

## Planning Committee

- Date and Time - **Thursday 20 July 2023**  
**9:30am – 1:00pm and 2:00pm until close of business**  
(At the discretion of the Chair, the timing of lunch may be varied)
- Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**
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### **Councillors appointed to the Committee:**

A.S. Mier (Chair), B.J. Drayson (Vice-Chair), Mrs M.L. Barnes, C.A. Bayliss, T.J.C. Byrne, F.H. Chowdhury, Mrs V. Cook (ex-officio), C.A. Creaser, A.E. Ganly, N. Gordon, P.J. Gray, T.O. Grohne, T.M. Killeen (MBE), C. Pearce and J. Stanger.

**Substitute Members:** Councillors J. Barnes (MBE), S.J. Coleman, K.M. Field, A. Rathbone Ariel and H.L. Timpe.

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## AGENDA

### 1. **MINUTES**

To authorise the Chair to sign the minutes of the meeting of the Planning Committee held on 22 June 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 **WITHDRAWN APPLICATIONS**

The Director – Place and Climate Change to advise Members of those planning applications on the agenda which have been withdrawn.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

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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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**This agenda can be made available in large print, Braille, audiotape/CD or in another language upon request.**

**For all enquiries – please contact [louise.hollingsworth@rother.gov.uk](mailto:louise.hollingsworth@rother.gov.uk)**

**Tel: 01424 787815**

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

6. **PLANNING APPLICATIONS - INDEX** (Pages 3 - 4)
7. **RR/2022/2570/P - 41A, 41 & 43 BARNHORN ROAD, BEXHILL** (Pages 5 - 40)
8. **RR/2023/919/P - WESTFIELD DOWN - LAND AT, MAIN ROAD, WESTFIELD** (Pages 41 - 54)
9. **RR/2022/2935/P - WESTFIELD DOWN - LAND AT, MAIN ROAD, WESTFIELD** (Pages 55 - 76)  
Not subject to the Council's Public Speaking Scheme at Planning Committee.
10. **RR/2022/2959/P - ACORN FARM, SHRUB LANE, BURWASH** (Pages 77 - 92)
11. **RR/2023/1344/DN - OLD KING OFFA HIGH, BEXHILL** (Pages 93 - 98)  
Not subject to the Council's Public Speaking Scheme at Planning Committee.
12. **APPEALS** (Pages 99 - 108)
13. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**  
Tuesday 10 October 2023 at 9:30am departing from the Town Hall, Bexhill.

Lorna Ford  
Interim Chief Executive

Agenda Despatch Date: 12 July 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 Louise Hollingsworth (Tel: 01424 787815)  
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	-	20 July 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:

<b>AGENDA ITEM</b>	<b>REFERENCE</b>	<b>PARISH</b>	<b>SITE ADDRESS</b>	<b>PAGE NO.</b>
7	<a href="#">RR/2022/2570/P</a>	BEXHILL	41A, 41 & 43 Barnhorn Road Bexhill TN39 4QB	5
8	<a href="#">RR/2023/919/P</a>	WESTFIELD	Westfield Down – Land at Main Road Westfield	41
9	<a href="#">RR/2022/2935/P</a>	WESTFIELD	Westfield Down – Land at Main Road Westfield	55
10	<a href="#">RR/2022/2959/P</a>	BURWASH	Acorn Farm Shrub Lane Burwash TN19 7EB	77
11	<a href="#">RR/2023/1344/DN</a>	BEXHILL	(Old) King Offa High School Kitchen/Dining Room Building Down Road Bexhill TN39 4HS	93

SITE PLAN

BEXHILL

RR/2022/2570/P

41A, 41 & 43 Barnhorn Road  
Bexhill



## Rother District Council

Report to - Planning Committee  
Date - 20 July 2023  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2022/2570/P  
Address - 41A, 41 & 43 Barnhorn Road, Bexhill, TN39 4QB  
Proposal - Demolition of existing buildings and redevelopment of the site for retirement living including communal facilities, car parking and landscaping.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT FULL PLANNING PERMISSION** subject to conditions and subject to the consultation response from National Highways and their requirements.

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**Director: Ben Hook**

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**Applicant:** Churchill Retirement Living  
**Agent:** Planning Issues  
**Case Officer:** Asma Choudhury (asma.choudhury@rother.gov.uk)

**Parish:** BEXHILL ST MARKS

**Ward Members:** Councillors J. Stanger and C.J. Winter

**Reason for Committee consideration:** This application was called-in by former Councillor Errington if officers were minded to recommend approval. Issues concerning lack of parking and access; combined with recent development in the wider area, the proposal would impact on the adjacent Barnhorn Road, affect highway safety and result in overspill parking on nearby roads.

**Statutory 13 week date: 8 March 2023**  
**Extension of time agreed to: 1 June 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 to demolish three adjoining residential properties and to redevelop the site to provide a 2/3-storey building comprising 35x retirement-living apartments. No affordable housing is proposed.
- 1.2 The Council has undertaken a review of the Applicant's viability appraisal. Whilst it is accepted that the development cannot viably provide affordable

housing, the Council review disputes the Applicant's assertion that they cannot offer an off-site affordable housing contribution.

1.3 However, the Council cannot demonstrate a 5-year housing land supply, (5YHLS) being only able to deliver 2.79 years and hence the weight afforded to housing supply is significant.

1.4 On balance, subject to conditions, the scale, design and layout of the development is considered to be acceptable. Whilst the contribution would be beneficial to the Council, refusing this application on this basis alone, would not improve the Council's housing land supply situation, i.e. the Council's 5YHLS supply, and it is also acknowledged that housing for older people remains significantly low.

1.5 The recommendation is therefore APPROVAL.

## 1.6 PROPOSAL DETAILS

PROVISION	
No of houses/units	35
No of affordable houses	0
Developer contributions (potentially identified for affordable housing but not proposed)	£63,367
CIL (approx.)	£190,977
New Homes Bonus (approx.)	£233,940

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## 2.0 SITE

2.1 The application site pertains to 3x adjacent residential properties (1 detached and a pair) with similar alignment and frontage onto Barnhorn Road. The wider street scene, primarily residential in character has a mix of bungalows and houses similar in this linear arrangement.

2.2 To the rear is a small area of woodland which separates the site from the rear residential development of Spindlewood Drive.

2.3 The site lies within the development boundary for Bexhill and outside the Area of Outstanding Natural Beauty (AONB).

2.4 The site lies within the high impact red zone for great crested newts.

2.5 The site lies within a Site of Special Scientific Interest (SSSI) Impact Risk Zone – Pevensey Levels – also a SAC and Ramsar site.

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## 3.0 PROPOSAL

3.1 This application seeks to demolish three adjoining residential properties and to redevelop the site to provide a 2/3-storey building comprising 35x retirement-living apartments (henceforth known as the apartment).

- 3.2 The apartment would have a T-shaped footprint with its frontage similarly aligned with the wider residential development along the Barnhorn Road street-scene. It would have a 2-storey form along the road-frontage, but to the rear, it would comprise 3-storeys (utilising the roof form) with some cut-and-fill to accommodate the lower ground level.
- 3.3 The apartment and wider site comprise the following:
- 24x 1-bedroom flats.
  - 11x 2-bedroom flats.
  - 14x parking spaces.
  - Owners lounge for *use by all residents and visitors* which includes a coffee bar.
  - A lodge managers office and reception. *A lodge manager is employed by the Management Company to provide assistance and security for the owners of the apartments....They would also be in charge of the day to day maintenance of the development and oversee the maintenance of the gardens etc.*
  - A guest suite for *use by friends and family* of the residents who wish to stay overnight. *The room is fitted with twin beds and has a shower room and tea/coffee making facilities.*
  - Mobility scooter store.
  - Bin store.
  - Substation.
  - Communal landscape garden, maintained by the management company.
- 3.4 No affordable housing is proposed. A report is submitted, undertaken by **Planning Issues** titled: REPORT ON AFFORDABLE HOUSING & VIABILITY, in order to address the policy requirement for affordable housing.

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#### 4.0 HISTORY

Reference	Description	Decision
RR/2007/185/P 41, 41A, 43, 45, 47 Barnhorn Road	Redevelopment to form 60 extra care apartments for the frail elderly plus communal facilities and staff flat including first and second floor balconies with provision of new vehicular and pedestrian accesses, access road and 23 parking spaces.	Refused 15/03/07
RR/2007/3123/P 41, 41A, 43, 45 & 47 Barnhorn Road	Tailored care living scheme for the frail elderly including provision of 22 parking spaces, formation of new vehicular access & construction of new road.	Refused 18/01/08
RR/2012/2115/P 45-47 Barnhorn Road	Proposed demolition of two existing large dwellinghouses and construction of eight 2-bedroom apartments & two 3-bedroom apartments across two blocks with associated parking and landscaping.	Approved 05/11/13



RR/2016/2430/P 45-47 Barnhorn Road	Proposed demolition of two existing large dwelling houses and construction of eight 2-bedroom apartments and two 3-bedroom apartments across two blocks with associated parking and landscaping.	Approved 20/09/17
RR/2016/2430/P 45-47 Barnhorn Road	Proposed demolition of two existing large dwelling houses and construction of eight 2-bedroom apartments and two 3-bedroom apartments across two blocks with associated parking and landscaping.	Approved 20/09/2017

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## 5.0 RELEVANT POLICIES

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

Rother Local Plan Core Strategy 2014:

- OSS2 Use of Development Boundaries
- OSS3 Location of Development
- OSS4: General Development Considerations
- CO5: Supporting Older People
- CO6: Community Safety
- SRM2: Water Supply and Wastewater Management
- EN3: Design Quality
- EN4: Management of the Public Realm
- EN5: Biodiversity and Green Space
- 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:

- DHG1: Affordable Housing
- DHG3: Residential Internal Space Standards
- DHG4: Accessible and Adaptable Homes
- DHG5: Specialist Housing for Older People
- DHG7: External Residential Areas
- DHG11: Boundary Treatments
- DHG12: Accesses and Drives
- DEN4: Biodiversity and Green Space
- DEN5: Sustainable Drainage
- DIM2: Development Boundaries
- DRM1: Water Efficiency

5.3 Rother District Council Local Plan Viability Assessment in October 2018 (LPVA).

5.4 National Planning Policy Framework 2021.

5.5 National Planning Policy Guidance: VIABILITY (NPPG: Viability)

## 6.0 CONSULTATIONS (Full response on Council's website)

### 6.1 ESCC Highways – **NO OBJECTION** subject to the imposition of conditions Summary of comments (full comments available on Council's website):

- Accessibility to service is good with amenities 7 mins walk away.
- Frequent bus service close by Hastings and Eastbourne, as well as stopping at Collington railway station.
- 14x car parking spaces proposed – this is an under-provision. East Sussex Parking Calculator requires 21x spaces. However, regard is had to the supporting transport statement which suggests the demographic of future residents anticipates a lower parking demand. Albeit the surveys were undertaken in 2016 and more recently in 2020 (over a 2-day period) with limited details regarding comparisons, it is considered that 14x spaces are adequate.
- Buggy store acceptable.
- Separate cycle storage should be provided.
- Internal layout for vehicle turning/manoeuvring is acceptable.
- Refuse collection will take place on the street as per existing arrangement.
- Construction Traffic Management Plan required prior to commencing works on site.
- Comments re trip generation and access would be provided by National Highways.

### 6.2 National Highways England – **OBJECTION**

1st consultation response 09/02/23 - summary:

- *recommend that planning permission not be granted for a specified period.*
- Concerns regarding the site access onto SRN.
- Proposal is to utilise existing access serving No.41, without improvement.
- *...transport Statement proposes a net increase in daily two-way trips by 64 vehicles per day. Therefore, the daily trip generation would exceed the DMRB limitation of 50 vehicle movements per week.*
- *...the swept path analysis of the existing access has identified that, while the right in/left out manoeuvres can be performed, the left in/right out manoeuvres would not be achievable simultaneously.*
- *Drawing 536.0056.001 rev B also shows the junction visibility of the existing access based on Manual for Street Standards. However, this should have been undertaken in accordance with DMRB CD 123 requirements and based on the Stop Sight Distance given in DMRB CD 109.*
- *Therefore, after having reviewed the information provided by the Applicant, we cannot conclude that they have demonstrated that the existing access complies with DMRB CD 123 requirements. Thus, **the Applicant is required to provide details of an improved access arrangement in accordance with the requirements of DMRB CD123 or seek to demonstrate required relaxations/departure. Therefore, in this case section 175B is relevant. The Applicant must also provide for the full visibility requirements for the sight stopping distance equivalent to the design speed or provide a departure.***

- Conditions recommended concerning boundary treatment, drainage, and a Construction Environmental Management Plan (CEMP).

2nd consultation response 04/04/2023 – summary:

- *recommend that planning permission not be granted for a specified period.*
- *We note that the Applicant has now provided further information in relation to accident analysis and the proposed access arrangement.*
- *However, it remains that we require further information to be provided by the Applicant on this application in order that an informed decision can be made in relation to the potential impacts of the development on the strategic road network. In particular, the following comments should be passed onto the Applicant:*
- *The Applicant has stated that they are seeking for a relaxation regarding the access proposal of keeping No. 41 as the site access of the new development.*
- *However, relaxations shall only be applied where they are explicitly permitted in a Design Manual for Roads and Bridges (DMRB), National Application Annexes or Manual of Contract Documents for Highway Works document. However, no evidence has been provided to this effect. No improvements on the access serving 41 Barnhorn Road have been proposed. Thus, our concerns regarding vehicle left in/right out manoeuvres have not been resolved.*
- *The swept path analysis provided shows that when a vehicle exits the site, a vehicle entering would need to stop in the main road before turning in or otherwise a lateral collision would occur.*
- *A vehicle waiting on Barnhorn Road may lead to rear-end collisions or cause vehicles running westbound to undertake an overtaking manoeuvre using the road hatching and right turning lane to access Howards Crescent. The visibility of the refuge island opposite plot 43 may be also obstructed by the car waiting to turn left-in and thus, vehicles overtaking a waiting car may not be able to return to the southbound lane safely. Therefore, the Applicant should provide an improved access that demonstrates that two vehicles can enter/egress the site safely.*
- *The Applicant's justification of the access strategy from parcel 41 is that existing substandard accesses are to be closed. The Applicant also states that 'the proposed development is only proposing a negligible increase in trips in the peak period and would be facilitating these through an improved, single point of access'.*
- *However, the existing accesses are serving one single property each, whereas the proposed development will serve a complex comprising 35 residential units with 14 parking spaces and therefore, as the nature of the access will change the proposal needs to comply with DMRB requirements.*
- *Paragraph 4.1 of DMRB CD123 states that 'Direct accesses shall only be used where access is to only one of the following and that access will be subject to less than 50 vehicle movements per week: 1) a single dwelling 2) a single field; 3) a single-use public utilities site (such as an electric substation) where access is needed for maintenance of that specific site only; or, 4) a single-use highway maintenance site (such as an attenuation pond) where access is needed for maintenance of that specific site only.'*

- Therefore, our assessment of the latest information provided concludes that the access strategy is not DMRB compliant. The current proposal presents two departures from standard relating to junction visibility and direct access.
- **The Applicant is required to:**
  - **provide details of an improved access arrangement in accordance with the requirements of DMRB CD123 or,**
  - **submit departure applications in accordance with the procedures required by the relevant Overseeing Organisation or,**
  - **Explicitly refer to the permitted relaxation in DMRB that could be applied.**
  - same conditions recommended as per the initial consultation response.

3rd consultation response is awaited.

6.3 ESCC-Flood Risk Management/SUDs (on behalf of Pevensey and Cuckmere Water Level Management Board and Lead Local Flood Authority)  
– **OBJECTION**

1st consultation response 05/01/23 - summary:

- *The Applicant has failed to meet the requirements to assess its acceptability in flood risk terms.*
- *The Applicant has submitted an infiltration-based drainage strategy, using assumed infiltration rates.*
- *An alternative strategy is also proposed, to connect to a nearby surface water sewer in Barnhorn Road if infiltration is not feasible on site which we expect will be the case.*
- *Request a pre-development capacity check carried out by Southern Water to ensure there is sufficient capacity within their system to receive run-off from the development.*
- *If the developer proceeds with an infiltration-based strategy, infiltration testing will be required. Groundwater monitoring would also be required between November and April to determine whether high ground water levels will preclude the use of infiltration on site.*
- *The alternative drainage strategy relies on pumping to the surface water sewer due to the gradient of the development site – details of the pumps required.*
- *The surface water from the site presently drains to the PCWLMB drainage district – the Applicant should agree discharge rates with PCWLM.*

2nd consultation response 04/04/23:

- *The Applicant has stated in the response that they have not undertaken a pre-development capacity check with Southern Water as Southern Water have a legal duty to provide capacity within their network. Whilst this may be the case, it may take Southern Water some time to carry out improvements to the network, if they are required, and connecting to the system before the improvements are carried out may lead to an unacceptable increase in flood risk elsewhere as a result of the development. Given that there is no existing connection to the surface*

*water sewer we require that the Applicant obtains agreement in principle from Southern Water to discharge to the sewer.*

- *As such, we are not able to remove our objection until the Applicant has confirmed agreement in principle with Southern Water to direct runoff to the surface water sewer.*

6.4 Southern Water

*Our investigations indicate that Southern Water can facilitate surface water runoff disposal (flow rate 2.8 l/s at manhole reference TQ71070852) to service the proposed development. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the Applicant or developer.*

6.5 Pevensey and Cuckmere Water Level Management Board and Lead Local Flood Authority – OBJECTION

1st consultation response 08/12/2022- summary:

*Objection due to Insufficient Information*

The site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board Drainage District which is approximately 450m downstream of the application site. Therefore, the Applicant should agree discharge rates with the Water Levels Management Board's area.

