov.uk))

**Parish:** BEXHILL SACKVILLE  
**Ward Member(s):** Councillors T.J.C. Byrne and H.L. Timpe

**Reason for Committee consideration:** Council Own Development

**Statutory 8 week date:** 14 February 2023  
**Extension of Time Requested:** 23 February 2023

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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 retention of 40 beach huts positioned on the beach directly adjacent to the cycle track which runs parallel to the railway line behind the Ravenside Retail Park.
- 1.2 The beach huts are let out and licenced by Rother District Council (RDC). The licence stipulates the rules and regulations as well as the size of beach hut and veranda permitted. Planning permissions that have been granted also impose conditions in regard to the appearance and use of the beach huts.
- 1.3 The view is taken that the proposal is acceptable as beach huts are a traditional and historic feature along sections of Bexhill seafront and would be

in keeping with the character and appearance of this seafront location and therefore concur with Policies OSS3 (vi), OSS4 (iii), EN1 (v) and EN3 (i & ii) of the Rother Local Plan Core Strategy and DEN1 of the Development and Site Allocations Local Plan (DaSA). As such they would promote the use and enjoyment of the beach as a recreational facility in line with Policies BX1 (ii), BX2 (i & v), CO3 (vi) and EN4 (iii) of the Rother Local Plan Core Strategy, whilst providing social and economic benefit for area in line with Policy DCO1 of the DaSA.

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## **2.0 SITE**

- 2.1 The application relates to a long established site with beach huts in situ on the shingle beach directly adjacent to the cycle track, which runs parallel to the railway line behind the Ravenside Retail Park. The site extends along the beach on the east side of galley from the bottom in an eastly direction to the café by the underpass with access to the parking area at Glyne Gap opposite the petrol station.
- 2.2 The beach huts are let to the public by RDC whom issue yearly licences and charges an annual fee.
- 2.3 The site is outside the development boundary for Bexhill as defined in the DaSA but is within Flood Zone 3 as identified on the Environment Agency website. To the south below the mean high water mark the area is a Marine Conservation Zone known as Beach Head East (Royal Sovereign Shoals).
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## **3.0 PROPOSAL**

- 3.1 This application seeks permission for the retention of 40 existing beach huts positioned on the foreshore adjacent to the cycle track which runs parallel to the railway line behind the Ravenside Retail Park.
- 3.2 Access to the beach huts will remain as existing via the underpass at Glyne Gap towards the eastern end of the site or from Galley Hill at the western end of the site. There is no vehicular access.
- 

## **4.0 HISTORY**

- |     |                |   |
|-----|----------------|---|
| 4.1 | B/59/773       | Site for 24 beach chalets – Granted by East Sussex County Council.  |
| 4.2 | B/61/759       | Proposed erection of 16 additional beach huts. APPROVED   |
| 4.3 | RR/2017/1750/P | Provision of a further 31 beach hut sites to the existing nine sites on the foreshore. APPROVED CONDITIONAL |
-

## 5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- OSS3: Location of Development
  - OSS4: General Development Considerations
  - BX1: Overall Strategy for Bexhill
  - BX2: Bexhill Town Centre
  - CO3: Improving Sports and Recreation Provision
  - EN1: Landscape Stewardship
  - EN3: Design Quality
  - EN4: Management of the Public Realm
  - EN7: Flood Risk and Development
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DCO1: Retention of Sites of Social or Economic Value
  - DEN1: Maintaining Landscape Character
- 5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations. Of particular relevance in this instance are paragraphs 98 and 99 contained within Chapter 8 – Promoting healthy and safe communities.
- 

## 6.0 CONSULTATIONS

### 6.1 Planning Notice

6.1.1 No representations received.

### 6.2 Bexhill-on-Sea Town Council

6.2.1 *“It was **RESOLVED** to support this application.”*

### 6.3 Neighbouring Authority – Hastings Borough Council

6.3.1 Consultation undertaken with Hastings Borough Council (HBC) – Letter dated 10 January 2023 received advising there may be a two month delay in response to our consultation.

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## 7.0 APPRAISAL

7.1 The main issues for consideration are:

- Character and appearance within the street scene and the wider locality.
- Impacts upon neighbouring and nearby properties.
- Other matters.

### 7.2 Character and appearance within the street scene and the wider locality

7.2.1 Policy OSS3 (vi) of the Rother Local Plan Core Strategy focuses on the development in context with the location, Policy OSS4 (iii) of the Rother Local

Plan Core Strategy and DEN1 of the DaSA seek to ensure all development maintains, respects and does not detract from the character and appearance of the locality with is further supported by Policies EN1 (v) and EN3 (i & ii) of the Rother Local Plan Core Strategy.

- 7.2.2 Policy OSS3 of the Rother Local Plan Core Strategy states that when determining planning applications, proposals should accord with the relevant policies of the Rother Local Plan Core Strategy and be considered in the context of: *(vi) the character and qualities of the landscape; and*
- 7.2.3 Policy OSS4 of the Rother Local Plan Core Strategy states “... *all development should meet the following criteria: ... (iii) it respects and does not detract from the character and appearance of the locality; ...*”
- 7.2.4 Policy DEN1 of the DaSA states that: “*The siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics in accordance with Rother Local Plan Core Strategy Policy EN1.*”
- 7.2.5 Policy EN1 of the Rother Local Plan Core Strategy states: “*Management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district’s nationally designated and locally distinctive landscapes and landscape features; including ... (v) including the visual character of settlements, ...*”
- 7.2.6 Policy EN3 of the Rother Local Plan Core Strategy 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, ...*  
*(ii) Demonstrating robust design solutions tested against the following Key Design Principles as appropriate tailored to a thorough and empathetic understanding of the particular site and context: ...*”
- 7.2.7 The beach huts are of a traditional appearance, normally of timber construction, a standard size and all fairly uniform in appearance being coloured white under a pitched felt roof. They are a historic and common feature along sections of the Bexhill and St Leonards seafront.
- 7.2.8 These huts are located in the bay area between the two cliff points at Glyne Gap. The huts are set on the shingle beach beside the Bexhill to Hastings Coastal Path, which is both a footpath and cycle route. Views of the huts are obtained from Galley Hill where there are benches on the grass land with views towards St Leonards and Hastings. There is a small group of 15 huts set further east beyond the café, which are within the boundary of HBC.
- 7.2.9 Each year a licence is issued detailing the responsibility of each licensee to ensure that their hut is maintained in good condition and that the size of the beach cabin does not exceed the standard size and also details the size of veranda that is permitted. Compliance with the licensing agreement ensures that the beach huts are uniform in appearance and are kept in good condition so that they are not detrimental to the character and appearance of the seafront. In addition, planning permissions granted for beach huts are temporary as the construction and materials of the hut are not considered

suitable for erection of a permanent building in respect of the long-term visual character and amenities of an area.

7.2.10 An inspection of the huts has been undertaken which revealed that almost all are in situ and are in fair condition. However, it was noted that hut nos. 34, 38 and the hut to the east side of No. 10 need repainting. Hut No. 8 has elevations comprising corrugated sheets, which need painting and No. 13 needs repair and painting. These points have been reported so they issue can be addressed.

### 7.3 Impacts upon neighbouring and nearby properties

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

7.3.2 The beach huts are situated on the seafront on the opposite side of the railway line to Ravenside Retail Park. There are no residential properties in the immediate vicinity which would be affected by the siting and use of the beach huts as permitted.

### 7.4 Other Matters

#### 7.4.1 *Flood Risk:*

7.4.2 Policy EN7 of the Rother Local Plan Core Strategy states: *(ii) When development is, exceptionally, acceptable in flood risk areas, consideration is paid to the layout and form of development to minimize flood risk.*

7.4.3 The application has been assessed having regard to flood risk. Within government guidance water based recreation without sleeping accommodation is referred to as 'water compatible development'. If permission is granted conditions can be imposed for use of the beach huts for private day time recreational purposes only and preventing overnight sleeping accommodation to accord with this guidance. The beach huts would therefore be classed as water compatible development.

#### 7.4.4 *Economy and Health:*

7.4.5 Policies BX1 (ii) and BX2 (i & v) of the Rother Local Plan Core Strategy are specific to Bexhill and seek to develop local amenities including improved leisure facilities and promoting these through investment in the public realm increasing links to the seafront and activities within walking distance of the town centre. Policy CO3 (i & vi) more generally relates to the provision of sufficient recreation facilities safeguarding existing facilities and giving particular support for water-based recreation along the coast of Bexhill. In regard to public realm Policy EN4 (iii) seeks to continue to bring forward programmes to enhance activity and the use of public spaces. Policy DCO1 of the DaSA supports the retention of sites of social or economic value.