The application has submitted an infiltration-based drainage strategy as well as an alternative strategy to connect to a nearby surface water sewer in Barnhorn Road if infiltration is not feasible at the site – which PCWLM & LLFA expect to be the case. Request that a pre-development capacity check is carried out with Southern Water to ensure there is sufficient capacity within their system to receive run-off from the development.

2nd consultation response 17/03/23 - summary:

*Objection due to Insufficient Information*

*...The Applicant has failed to meet the requirements to assess its acceptability in flood risk terms. The PCWLMB and LLFA will respond in 21 days of receipt of the requested information.*

*...Given that there is no existing connection to the surface water sewer we require that the Applicant obtains agreement in principle from Southern Water to discharge to the sewer. As such, we are not able to remove our objection until the Applicant has confirmed agreement in principle with Southern Water to direct runoff to the surface water sewer.*

6.6 County Ecologist – NO OBJECTION, recommend for approval in principle subject to the imposition of conditions.

6.7 Natural England – unable to provide specific advice and to refer to Standing Advice.

6.8 NatureSpace – NO OBJECTION. We are satisfied with the ecological report and agree that a Precautionary Working Methods Statement (PWMS) is considered appropriate, this should either be submitted prior to determination or secured with the use of a condition.

- 6.9 Environment Agency - *We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.*
- 6.10 County Landscape Architect – **NO OBJECTION**. *It is recommended that the proposed development can be supported as, subject to the conditions suggested below (for tree protection and landscaping), it could have a beneficial effect on local townscape character and visual amenity. (Full comments available on website).*
- 6.11 East Sussex Fire & Rescue Service – none received.
- 6.12 Sussex Police – **NO OBJECTION** but express observations and some concerns: A couple of recommendations to enhance security for the building, the mobility scooter store and the grounds. Concerns that the 14 car parking spaces would not be sufficient for all of the residents and staff and the potential impact upon the immediate and surrounding area given the limited parking availability. Recommend a condition that the owners have to accept the scheme is for non-vehicle residency. (Full comments available on website).
- 6.13 Clinical Commissioning Group – none received.
- 6.14 Housing Commissioning Team (Adult Social Care) – none received.
- 6.15 County Archaeologist – **NO OBJECTION**  
*The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response. (Full comments available on website).*
- 6.16 Waste & Recycling – **NO OBJECTION**. *There do not appear to be any issues here. There appears to be a gap in the boundary to allow the bins to be wheeled from the bin area thus allowing the crew to wheel the bins to the RCV. A dropped kerb along here would allow the bins to be manoeuvred easily rather than being bumped down the kerb.*  
  
*Further comments – This would be on a fortnightly collection and it looks like the bin store can house 4 x 1,100 litre bins. Based on 24 single bed flats and 11 two bed flats we can say a max of 46 residents so 2x 1,100 refuse and 2x 1,100 recycling should be sufficient.*
- 6.17 Community & Economy - Private Rented Housing – none received.
- 6.18 Planning Notice  
32 objections from local residents summarised as follows:
- Noise and pollution from demolition and building works. Demolition would have massive carbon footprint.
  - Impact to local air quality.
  - Existing properties do not require demolition.

- Concerns regarding traffic management and safety during the construction process.
- Proposal would increase traffic (residents and visitors) onto Barnhorn Road which is already a busy road. This is on top of the increased traffic associated with from recent development (Rosewood Park and the pending development adjacent to Ashridge Court).
- Significant under-provision of parking, resulting in parking on Barnhorn Road and creating hazardous conditions to the free flow of traffic and other road users: cyclists and pedestrians.
- Pavement parking on Barnhorn Road would reduce visibility.
- Parking would also be pushed to neighbouring side roads; particularly Howards Crescent and Kites Nest Walk. Increased difficulties in exiting the side road onto Barnhorn road owing to increased traffic.
- Unsuitable entrance on to A259 which can't cope with increased traffic.
- Poor visibility to the right for vehicles leaving the property due to a right-hand bend.
- Traffic is queuing for longer periods leading to Little Common roundabout.
- Too far to walk to local shops for elderly residents to carry back shopping.
- Doctors surgery is quite a walk.
- Services and amenities are limited so residents would unlikely give up their car and independence.
- Bus service is limited in the evening with less frequent services.
- Reference to use of a footpath as a shortcut is not accurate, it is a narrow-unmade path which is muddy in winter and overgrown in summer.
- The transport statement does not reflect recent development in the area.
- Impact to the local infrastructure: doctors, dentists, health services etc.
- Currently no parking restrictions on Barnhorn Road and with the traffic islands and additional on-road parking it will make it dangerous for emergency vehicles trying to get through.
- Already a number of retirement flats in Little Common that are vacant and for sale so no requirement for new.
- An area can become saturated with retirement homes, should encourage younger families and workers.
- Loss of garden/environment for wildlife. Established trees to be cut down.
- Footpaths are uneven and narrow.
- Height of proposed flats and their proximity to boundaries of existing properties will lead to loss of light and privacy. Style of proposed building uninspiring.
- Overdevelopment. Would dominate the area. Out of character and scale with its surroundings. Visually harmful.
- Overlooking towards the properties opposite and to the rear. Loss of light and privacy.
- More light disturbance.
- Precedent for new development.
- Existing sewage problems.

6.19 Bexhill-on-Sea Town Council – none received.

## 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 £190,977.
- 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 £233,940 over four years.
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## 8.0 APPRAISAL

- 8.1 The main issues concerning this application include:
- Affordable housing provision / viability / planning balance.
  - Scale of development, detailed design, visual impact.
  - Impact to neighbours' amenity.
  - Access/Parking.
  - Impact to the Pevensy Levels SSSI, particularly given the significant amount of built form proposed and the alterations to the land levels.
  - Drainage (additionally linked with Point 4 above).
  - Ecology, particularly concerning bats, birds, badgers and trees.

### **Affordable housing – viability**

- 8.2 DaSA Policy DHG1 in Bexhill requires 30% on-site affordable housing on schemes of 15 or more dwellings - for the 35 units proposed here, that would equate to a requirement for 11x affordable housing units.
- 8.3 In this case, the development proposal does not seek to provide affordable housing.
- 8.4 DaSA Policy DHG1 permits exceptions provided it can be demonstrated that the provision of affordable housing would render the development unviable, but the Council will respectively expect the proportion of affordable housing to be the most that does not undermine viability or is needed locally (as per DHG1).
- 8.5 The preamble to this policy at Para 4.13 states *There may be exceptional cases where affordable housing cannot be provided on site, in which event a financial contribution<sup>11</sup> equivalent to the increased value of the development without on-site provision will be required.* Footnotes 11 states that Financial contributions in-lieu of on-site provision will be required by Section 106 Agreement.
- 8.6 Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.
- 8.7 This application includes a viability appraisal, prepared by Planning Issues, titled: REPORT ON AFFORDABLE HOUSING & VIABILITY. Henceforth



known as the agents VA, having undertaken their own financial appraisal, it is their conclusion that neither affordable housing provision nor contribution can be delivered as part of this development proposal, stating:

*Para 1.8: The benchmark land value for the site is therefore relatively high. The residual value generated by the proposed redevelopment once development costs have been taken away from gross sales value is £1.375 million. This appraisal does not include any affordable housing. There is no financial headroom available for affordable housing contributions in this instance.*

*Para 7.2: This concludes that were the inclusion of affordable housing on site feasible, the subsidy required to provide the required level of affordable housing would be £530.373. This is the sum assessed against the reduction in land value were the units provided on site and is consistent with the approach undertaken as part of the Plan wide viability study.*

*Para 7.3: However, the site is considered to have a benchmark land value of £1.914m. When assessing the 100% private scheme against this benchmark, there is no financial headroom available to contribute towards affordable housing.*

- 8.8 However, the Council's independent review of the agent's VA, undertaken by **ET Planning**, arrives at a different conclusion. Their financial appraisal, utilising inputs which they consider realistic and appropriate - as opposed to the agent's VA, which ET Planning consider the inputs to be over-inflated and the assumptions concerning private sales/developer timings – overestimated. The conclusion is that whilst ET Planning agrees that the application proposal could not deliver affordable housing, it would however, create a surplus of £63,367. It is therefore ET Planning's conclusion that the Applicant can make a contribution for off-site affordable housing provision.
- 8.9 Following several exchanges between ET Planning and Planning Issues, attempting to address the disputed inputs/outputs, ET Planning have provided a final report, maintaining their position regarding the Applicant's ability to make a contribution.
- 8.10 In response, the agent has prepared the following rebuttal:

*“You will see below that they emailed their final position on 18 May showing a £60,000 surplus. My comments in response to their appraisal are shown in the email response but for ease of reference are summarised as follows:*

- 1. They erroneously state that the BCIS build cost data already allows for contingency. It does not.*
- 2. Abnormal costs outside of BCIS (e.g. demolition, ground conditions etc) are excluded by ET. These are relevant site specific costs which must be included.*
- 3. Sales and Marketing Costs – evidence provided of appeal decisions where 5.3% has been accepted as well as cost outturn on similar sites which has been ignored.*
- 4. They report a negative local market to support their reduced premium to be attached to the existing houses but maintain the premium sales values proposed for the redevelopment proposal.*

*Any one of the above 4 points would place their appraisal back into a negative position. .... In conclusion therefore, for the above reasons (as evidenced throughout), we cannot agree with ET Planning's conclusions."*

- 8.11 Overall, the Council's independent review, undertaken by ET Planning, is considered to be a comprehensive and robust appraisal which provides justification for the inputs and assumptions in formulating their figures and conclusion. Comparatively, the Applicant's submission would appear lacking and does not adequately justify the higher inputs and estimates. As such, the Council considers the Applicants can make a contribution of £63,367.

## **PLANNING BALANCE**

- 8.12 Regard is had to whether, in this instance, it would be appropriate to forgo the affordable housing contribution of £63,367.
- 8.13 Para 11 of the National Planning Policy Framework requires a presumption in favour of sustainable development, making it clear that when policies for housing provision are out of date, permission, should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole.
- 8.14 As the Council does not have a 5-year housing land supply (5YHLS) (currently being 2.79 years), within the context of the National Planning Policy Framework (Footnote 8 to Para 11), Rother's development plan Policies LHN2 and DHG1 must be considered out of date for decision-making purposes and planning permission must be granted unless:
11. di: *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*; or
11. dii: *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 8.15 In terms of 11.di, footnote 7 specifies AONBs, SSSI, ancient woodland, listed buildings, et al, as areas/assets protected by National Planning Policy Framework policies. In this case, the site is not located in the AONB nor within a sensitive landscape designation. There is therefore no conflict with Para 11di. In fact, the site is located within the development boundary where the *principle* of a development is generally supported, subject to other material policy considerations - this in turn engages Para 11dii i.e. considering the planning balance: *would the adverse impacts of granting consent significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole?*
- 8.16 Therefore, in terms of 11.dii, the application must demonstrate that the benefits outweigh the harm, having regard to the National Planning Policy Framework as a whole. In this case, National Planning Policy Framework Paras 60, 61, 62, 63, 65, 74, 105, 110-112. This is considered alongside Rother Local Plan Core Strategy Policy BX1(ix) to *Provide for employment*

*and housing growth, in accordance with Policy BX3, with particular regard to the needs of families, affordable housing for younger people and a range of supported housing options for older households; and Rother Local Plan Core Strategy Policy BX3(ii & iii) to deliver An overall level of housing growth of 3,100 dwellings between 2011- 2028; and Over and above development opportunities within the existing urban area, new housing and business development will be focussed on a strategic site to the north east of the town (as already planned), together with further sites to the north and west of the town.....*

- 8.17 Collectively, these policies require support for Government’s objectives of significantly boosting the supply of homes, requiring strategic policies should be informed by a local housing need assessment, and that *within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, ....*
- 8.18 In the context of the National Planning Policy Framework housing policies, Rother’s development plans policies, together with the Council’s supporting evidence base, identifies a need for older persons housing.
- 8.19 Rother Local Plan Core Strategy Policy BX1 sets out the Overall Strategy for Bexhill. This includes (at part ix) the provision of employment and housing growth, with particular regard to (among other things) the need for a range of supported housing options for older households.
- 8.20 Rother Local Plan Core Strategy Policy CO5 (Supporting Older People) supports initiatives and developments which, among other things, (ii) increases the range of available housing options with care and support services in accessible locations; and (iv) increases older people’s engagement in community life.
- 8.21 DaSA Policy DHG5 (Specialist Housing for Older People) confirms that schemes comprising of specialist housing for older people to meet the needs set out in the East Sussex Bedded Care Strategy will be supported on suitable sites in the larger villages and towns. As well as the provision of higher access standards, regard should be had to the “walkability” to services and public transport in the siting of housing schemes for older people. The National Planning Policy Framework (2021) confirms at chapter 5 that the needs of groups with specific housing requirements should be addressed through planning policy, including older people.
- 8.22 A Housing and Economic Development Needs Assessment (HEDNA) has been undertaken jointly for Rother and Hastings Councils to support their new Local Plans. An initial report, dated August 2020, is available on the Council’s [website](#) although it should be noted that an updated HEDNA, to take account of recent economic and social changes, is currently being prepared by consultants.
- 8.23 The HEDNA (2020) considers the need for housing for older people at Chapter 9. It confirms that Rother has a high proportion of older people compared to the national average, and a particularly high proportion of people aged 65-74, and that the older population is set to increase. The

overall levels of disability in the older person population is also slightly higher than the national average.

- 8.24 The HEDNA considers two categories of older people's accommodation (in addition to care bedspaces):
- Housing with Support (which covers retirement/sheltered housing); and
  - Housing with Care (which includes the enhanced sheltered and extra-care housing).
- 8.25 The HEDNA finds that there is a current deficit of all types of older person accommodation in Rother and by 2039 this will only increase. There is a particular need for leaseholder and rental housing with support. Most of the demand for specialist accommodation is for housing with support (around 73%) compared to around 27% for housing with care. The HEDNA notes that East Sussex County Council has confirmed that these numbers are in line with the County Council's understanding of the area's needs.
- 8.26 The submitted Planning Statement confirms that the type of housing proposed is defined as retirement living or sheltered housing, i.e. housing with support (as defined in the HEDNA). All units would be sold to leaseholders and the lease would contain an age restriction.
- 8.27 The site is within the Bexhill development boundary within a sustainable location, in walking distance of local shops and services at Little Common and close to bus stops. In principle, the redevelopment of the site to provide housing for older people, as proposed, is supported by adopted Local Plan policy and more up to date evidence on need contained in the HEDNA (2020). However, the lack of affordable housing is of concern, as detailed in the next section.
- 8.28 Rother Local Plan Core Strategy Policy LHN1 seeks to ensure that, in order to support mixed, balanced and sustainable communities, housing developments should (i) be of a size, type and mix which will reflect both current and projected housing needs within the district and locally. Policy DHG1 of the DaSA Local Plan notes that on housing sites or mixed-use developments in Bexhill, the Council will expect 30% on-site affordable housing on schemes of 15 or more dwellings. Where it can be demonstrated that these requirements would either render otherwise suitable development unviable, or where the local need for affordable housing would no longer justify this level, the Council will respectively expect the proportion of affordable housing to be the most that does not undermine viability or is needed locally. In normal circumstances, the full affordable housing obligation should be met on-site.
- 8.29 As noted above, the HEDNA (2020) finds there is a significant need for rental housing with support, for older people. At chapter 7, the HEDNA also considers the need for affordable housing generally, finding an annual net need of 295 affordable dwellings to rent across Rother. This is for subsidised housing at a cost below that required to access the private rented sector (i.e. for households unable to access any form of market housing without some form of subsidy). This demonstrates a significant need for affordable homes and confirms the need for the Council to seek to maintain its current affordable housing policy as a minimum, subject to updated viability assessments. Indeed, the HEDNA notes that the Council is

justified in seeking to secure as much additional affordable housing as viability allows. It is of note that these requirements (i.e. 295 affordable dwellings per annum) exceed the total rate of recent housing delivery.

- 8.30 It has already been established that in principle, the proposal to provide 35 retirement living apartments will help meet an identified need for this type of accommodation. However, the proposal includes no affordable housing. The Planning Statement indicates that this is due to viability: it states that there are additional costs associated with delivering retirement housing as around 25% of floor space is for communal facilities and is as such unsaleable floor area; and retirement accommodation has a reduced (slower) sales rate, increasing borrowing and empty property costs. This is further detailed in the submitted Report on Affordable Housing and Viability, which also notes that there would be management difficulties in providing on-site affordable housing because all residents share communal areas and pay comparatively high service charges for them. The Viability Report notes that (if it were viable), off-site provision in the form of a commuted sum would be the most appropriate solution to address the affordable housing requirement, however, it also finds that there is no financial headroom available for affordable housing contributions in this scheme.
- 8.31 Whilst the Council, through independent review of the agent's VA, disagrees with the Applicant's assertion that contributions cannot be provided, on balance, there is an evidence-based demonstrated need for older people housing. It is regrettable but whilst the contribution would be beneficial to the Council, refusing this application on this basis alone, would not improve the Council's housing land supply situation i.e. the Council's 5YHLS supply and housing for older people remains significantly low.

### **Detailed Design / Visual Impact**

- 8.32 Rother Local Plan Core Strategy Policy OSS4 and EN4 collectively requires development that *is of a density appropriate to its context, does not detract from the character and appearance of the locality*, and of an acceptable scale, design having regard to the wider visual context.
- 8.33 The frontage of the apartment building is two-storey, comprising three main forms in the shape of individual dwelling units, connected by recessive elements (set back by approx. 2.6m), which aid in breaking up the mass and bulk. The frontage of the development is acceptable, reflecting the domestic scale and proportions in the wider residential street scene.
- 8.34 The rear part of the apartment, however, is significant, being substantial in its rearward projection and increasing from 2-storey to an appearance of 3-storey created by an additional floor within the roof form i.e. the scale of development does not reflect the pattern of residential development along Barnhorn Road, comprising modest family dwellings (of various sizes), with road-side frontage and large rear gardens. Comparatively, the proposed apartment complex would occupy a much larger area of the rear garden. Although it is noted that the rearward projection is centrally located within the plot and well recessed away from the side boundaries.
- 8.35 When viewed from Barnhorn Road, owing to the narrowing footprint (stepping in from the side boundaries) combined with the reducing height of

the rear-part of the building – behind the building’s frontage, together with the close relationship with the adjoining dwellings, the building’s larger scale to its rear would not be prominent in the street scene.

- 8.36 In terms of the visual impact upon the rear street scene – Spindlewood Drive, this would be more prominent. The AVR report provides an image (labelled Viewpoint D) of how this impact would present – whilst it may be accurate, it does not adequately represent the impact owing to the position and height of the camera. From the approach into the cul-de-sac, the development would be visible above Nos. 15, 16 & 17 Spindlewood Drive. The issue here is: whilst the development would be visible, whether its scale, having regard to the wider pattern of development, would be harmful.
- 8.37 Spindlewood Drive comprises a mix of houses and bungalows of varying heights, shapes and forms along the road, many have garages - the character is principally suburban. No.17 has the closest relationship with the proposed apartment with the nearest wall-to-wall gap being approx.22m. Additionally, in between the application site and Spindlewood Drive is a small, wooded area which would provide a certain amount of screening. Furthermore, the rear part of the apartment would be 2-storey in its relationship when viewed against the Spindlewood Drive dwellings.
- 8.38 On balance, whilst the proposed apartment introduces additional built form into the skyline from Spindlewood (particularly noticeable above Nos. 15-18, being bungalows), the combination of the apartment’s 2-storey form; the separating distances between the Spindlewood dwellings and the apartment; and the intervening (screening) vegetation, would collectively mitigate the impact of the apartment as it would appear recessive in the backdrop (owing to its 2-storey form not dissimilar from the existing houses along Spindlewood), and would not appear out of context in the immediate and wider suburban character of Spindlewood Drive.
- 8.39 The general design and use of materials reflects that of the local area, incorporating gable and bay window detailing with brick and render elevations under a tiled roof. Therefore, having regard to the wider urban context, the visual impact of the development is not considered to be adversely harmful.

### **Other design considerations**

- 8.40 The submission includes details for the refuse store and mobility-scooter storage, although these plans are not clear. A condition is attached to secure appropriate details. Otherwise, their general location is acceptable, being set to the side.
- 8.41 The submitted plans for the substation is not considered to be appropriate, owing to its mass, bulk and height and imposing utilitarian appearance that would be dominant and incongruous in the street scene. It is considered appropriate to require alternative details of a sub-station that would have an acceptable impact in the street scene.

### **Living conditions of the occupiers of the proposed development**

- 8.42 Policy OSS4(i) of the Rother Local Plan Core Strategy expects all development to meet the needs of future occupiers, including providing appropriate amenities and the provision of appropriate means of access for disabled users.
- 8.43 The dwelling units would meet minimum internal space standards, as required by DaSA Policy DHG3.
- 8.44 The submission also confirms the dwelling units would comply with DaSA Policy DHG4 which requires all new dwellings to be adaptable and accessible and meet M4(2) of the Building Regulations.
- 8.45 DaSA Policy DHG4 also requires that 5% of the required affordable housing units meet Part M4(3). As it is not intended to provide affordable housing, it is also not intended to provide some units that meet Part M4(3) (wheelchair accessible dwellings).
- 8.46 Policy DHG7 of the DaSA expects appropriate and proportionate levels of private useable external space and waste and recycling facilities.
- 8.47 24 out of the 35 flats would have balconies. In addition, the site apartment would be served by a commensurate area of landscaped garden to the rear which would be communal. In this case, the garden provision is considered to be adequate.
- 8.48 Waste/recycle facilities would be set to the front of the apartment where it can be easily accessed for collection.

#### **Impact on the residential amenity of neighbouring occupiers**

- 8.49 Policy OSS4 (ii) of the Rother Local Plan Core Strategy expects new development not to unreasonably harm the amenities of adjoining properties. Policy DHG9 of the DaSA outlines that extensions can impact on adjoining properties in terms of a loss of sunlight or daylight, overbearing and loss of privacy.
- 8.50 This is considered alongside DaSA Policy DHG7, requiring a rear garden length of 10m. The preamble to this policy in Para 4.69 states the following:  
  
*“Gardens should be of an appropriate size to provide sufficient, useable amenity space. This will normally mean a minimum rear garden depth of 10 metres. This requirement has a dual purpose, as it also aids the achievement of appropriate separation distances between dwellings to maintain levels of privacy and to prevent a cramped form of development that could otherwise adversely affect the amenity of existing and future residents. Garden space for apartment complexes may benefit from individual design solutions to the provision of external amenity space, such as courtyards or communal spaces of appropriate and usable size.”*
- 8.51 This application considers any amenity issues with the adjoining properties located on either-side and to the rear of the application site, whilst having regard to the 10m garden rule i.e. a back-to-back distance of 20m. The same rule does not apply concerning side-on relationships but is *broadly* used in assessing the depth of outlook:

- 8.52 Overlooking **eastwards**, towards No.39 Barnhorn Road (with Nos. 37 and 35 beyond):
- 8.53 As the footprint of the apartment building along the side-east elevation steps in away from the boundary, it increases the distance from the apartment's east-elevation windows across to the neighbouring properties.
- 8.54 The nearest wall-to-wall distance between the apartment and No.39 is 6.4m with obscure-glazed narrow windows in the flank of the building's frontage – serving Flat -34.
- 8.55 Stepping back further (behind the buildings frontage), there is a distance of 10.2m between the east elevation of the apartment and the boundary, with 2x windows serving a living room serving Flat-11. These ground-floor windows would be higher owing to the sloping ground level incorporating a lower storey, so they would have a greater degree of outlook towards No.39. These windows would be obscure glazed, mitigated by the 10.2m distance and the (limited) screening boundary vegetation.
- 8.56 Given the proximity to No.39 and potential for direct overlooking, whilst the obscure glazing would provide and boundary screening may provide some mitigation, it is considered appropriate that the windows are also non-opening except for a top hung fanlight opening.
- 8.57 In terms of the rear vertical projection, this projects much deeper into the site with a distance of approx. 21.4m-to-18.7m between the east elevation wall of the apartment and the east boundary (this distance is reduced with the balcony access). The distance between the nearest balcony with outlook towards No. 39 is approx. 25.6m. Comparatively, (back-to-back) this is in excess of the minimum 10m-deep garden required for a new dwelling. In addition, the rearmost 2 balconies which would look towards No's 18 & 17 Spindlewood Drive (at the rear) would have a similar separating distance (in excess of 20m). As noted at Para 8.54 above, the impact is mitigated by the distance combined with screening vegetation (which would be enhanced, required by condition).
- 8.58 Overlooking **southwards**, towards Nos.16, 17, 18 Spindlewood Drive):
- 8.59 As with Paragraph 8.54 above, the impact is mitigated by the wall-to-wall distance in excess of 20m and the intervening landscaping along the boundary and the small wooded area. The rear windows would also be obscure-glazed which is considered appropriate owing to the elevated height of the ground-floor level in relation to the bungalows at the rear.
- 8.60 Overlooking **westwards**, towards No.39 Barnhorn Road (with Nos. 45 and 47 beyond):
- 8.61 The west elevation of the proposed frontage apartment sits more closely with No. 45 with a separating distance of approx. 2m – however, this relationship is not dissimilar from the current arrangement.
- 8.62 The horizontal flank of the Apartment would have obscure glazing. Owing to their proximity to the boundary, it is considered appropriate to require fanlight opening only in order to limit direct outlook.



- 8.63 The nearest outlook from the vertical section of the Apartment is approx. 19.6m looking directly west towards the boundary with No.45. More importantly, the outlook distance between the nearest 'vertical' balcony and neighbour's rear elevation is approx. 36m. As with the east side, the outlook distance from all the side windows/balconies towards the rear-end of the vertical projection increases.
- 8.64 Overall, owing to the shape of the Apartment's planform, its reducing height as it projects towards the rear boundary, distances from the adjoining boundaries, subject to condition for obscure-glazing, fanlight openings and landscaping, would not result in adverse harm to such a significant extent as to warrant a recommendation for refusal.

### Access

- 8.65 A summary of National Highways (NH) objections has been set out under CONSULTATIONS above.
- 8.66 Presently, the site consists of three residential properties, each with their access point.
- 8.67 This application seeks to utilise the existing access point serving No.41, measuring 4.4m wide with a 7m wide dropped kerb. The other two dropped kerbs would be stopped-up and reinstated.
- 8.68 It was initially proposed to retain the existing width. However, this is deemed unacceptable by NH owing to the significant number of vehicle movements from a single access point.
- 8.69 The existing accesses are serving one single property each, whereas the proposed development will serve a complex comprising 35 residential units with 14 parking spaces and therefore, as the nature of the access will change the proposal needs to comply with DMRB requirements.
- 8.70 Following negotiations, amended plans have been provided increasing the width of the access to 6.5m. NH have been re-consulted on this but no formal response has been provided at the time of writing this report. **As such and noting NH previous direction not to issue a decision for approval, any decision for approval shall not be issued until National Highways have returned with their updated consultation response, within which, they may require additional conditions be attached to any decision notice. If National Highways maintain their objections, the application must be refused for their stated reason(s).**
- 8.71 NH have additionally recommended conditions requiring the closure of the existing accesses, details of boundary treatment, drainage details and a construction and environment management plan (CEMP).

### Parking

- 8.72 Only 14x parking spaces are proposed to serve the 35x dwelling units. Whilst this is an under-provision, having regard to ECSS Highways parking calculator (requiring 21 spaces), they have however, not raised objections owing to the accessibility to shops, amenities, and bus services (whilst acknowledging the evidence base in not up-to-date).

- 8.73 The development also includes mobility-scooter storage (for approx. 5/6 scooters), providing options for those residents who do not wish to be car-reliant.
- 8.74 As per ESCC Highways recommendation, a condition is additionally proposed for secure cycle storage.
- 8.75 Given the significant under-provision of car-parking spaces and the limited mobility scooter storage, it is considered appropriate to require charging points for electric bikes. This would provide a range of options to residents, relieving the pressure for car-reliance and off-site parking.
- 8.76 Alongside the National Planning Policy Framework's objective of working towards a low-carbon future, requiring *planning measures address climate change mitigation and adaptation* (Para 20, 152, 153), the transport policies *requires opportunities from... changing transport technology and usage, are realised... ; opportunities to promote walking, cycling and public transport use are identified and pursued*; to consider *the environmental impacts of traffic and transport infrastructure... including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains* (Para 104) and to consider where development *can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health* (Para 105). In addition, Para 92 supports development that promotes healthy communities and *encourage walking and cycling*.
- 8.77 In this case, it is considered that a condition for electrical charging point for electric bikes is reasonable given the limited options for transport modes. Whilst there are some services/amenities available within walking distance – they are limited. It is likely that a significant number of journeys would be taken to Bexhill town centre.
- 8.78 ESCC Highways have recommended additional conditions – these have been refined and included in the recommended list of conditions should approval be granted. In addition, NH has also required a CEMP so this does not need to be duplicated.

### **Drainage**

- 8.79 This submission is supported by a Flood Risk Assessment (FRA) undertaken by CEP, dated October 2022
- 8.80 Surface water discharge must go through a hierarchy of drainage options in the following order before proceeding with the most appropriate option:
1. Infiltration to ground
  2. Discharge to a watercourse
  3. Discharge to a surface water sewer
  4. Discharge to a foul water sewer
- 8.81 In this case, 2x drainage schemes have been considered by the Applicant:
1. Provision of soakaways based on an assumed filtration rate of 1x10<sup>-6</sup> m/s.

2. Restricted discharge to the existing public surface water sewer beneath Barnhorn Road.
- 8.82 It is proposed that, in the event that infiltration is not possible, a surface water pumping station would be required which would pump surface water from the south of the development to the north, comprising a restricted discharge to the existing public surface water sewer beneath Barnhorn Road.
- 8.83 The PC-LLFA have noted that infiltration may not be possible and that if the Applicants decide to proceed with an infiltration-based drainage strategy, further details should be required in advance. This is secured by condition.
- 8.84 In addition, as per PC-LLFA requirement, Southern Water have confirmed that they can facilitate surface water runoff disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul and surface water sewers to be made by the Applicant or developer.
- 8.85 Any discharge to the public sewer as noted in the response above will be subject to a S106 agreement with Southern Water, the Statutory Undertaker, who have a legal duty to accept the discharge from the site. It will be for Southern Water to agree any change to their surface water discharge rates from their public sewer networks to the Pevensey and Cuckmere Water Level Management Board, if an application to connect to the public sewer is required.

### **Habitat Regulation Assessment (HRA)**

- 8.86 The purpose of the HRA is to consider whether the impact of a proposal would significantly harm the designated features of protected European nature conservation sites. This is undertaken in three stages: Screening, Appropriate Assessment and Derogation.
- 8.87 This application is supported by Habitats Regulations Assessment Stages 1 and 2 undertaken by Tetra Tech, dated April 2023 (henceforth known as a shadow HRA) which was provided by the agent following consultation with ESCC-Ecology; required owing to the potential impacts to the Pevensey Levels-SSSI, SAC and Ramsar Site.
- 8.88 Although the site is not located within the defined boundaries of the SAC and Ramsar, it lies within the defined zone-of-influence which triggers the requirement for a HRA - required to be undertaken by the local authority. The provision of a shadow HRA informs RDC's HRA in understanding the impacts of the development and what measures could be secured to avoid/mitigate adverse impacts.
- 8.89 RDC's HRA, has due regard to the shadow HRA, as well as the submitted Ecological Impact Assessment (EIA) and Flood Risk Assessment (FRA). It concludes that impacts could be mitigated through the use of conditions. As such, no further consideration is required in terms of Stage 3-Derogation.

### **Ecology**

- 8.90 This submission includes an Ecological Impact Assessment (EIA), undertaken by Tyler Grange, dated 20/10/22.
- 8.91 A brief summary of the more pertinent items identified in the EIA is set out below:
- 8.92 Bats: Recording of bats emerging No.41, with Both Nos.41 & 43 having confirmed as supporting a day roost. A licence would therefore be required from Natural England prior to the demolition of the buildings. Recommendations for bat boxes to be installed on suitably mature trees or on the side of the apartment building and for a sensitive lighting scheme.
- 8.93 Birds: removal of buildings and vegetation, should be undertaken outside the nesting bird season (March to August inclusive), otherwise, a thorough search of the site needs to be undertaken by a specialist prior to demolition. In the event a nest is found, an appropriate buffer will need to be retained until the young have fledged and the nest is no longer active.
- 8.94 GCN: limited likelihood of great crested newt being present, a precautionary approach would be adopted. No objections from NatureSpace subject to a pre-commencement condition requiring a Precautionary Working Methods.
- 8.95 Reptiles: Impact is considered unlikely, but a precautionary approach should be applied nonetheless controlled by Construction & Environmental Management Plan – CEMP.
- 8.96 Hedgehog: There may be indirect impacts on hedgehog through the loss of sub-optimal habitat. A precautionary approach to construction activities (to be controlled via the CEMP).
- 8.97 Badgers: a single adult and two juvenile badgers were recorded using the gardens. There may be indirect impacts on badgers through the loss of sub-optimal foraging habitat. Mitigation strategy to be controlled by CEMP.
- 8.98 Overall, a Biodiversity Method Statement, CEMP, Ecological Design Strategy and lighting could be secured by condition to ensure that appropriate precautionary measures would be undertaken to avoid harm to protected species, and to provide enhancement measures.

### **Trees/Landscaping**

- 8.99 This application is supported by an Arboricultural impact appraisal and method statement, undertaken by Barrel Tree Consultancy, dated 29 September 2022 and an indicative landscaping plan.
- 8.100 The proposal would require some significant loss of trees and hedgerows, albeit they are categorised as Category-C (being lower value in terms of their age and spread). All other retained trees will be protected during development by using temporary barriers and those requiring special precautions to limit the impact of encroachment.
- 8.101 Given the significant loss of vegetation, together with an increase in built-form, it is considered appropriate to require a comprehensive landscaping

plan comprising a planting plan (noting species, plant size, position, density) together with a long-term maintenance plan.

## **Archaeology**

8.102 The formal consultation response from ESCC Archaeology states the following:

*“The proposed development is of archaeological interest due to its location within a landscape with evidence of human activity from the prehistoric period onwards. Recent archaeological investigations to the north of the site has revealed extensive evidence for prehistoric activity in the form of both artefact scatters and features, including possible evidence for prehistoric land division. Evidence for Late Iron Age/Roman activity in the vicinity of the site includes both structural and industrial evidence. Excavated evidence for medieval activity in the vicinity of the site is rather more limited but includes features and finds of 12th – 1th century date, broadly contemporary with the scheduled remains of Cooden medieval moated site to the south of the application site. The application site appears to have lain within an essentially agricultural landscape for much of the post-medieval period prior to the development of the area in the early 20th century.”*

8.103 In light of the potential impacts to the on-site archaeology, a condition is recommended for a programme of archaeological works combining a written scheme of investigation and requirement for a post-investigation assessment.