7.4.6 These policies are further supported by the National Planning Policy Framework and specifically paragraphs 98 and 99 in respect of open space and recreation promoting health and well being for communities with paragraph 99 resisting any loss of such facilities without justification the use is no longer required.



- 7.4.7 Policy BX1 states the overall strategy to deliver the objectives for Bexhill includes to: (ii) *Develop local amenities, including support for community activities and facilities, ..., improved leisure facilities, ...*
- 7.4.8 Policy BX2 outlines the strategy for Bexhill Town Centre, including to:  
(i) Promote a co-ordinated town centre initiative to improve its use including links to the seafront and activities and  
(v) Facilitate leisure within walking distance of the centre.
- 7.4.9 Policy CO3 relates to the provision of sufficient, well-managed and accessible open space, sports and recreation facilities ..., achieved by:  
(i) Safeguarding existing facilities; and  
(vi) Giving particular support for water-based recreation along the coast near Bexhill.
- 7.4.10 Policy EN4 states priority will be given to working with relevant agencies to:  
(i) *Continue to bring forward programmes to enhance activity and the use of public space.*
- 7.4.11 Policy DCO1 resists the loss or diminution of sites of social or economic value.
- 7.4.12 Paragraph 98 of the National Planning Policy Framework states “*Access to a network of high quality open spaces and opportunities for sport and physical activity is important for health and well-being of communities, ...*” and paragraph 99 seeks to retain existing open space, sports and recreational buildings unless the loss is replaced by equivalent or better.
- 7.4.13 As previously stated the beach huts are a historic feature on the seafront. Some are available to rent during the summer months and others are privately owned. They create an amenity space for enjoyment of the beach and seafront facilities whilst boosting the economy due to their siting and use. These huts which are sited at Glyne Gap may not be regarded as walking distance to Bexhill Town Centre and therefore not directly linked to the economy of the town centre from their use, but they are however considered to be within walking distance of the nearby café and the Ravenside Retail Park which contribute to the economics and vitality of the area.
- 7.4.14 Policies within the Rother Local Plan Core Strategy and DaSA seek to promote leisure and recreational activities, with Policy CO3 (vi) specifically referencing water-based recreation along the coast of Bexhill, which the beach hut subtly achieves. It is considered the contribution the huts make to the economy, health and well-being are positive and comply with policy.

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## **8.0 PLANNING BALANCE AND CONCLUSION**

- 8.1 The site in general is well maintained and it is considered that the retention of the existing beach huts would not have any detrimental impact upon the locality, do not impact any residential neighbouring amenity and would therefore not conflict with the objectives of Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy.

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

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## CONDITIONS:

1. The buildings hereby permitted shall be removed and the land restored to its former condition on or before 20 December 2027 in accordance with a scheme of work submitted to and approved by the Local Planning Authority.  
Reason: The beach huts by reason of the construction and materials is not considered suitable for erection as a permanent building, in respect of the long term visual character and amenities of the area and having regard to Policy OSS4 (iii) of the adopted Rother Local Plan Core Strategy and Policies DEN1 of the adopted Development and Site Allocations Local Plan.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
Site Location Plan dated 19 December 2022  
Block Plan received 20-12-22  
Floor and Elevation Plan of beach hut received 20-12-22  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The beach huts shall be used for daytime private recreational purposes only and, in particular, not for overnight sleeping accommodation.  
Reason: To preserve the visual amenities of the locality in accordance with Policy OSS4 (iii) of the adopted Rother Local Plan Core Strategy and Policy DEN1 of the adopted Development and Site Allocations Local Plan.
4. The external walls of the beach huts shall be coloured white within one month of their erection and maintained in that condition thereafter.  
Reason: To preserve the visual amenities of the locality in accordance with Policy OSS4 (iii) of the adopted Rother Local Plan Core Strategy and Policy DEN1 of the adopted Development and Site Allocations Local Plan.

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

**Rother District Council**

**Report to:** Planning Committee

**Date:** 16 February 2023

**Title:** Planning Statistics for the Quarter October – December 2022 (3<sup>rd</sup> Quarter) including summary of planning statistics for 2020-2023

**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.

**DLUHC Statistics PS1 & PS2 Returns Oct - Dec 2022/23 (3rd Qtr)**

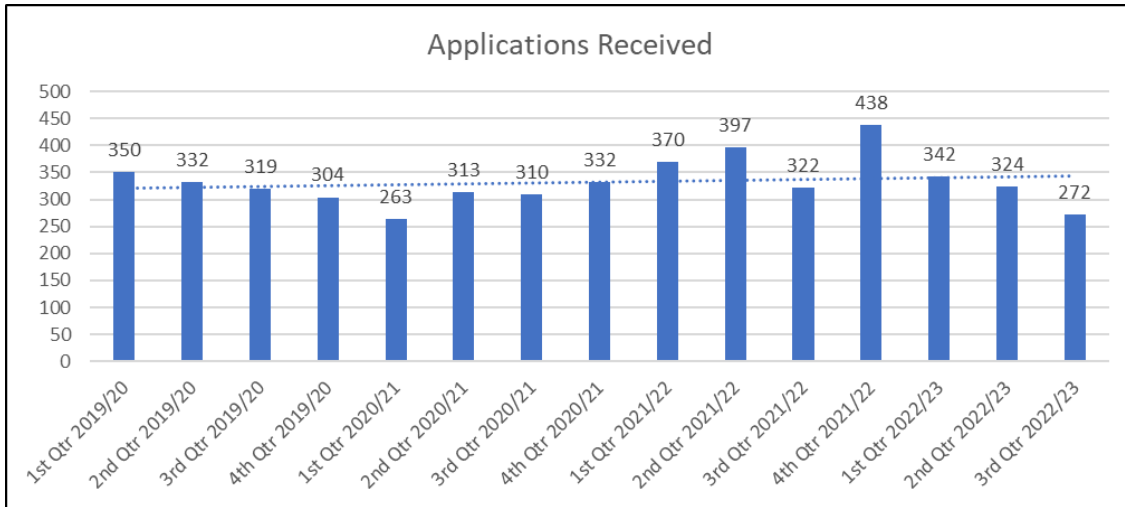
<b>1.0</b>	Total number of planning applications Received during the quarter:	272
<b>2.0</b>	Total number of planning applications Determined during the quarter:	308
	<b>% Percentage of applications determined</b>	
2.1	% of applications for major developments issued within agreed timeframe	100
2.2	% of applications for minor developments issued within agreed timeframe	84
2.3	%of other planning applications issued within agreed timeframe	89
<b>3.0</b>	Total no of applications withdrawn	21
<b>4.0</b>	Number of planning applications on hand and not determined at the end of the quarter:	298
<b>5.0</b>	<b>Applications not included in DLUHC PS1 &amp; PS2 Returns (Miscellaneous applications) Oct - Dec 2022/23 (3rd Qtr)</b>	
	i.e Prior notifications, Discharge of Condition, Lawful Development Certificates, Minor Amendments, Works to Trees, TPO Requests, Consultations from neighbouring authority or ESCC	

5.1	Total number of miscellaneous applications received during quarter	148
5.2	Total number of miscellaneous applications determined during quarter	120
5.3	*Number of miscellaneous applications on hand and not determined at the end of the quarter	119
	*Where received date from 1 April 2020	
<b>6.0</b>	<b>Total number of applications on hand at end of quarter (DLUHC PS1 &amp; PS2 &amp; Miscellaneous) Oct - Dec 2022/23 (3rd Qtr)</b>	
6.1	Total number of applications on hand	417
<b>7.0</b>	<b>Planning Application Appeals Oct - Dec 2022/23 (3rd Qtr)</b>	
7.1	Number of planning appeals on hand (no decision):	87
7.2	Number of Planning appeals lodged:	25
7.3	Planning Appeal Decisions:	
	Allowed:	5
	Allowed in part:	0
	Dismissed:	17
<b>8.0</b>	<b>Planning Enforcement Oct - Dec 2022/23 (3rd Qtr)</b>	
8.1	Number of complaints received	74
8.2	Number of complaints resolved	101
8.3	Number of active complaints on hand	238
<b>9.0</b>	<b>Pre-Application Enquiries</b>	
9.1	Pre application enquires received	81
9.2	Pre application enquiries completed	78
<b>10.0</b>	<b>Local Land Charge Searches Oct - Dec 2022/23 (3rd Qtr)</b>	
10.1	No of Local Land Charge searches received:	619
10.2	No of Local Land Charges completed	619