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## **9.0 PLANNING BALANCE AND CONCLUSION**

9.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

9.2 For the purposes of the National Planning Policy Framework, Rother District Council are unable to demonstrate a 5-year supply of housing – this carries significant weight. The National Planning Policy Framework states that plans and decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the National Planning Policy Framework provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

9.3 In this instance, whilst significant weight may be attached to affordable housing contributions, refusing this application on this basis alone does not improve but regresses the Council’s 5YHLS shortfall i.e. at this present time, the Council cannot deliver a sufficient supply of sites to address Rother’s housing need. As such, this significantly tips the planning balance towards the presumption in favour of sustainable development.

9.4 Therefore, on balance, taking account of the above assessment, the lack of affordable housing contribution would be significantly and demonstrably outweighed by the benefits of new housing, including that for older persons where we have a recognised need, when assessed against the policies in the Framework taken as a whole and engaging Paragraph 11(d) of the National Planning Policy Framework.

9.5 It is therefore recommended that planning permission is APPROVED.

**RECOMMENDATION: GRANT (FULL PLANNING PERMISSION) subject to conditions and subject to the consultation response from National Highways and their requirements.**

**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:

PLAN TITLE	REFERENCE	DATED
Proposed site distance & levels plan	20086BX_PL_010_P1	July 2022
Proposed elevation CC2, CC3, DD1&DD2	20086BX_PL_009_P1	July 2022
Proposed elevation & street scene	20086BX_PL_007_P1	July 2022
Proposed roof plan	20086BX_PL_006_P1	July 2022
Proposed first floor plan	20086BX_PL_005_P1	July 2022
Proposed ground floor plan	20086BX_PL_004_P1	July 2022
Proposed lower ground floor plan	20086BX_PL_003_P1	July 2022
Proposed site plan	20086BX_PL_002_P2	15 June 2023
Location plan	20086BX_PL_001_P1	July 2022
Proposed elevation BB1, BB2, CC1	20086BX_PL_008_P2	July 2022
Elevation BB, CC, DD (combined)	20086BX_PL_011 Rev.P1	July 2022
Tree protection plan	22071-01	Received 26/10/22
Barrell Tree Consultancy: Manual for managing trees on development sites	-	Received 26/10/22
Landscape Strategy	JBA 22-239 - SK03	September 2022

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

## PRE-COMMENCEMENT CONDITIONS

3. No development shall take place until a Precautionary Working Methods Statement (PWMS) detailing reasonable avoidance measures for Great Crested Newts has been submitted to and approved by the Local Planning Authority. Works shall be undertaken in accordance with the approved document.  
Reason: "To minimise the impacts of development on biodiversity, in accordance with Policy DEN4 of the Development and Site Allocation Plan, Policy EN5 of the Rother District Core Strategy Local Plan, section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006."
4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP1) in respect of ecological matters has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
  - a) site specific surface water pollution mitigation strategy to demonstrate how potential hydrological impacts to Pevensey Levels will be mitigated;
  - b) risk assessment of potentially damaging construction activities, including to Pevensey Levels;
  - c) identification of "biodiversity protection zones";
  - d) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - e) the location and timing of sensitive works to avoid harm to biodiversity features;
  - f) the times during construction when specialist ecologists need to be present on site to oversee works;
  - g) responsible persons and lines of communication;
  - h) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
  - i) use of protective fences, exclusion barriers and warning signs.Reason: To ensure that any adverse environmental impacts to the Pevensey Levels-SSSI SAC and Ramsar site, as a result of development activities are mitigated, in accordance with Policy DEN4 and DEN7 of the Development and Site Allocation Plan, Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and Site Allocation Plan, coupled with the requirements of paragraphs 174, 179 and 180 of the National Planning Policy Framework 2021.
5. No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement (BMS) for the protection of a) badgers b) reptiles c) amphibians d) hedgehogs and e) invasive plants, 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 PEA 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, Policy DEN4 of the Development and Site Allocation Plan, Policy EN5 of the Rother District Core Strategy Local Plan, section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.”

6. No development shall take place until an ecological design strategy (EDS) addressing compensation for the loss of habitat, protection of retained habitat (boundary/buffer planting), bird and bat box specifications and enhancement of the site to provide measurable biodiversity net gain, in line with the recommendations in the Landscape Strategy (James Blake Associates, September 2022, Ref: JBA 22-239 - SK03 Rev.A) and EclA (Tyler Grange, October 2022, Ref: 14961\_R01a\_CS\_CW) has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

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

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated, and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, Policy EN5 of Rother Local Plan Core Strategy 2014, and Policy DEN4 of the Development and Site Allocation Plan.

7. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a Construction Environmental Management Plan (CEMP2) in respect of highway matters, has been submitted to and approved in writing by the Local Planning Authority (who



shall consult with National Highways). Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Environmental Management Plan unless otherwise agreed in writing by the Local Planning Authority (who shall consult National Highways). Informative: The CEMP shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the SRN during highway peak hours such as the use vehicle booking systems etc); measures to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

Reason: To ensure that the A259 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

8. No part of the development hereby permitted shall commence until drainage details have been submitted to and approved in writing by the Local Planning Authority, to ensure that drainage does not flow to or from the highway. The approved drainage details shall thereafter be constructed in accordance with the approved plans and maintained in perpetuity.

Reason: To ensure that the A259 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and paragraph 59 of DfT Circular 01/22, to satisfy the reasonable requirements of road safety.

9. No part of the development hereby permitted shall commence until details of the boundary treatment adjacent to the A259 boundary have been submitted to and approved in writing by the Local Planning Authority (who shall consult National Highways). The approved boundary treatment shall thereafter be constructed in accordance with the approved plans and maintained in perpetuity.

Reason: To ensure that the A259 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Informative: For reasons of safety, liability and maintenance, all fences, barriers, screening and other structures must be erected on the developer's land, and far enough within the developer's land to enable maintenance to take place without encroachment onto highway land.

10. No development shall take place until the Applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure that the archaeological and historical interest of the site below ground is safeguarded and recorded to comply with the National Planning Policy Framework and Policy EN2 (vi) of the Rother Local Plan Core Strategy.

## OTHER CONDITIONS

11. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 10.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

12. Demolition of the dwellings (Nos. 41, 41a and 43 Barnhorn Road) shall not be carried out until confirmation has been submitted to the Local Planning Authority of either of the following options:

a) a licence issued by Natural England, pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017, as amended, authorizing the specified activity/development (the subject of this application) to go ahead;

or;

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development (the subject of this application) will require a licence.

Reason: To ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to DEN4 of the Development and Site Allocation Plan, Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and Site Allocation Plan, coupled with the requirements of paragraphs 174, 179 and 180 of the National Planning Policy Framework 2021.

13. No works/construction above ground-level shall be undertaken until an appropriate drainage strategy is submitted to and approved in writing by Local Planning Authority which shall comprise one (or both) of the following options:

a) If it is proposed to proceed with an infiltration-based drainage strategy, details shall be submitted of the infiltration testing which shall be carried out to BRE365 standard in the location and at the depth of the proposed soakaways. This shall include groundwater monitoring which would be required to be undertaken between November and April, using dataloggers, to determine whether high groundwater levels will preclude the use infiltration at the site.

b) If it is proposed to rely on pumping to the surface water sewer, details shall be submitted of the pumps with one to act as a back-up in the event of pump failure.

Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site, to prevent water pollution and to protect the Pevensey Levels SSSI SAC and Ramsar site, in accordance with Policies OSS4 (iii & viii) and EN1, EN5 and EN7 of the Rother Local Plan Core Strategy, and Policy DEN1, DEN4 and DEN5 of the Development and Site Allocation Plan.

14. Prior to the installation of any external lighting or first occupation/use of the development hereby approved, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and/or technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. This will include no direct lighting of boundary/buffer planting with light spill onto other habitats reduced to acceptable levels.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority. Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. The details are therefore required having regard to Policies OSS4 (iv) and EN1 and EN5 of the Rother Local Plan Core Strategy, and Policy DEN1, DEN4 and DEN5 of the Development and Site Allocation Plan.

15. No development above ground level shall take place on any part of the site until the hard and soft landscaping details have been submitted to and approved by the Local Planning Authority, which shall include:
- a) indications of all existing trees and hedgerows to be retained;
  - b) planting plans;
  - c) written specifications (including cultivation and other operations associated with plant and grass establishment);
  - d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
  - e) implementation and maintenance programme;
  - f) proposed finished levels or contours;
  - g) means of enclosure (fences and walls);
  - h) hard surfacing materials (road surface, cycleways, footpaths, parking spaces including curbs and tactile paving);
  - i) lighting strategy, including proposed locations and product specifications (having regard to Condition13); and
  - j) minor structures (e.g. pumping station etc).

Prior to the first occupation/use of the development hereby approved, both the soft landscaping plan and hard landscaping plan shall be implemented and completed in their entirety in accordance with the approved plans and thereafter shall be retained.

If within a period of five years from the date of the planting, any tree or plant is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted

at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the creation of a high-quality landscape setting; to ensure the ongoing enhancement of the development which collectively, would additionally mitigate and enhance biodiversity net-gain provisions; and in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

16. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5-years from the date of the occupation of the building for its permitted use.
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard (3998 (Tree Work)).
  - b) If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
  - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
  - d) No fire shall be lit within 10m from the outside of the crown spread of any tree which is to be retained.
  - e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
  - f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

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

Reason: To ensure that tree(s) are not damaged or otherwise adversely affected by building operations and soil compaction to enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

17. Prior to the first occupation/use of the development hereby approved, the parking areas (which shall measure at least 2.5m by 5m (plus extra 50cm where the spaces abut a wall) shall be provided in accordance with the approved plans/details, and thereafter retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide adequate space for the parking of vehicles in order to provide a satisfactory standard of development, having regard to Policy TR4 and OSS4 (i & iv) of the Rother Local Plan Core Strategy.

18. Prior to the first occupation/use of the development hereby approved, details/plans for secure and covered cycle parkin/storage shall be submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.  
Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development having regards to Paragraphs 20, 104, 105 152, 153 of the National Planning Policy Framework and Policy TR2, TR3 of the Rother Local Plan Core Strategy.
19. Prior to the first occupation/use of the development hereby approved, details/plans for the installation of electric vehicle and electric bike charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, made operational, and retained thereafter.  
Reason: To ensure sustainable development in order to mitigate the impacts climate change, and to provide a range of options for sustainable modes of travel, having regards to Paragraphs 20, 104, 105 152, 153 of the National Planning Policy Framework and Policy TR2, TR3, SRM1 of the Rother Local Plan Core Strategy.
20. Prior to any above-ground construction/works, details of the siting and form of the refuse/recycling store, mobility scooter storage and sub-station shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented and thereafter retained.  
Reason: To ensure the provision of adequate amenities for the residents and to safeguard the visual amenities of the locality in accordance with Policy OSS4 (i & iv) of the Rother Local Plan Core Strategy.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), no fences, gates, walls, or any other means of enclosure, shall be erected along the front (north) boundary of the application site.  
Reason: To safeguard the character and appearance of the development having regard to the street scene, in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
22. Prior to the first occupation of the development hereby approved, the ground-floor and first-floor windows in the east and west elevation (serving Flats 11, 20, 19, 30 and 34) shall be incapable of being opened except for a top-hung opening and shall be retained as such thereafter.  
Reason: To avoid harmful overlooking and safeguard the privacy of the occupiers of the adjoining properties at 39 and 45 Barnhorn Road having regard to Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DHG9(i) of the Rother Development and Site Allocations Plan, coupled with the requirements of paragraph 130 of the National Planning Policy Framework 2021.
23. At the time of construction and prior to the first occupation or use of the development hereby approved, obscure glazing (equivalent to scale 5 on the Pilkington Glass Scale) shall be installed where detailed in the approved plans and shall be retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property having regard to Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DHG9(i) of the Rother Development and Site Allocations Plan, coupled with the requirements of paragraph 130 of the National Planning Policy Framework 2021.

## 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 Applicant will be required to enter into a Section 184 and 171 Licence with East Sussex Highways, for the provision of the widened vehicular access, closure of the existing accesses, and any other works related to the highway. The Applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
3. Roadworks Permit: The Applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The Applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
4. General nature conservation note: The Applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. You are advised that it may be necessary, as per submitted reports, to continue to engage a suitably qualified and experienced professional to remain compliant with existing detailed biodiversity method statements, strategies, plans and schemes and remain compliant with protected species legislation. If protected Species are present, work should cease and a suitably qualified and experienced professional and/or Natural England be consulted.
5. NatureSpace note: 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 (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval 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.
6. Breeding birds note: The Applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against

prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present adjacent to the works and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

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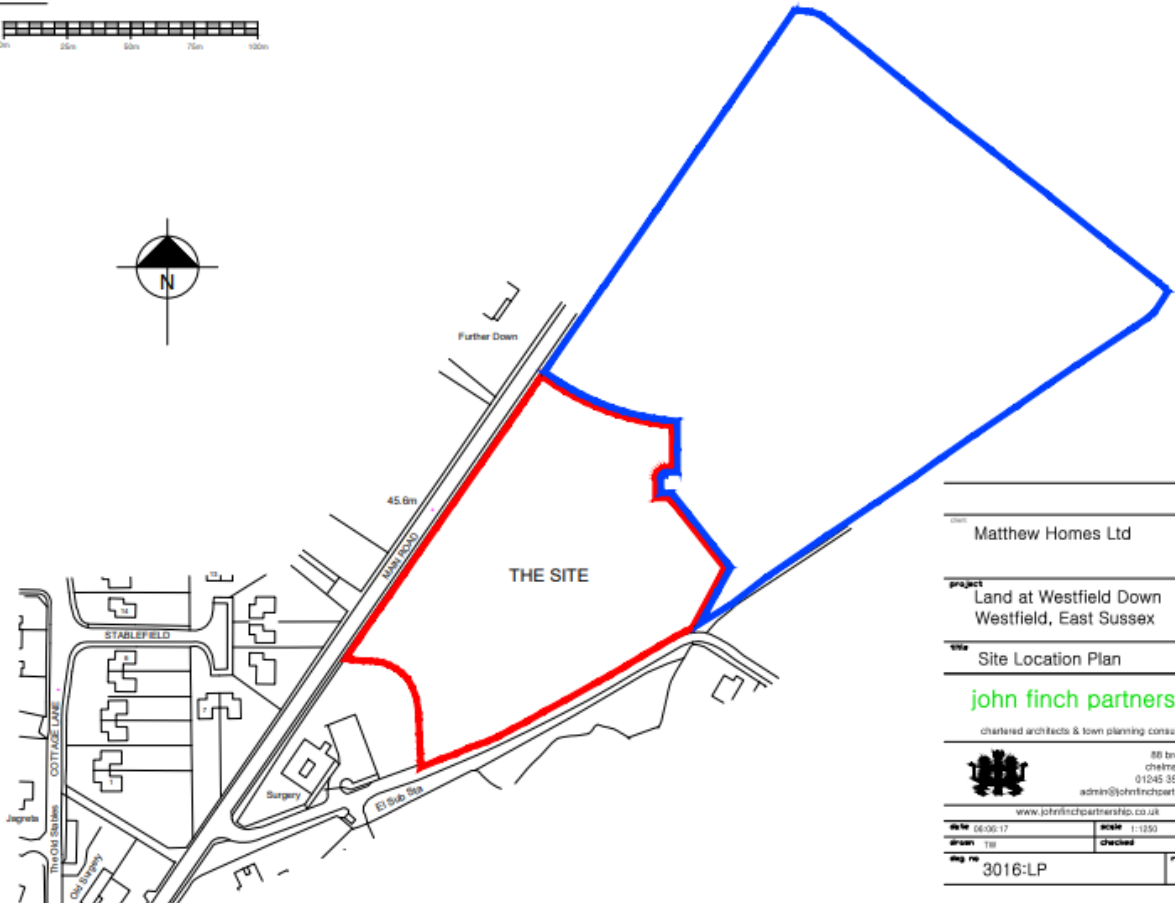
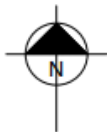


SITE PLAN

WESTFIELD

RR/2023/919/P

Westfield Down – Land at  
Main Road  
Westfield



Client	
Matthew Homes Ltd	
Project	
Land at Westfield Down Westfield, East Sussex	
Site	
Site Location Plan	
john finch partners	
chartered architects & town planning consult	
	
88 brook chichester 01245 354 admin@johnfinchpartne	
www.johnfinchpartnership.co.uk	
Date	Scale
06-03-17	1:1250
Drawn	Checked
TBR	
App no	Rev
3016:LP	

## Rother District Council

Report to - Planning Committee  
Date - 20 July 2023  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2023/919/P  
Address - Westfield Down – Land At, Main Road, Westfield  
Proposal - Variation of Condition 1 of reserved matters approval RR/2017/1293/P (approved pursuant to outline planning permission RR/2009/322/P) to amend the tenure mix to deliver a 100% affordable housing scheme, and variation of Condition 6 of reserved matters approval to refer to the new site plan

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT VARIATION OF CONDITION 1 OF RESERVED MATTERS APPROVAL RR/2017/1293/P (APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION RR/2009/322/P) TO AMEND THE TENURE MIX TO DELIVER A 100% AFFORDABLE HOUSING SCHEME, AND VARIATION OF CONDITION 6 OF RESERVED MATTERS APPROVAL TO REFER TO THE NEW SITE PLAN - DELEGATED SUBJECT TO COMPLETION OF ASSOCIATED DEED OF VARIATION**

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**Director: Ben Hook**

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**Applicant:** Southern Housing Ltd  
**Agent:** Southern Housing Ltd  
**Case Officer:** Mr E. Corke  
(Email: [edwin.corke@rother.gov.uk](mailto:edwin.corke@rother.gov.uk))  
**Parish:** WESTFIELD  
**Ward Members:** Councillors B.J. Coupar and C.R. Maynard

**Reason for Committee consideration:** Director – Place and Climate Change referral: Implications for housing mix and tenure mix

**Statutory 13 week date:** 14 July 2023

**Extension of time agreed to:** To be agreed

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### 1.0 SUMMMARY

1.1 This application is made under Section 73 of the Town and County Planning Act 1990 and relates to a development of 39 dwellings which is currently under construction and nearing completion. The scheme was granted planning permission with 24 market houses and 15 affordable dwellings (8 affordable housing for rent and 7 as shared ownership units), as shown in

the approved tenure and site plans and secured in the associated Section 106 Planning Obligation.

- 1.2 The proposed amendment relates to the delivery of a 100% affordable housing scheme with 23 of the dwellings delivered as affordable housing for rent and 16 delivered as shared ownership units. This would be secured by varying Condition 1 of the reserved matters approval (Ref: RR/2017/1293/P), specifically by substituting the current approved tenure and site plans with a new site plan. Condition 6 would also need to be varied as a consequence of amending the site plan (the condition would need to refer to the new site plan in relation to the construction of 2m wide pathways linking the site to the A28 footpath and a Public Right of Way).
- 1.3 A separate (but related) application, RR/2022/2935/P, to modify the associated Section 106 Planning Obligation, primarily to deliver a 100% affordable housing scheme, has also been submitted and is to be considered in tandem with this proposal.
- 1.4 The Council's *Technical Advice Note 2 100% Affordable Housing 2023* identifies a clear need for the provision of more affordable housing in the district and advises that applications for up to 100% affordable housing should be supported in principle. Furthermore, there would be no loss of money raised through the Community Infrastructure Levy (CIL), as the Council was not a CIL charging authority when the outline planning permission for the housing development was granted.
- 1.5 Against this, the overall balance of 59% affordable housing for rent and 41% shared ownership units does not quite meet the 65%/35% split required by Policy LHN1 (v) of the Rother Local Plan Core Strategy, and nor would there be 'peppercotting' of these separate tenures (there would be two distinct clusters). However, in this case, given the clear need for more affordable housing in the district, the proposed delivery of a 100% affordable housing scheme is given significant weight. On balance, it is recommended that the proposed amendment to the reserved matters approval is supported, and the relevant conditions are varied accordingly.

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## 2.0 SITE

- 2.1 The application relates to a development of 39 dwellings in the High Weald Area of Outstanding Natural Beauty (AONB) which are currently under construction and nearing completion. The development lies to the north-east of the village, on the south-eastern side of the A28 (Main Road). The housing scheme was granted under outline planning permission RR/2009/322/P and the subsequent approval of reserved matters RR/2017/1293/P.
- 2.2 The site was allocated for housing and recreation purposes in the Rother District Local Plan 2006. In relation to the housing element of the allocation, Policy VL11 of that Plan said proposals will be permitted where:

*“(ii) at least 22 dwellings are provided at the southern end of the site, of which 40% are affordable.”*

- 2.3 At the preparation stage of the current Development and Site Allocations (DaSA) Local Plan 2019, the planning permission for 39 houses at Westfield Down had not been implemented. The land was therefore re-allocated for housing and recreation purposes under Policy WES1. In relation to the housing element of the allocation, the policy says proposals will be permitted where:

*“(ii) some 39 dwellings are provided within the identified residential area as shown on the Detail Map, of which 40% are affordable.”*

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### **3.0 PROPOSAL**

#### *Background*

- 3.1 Outline planning permission (with some matters reserved) was granted for the housing development in 2014 and this was subject to a Section 106 Planning Obligation which, amongst other things, secures the provision of 15 affordable housing units (equating to some 38% of the total number of dwellings), and a payment in lieu for 0.6 of a unit to ensure a policy compliant scheme. The affordable units are secured in a 50/50 split between affordable housing for rent and shared ownership units (unless varied by agreement with Rother District Council). The remaining 24 dwellings (equating to some 62% of the total number of dwellings) are defined as “market dwellings(s)” (i.e. any dwelling which is not an affordable housing unit) in the Planning Obligation.
- 3.2 An approval of reserved matters was subsequently issued in 2018 and the tenure plan approved under Condition 1 shows eight of the affordable units as affordable housing for rent and seven as shared ownership units. The approved site plan also highlights which of the dwellings are affordable units.

#### *Current proposal*

- 3.3 The current application is made under Section 73 (determination of applications to develop land without compliance with conditions previously attached) of the Town and County Planning Act 1990 and seeks to vary Condition 1 of the reserved matters approval to amend the tenure mix to deliver a 100% affordable housing scheme. In this regard, 23 of the units would be delivered as affordable housing for rent with 16 delivered as shared ownership units. There would be no changes to the approved layout and design and nor would there be any changes to the approved mix of 1, 2, 3 and 4-bedroom dwellings (as amended under non-material amendment application RR/2021/110/MA).
- 3.4 With regard to the 23 units of affordable housing for rent, the proposed new site plan shows that these would be clustered in the central and western areas of the site and the accommodation schedule is as follows:
- 4 x 1-bed flats.
  - 2 x 2-bed flats.
  - 1 x 2-bed bungalow.
  - 5 x 2-bed houses.
  - 9 x 3-bed houses.
  - 2 x 4-bed houses.

- 3.5 With regard to the 16 shared ownership units, the new site plan shows that these would be clustered in the north-eastern and south-eastern areas of the site and the accommodation schedule is as follows:
- 4 x 2-bed houses.
  - 10 x 3-bed houses.
  - 2 x 4-bed houses.
- 3.6 The proposed amendment to the tenure mix requires the variation of Condition 1 of the reserved matters approval, specifically the substitution of the current approved tenure and site plans with the new site plan. Condition 6 would also need to be varied as a consequence of amending the site plan (the condition would need to refer to the new site plan in relation to the construction of 2m wide pathways linking the site to the A28 footpath and a Public Right of Way). The variation of Condition 6 was not originally included in the description of the proposal for this Section 73 application and has not been publicised. This is because the need to vary the condition has only arisen as a result of the proposed amendment to the tenure mix, which is the main reason for the application. The variation of Condition 6 is essentially non-material in nature and as such no-one has been prejudiced by this element of the proposal not being publicised.
- 3.7 Further to the above, a separate (but related) application (Ref: RR/2022/2935/P) has been made under Section 106A (modification and discharge of planning obligations) of the Town and County Planning Act 1990. It seeks to modify the Section 106 Planning Obligation, primarily to deliver a 100% affordable housing scheme, and is to be considered in tandem with this proposal.

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#### **4.0 HISTORY**

- |     |                 |  |
|-----|-----------------|--|
| 4.1 | RR/2007/545/P   | Change of use of land to sports and community use – GRANTED.   |
| 4.2 | RR/2009/322/P   | Outline: residential development incorporating up to 39 dwellings and formation of new vehicular access – GRANTED.                         |
| 4.3 | RR/2010/1111/P  | Renewal of extant planning permission RR/2007/545/P for change of use from former agricultural land to sports and community use – GRANTED. |
| 4.4 | RR/2011/2114/P  | Proposed changing rooms and associated parking on land at Westfield Down – GRANTED.  |
| 4.5 | RR/2011/2114/MA | Non material amendment to RR/2011/2114/P – to reduce width of access road; addition of parking bay; parking re-arranged – GRANTED.         |
| 4.6 | RR/2013/1286/P  | Replace extant planning permission RR/2010/1111/P to change of use from former agriculture land to sports and community use – GRANTED.     |

- 4.7 RR/2014/2764/P Renewal of Planning Permission for proposed changing rooms and associated parking on land at Westfield Down (previously approved under RR/2011/2114/P) – GRANTED.
- 4.8 RR/2017/1293/P Approval of reserved matters following outline approval RR/2009/322/P - layout, scale, appearance and hard and soft landscaping – GRANTED.
- 4.9 RR/2018/761/P Change of use of the land from agricultural to sports and community use – GRANTED.
- 4.10 RR/2018/766/P Construction of off-site drainage works required in association with the residential development approved under planning ref: RR/2009/322/P – GRANTED.
- 4.11 RR/2019/1067/P Proposed changing rooms and associated parking (previously approved under RR/2011/2114/P and RR/2014/2764/P) – GRANTED.
- 4.12 RR/2021/110/MA Non-material amendment to RR/2017/1293/P to allow removal of garages & replacement with cycle stores and change five 4-bed 7-person units to five 3-bed 6-person units – GRANTED.
- 4.13 RR/2021/1757/P Variation of Condition 2 (approved plans) of planning approval RR/2019/1067/P to allow for revised design of changing rooms building – GRANTED.
- 4.14 RR/2022/2935/P Application to modify a S106 Planning Obligation to allow amendments for the affordable housing and purchasing requirements related to applications RR/2009/322/P, RR/2007/545/P and RR/2011/2114/P – NOT YET DECIDED.
- 4.15 RR/2023/1142/P Changes to ground levels of recreational land (retrospective) and drainage works (part retrospective) – NOT YET DECIDED.

## 5.0 POLICIES

- 5.1 The following policy of the [Rother Local Plan Core Strategy 2014](#) is relevant to the proposal:
- LHN1 (Achieving Mixed and Balanced Communities)
- 5.2 The following policies of the [Development and Site Allocations Local Plan 2019](#) are relevant to the proposal:
- DHG1 (Affordable Housing)
  - WES1 (Land at Westfield Down, Westfield)
- 5.3 The following documents are also material considerations:
- Council’s Technical Advice Note 2 (TAN2) 100% Affordable Housing 2023

- Hastings Borough Council and Rother District Council Housing and Economic Development Need Assessment (HEDNA) 2020
- The National Planning Policy Framework
- The Planning Practice Guidance (PPG)

5.4 The Rother District Local Plan 2006 is relevant insofar as the outline planning application was determined having regard to the policies of that Plan; in particular Policy VL11 (Land at Westfield Down, Westfield).

## 6.0 CONSULTATIONS

6.1 Legal Services (Wealden and Rother District Council) – **NO COMMENTS RECEIVED.**

6.2 Housing, Enabling & Development Officer (Rother District Council) – **NO COMMENTS RECEIVED.**

6.3 Planning Notice

6.3.1 Four **OBJECTIONS** have been received. The concerns raised are summarised as follows:

- Premature submission of this application.
- The previous Section 106 agreement has not even been discussed by the Planning Committee and a decision has not been reached.
- The local community have not been consulted or been involved in this application.
- The mixture of tenure as originally agreed was the best fit for Westfield to enhance the existing community.
- This amendment deprives local families of having an opportunity to purchase outright a newly built home on open market.
- This tenure mix should've been discussed before the development started.
- Westfield was promised that some of these houses would be up for sale for local people to buy not all council houses.
- This has been so badly handled and many people feel it is been back handers and corruption going on.
- More affordable housing for rent required.

6.3.2 One comment of **SUPPORT** has been received. The comments are summarised as follows:

- These types of houses are crucial for people to get on the housing ladder at affordable prices.
- Should be seen as a positive for those homeowners who want to remain in the Westfield village community.

6.4 Westfield Parish Council – **OBJECTION.**

6.4.1 The comments submitted by the Westfield Parish Council (WPC) primarily relate to the separate (but related) application to modify the Section 106 Planning Obligation and their concerns are summarised in full in the report for that application. Setting these aside, the WPC's comments are summarised as follows:

- WPC do not and have never supported the 100% affordable housing position.
- The original policy in the DaSA for the site, the planning application and Section 106 all support a 60% open market and 40% affordable homes.
- WPC has received legal counsel who has clearly stated the Parish Council should be signatories to any Section 106 variation. Therefore, it seems unclear how Rother can determine this planning application and for WPC to fully reply until Rother have made their legal position known.
- To try and move the matter forward WPC would support a compromise of 13 affordable rented, 13 shared ownership and 13 open market properties. This would make the site a truly mixed and sustainable site. It would address the significant short fall in the district for open market properties whilst allowing two thirds of the site to be managed for affordable housing units.
- The site should be blind in tenure with properties pepper-potted throughout the site in accordance to Rother's own planning policies.

## 7.0 LOCAL FINANCE CONSIDERATIONS

- 7.1 The delivery of a 100% affordable housing scheme on this site would not result in the loss of money raised through the Community Infrastructure Levy (CIL), as the Council was not a CIL charging authority when the outline planning permission was granted.
- 7.2 New Homes Bonus Grant is payable on the scheme as the outline permission was granted in 2014.

## 8.0 APPRAISAL

- 8.1 The main issues relating to the delivery of a 100% affordable housing scheme are determined to be:
- Whether the provision of 100% affordable housing is acceptable in principle.
  - Whether the proposed tenure mix is acceptable.

### 8.2 Principle of 100% affordable housing

- 8.2.1 Westfield Parish Council has stated that they do not and have never supported the 100% affordable housing position. Their preference is for the originally approved split of 60% open market and 40% affordable homes. This position is shared by some local residents.
- 8.2.2 Policy DHG1 (iv)(a) of the DaSA Local Plan says that in rural areas in the High Weald AONB, the Council will expect 40% on-site affordable housing on schemes of six dwellings or more (or 0.2 hectares or more).
- 8.2.3 Policy WES1 of the DaSA Local Plan specifically relates to the Westfield Down site and says proposals will be permitted where:

*“(ii) some 39 dwellings are provided within the identified residential area as shown on the Detail Map, of which 40% are affordable.”*



8.2.4 The Council has since produced a Technical Advice Note (TAN2, dated January 2023), which explains how adopted Development Plan policy will be applied in situations where applications for 100% affordable housing are submitted.

8.2.5 By way of background information, paragraph 24 of this document states:

*“Since 2011, only 516 affordable rented dwellings have been built, which averages 52 dwellings/year (contrasting strongly with the need, identified in the HEDNA 2020, for 295 affordable rent properties to be built each year). The long-term average is reflected in the most recent years, with 67 affordable rent dwellings completed in 2020/21 and 50 in 2021/22.”*

8.2.6 Paragraph 25 says:

*“232 shared ownership properties have been built since 2011, an average of only 23 dwellings/year (again contrasting with the HEDNA 2020, which identifies a need for 203 affordable home ownership properties per year). 35 shared ownership dwellings were completed in 2020/21 and 62 dwellings in 2021/22.”*

8.2.7 In terms of implementing Local Plan policy, paragraph 36 of TAN2 says:

*“More recent evidence within the HEDNA (2020) highlights that the need for affordable housing, and socially rented housing in particular has significantly increased, due to the widening gap between local income levels and the costs of renting or buying housing. The affordable housing need exceeds total housing delivery in Rother. Furthermore, the Council’s Corporate Plan supports the provision of affordable housing which meets demonstrated local needs.”*

8.2.8 Paragraph 37 says:

*“Where proposals come forward for greater levels of affordable housing than the minimum percentages set out in Policy DHG1 (up to 100%), the applications should be supported in principle. Such proposals would not conflict with Policy DHG1 of the DaSA Local Plan, which sets out minimum (not maximum) percentage requirements for affordable housing...”*

8.2.9 The Applicant’s supporting statement comments on the need for affordable housing and concludes that:

*“The latest evidence identifies a significant need for new affordable housing across the district. Recent figures indicate that current supply is falling below annual delivery requirements. The issue is of particular concern in rural areas, such as Westfield. There are currently 69 households on the housing register with a local connection to Westfield.”*

8.2.10 The Council’s Housing Enabling & Development Officer has commented as follows on the separate (but related) application to modify the Section 106 Planning Obligation with regard to the need for affordable housing:

*“As of 24 May 2023, there are 73 households with a local connection to Westfield parish on the council’s housing register. This is an increase on the*

*69 households quoted in the supporting statement from Southern based on data from January 2023. This represents a 6% increase in five months. These households are mix of 1, 2, 3 and 4 bedroom needs. Many have been on the housing register for five years or more and some for more than 10 years. Given that there are 23 proposed properties for rent on this scheme there should be more than sufficient need from local households for the properties.*

*This can also be set in the context of increasing need for Affordable Housing across the district with there now being 2,150 households on the Rother housing register and over 150 households in temporary accommodation. This is further evidenced by the HEDNA (2020) that showed a net affordable housing need per annum of 295. Average affordable housing delivery from 2013 – 2022 was 82.”*

8.2.11 The above demonstrates that there is a clear need for more affordable housing in Westfield and the wider district as a whole.

### 8.3 Tenure mix

8.3.1 TAN2 says that where 100% affordable housing schemes are proposed, a mix of tenures should be provided, in accordance with criteria regarding mixed and balanced communities. Policy LHN1 (v) of the Rother Local Plan Core Strategy says that in relation to affordable housing, there should be an overall balance of 65% social/affordable rented and 35% intermediate affordable housing.

8.3.2 In this case, 23 of the units would be delivered as affordable housing for rent with 16 delivered as shared ownership units. This includes a mix of 1 & 2-bedroom apartments, a 2-bedroom bungalow and a mix of 2, 3 & 4-bedroom houses for affordable housing for rent, and a mix of 2, 3 & 4-bedroom houses as shared ownership units; all as illustrated in the submitted site plan. This equates to an overall balance of 59% affordable housing for rent and 41% shared ownership units. The Council’s Housing Enabling & Development Officer has advised that this split of affordable housing tenures represents a good attempt to keep to the principles of the above policy.