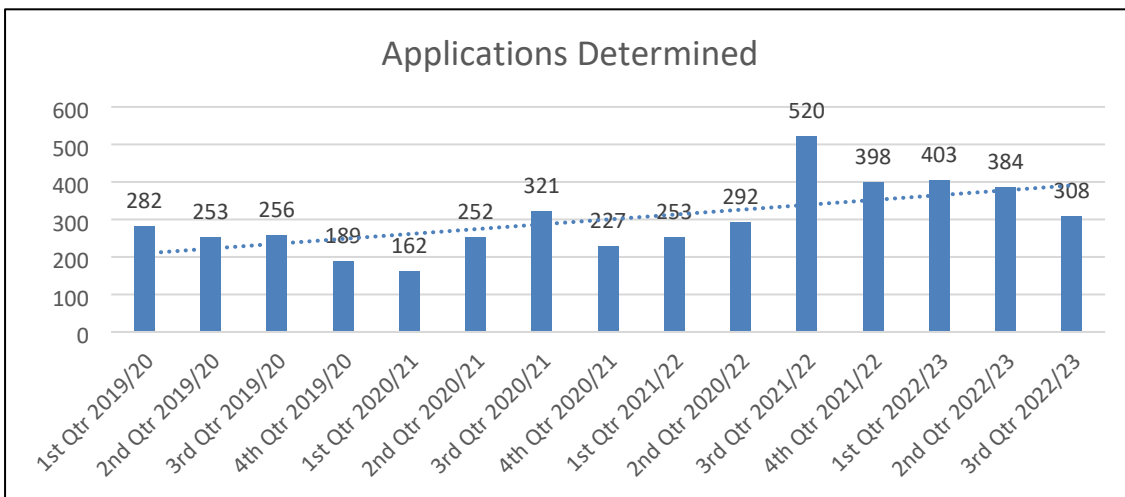
# Summary of Planning Statistics Oct - Dec 2022/23 (3rd Qtr)

## Planning Applications (DLUHC PS1/2)

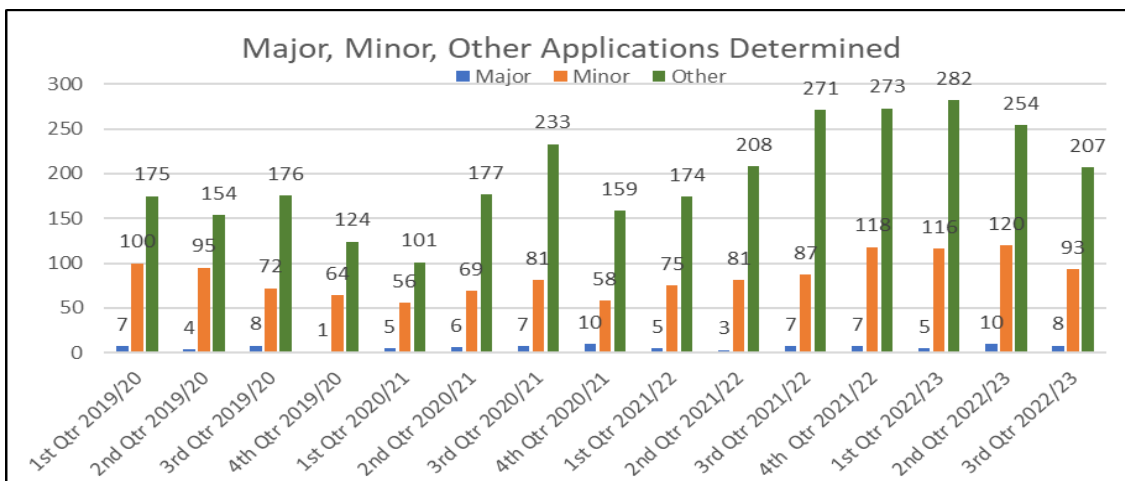
### 1.0 Applications received:



### 2.0 Total number of planning applications determined:

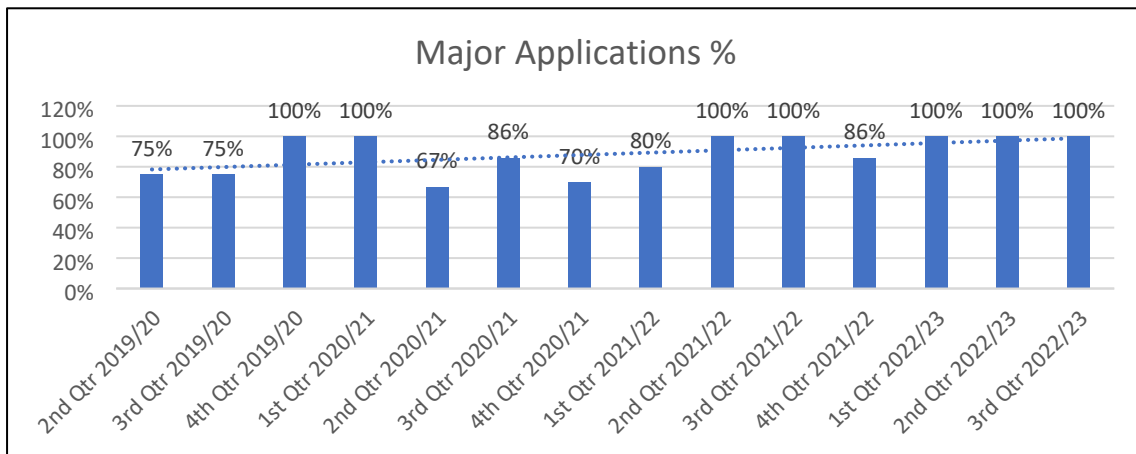


### 2.0 Category of Applications Determined

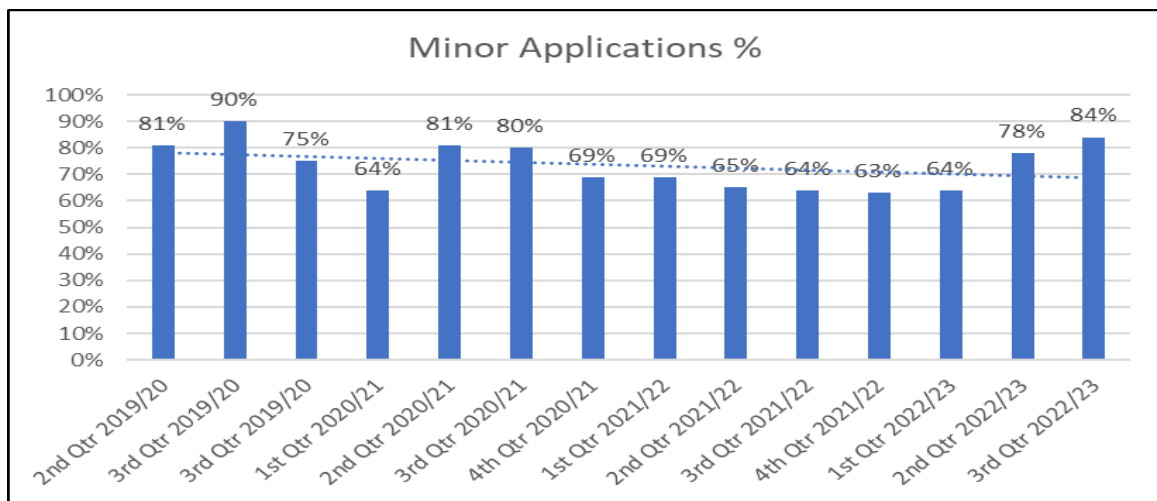


## 2.0 Percentage of planning applications determined within agreed timeframe

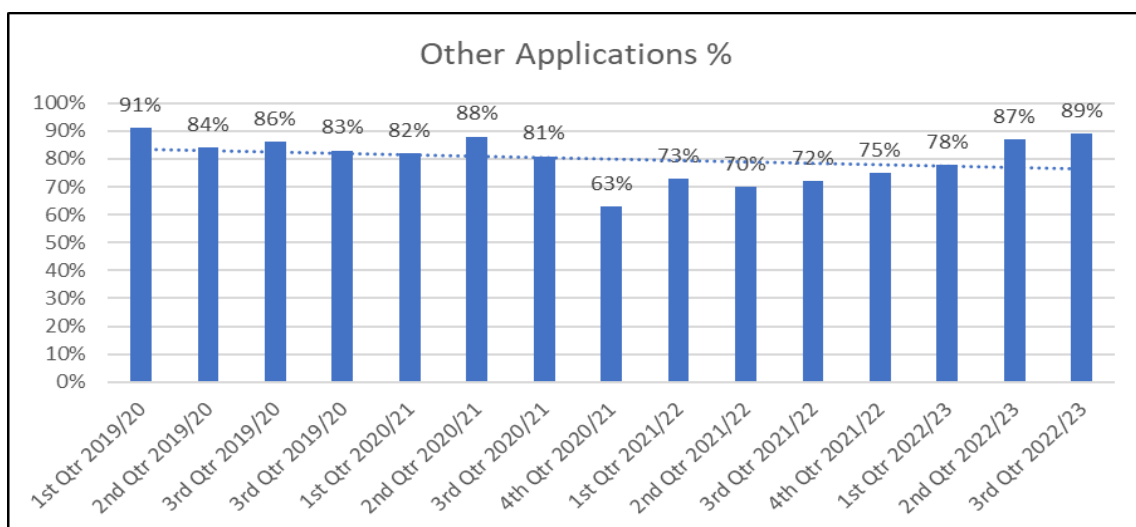
### 2.1 Major applications



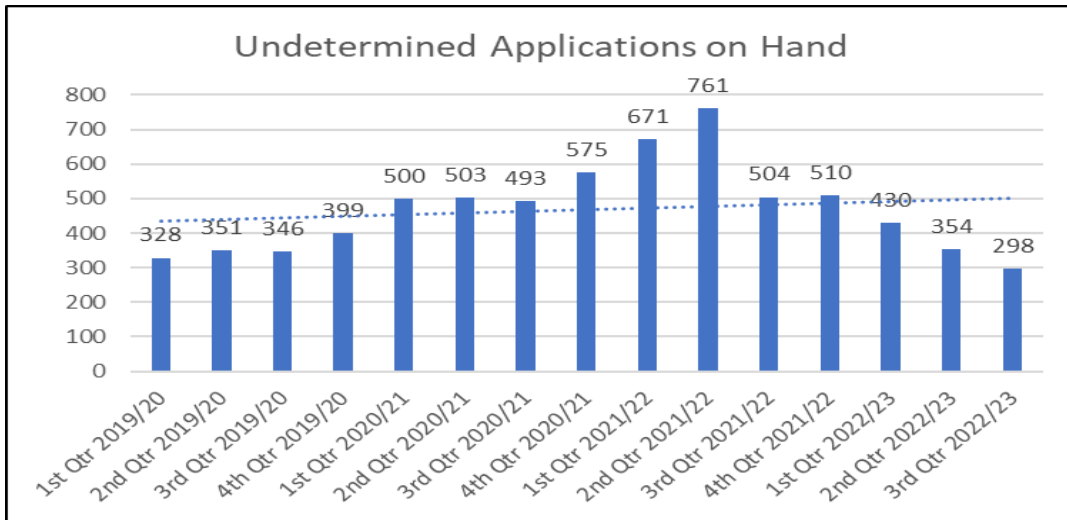
### 2.2 Minor applications



### 2.3 Other applications

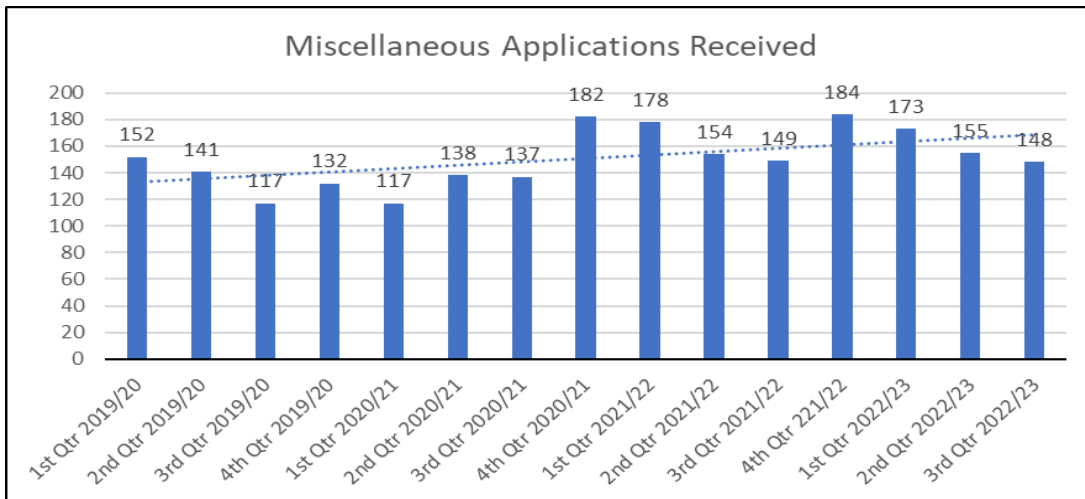


**3.0 No of applications on hand and not determined (DLUHC PS1 & PS2 Returns)**

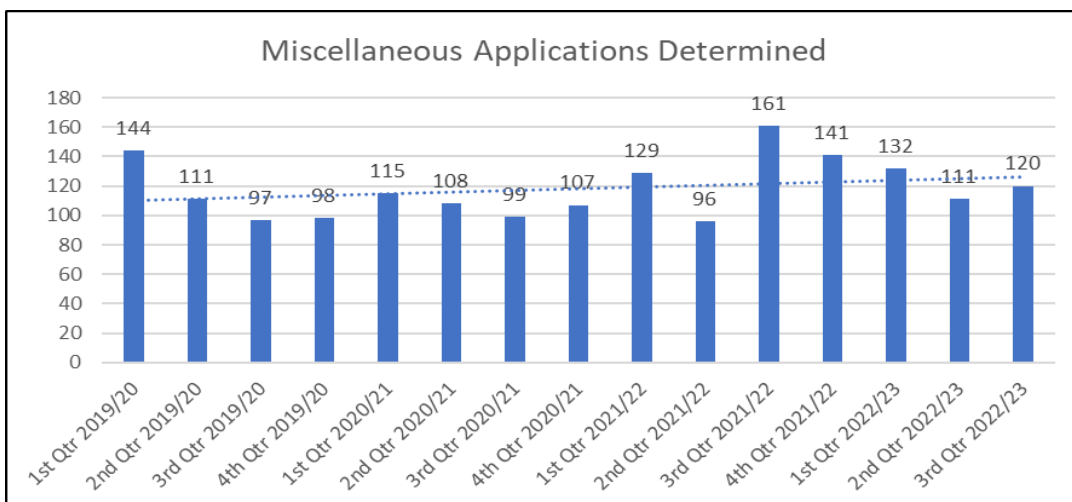