8.3.3 There is no requirement to provide First Homes (an affordable home ownership product) on this housing scheme, as the development is exclusively for 100% affordable housing. The Written Ministerial Statement on First Homes, made on 24 May 2021, confirms:

*“Paragraph 64 of the National Planning Policy Framework [2019] sets out that for major development involving the provision of housing, 10% of all homes on site should be affordable home ownership products, unless one of the exceptions applies. First Homes are an affordable home ownership product. Where specific developments are exempt from delivering affordable home ownership products under paragraph 64 of the Framework, they shall also be exempt from the requirement to deliver First Homes.”*

8.3.4 One of the exemptions listed are where the site or proposed development is exclusively for affordable housing. The National Planning Policy Framework was updated in July 2021, and the old paragraph 64 has now been renumbered to 65 but the wording is unchanged. This means that sites

proposed exclusively for affordable housing (such as this one) are exempt from the requirement to provide First Homes.

8.3.5 Westfield Parish Council is concerned that the current proposed layout of the shared ownership versus the affordable rent does not follow the ‘pepper pot’ policy for blind tenure as part of Policy DHG1: Affordable Housing in the Rural Areas. In this regard, the site plan shows the dwellings in the north-eastern and south-eastern areas of the development provided as shared ownership units, with the dwellings in the central and western areas provided as affordable housing for rent. This would result in two distinct clusters of affordable housing tenures, which does not provide for effective ‘pepperpotting’ of these tenures. However, there is no specific policy requirement relating to the ‘pepperpotting’ of different affordable housing tenures on a 100% affordable housing scheme. The pepper potting referenced in Policy DHG1 relates to the pepper potting of affordable housing among market housing. It must also be acknowledged that the proposal would deliver much needed affordable housing in the district in a near policy compliant tenure split.

8.3.6 The Parish Council have advised that they would support a compromise of 13 affordable rented, 13 shared ownership and 13 open market properties, arguing that this would make the site a truly mixed and sustainable site and that it would address the significant short fall in the district for open market properties. These comments are noted. However, the mix proposed by the Parish Council is not what the Applicant is applying for. The proposal is to be determined as submitted.

#### 8.4 Conditions

8.4.1 The PPG says:

*“For the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.”*

8.4.2 Having regard to the above, the conditions imposed on the original reserved matters approval would be re-imposed (as varied), except for Conditions 2 (materials and finishes) and 3 (retaining wall). These two conditions no longer have effect, as the dwellings and retaining wall to which they relate have been constructed in accordance with the approved details.

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## 9.0 **PLANNING BALANCE AND CONCLUSION**

9.1 The proposed amendment relates to the delivery of a 100% affordable housing scheme with 23 of the dwellings delivered as affordable housing for rent and 16 delivered as shared ownership units. The Council’s *Technical Advice Note 2 100% Affordable Housing 2023* identifies a clear need for the provision of more affordable housing in the district and advises that applications for up to 100% affordable housing should be supported in principle. Furthermore, as identified by the Council’s Housing Enabling & Development Officer, *there are 73 households with a local connection to Westfield parish on the council’s housing register* and in need of affordable

housing. It is also noted that there would be no loss of money raised through the Community Infrastructure Levy (CIL), as the Council was not a CIL charging authority when the outline planning permission for the housing development was granted.

- 9.2 Against this, the overall balance of 59% affordable housing for rent and 41% shared ownership units does not quite meet the 65%/35% split required by Policy LHN1 (v) of the Rother Local Plan Core Strategy, and nor would there be 'pepperpotting' of these separate tenures (there would be two distinct clusters). However, pepper potting is not a requirement for sites where 100% affordable housing is proposed and the 59%/41% is not so far removed from the policy ratio of 65%/35%. In this case, given the clear need for more affordable housing in the district, the proposed delivery of a 100% affordable housing scheme is given significant weight. On balance, it is recommended that the proposed amendment to the reserved matters approval is supported, and the relevant conditions are varied accordingly.

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**RECOMMENDATION: GRANT VARIATION OF CONDITION 1 OF RESERVED MATTERS APPROVAL RR/2017/1293/P (APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION RR/2009/322/P) TO AMEND THE TENURE MIX TO DELIVER A 100% AFFORDABLE HOUSING SCHEME, AND VARIATION OF CONDITION 6 OF RESERVED MATTERS APPROVAL TO REFER TO THE NEW SITE PLAN - DELEGATED SUBJECT TO COMPLETION OF ASSOCIATED DEED OF VARIATION**

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**CONDITIONS:**

**CONDITION 1 OF RESERVED MATTERS APPROVAL RR/2017/1293/P (APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION RR/2009/322/P) IS VARIED AS FOLLOWS:**

1. The development hereby permitted shall be carried out in accordance with the following approved drawings and document:  
Drawing No. 11.361/07, dated January 2014, as approved under outline planning permission RR/2009/322/P.  
Drawing No. 6775/1/E (PROPOSED SITE PLAN), dated 21.04.23.  
Drawing No. 3016:02 Revision E (Site Sections), dated 16:01:18.  
Drawing No. 3016:03 Revision A (House types 1), dated 02:08:17.  
Drawing No. 3016:04 Revision A (House types 2 detached), dated 02:08:17.  
Drawing No. 3016:05, dated 27:08:17.  
Drawing No. 3016:06 (House types 3), dated 27:08:17.  
Drawing No. 6775/T4/C (HOUSE TYPE 4 - 3B6P), dated FEB 21.  
Drawing No. 3016:08 Revision A (House types 5), dated 27:08:17.  
Drawing No. 3016:09 Revision B (M4 (3) Bungalow), dated 06:11:17.  
Drawing No. 3016:10 Revision B (Flat Types 8, 9, 10, 12, 13 & 14), dated 05.03.18.  
Drawing No. 3016:12 (Refusal and cycle storage details), dated 28:07:17.  
Drawing No. 17362-5-SK001-E (PROPOSED LEVELS STRATEGY), dated 27.09.2018.  
Drawing No. 17362-5-SK003-E (REFUSE VEHICLE TRACKING), dated 30.05.18.  
Drawing No. MAT19812 11D Sheet 1 (Landscape Proposals), dated 10.09.18.

Drawing No. MAT19812 11D Sheet 2 (Landscape Proposals), dated 10.09.18.  
ACD ENVIRONMENTAL SOFT LANDSCAPE SPECIFICATION (Document  
File Ref: MAT19812 spec), dated June 2017.

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

**CONDITION 2 OF RESERVED MATTERS APPROVAL RR/2017/1293/P  
(APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION  
RR/2009/322/P) NO LONGER HAS EFFECT AND IS NOT REIMPOSED.**

**CONDITION 3 OF RESERVED MATTERS APPROVAL RR/2017/1293/P  
(APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION  
RR/2009/322/P) NO LONGER HAS EFFECT AND IS NOT REIMPOSED.**

**CONDITION 4 OF RESERVED MATTERS APPROVAL RR/2017/1293/P  
(APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION  
RR/2009/322/P) CONTINUES TO HAVE EFFECT AND IS REIMPOSED:**

4. No surface water shall drain onto the public highway.  
Reason: To avoid prejudice to road safety, in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.

**CONDITION 5 OF RESERVED MATTERS APPROVAL RR/2017/1293/P  
(APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION  
RR/2009/322/P) CONTINUES TO HAVE EFFECT AND IS REIMPOSED:**

5. The access shall have maximum gradients of 4% (1 in 25) / 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.  
Reason: To avoid prejudice to road safety, in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.

**CONDITION 6 OF RESERVED MATTERS APPROVAL RR/2017/1293/P  
(APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION  
RR/2009/322/P) IS VARIED AS FOLLOWS:**

6. No part of the development shall be occupied until the 2m wide pathways linking the site to the A28 footpath and PROW, as indicated on approved Drawing No. 6775/1/E (PROPOSED SITE PLAN), dated 21.04.23, have been constructed in accordance with construction details first submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure adequate and safe access arrangements for the development, in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

**CONDITION 7 OF RESERVED MATTERS APPROVAL RR/2017/1293/P  
(APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION  
RR/2009/322/P) CONTINUES TO HAVE EFFECT AND IS REIMPOSED:**

7. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with the approved drawings and the cycle parking spaces shall thereafter be retained for that use and shall not be used other than for the parking of cycles.  
Reason: To provide alternative travel options to the use of the car, in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

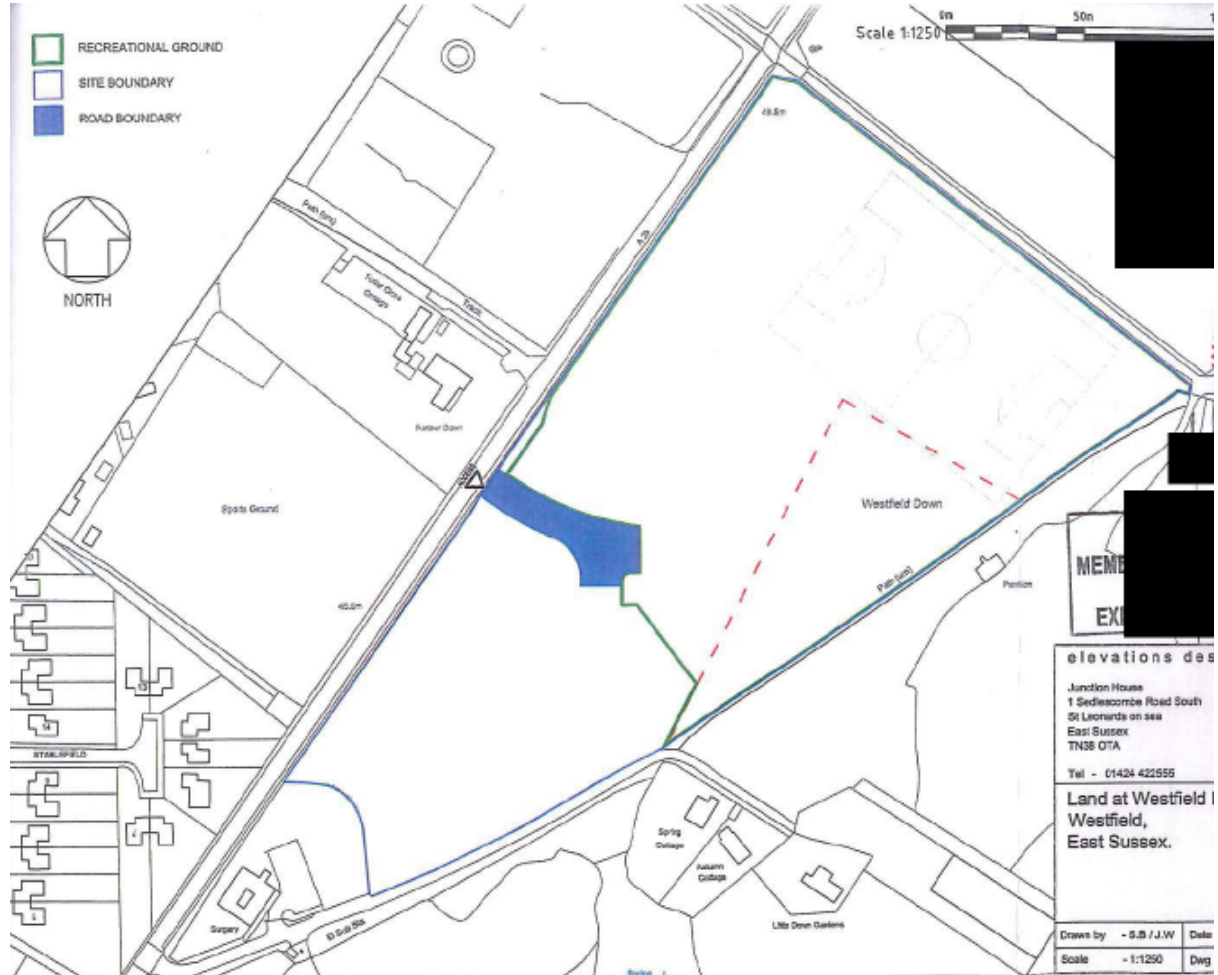
**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining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

SITE PLAN

WESTFIELD

RR/2022/2935/P

Westfield Down – Land at,  
Main Road



## Rother District Council

Report to - Planning Committee  
Date - 20 July 2023  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2022/2935/P  
Address - Westfield Down – Land At, Main Road, Westfield  
Proposal - Application to modify a Section 106 Planning Obligation to allow amendments for the affordable housing and purchasing requirements related to applications RR/2009/322/P, RR/2007/545/P and RR/2011/2114/P

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **APPROVE MODIFICATION OF THE SECTION 106 PLANNING OBLIGATION DELEGATED SUBJECT TO COMPLETION OF DEED OF VARIATION**

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**Director: Ben Hook**

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**Applicant:** Optivo (now Southern Housing)  
**Agent:** Capsticks Solicitors LLP  
**Case Officer:** Mr E. Corke  
(Email: [edwin.corke@rother.gov.uk](mailto:edwin.corke@rother.gov.uk))  
**Parish:** WESTFIELD  
**Ward Members:** Councillors B.J. Coupar and C.R. Maynard

**Reason for Committee consideration:** Director – Place and Climate Change referral: Modification of Planning Obligation with implications for housing mix and tenure mix

**Statutory 13 week date:** 06/02/2023  
**Extension of time agreed to:** To be agreed

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### 1.0 SUMMMARY

1.1 This application is made under Section 106A of the Town and Country Planning Act 1990 and relates to a development of 39 dwellings and associated recreational works (provision of senior football pitch, changing room building, recreational land and access road etc.), which are currently under construction and nearing completion. The housing scheme was granted planning permission with 24 market houses and 15 affordable dwellings (eight affordable housing for rent and seven as shared ownership units), as shown in the approved tenure and site plans and secured in the associated Planning Obligation.



- 1.2 The proposed modification of the Planning Obligation primarily relates to the delivery of a 100% affordable housing scheme with 23 of the dwellings delivered as affordable housing for rent and 16 delivered as shared ownership units. This would be secured by a Deed of Variation (DoV). A separate (but related) Section 73 application to vary conditions imposed on the reserved matters approval (Ref: RR/2017/1293/P), primarily to amend the tenure mix to deliver a 100% affordable housing scheme has also been submitted and is to be considered in tandem with this proposal, RR/2023/919/P refers.
- 1.3 The modifications set out in the draft DoV would support the delivery of a 100% affordable housing scheme and the Planning Obligation would continue to serve a useful purpose with them in place. As such, it is recommended that the proposed modifications are supported. The final version of the DoV will be agreed with input from the Council's legal team.
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## **2.0 SITE**

- 2.1 The application relates to a development of 39 dwellings and associated recreational works (provision of senior football pitch, changing room building, recreational land and access road etc.) in the High Weald Area of Outstanding Natural Beauty, which are currently under construction and nearing completion. The development lies to the north-east of the village, on the south-eastern side of the A28 (Main Road). The housing scheme was granted under outline planning permission RR/2009/322/P and the subsequent approval of reserved matters RR/2017/1293/P. The associated recreational works have been granted under successive planning permissions (see 'History' section of report below for details).
- 2.2 The site was allocated for housing and recreation purposes in the Rother District Local Plan 2006. In relation to the housing element of the allocation, Policy VL11 of that Plan said proposals will be permitted where:
- “(ii) at least 22 dwellings are provided at the southern end of the site, of which 40% are affordable.”*
- 2.3 At the preparation stage of the current Development and Site Allocations (DaSA) Local Plan 2019, the planning permission for 39 houses at Westfield Down had not been implemented. The land was therefore re-allocated for housing and recreation purposes under Policy WES1. In relation to the housing element of the allocation, the policy says proposals will be permitted where:
- “(ii) some 39 dwellings are provided within the identified residential area as shown on the Detail Map, of which 40% are affordable.”*
- 

## **3.0 PROPOSAL**

### *Background*

- 3.1 Outline planning permission (with some matters reserved) was granted for the housing development in 2014 and this was subject to a Section 106 Planning Obligation which, amongst other things, secures the provision of

15 affordable housing units (equating to some 38% of the total number of dwellings), and a payment in lieu for 0.6 of a unit to ensure a policy compliant scheme. The affordable units are secured in a 50/50 split between affordable housing for rent and shared ownership units (unless varied by agreement with Rother District Council). The remaining 24 dwellings (equating to some 62% of the total number of dwellings) are defined as “market dwellings(s)” (i.e. any dwelling which is not an affordable housing unit) in the Planning Obligation.

3.2 An approval of reserved matters was subsequently issued in 2018 and the tenure plan approved under Condition 1 shows eight of the affordable units as affordable housing for rent and seven as shared ownership units. The approved site plan also highlights which of the dwellings are affordable units.

3.3 In addition to securing the affordable housing provision, the Planning Obligation secures the delivery of the associated recreational works so that both the housing development and recreational element proceed in tandem. This includes a provision to not allow occupation of more than 14 of the market dwellings included in the planning permission unless the recreational works have been fully completed to the reasonable satisfaction of Rother District Council.

*Current proposal*

3.4 The current application is made under Section 106A (modification and discharge of planning obligations) of the Town and County Planning Act 1990 and seeks to modify the Section 106 Planning Obligation, primarily to deliver a 100% affordable housing scheme. In this regard, 23 of the units would be delivered as affordable housing for rent with 16 delivered as shared ownership units. There would be no changes to the approved layout and design and nor would there be any changes to the approved mix of 1, 2, 3 and 4-bedroom dwellings (as amended under non-material amendment application RR/2021/110/MA).

3.5 With regard to the 23 units of affordable housing for rent, the proposed new site plan shows that these would be clustered in the central and western areas of the site and the accommodation schedule is as follows:

- 4 x 1-bed flats.
- 2 x 2-bed flats.
- 1 x 2-bed bungalow.
- 5 x 2-bed houses.
- 9 x 3-bed houses.
- 2 x 4-bed houses.

3.6 With regard to the 16 shared ownership units, the new site plan shows that these would be clustered in the north-eastern and south-eastern areas of the site and the accommodation schedule is as follows:

- 4 x 2-bed houses.
- 10 x 3-bed houses.
- 2 x 4-bed houses.

3.7 The proposed modifications to the Planning Obligation would be secured by a DoV. At the Council’s request, a draft DoV, supporting statement and plan showing the tenure split for the affordable housing units has been provided

and all have been available to view on the public website. The proposed amendments are detailed as follows in the supporting statement:

*“The current proposal is for amendments to the Section 106 agreement only. The proposed amendments do not result in any amendments to the design of the scheme. The layout and number of units will remain as approved under the current planning permission.*

*The amendments involve changing certain definitions and clauses so that the scheme can be delivered as 100% affordable housing. The agreement currently secures 15 units of affordable housing and a payment in lieu for 0.6 of a unit to ensure a policy compliant scheme. As the current proposal seeks to deliver the scheme as 100% affordable housing, it is proposed to remove the payment in lieu requirement. The nominations agreement included at the Fourth Schedule is also due to be replaced with RDCs current standard nominations agreement. All other requirements and contributions will remain as per the current agreement (with triggers updated as necessary). A full list of the proposed amendments is included at Appendix A. A draft DoV document has also been prepared and submitted in support of the application.*

*In accordance with National Planning Policy Framework, there are a number of different types of affordable housing. For this scheme it is intended to deliver the scheme part as affordable rent (AR) and part shared ownership (SO). The split between these two tenures will be 23 x AR and 16 x SO.*

*AR homes are offered to those in need at rental levels that are capped at 80% of local private rent levels. SO homes provide a route to home ownership for those unable to purchase a property on the open market. The purchaser is able to buy a share of the property with the remainder being retained by the housing association. The owner then pays a reduced rent on the share owned by the housing association.”*

- 3.8 The full list of proposed amendments to the existing Planning Obligation are set out in the draft DoV which is provided as a separate **APPENDIX DOCUMENT** to this Committee Report.
- 3.9 Further to the above, a separate (but related) application (Ref: RR/2023/919/P) has been made under Section 73 (determination of applications to develop land without compliance with conditions previously attached) of the Town and County Planning Act 1990. It primarily seeks to amend the tenure mix to deliverer a 100% affordable housing scheme and is to be considered in tandem with this proposal.

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#### 4.0 HISTORY

- 4.1 RR/2007/545/P Change of use of land to sports and community use – GRANTED.
- 4.2 RR/2009/322/P Outline: residential development incorporating up to 39 dwellings and formation of new vehicular access – GRANTED.

- 4.3 RR/2010/1111/P Renewal of extant planning permission RR/2007/545/P for change of use from former agricultural land to sports and community use – GRANTED.
- 4.4 RR/2011/2114/P Proposed changing rooms and associated parking on land at Westfield Down – GRANTED.
- 4.5 RR/2011/2114/MA Non-material amendment to RR/2011/2114/P – to reduce width of access road; addition of parking bay; parking re-arranged – GRANTED.
- 4.6 RR/2013/1286/P Replace extant planning permission RR/2010/1111/P to change of use from former agriculture land to sports and community use – GRANTED.
- 4.7 RR/2014/2764/P Renewal of Planning Permission for proposed changing rooms and associated parking on land at Westfield Down (previously approved under RR/2011/2114/P) – GRANTED.
- 4.8 RR/2017/1293/P Approval of reserved matters following outline approval RR/2009/322/P - layout, scale, appearance and hard and soft landscaping – GRANTED.
- 4.9 RR/2018/761/P Change of use of the land from agricultural to sports and community use – GRANTED.
- 4.10 RR/2018/766/P Construction of off-site drainage works required in association with the residential development approved under planning ref: RR/2009/322/P – GRANTED.
- 4.11 RR/2019/1067/P Proposed changing rooms and associated parking (previously approved under RR/2011/2114/P and RR/2014/2764/P) – GRANTED.
- 4.12 RR/2021/110/MA Non-material amendment to RR/2017/1293/P to allow removal of garages & replacement with cycle stores and change five 4-bed 7-person units to five 3-bed 6-person units – GRANTED.
- 4.13 RR/2021/1757/P Variation of Condition 2 (approved plans) of planning approval RR/2019/1067/P to allow for revised design of changing rooms building – GRANTED.
- 4.14 RR/2023/919/P Variation of Condition 1 of reserved matters approval RR/2017/1293/P (approved pursuant to outline planning permission RR/2009/322/P) to amend the tenure mix to deliver a 100% affordable housing scheme – NOT YET DECIDED.
- 4.15 RR/2023/1142/P Changes to ground levels of recreational land (retrospective) and drainage works (part retrospective) – NOT YET DECIDED.

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## 5.0 LEGISLATION AND POLICIES

- 5.1 The Town and Country Planning Act 1990:
- Section 106A
- 5.2 The following policy of the [Rother Local Plan Core Strategy 2014](#) is relevant to the proposal:
- LHN1 (Achieving Mixed and Balanced Communities)
- 5.3 The following policies of the [Development and Site Allocations Local Plan 2019](#) are relevant to the proposal:
- DHG1 (Affordable Housing)
  - WES1 (Land at Westfield Down, Westfield)
- 5.4 The following documents are also material considerations:
- Council's Technical Advice Note 2 (TAN2) 100% Affordable Housing 2023
  - Hastings Borough Council and Rother District Council Housing and Economic Development Need Assessment (HEDNA) 2020
  - The National Planning Policy Framework
  - The Planning Practice Guidance (PPG)
- 5.5 The Rother District Local Plan 2006 is relevant insofar as the outline planning application was determined having regard to the policies of that Plan; in particular Policy VL11 (Land at Westfield Down, Westfield).
- 

## 6.0 CONSULTATIONS

- 6.1 Legal Services (Wealden and Rother District Council) – **UNDER DISCUSSION**
- 6.2 Housing, Enabling & Development Officer (Rother District Council) – **NO OBJECTION**
- 6.3 Planning Notice
- 6.3.1 Nine **OBJECTIONS** have been received. The concerns raised are summarised as follows:
- There is already a high level of affordable housing in the village.
  - Private owned houses in the village will lose value.
  - Significant change which is not in the interests of the village.
  - Could potentially have a big impact on the village.
  - No justification for 100% affordable housing has been provided, nor any details on nor how it would impact on, or be of any benefit to, the village/community.
  - On the basis of the incomplete application and for the sake of public transparency and accountability, this application should be refused.
  - A Section 106 Agreement is in place and to alter it would need the consent of all signatories.

- Why should the taxpayer be liable for grants to a housing association who after two years now confess that the site is not viable unless there is 100% affordable housing which will bring no benefit to the village.
- The only reason to alter this agreement is entirely financial (i.e. can only be for profit).
- This matter has been dealt with in a most underhand manner. The application to modify the Section 106 Agreement should have been made at the time it was decided that the development would become 100% affordable housing (i.e. before construction began).
- The changes requested would deny local people to invest in local housing and would not provide the proper social mix suitable for a village setting.
- Three named people on the original Section 106 Agreement are no longer current freeholders of Westfield Down site. According to Land Registry Court Developments Ltd are the current owners. Therefore, Court Developments Ltd should have been named on the planning application amendment when submitted.
- The Section 106 Agreement amendments have been submitted by Optivo when Optivo have recently merged with Southern Housing Group and are now known as Southern Housing.
- The proposed shared ownership houses were advertised for sale in the public domain before this application was filed or agreed.
- There have been a lot of confusing statements and information regarding this development.
- The amendment has been applied for without any prior consultation to the local community.
- If the Section 106 Agreement is not a legal document then Optivo has no need to apply for this amendment.
- When Court Developments Ltd bought the land surely, there should have been either a legal transference document, signed by the new owners, of the Section 106 or a legal document to discharge the obligation of the Section 106 at the time of ownership.

6.3.2 Six comments of **SUPPORT** have been received. The comments are summarised as follows:

- Proposed amendment to the Section 106 should be seen as a positive for local people who want to remain in the area.
- It is extremely hard to be able to purchase a property in the current market. The shared ownership scheme helps so many people to get on to the property ladder and work towards owning 100% of their own house eventually.
- Affordable rent is also very much needed in our region.
- Councils and parish councils should be encouraging this type of development especially in rural areas so that young people can continue to live in the area they grew up.
- People need homes and this would help some families.
- Is it not about time this planning application was resolved so that families can have peace of mind knowing they have somewhere to live.
- More owners of properties equates to more people who will have a positive investment into the community.
- Will have a very positive impact on the trades in and around Westfield.

6.3.3 One **GENERAL COMMENT** has been received. The comments are summarised as follows:

- Support a mix of affordable, social housing and market properties, be they owned outright or shared ownership.
- Object to is the change to 100% affordable housing which is not what the original planning application proposed and was approved for.
- By removing the Section 106 and negating Westfield PC as signatories is a corporate move by a huge company to ensure absolute control over a site.
- Support truly affordable, social rent that will enable many families to remain in a community that they have supported and grew up in.
- Worry that Southern Housing/Optivo's affordable rented homes will price many of the lowest income families who already reside in the village, out.
- The original mix of 60/40 was good. But like the compromise that the Parish Council has submitted of a mix of 13 Affordable rent, 13 Shared Ownership and 13 Open Market.
- If there is no consensus between RDC, Westfield PC and Southern Housing, do not see how this planning application can be approved, notwithstanding the clear underhanded way that it has come about.
- The houses are ready and there are families who are waiting on a decision from the Council.

#### 6.4 Westfield Parish Council – **OBJECTION**

6.4.1 Two objections have been received. General concerns raised are summarised as follows:

- The first key issue is the legal legitimacy of this process without having the Parish Council as a signatory to these proposed variations. The Parish Council has received legal counsel who has clearly stated the Parish Council should be signatories to any Section 106 variation. Therefore, it seems unclear how Rother can determine this planning application and for Westfield PC to fully reply until Rother have made their legal position known.
- Based on the legal opinion they received and Rother has received from Westfield PC the Parish Council do not support the deed of variance
- The Parish Council do not and have never supported the 100% affordable housing position.
- No reason has been submitted with the application for the basis of this change from 40 to 100% affordable housing.
- If the mix was to remain at a 40/60 mix and the 15 affordable properties are affordable rented this would be enough housing to house all of the Band A and B housing need for Westfield Parish.
- No evidence has been given either by the Council (as requested back in July 2021 at the full council meeting) nor in the recent meeting with Southern Housing that 100% affordable housing of this size in a rural context has been successful. When questioned Southern Housing deemed the Ticehurst development to be a success. However, Councillors noted that current residents are having to deal with excessive damp, mould and potential subsidence already in these properties. They also noted that Ticehurst Parish Council had not signed the Section 106 over their ongoing concerns about the level of land movement which has resulted in large cracks in the earth on the land they are expected to take ownership of.

- The original policy in the DaSA for the site, the planning application and Section 106 all support a 60% open market and 40% affordable homes.
- The Westfield Down site is subject to its own planning Policy WES1: Land at Westfield Down point (ii) some 39 dwellings are provided within the identified residential area as shown on the Detail Map, of which 40% are affordable. Rother's own planning Policy DHG1: Affordable Housing in the Rural Areas states in Rural Area there is an expectation of 40% on-site affordable housing on schemes of 10 or more dwellings. These policies are both part of the DaSA that was only passed by Council in Dec 2019 so should not be viewed as expired or invalid policies and are part of the Local Plan.
- The current proposed layout of the shared ownership vs the affordable rent also does not follow the 'pepper pot' policy for blind tenure as part of Policy DHG1: Affordable Housing In the Rural Areas.

6.4.2 With regard to the full list of proposed amendments to the existing Planning Obligation, the Parish Council have raised concerns over:

- The proposed change on page 4 of the proposed variation para 1.2 allows the District Council to agree to vary the tenure 'by agreement with the Council'. This could result in the Council varying the tenure and removing all shared ownership properties leaving the Parish Council in a vulnerable position as the legal triggers for the completed works of the recreational ground will be removed in particular para 12.1, part 2 in the Third Schedule. Therefore this should remain as market dwellings to ensure the recreational works are finished.
- The complete removal of clause ten without any reasoning behind this.
- Concerns again for the proposed changes to para 2, part one of the third schedule and the implications this has for the site raised in previous comments.
- The proposed deletion of para 7, part one of the third schedule without any confirmed or binding local lettings plan agreed and linked to the Section 106.
- The fact that the nominations agreement is being proposed to be removed in its entirety. The nominations agreement is being referred to on page 5 of the proposed variations in para 1.13 but nothing has been seen or drafted what this Nominations Agreement will be as the proposal is to remove the existing one without any citing of a replacement agreement.
- Object to schedule 6 being removed as the Parish Council does not support a 100% affordable site.

6.4.3 The Parish Council have suggested a compromise to try and move the matter forward:

*"...the Parish Council would support a compromise of 13 affordable rented, 13 shared ownership and 13 open market properties. This would make the site a truly mixed and sustainable site. It would address the significant short fall in the District for open market properties whilst allowing two thirds of the site to be managed for affordable housing units. The Parish Council would also ask that the Section 106 reflected this and the amount of units for affordable rented, shared ownership and open market are confirmed and not able to be varied to avoid further changes to the housing mix on the site. It was also commented that the site should be blind in tenure with properties*



*pepper-potted throughout the site in accordance to Rother's own planning policies.*

*If Rother would accept such a change then the Parish Council would support a deed of variation but not for 100% affordable as it stands. With the inclusion of the open market properties (or market dwellings as defined in the original Section 106) this will also resolve the issue of removing the triggers referenced in Part 2 and Part 3 of the Third Schedule..."*

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## **7.0 APPRAISAL**

7.1 The Committee report for the separate (but related) Section 73 application deals with the principle of a 100% affordable housing scheme, tenure mix and financial considerations. It recommends that the proposed amendment to deliver a 100% affordable housing scheme should be supported.

7.2 Turning to this associated application to modify the Planning Obligation, Section 106 Agreement of the Town and Country Planning Act 1990 is relevant. Subsection (6) says:

*"Where an application is made to an authority under subsection (3), the authority may determine—*

- (a) that the planning obligation shall continue to have effect without modification;*
- (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or*
- (c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications."*

7.3 Having regard to the above, subsection (6)(c) is applicable in this case. The proposed modifications primarily seek to deliver a 100% affordable housing scheme. The Nominations Agreement included at the Fourth Schedule is also due to be replaced with Rother District Council's current standard Nominations Agreement. All other non-housing requirements and contributions will remain as per the current agreement (with triggers updated as necessary).

7.4 The proposed modifications set out in the draft DoV would support the delivery of a 100% affordable housing scheme and the Planning Obligation would continue to serve a useful purpose with them in place. As such, the proposed modifications are supported in principle. The final version of the DoV will be agreed with input from the Council's legal team.

7.5 Westfield Parish Council have queried whether they need to be a party to the DoV. Having regard to the nature of the changes proposed, which primarily seek to deliver a 100% affordable housing scheme and appear not to affect the Parish Council's Obligations, at this time it is not considered that they need to be a party to the DoV. If it transpires that the Parish Council need to be a party to the DoV, then this can be accommodated.

7.6 The Parish Council have raised a number of concerns over the proposed modifications to the Planning Obligation as set out in the draft DoV. These concerns are acknowledged and will be given consideration when finalising the DoV.

#### 7.7 Other Matters

7.7.1 Optivo has been named as the Applicant on the application form. For clarity, they have now become Southern Housing following the merger of Optivo and Southern Housing Group on 16 December 2022.

7.7.2 The original Certificate B submitted with the application incorrectly listed previous owners of the site as persons against whom the Planning Obligation is enforceable. This has now been updated. Optivo (now Southern Housing) is the current landowner (and applicant), and notice has been served on Westfield Parish Council as a party to the original Planning Obligation.

7.7.3 With regard to other concerns raised by local residents, particularly regarding the provision of a 100% affordable housing scheme in the village, the justification for this is set out in the Committee report for the separate (but related) Section 73 application. It should also be noted that loss of property value is not a material planning consideration.

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## 8.0 CONCLUSION

8.1 The proposed modifications to the Section 106 Planning Obligation primarily relate to the delivery of a 100% affordable housing scheme, which is recommended for approval in the Committee report for the separate (but related) Section 73 application. The modifications set out in the draft Deed of Variation would support the delivery of a 100% affordable housing scheme and the Planning Obligation would continue to serve a useful purpose with them in place. As such, it is recommended that the proposed modifications are supported. The final version of the Deed of Variation will be agreed with input from the Council's legal team.

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### **RECOMMENDATION: APPROVE MODIFICATION OF THE SECTION 106 PLANNING OBLIGATION DELEGATED SUBJECT TO COMPLETION OF DEED OF VARIATION**

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**REASON FOR RECOMMENDATION:** In accordance with Section 106A(6)(c) of the Town and Country Planning Act 1990, the Local Planning Authority has determined that the Planning Obligation continues to serve a useful purpose, and that it will serve that purpose equally well subject to the modifications specified in the application.