**4.0 Applications not included in DLUHC PS1 & PS2 Returns (Miscellaneous applications)**

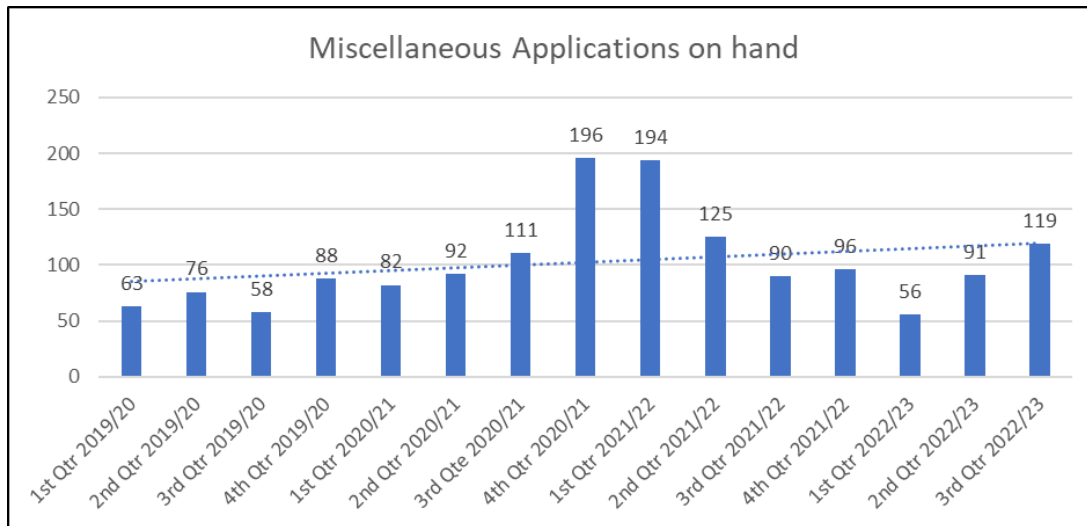
**4.1 Received**



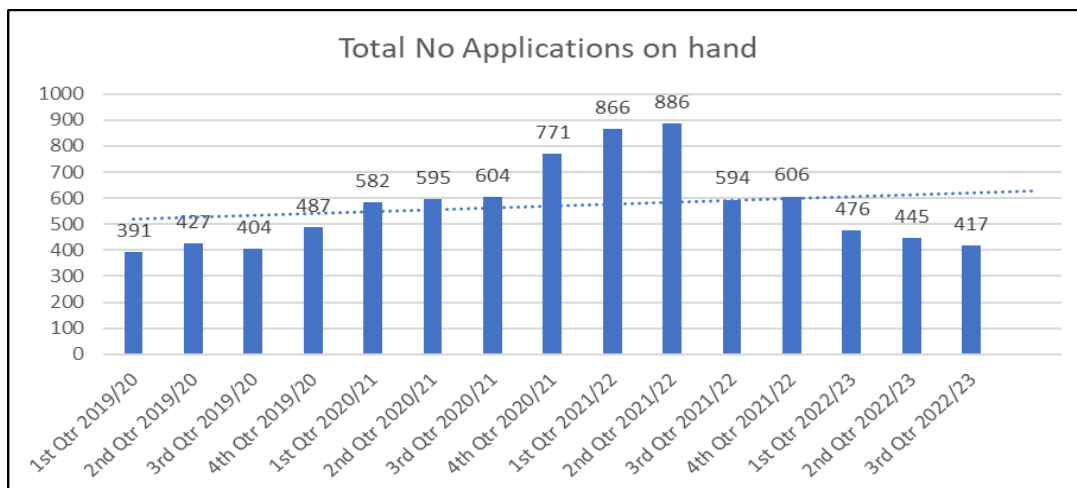
**4.2 Determined**



### 4.3 No of miscellaneous applications on hand

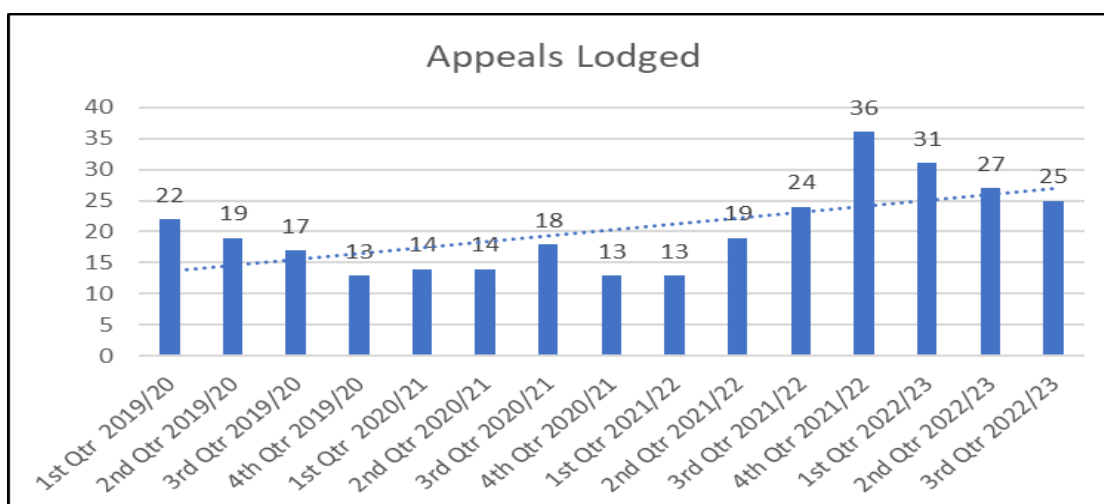


### 5.0 Total number of applications on hand (DLUHC PS1 & 2 & Miscellaneous applications)



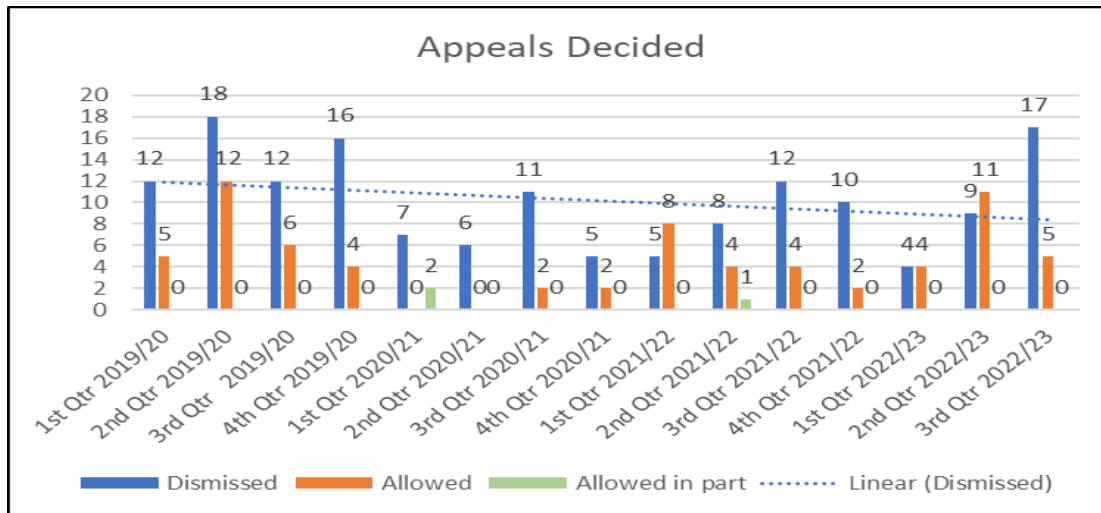
### 6.0 Planning Appeals

#### 6.1 Appeals Lodged



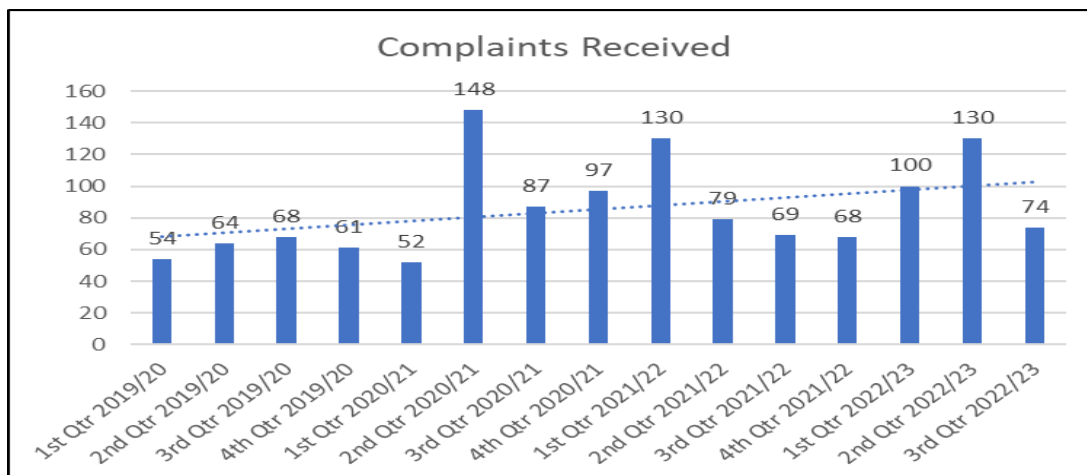


## 6.2 Appeals Decided

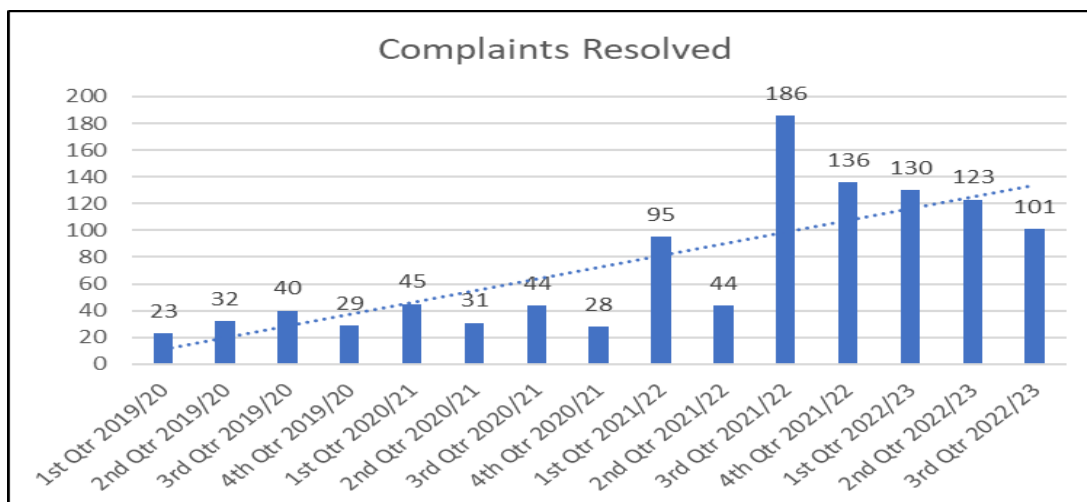


## 7.0 Planning Enforcement Complaints

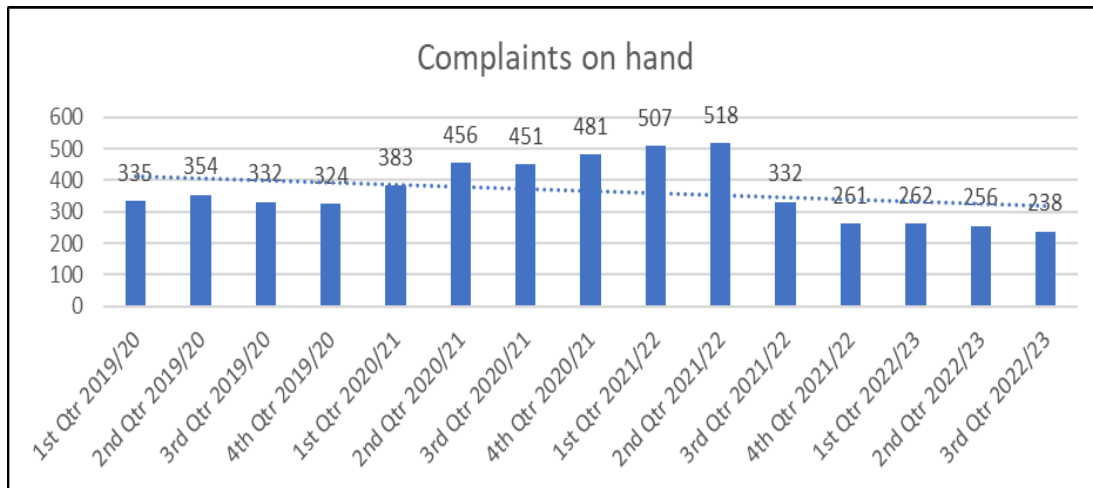
### 7.1 Complaints received



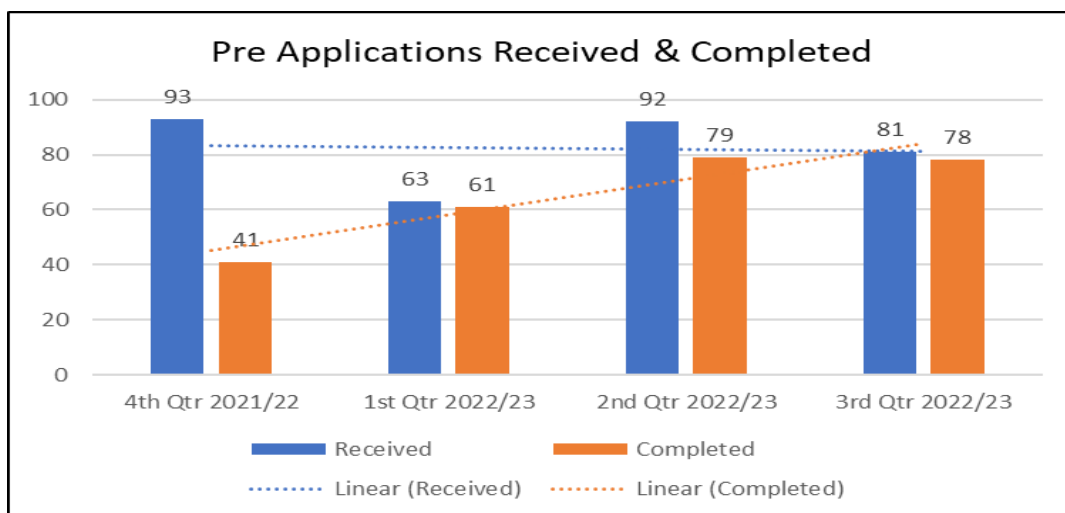
### 7.2 Complaints resolved



### 7.3 Active complaints on hand

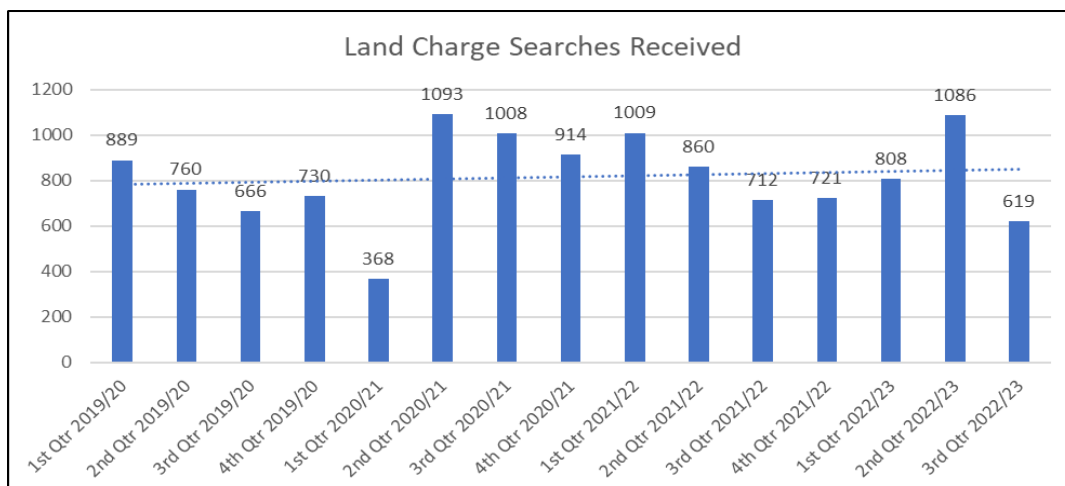


### 8.0 Pre-Application Enquiries

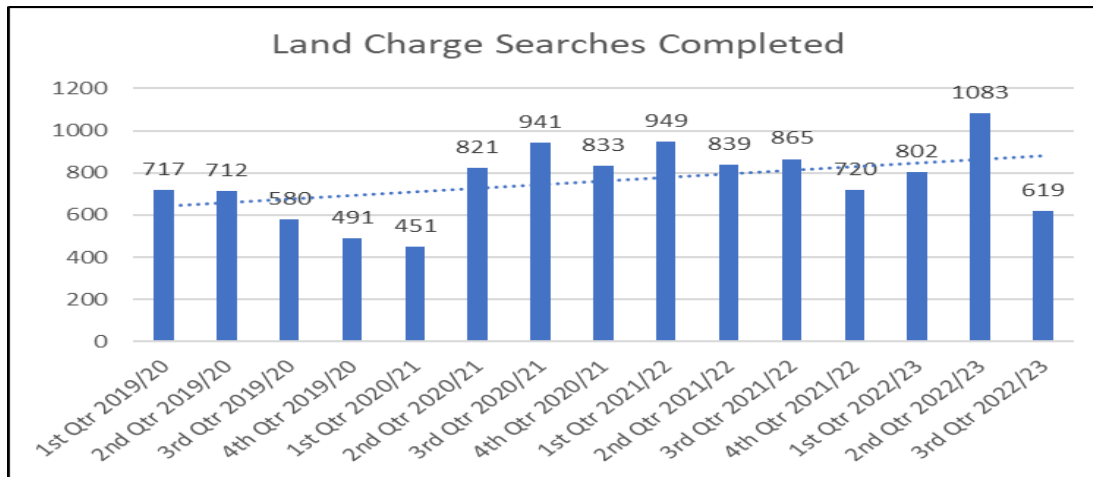


### 9.0 Local Land Charge Searches Oct - Dec 2022/23 (3rd Qtr)

#### 9.1 Local Land Charge Searches Received



## 9.2 Local Land Charge Searches Completed



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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**Rother District Council**

**Report to:** Planning Committee

**Date:** 16 February 2023

**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/2022/1296/P (Delegation)	ASHBURNHAM: Honeyland, Honey Lane, Ashburnham Erection of replacement barn for agricultural use. Mr Allan Chamberlain
RR/2022/2472/P (Delegation)	BATTLE: 72a High Street, Battle Change of use from office to residential, proposing a new three-bed maisonette. Mr M. Law
RR/2022/2492/P (Delegation)	BATTLE: Paygate, Whatlington Road, Battle Erection of extension and internal alterations. Mr & Mrs A.J. Gerken
RR/2022/240/P (Committee - Decision)	BATTLE: Battle Great Barn - land adj, Marley Lane, Battle Erection of new dwelling. Mr Neil Mortimer
RR/2022/1661/P (Delegation)	BATTLE: 19 Oakhurst Road, Fairlight, Battle Erection of wraparound extension and alterations, including new lower ground floor and improved off road parking area. Mr & Mrs D. Hendon
RR/2022/64/P (Committee - Decision)	BEXHILL: 49 & 49a Devonshire Road, Bexhill Replacement of existing timber sliding sash windows and frames with uPVC sliding sash windows and frames. Mrs V. Seng
RR/2022/2020/P (Delegation)	BEXHILL: 13 Marina Arcade, Bexhill Variation of Conditions(s) 4, 5 & 6 imposed on RR/2015/1136/P for conversion of self-contained holiday let to permanent residence. Mr Simon Callagan

RR/2021/3049/P (Delegation)	BEXHILL: 14 Cranfield Road, The Garage, Bexhill Proposed demolition of existing detached garage and construction of self-contained flat, vehicular parking and courtyard garden area. Mr Gary Lakin
RR/2022/1353/P (Delegation)	BEXHILL: The Little House, Worsham Lane, Bexhill Proposed extension to dwelling involving the removal of several outbuildings. Mr N. Rowe
RR/2022/2089/P (Delegation)	BODIAM: Ellen Archers, Castle Hill, Bodiam First floor extension to modern garage building to form home office and lift access. Mr & Mrs Michael Rafferty
RR/2022/1008/P (Delegation)	BREDE: Broad Oak Lodge, Chitcombe Road, Broad Oak, Brede Demolition of existing outbuildings for the provision of two new 5-bed dwellings and one new 4-bed dwelling. All with associated proposed parking and landscaping. Express Housing Group Ltd
RR/2022/963/P (Delegation)	BREDE: Old Manor House - land to the South of, Udimore Road, Broad Oak, Brede Outline: Erection of 20 dwellings and associated parking. Redwood Land Investment Ltd
RR/2022/539/P (Delegation)	BREDE: Broad Oak Meadow - Land at, Chitcombe Road, Brede Erection of five dwellings (2 x 4 bedroom and 3 x 3 bedroom), with new access, parking and landscaping. BW Homes
RR/2022/1315/P (Delegation)	BREDE: Sant Roc, Cackle Street, Brede Demolition of existing dwelling and outbuilding. Erection of three terraced dwellings. Hawkins & Hawkins
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/2022/2059/P (Delegation)	CROWHURST: St Benedicts Byre, Catsfield Road, Crowhurst Proposed detached building to be used as ancillary overspill/annexe accommodation for members of the owners of St Benedicts Byre's family (alternative to garage building approved under extant planning permission RR/2022/1236/P)

Mr and Mrs A. Brodrick-Ward

RR/2022/461/P  
(Delegation)

DALLINGTON: Prospect House - Land Opposite, Woods Corner, Dallington  
Proposed new dwelling & associated parking.  
Woods Corner No.2 Ltd

RR/2022/746/P  
(Delegation)

EWHURST: 1 Forge Close, Bridle End, Staplecross, Ewhurst  
Proposed extensions and alterations, loft improvements with new dormers, and addition of entrance porch.  
Mr and Mrs C. Stevens

RR/2022/1071/P  
(Delegation)

GUESTLING: Old Coghurst Farmhouse, Rock Lane, Guestling  
Replacement of two existing barns with access and landscaping.  
Messrs D & J Harris & Manuell

RR/2022/155/P  
(Delegation)

GUESTLING: The Olde Piggery, Eight Acre Lane, Three Oaks, Guestling  
Siting of 3 No. storage containers including use of existing site building as a Builders store. (Retrospective)  
Mr Bill Coney

RR/2022/364/P  
(Delegation)

NORTHIAM: Spar Stores, Clematis Cottage, Station Road, Northiam  
Proposed new roof over existing shop premises to create two self-contained flats with associated parking.  
Mr B. Khaira

RR/2021/1084/P  
(Delegation)

NORTHIAM: The Cedars, Station Road, Northiam  
Demolition of existing single storey bungalow and erection of two dwellings with retained access.  
Brasseur

RR/2020/995/P  
(Delegation)

RYE: 145 South Undercliff, Holland of Rye, Rye  
Outline: Proposed demolition of existing building, construction of four semi-detached four bed houses with allocated parking spaces. Construction of separate commercial building to include two retail outlets (A1) and 3 offices (B1(a)), together with allocated parking.  
Holland of Rye

RR/2022/1610/P  
(Delegation)

SALEHURST/RBRIDGE: The Cottage, Station Road, Salehurst / Robertsbridge  
Proposed alterations to a two-storey outbuilding/ garage to create a one-bedroom house.  
Ms J. Papafio

RR/2022/2351/P  
(Delegation)

TICEHURST: Bryants Farm, Wards Lane, Ticehurst  
Conversion of barn to 4-bed dwelling.  
Ms Elizabeth Latchford

RR/2022/2187/PN3 (Delegation)	TICEHURST: The Hay Barn, Downash Farm, Rosemary Lane, Ticehurst Application to determine if prior approval is required to change the use of an agricultural building for the purpose of hotel use and holiday accommodation (commercial - Class C1 under the Class R). Nicola Roberts
RR/2022/1103/P (Delegation)	TICEHURST: The Oast, Birchetts Green Lane, Ticehurst Demolition of the existing single-storey garage, conservatory and annexe. Two-storey extension to the main house and internal alterations. Bay window to replace the existing conservatory. Reconstruction of the annexe in a new location further back in the site. Relocation of the existing entrance gates and driveway alterations. Mrs Phillipa Wynn-Green
RR/2021/2335/P (Delegation)	TICEHURST: New Pond Farm, High Street, Wallcrouch Variation of Condition 8 of RR/2016/704/P to enable the building to be used for storage and retail in lieu of B1, B8 and retail trade counter. Mr Gurbinder Nayyar
RR/2021/1490/P (Delegation)	WESTFIELD: Little Down Farm, Main Road, Westfield Laying of recycled crush surface associated with the change of use from agriculture to a use for the storage and processing of timber. Mr J. Baker
RR/2021/3023/P (Delegation)	WESTFIELD: Hooters, Moat Lane, Westfield Construction of storage barn (Retrospective). Mr & Mrs M. Hawkins
RR/2022/1323/P (Delegation)	WESTFIELD: Land adjacent to Holly Cottage, Moat Lane, Westfield Erection of single residential dwelling with associated landscaping and parking. Ms Cindy Cane

### **APPEALS STARTED**

RR/2022/1295/P (Delegation)	BEXHILL: Pebsham Rural Business Park, Pebsham Lane, Bexhill Erection of single storey Class E business unit, with parking and associated works. Mr M. Worssam
RR/2022/814/P (Delegation)	BREDE: St Elmo, Cackle Street, Brede Erection of single storey rear extension & front porch. Mr & Mrs T. Quinn



RR/2021/1430/P (Delegation)	BREDE: Broad Oak Lodge, Chitcombe Road, Broad Oak, Brede Demolition of existing outbuildings for the provision of four new 4 bed dwellings and one new 2 bed dwelling. All with associated proposed parking and landscaping. Express Housing Group Ltd
RR/2022/1337/P (Delegation)	BURWASH: British Red Cross Society Centre, Highfields, Burwash Demolition of an existing building and erection of dwelling with associated parking and landscaping. Matrix Claims Services Ltd
RR/2022/578/P (Delegation)	BURWASH: Overshaw, Batemans Lane, Burwash Removal of existing stables and derelict barn and construction of new stables (amended proposal following refusal of RR/2021/1983/P). Mr Barclay
RR/2022/949/P (Delegation)	EWHURST: New Morgay Farm, Cripps Corner Road, Staplecross, Ewhurst Demolition of existing stables and erection of residential annexe. Mrs F. Radermaker
RR/2022/2250/O (Delegation)	GUESTLING: The Cottage, Stream Farm, Chapel Lane, Guestling Existing use of the garage building as a residential dwelling. Mr Colin McNulty
RR/2022/37/P (Delegation)	GUESTLING: Milward Gardens - Land adjacent to, Winchelsea Road, Guestling Outline: Erection of 4 No. bedroom detached house. BBG Commercial Properties Ltd
RR/2022/1062/P (Delegation)	HURST GREEN: 2 Silverhill Cottages, Silverhill, Hurst Green First floor rear extension. Miss Karina Hymers
RR/2022/904/P (Delegation)	ICKLESHAM: Solpax, Morlais Ridge, Winchelsea Beach Icklesham Proposed conversion of garage including roof extension and addition of dormers to provide ancillary annexe accommodation for Solpax. Mr L. Schembri
RR/2022/1097/P (Delegation)	NORTHIAM: Ghyllside - Land adjacent to, Station Road, Northiam Demolition of existing residential garage to provide a detached residential dwelling. Express Housing Group Ltd

RR/2021/1647/P  
(Delegation)

WESTFIELD: Little Hides Farm Cottage, Stonestile Lane, Westfield  
Change of use from land that is non-compliant with agricultural occupancy to curtilage of an existing residential property  
Mr Vidmantas Jokubauskas

RR/2022/4/P  
(Delegation)

WESTFIELD: Mables Farm, Sprays Bridge, Harts Green, Westfield  
Proposed mobile home for owner to remain on site to care for sick animals.  
Mrs J. Sands

### **APPEALS PENDING**

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/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/2021/2447/P  
(Committee - Decision)

BATTLE: Marley Lane - Land at, Battle  
Construction of single detached two storey chalet dwelling with associated access.  
Mr & Mrs Joe Thompsett

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/2021/1893/PN3  
(Delegation)

BEXHILL: 32-34 Collington Avenue, Conquest House, Bexhill  
Application to determine if prior approval is required for a proposed change of use from offices (Class B1(a)) to 78 No. dwellinghouses (Class C3).  
Paramount Land and Development Ltd

RR/2022/69/P  
(Delegation)

BEXHILL: 18 & 20 Collington Park Crescent - Land between, Bexhill

	Erection of 3 No. detached dwellings. B.E.M Builders and Decorators
RR/2022/184/P (Delegation)	BEXHILL: Rockhouse Bank Farm, Sluice Lane, Normans Bay, Bexhill Proposed internal alterations. Proposed oak frame porch to front elevation and single storey utility extension to rear elevation. Proposed dormers to front and rear elevations. Mr John Sargeant
RR/2021/102/P (Delegation)	BEXHILL: Chestnut Meadow Camping & Caravan Park, Ninfield Road, Bexhill Change of use of land for the siting of 50 residential caravans (park homes) to form a retirement park. Osborn Leisure LLP
RR/2021/1609/P (Delegation)	BODIAM: Bodiam Business Centre - Land at, Junction Road, Bodiam Erection of 4 No 3-bedroom terraced dwellings together with associated car parking and landscaping Park Lane Homes (South East) Ltd
RR/2021/2644/P (Delegation)	BODIAM: Oast View - Land Opposite, Bodiam Business Park, Bodiam Construction of 2 No. 2-bedroom homes and 3 No. 3-bedroom homes with associated landscaping. Westridge Bodiam Park Limited
RR/2022/1244/O (Non-Determination)	BREDE: The Platts - Land Opposite, Chitcombe Road, Brede Certificate of lawfulness for the existing use of rebuilding a pre-existing horse stables. Mr Jake Angol
RR/2020/70/P (Delegation)	BREDE: Barns Site, Steeplands - Land Adjacent to, Pottery Lane, Brede Erection of 4-bedroom detached dwelling and detached garage. Mrs A. Patel
RR/2021/2509/P (Delegation)	BRIGHTLING: Little Worge Farm, Brightling Demolition of part of agricultural barn and erection of a holiday cottage. Brightling Properties
RR/2021/2562/P (Delegation)	BURWASH: Linkway, Vicarage Road, Burwash Common, Burwash Erection of potting shed, Polytunnels and shed for storing Bee keeping equipment. Mrs Debbie Beckley
RR/2020/2306/P (Delegation)	CAMBER: Poundfield Farm, Farm Lane, Camber Siting of holiday lodge for seasonal tourist/holidaymakers accommodation.

Mrs Michelle Bristow

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/2021/3030/P  
(Delegation)

CATSFIELD: The Warren - Land At, Stevens Crouch, Catsfield/Battle  
Proposed residential development of land with 3 No. detached dwellings served by existing vehicular access.  
Mr & Mrs A. Williams

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/2021/2992/P  
(Delegation)

DALLINGTON: Haselden Farm, Battle Road, Dallington  
Change of use of stables to residential annexe, and installation of sewage treatment plant (Retrospective).  
Mr and Mrs Richard and Dianne Mower

RR/2020/1857/P  
(Delegation)

GUESTLING: Star Stud, Ivyhouse Lane, Guestling  
Change of use of barn to holiday accommodation.  
Mr J. O'Hara

RR/2022/468/P  
(Delegation)

GUESTLING: 3 Oast Cottages, Lark Cottage, Great Maxfield, Three Oaks, Guestling  
Proposed single storey rear extension and addition of safety guard rail in rear garden  
Dr E. Newton & Dr M. Larkin

RR/2022/469/L  
(Delegation)

GUESTLING: 3 Oast Cottages, Lark Cottage, Great Maxfield, Three Oaks, Guestling  
Proposed single storey rear extension and addition of safety guard rail in rear garden  
Dr E. Newton & Dr M. Larkin

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/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. and W. Thomas

RR/2021/2888/P  
(Delegation)

PEASMARSH: 1 Brickfield, Main Street, Peasmarsh  
Erection of a 2-storey side extension over part of existing  
footprint to form 1-bedroom maisonette.  
Mr Peter Bedborough

RR/2021/3084/L  
(Delegation)

RYE: 18 Landgate, Larkin House, Rye  
Alterations to roof space including formation of access  
through low collar in roof structure, insertion of 3 no. new  
rooflights in inner roof slopes, enlargements and guarding  
of loft hatch opening.  
Ms Tara Larkin

RR/2021/2804/P  
(Committee -

TICEHURST: Villa Flair, Union Street, Flimwell, Ticehurst  
Erection of a detached bungalow with three bedrooms  
Decision) and a detached store and double garage  
together with associated hardstanding, turning area and  
use of existing access on to the B2087.  
Ms L. Sutton

RR/2021/2597/P  
(Delegation)

TICEHURST: Fine Acres, Astricus, Tolhurst Lane,  
Wallcrouch, Ticehurst  
Occupation of Astricus as an independent dwelling and  
erection of single storey conservatory. (Retrospective)  
Mr James Lee

RR/2020/646/P  
(Delegation)

TICEHURST: Bantham Farm, London Road, Ticehurst  
Change of use of art studio to live/work unit.  
Mr N. Watts

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/2021/1473/P  
(Delegation)

WESTFIELD: The Old Chicken Barn, Hoads Farm, Moat  
Lane, Westfield  
Replace existing chicken barn with 1 No. detached house  
on same footprint and raising to accommodate a second  
floor, however lowering the pitch of the roof to keep the  
new height to a minimum.  
Mr Warren Behling

RR/2022/1013/FN  
(Delegation)

WESTFIELD: The Old Chicken Barn, Hoads Farm, Moat  
Lane, Battle  
Application to determine if prior approval is required for  
modifications to a commercial/agriculture barn.

Mr Warren Behling

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/2022/132/O  
(Delegation)

WHATLINGTON: Forest Lodge, Hooks Beach, Vinehall  
Street, Whatlington  
Certificate of Lawfulness for a proposed part 2-storey,  
timber framed "granny" annex to the existing garage, with  
dormer to front.  
Jamie Pearson

### **APPEALS ALLOWED**

RR/2021/1656/P  
(Non-Determination)

BEXHILL: Fryatts Way - land at, Bexhill  
Outline: Erection of up to 210 residential dwellings  
(including up to 30% affordable housing), introduction of  
structural planting and landscaping, informal public open  
space and children's play area, surface water flood  
mitigation, vehicular access point and associated  
ancillary works. All matters to be reserved with the  
exception of the main site access.  
Gladman Developments 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

### **APPEALS DISMISSED**

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/2021/2348/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/2021/1657/P  
(Delegation)

PEASMARSH: Teviot, Malthouse Lane, Peasmarsh  
Proposed 4 x bedroom dwelling with associated  
landscaping and driveway for two vehicles.  
Bright Develop Ltd

RR/2021/1787/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

### **APPEALS WITHDRAWN**

RR/2021/2337/P  
(Delegation)

WESTFIELD: Little Holme, Westbrook Lane, Westfield  
Conversion of existing detached annexe building to  
create a new 2-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

### **FORTHCOMING HEARINGS/INQUIRIES**

RR/2022/4/P  
(Delegation)

WESTFIELD: Mables Farm, Sprays Bridge, Harts Green,  
Westfield  
Proposed mobile home for owner to remain on site to  
care for sick animals.  
Mrs J. Sands  
Hearing to be held on 10 April 2023.

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Ben Hook, Director – Place and Climate Change
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Appendices:	N/A
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A

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