DATED \_\_\_\_\_ 2023

(1) **ROTHER DISTRICT COUNCIL**

and

(2) **SOUTHERN HOUSING**

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Supplemental Deed of Agreement Under section 106A of the Town and  
Country Planning Act 1990 relating to the development of land at Westfield  
Down, Main Road, Westfield, East Sussex

Planning reference: RR/2009/322/P; RR/2007/545/P; 2011/2114/P

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**THIS AGREEMENT** is dated

2023

**BETWEEN:-**

- (1) **ROTHER DISTRICT COUNCIL** of Town Hall, Bexhill-on-Sea, East Sussex TN39 3JX (“**the Council**”)
- (2) **SOUTHERN HOUSING** of (Registered Society Number RS008983) whose registered office is at Fleet House, 59-61 Clerkenwell Road, London EC1M 5LA (“**the Owner**”)

Parties (1) and (2) shall be hereinafter referred to as (the “**Parties**”).

**Introduction**

- (A) The Council is the Local Planning Authority for the purposes of the 1990 Act for the area in which the Land is situated and by whom the obligations contained in this Deed are enforceable.
- (B) On 16 June 2014 the Council granted planning permission for the development of a residential development incorporating up to 39 dwellings and formation of new vehicular access under the Council’s reference RR/2009/322/P (“**the 2014 Permission**”)
- (C) The 2014 Permission was subject to a planning agreement under Section 106 of the 1990 Act dated 9 May 2014 between (1) Rother District Council (2) Sylvia Mary Dunkley and Eric Beresford Clarke and Jacqueline Angela Farnham and Carolyn Mary Hopper (3) Westfield Parish Council (4) East Sussex County Council (5) East Sussex County Council under which the parties covenanted among other things to provide affordable housing (“**the 2014 Agreement**”)
- (D) The Owner is the registered proprietor of the Site registered with the Land Registry under Title Number [     ].
- (E) The Parties have agreed to vary the terms of the 2014 Agreement in the manner hereinafter appearing and the Council is satisfied that such variation is such as may be approved by the Council under the 1990 Act.

- (F) The Council is minded to agree to the variation subject to the Council and the Owner entering into this Agreement.

**IT IS AGREED as follows:-**

**1. Definitions**

- 1.1 For the purposes of this Agreement the definitions shall be those used in the 2020 Agreement as if they were set out in this Agreement unless the context requires otherwise.
- 1.2 **“The 2014 Agreement”** means a deed relating to the development of land at Westfield Down, Main Road, Westfield, East Sussex made under Section 106 of the Town and Country Planning Act 1990 dated 9 May 2014 between (1) Rother District Council (2) Sylvia Mary Dunkley and Eric Beresford Clarke and Jacqueline Angela Farnham and Carolyn Mary Hopper (3) Westfield Parish Council (4) East Sussex County Council (5) East Sussex County Council

**2. Construction of this Agreement**

- 2.1 In this Agreement, unless the context otherwise requires:
- (a) the singular includes the plural, the masculine includes the feminine and vice versa.
  - (b) references to clauses and schedules are to the clauses in and schedules to this Agreement.
  - (c) references to any party having an interest in land affected by this Agreement include any successor in title of that party to that land or to any part of it.
  - (d) reference to any party having a statutory function referred to in this Agreement shall include any successor to that statutory function.
  - (e) reference to any Act or Statutory Instrument shall include any subsequent amendments to or re-enactment of it.
  - (f) where any Obligation applies to more than one person, their liabilities shall be joint and several.

### **3. Legal basis**

3.1 This Agreement is made as a Deed under sections 106 and 106A of the 1990 Act together with all other enabling powers.

3.2 The Planning Obligations imposed upon the Owner under this Agreement create planning obligations under section 106 of the 1990 Act and are enforceable by the Council as local planning authority.

### **4. Legal costs**

4.1 The Owner covenants to pay the Council's reasonable legal costs incurred in the negotiation, preparation and execution of this Agreement upon completion of this Agreement.

### **5. Contracts (Rights of Third Parties) Act 1999**

5.1 A person who is not a party to this Agreement has no rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Agreement except that the application of the Act shall not prevent all or any of the future successors in title or to the statutory functions of any of the parties to this Agreement from being able to benefit from or enforce any of the Obligations.

### **6. Variations to the 2014 Agreement**

6.1 The Parties to this Agreement agree that the 2014 Agreement shall be varied as set out in the Schedule of this Agreement.

6.2 Except as provided in this Agreement it is agreed between the Parties that this Agreement is supplemental to and not in substitution for the 2014 Agreement and that the terms of the 2014 Agreement will continue in full force and effect subject only to the provisions of this Agreement.

6.3 This Agreement shall take effect on the date appearing on the front page.

**IN WITNESS** of which this Agreement has been duly executed as a Deed and has been delivered once dated.

**The Schedule**  
**Variations to the 2014 Agreement**

1. From the date hereof, the parties agree that the 2014 Agreement shall be modified as follows:
  - 1.1. References in Part 2 and Part 3 of the Third Schedule in the 2014 Agreement to the definition “*Market Dwelling(s)*” shall be replaced by the definition “*Shared Ownership Accommodation*”
  - 1.2. The definition of “*Affordable Housing Units*” shall be amended as follows:

*“Affordable Housing Units” means 39 Dwellings of Affordable Housing comprising Affordable Rented Housing and Shared Ownership Accommodation in accordance with the accommodation schedule appended at Annex 1 of this Agreement the tenure of which may be varied by agreement with the Council”*
  - 1.3. The definition of “*Planning Application*” shall be amended by inserting the words “*and the Section 73 Application as the context may permit*”
  - 1.4. The definition of “*Planning Permission*” shall be amended by inserting the words “*and the Section 73 Permission as the context may permit*”
  - 1.5. The definition of “*Section 73 Application*” and “*Section 73 Permission*” shall be inserted within the 2014 Agreement as follows:

*“Section 73 Application” means application reference no. RR/2023/919/P submitted by the Owner under Section 73 of the 1990 Act seeking a variation of condition 1 of reserved matters planning permission: RR/2017/1293/P (Approval of reserved matters following outline approval RR/2009/322/P – layout scale appearance and hard and soft landscaping.) to amend approved tenure mix*

*“Section 73 Permission” means the planning permission subject to conditions granted by the Council pursuant to the Section 73 Application*
  - 1.6. The definition of “*Nominations Agreement*” shall be deleted and replaced with the follow:

*“Nominations Agreement” an Agreement in a form agreed between the Council and the Registered Provider for the allocation of the Affordable Housing Units*

1.7. The following definitions shall be deleted from the 2014 Agreement: *“Market Dwelling(s)”, “Payment in Lieu”*

1.8. Clause 10 in the 2014 Agreement shall be deleted in its entirety

1.9. Paragraph 1 in Part 1 of the Third Schedule shall be amended by deleting the words *“ substantially in the form set out in the Fourth Schedule”*

1.10. Paragraph 2 in Part 1 of the Third Schedule shall be deleted in its entirety and replaced with the following wording:

*“2. The Affordable Housing Units shall be provided in accordance with the accommodation schedule appended at Annex 1 of this Agreement the tenure of which may be varied by agreement with the Council”*

1.11. Paragraph 4 in Part 1 of the Third Schedule shall be deleted in its entirety and replaced with the following wording:

*“4. 1 of the Affordable Housing Units shall be provided as fully wheelchair accessible and built in accordance with the Council’s Wheelchair Site Brief (attached to this Agreement) and have flat access front and back”*

1.12. Paragraph 8 in Part 1 of the Third Schedule shall be deleted in its entirety

1.13. Paragraph 7 in Part 1 of the Third Schedule shall be deleted in its entirety and replaced with the following wording:

*“7. The Affordable Rented Housing Units to be constructed on the Site shall be allocated in accordance with the Nominations Agreement and any agreed Local Lettings Plan”*

1.14. Paragraph 10 in Part 1 of the Third Schedule shall be deleted in its entirety

1.15. A new paragraph 11 shall be inserted in Part 1 of the Third Schedule as follows and the clause numbering shall be adjusted accordingly:



“11. *The obligations in Part 1 of the Third Schedule in this Agreement shall not be binding on a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver)) of the whole or any part of the Affordable Housing Units or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT:*

*(a) such mortgagee or chargee or Receiver shall first give written notice to the Council of its intention to dispose of the Affordable Housing Units and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the Affordable Housing Units to another Registered Provider or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and*

*(b) if such disposal has not completed within the three month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the Affordable Housing Units free from the obligations in Part 1 of the Third Schedule in this Agreement which provisions shall determine absolutely.”*

1.16. A new paragraph 12 shall be inserted in Part 1 of the Third Schedule as follows and the clause numbering shall be adjusted accordingly:

“12. *The obligations in Part 1 of the Third Schedule in this Agreement shall not be binding on:*

*(a) Any person who has exercised the right to acquire pursuant to the Housing Act 1996 or any statutory provision for the time being in force*

*(or any equivalent right including the preserved right to buy) in respect of a particular Affordable Housing Unit; or*

*(b) Any person who has exercised any statutory right to buy (or any equivalent contractual right including the preserved right to buy) in respect of a particular Affordable Housing Unit; or*

*(c) Any tenant within Shared Ownership Accommodation who has subsequently purchased from the Registered Provider all the remaining equity so that the tenant owns the entire Shared Ownership Accommodation; or*

*(d) Purchasers from or successors in title to any of the parties mentioned in subparagraphs (a) to (c) above; or*

*(e) A chargee or mortgagee of any persons referred to in subparagraphs (a) to (d) above”*

1.17. The Nominations Agreement in the Fourth Schedule of the 2014 Agreement shall be deleted in its entirety

1.18. The Sixth Schedule in the 2014 Agreement shall be deleted in its entirety and the Schedule numbering shall be adjusted accordingly

1.19. Annex 1 as appended to this Deed shall be inserted at the end of the 2014 Agreement

The Common Seal of **ROTHER DISTRICT**

**COUNCIL** was affixed in the )

presence of )

Authorised Officer

**EXECUTED** as a **DEED** by)

Affixing the common seal of)

**SOUTHERN HOUSING LIMITED)**

in the presence of )

.....

Authorised Signatory

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SITE PLAN RR/2022/2959/P	BURWASH  Acorn Farm Shrub Lane
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## Rother District Council

Report to - Planning Committee  
Date - 20 July 2023  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2022/2959/P  
Address - Acorn Farm, Shrub Lane, Burwash, TN19 7EB  
Proposal - Erection of a new dwelling for a farmworker.

[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 Woodrofe  
**Agent:** Saunders Rural Solutions  
**Case Officer:** Mr Sam Koper  
(Email: [sam.koper@rother.gov.uk](mailto:sam.koper@rother.gov.uk))

**Parish:** BURWASH  
**Ward Members:** Councillors J. Barnes and Mrs E.M. Kirby-Green

**Reason for Committee consideration:** Director – Place and Climate Change **referral:** Local community and Parish Council strongly support the application. It is felt that the dwelling meets the criteria for a new dwelling for a rural worker, living on site would reduce traffic entering/exiting the site, and the proposal would have no direct adverse effect on the Area of Outstanding Natural Beauty.

**Statutory 8-week date: 9 February 2023**  
**Extension of time agreed to: 24 March 2023**

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### 1.0 COMMITTEE UPDATE

1.1 Following a site visit, this application was previously considered at the Planning Committee meeting on 16 March 2023 and as the minutes note, *DEFERRED FOR:*  
*FURTHER INFORMATION TO ADDRESS EAST SUSSEX COUNTY COUNCIL HIGHWAYS COMMENTS (A SPEED SURVEY TO BE COMPLETED), TO INCLUDE A CONDITION TO RESTRICT LIGHT POLLUTION AND POTENTIAL FOR RENEWABLE ENERGY MEASURES*

*During the discussion, the Planning Committee requested that the Applicant complete a speed survey of Shrub Lane and provide details of how the visibility splay issue would be addressed and recommended that the Applicant considered the addition of including renewable energy and dark sky measures e.g. solar PV, battery storage and air source heating smart*

*glazing and electrochromic glass within their application. It was also suggested that a further condition be added to restrict outside lighting to protect the dark skies.*

- 1.2 The applicant has now undertaken the traffic survey and comments have been received from the local Highway Authority. They comment as follows:
- *This application originally attracted highway objection due insufficient visibility either side of the access point. A speed survey has now been provided to justify the reduction in driver sightlines. The speed survey recorded 85th percentiles of 42.9mph for southbound traffic from the northern ATC and 43.5mph for northbound traffic from the southern ATC. This means that visibility splays of 2.4m X 116m are required to the north and 2.4m X 121m to the south. I am satisfied that the appropriate visibility is achievable subject to trimming back vegetation within the applicant's control particularly to the south of the proposed access. It is noted that 3 days of speed survey data is missing on the southern ATC with not all CA185 criteria strictly adhered to. However, due to the fact both the north and south ATC have produced similar speeds and the characteristics of the road taken into consideration, I am satisfied that the speeds recorded are an accurate reflection of speeds on this stretch of the C212 and would not wish for the speed survey to be redone.*
  - *Summary - I therefore do not wish to object to this application subject to the imposition of the following conditions:*
- 1.3 The conditions they propose are in respect of the provision and maintenance of visibility splays; on-site provision and retention of vehicle parking and cycle parking facilities; and minimum dimensions of vehicle parking spaces. The wording of their suggested conditions requires update and reference to Rother policies.
- 1.4 While the Planning Committee were minded to approve the proposal subject to removal of the highway objection, in addition to the submission of the speed survey, the applicant has also taken the opportunity to respond to the concerns set out in the previous agenda and discussions regarding the siting of the development. In summary, it references that the proposed siting resulted from consideration of a number of constraints including: presence of overhead power lines and electrical transformer around the farmyard; maintenance of various field access points around the farmyard; siting outside flood zone 2 and 3; siting with a road frontage to reflect other linear development in the lane; landscaping to the north and south is proposed and if the Committee agreed then additional landscaping could be including via an agreed planning condition.
- 1.5 The previous report is reproduced below.

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## **2.0 SUMMARY**

- 2.1 The proposal is for the erection of a new dwelling for a farmworker. The main issues for consideration are the principal and justification for the agricultural dwelling, the impact on the character and appearance of the locality within the High Weald Area of Outstanding Natural Beauty (AONB), living conditions for future occupiers, impact on neighbouring properties and highway safety. The proposal is considered to have a harmful urbanising effect in the countryside

and would fail to conserve the landscape and scenic beauty of the High Weald AONB. The proposed development would also lead to increased traffic hazards on Shrub Lane by reason of the inadequate visibility at the proposed access. Therefore, this application is recommended for refusal.

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### **3.0 SITE**

- 3.1 Acorn Farm is an active agricultural holding located to the north of Burwash. It is located on the western side of Shrub Lane. The current agricultural buildings are well set back from the road which is also screened by mature hedges and trees.
- 3.2 The farm has been run as an agricultural business since the early 1980s and farms a mix of cattle and sheep over approximately 275 hectares.
- 3.3 The site is not situated within any defined development boundary, and it lies within the remote countryside and the High Weald AONB.
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### **4.0 PROPOSAL**

- 4.1 This application seeks approval for the erection of a new agricultural dwelling.
- 4.2 The proposed dwelling would be located to the north of the existing access of the farm and be positioned relatively close to the road. It would be a chalet style bungalow with accommodation in the roof space.
- 4.3 The new dwelling would be a 3-bedroom, 6 x person house and it would include parking provision for two cars as well as a dedicated storage area for waste and recycling.
- 4.4 The design of the proposed dwelling would be a linear plan form with a dual pitched roof above. The fenestration would be of a modest scale and the roof slope would feature roof light windows on the front elevation with dormer windows on the rear elevation. There would be a modest residential garden location behind and around the dwelling.
- 4.5 The proposed external materials for the new dwelling would be brick plinth and timber weatherboarding for the walls, slate tiles for the roof and black uPVC frames for the windows.
- 

### **5.0 HISTORY**

- |     |            |   |
|-----|------------|---|
| 5.1 | RR/87/1933 | Change of use liveries and agriculture. WITHDRAWN   |
| 5.2 | RR/87/2862 | Outline: erection of detached dwelling with integral garage served by new vehicular access. REFUSED |
| 5.3 | RR/87/2882 | Temporary mobile home. REFUSED  |
| 5.4 | RR/88/1270 | Outline dwelling and garage. REFUSED  |



5.5	RR/88/1271	Temporary mobile home to existing farm. REFUSED
5.6	RR/90/2346/P	Mobile home for use in connection with agricultural holding - all year occupation. APPROVED CONDITIONAL
5.7	RR/94/1652/P	Erection of single storey agricultural dwelling with garaging and access. REFUSED
5.8	RR/95/51/P	Erection of single storey agricultural dwelling with garaging new access. REFUSED
5.9	RR/95/535/P	Renewal of permission for stationing a mobile home for agricultural use. APPROVED (TEMPORARY)
5.10	RR/95/1149/P	Single storey agricultural dwelling with garaging and access. APPROVED CONDITIONAL
5.11	RR/2009/1706/P	Extension to kitchen and minor internal alterations. APPROVED CONDITIONAL
5.12	RR/2012/1723/P	Three bay timber framed garage. oak weather boarding on 2 sides and rear. at front, two open bays and third bay enclosed by oak garage doors. APPROVED CONDITIONAL
5.13	RR/2014/1601/P	Removing and re-pitching of garage roof together with construction of dormers to provide additional accommodation for a granny annex. APPROVED CONDITIONAL
5.14	RR/2022/842/P	Erection of a new 2 storey dwelling. REFUSED

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## 6.0 POLICIES

- 6.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1: Presumption in favour of Sustainable Development
  - OSS1: Overall Spatial Development Strategy
  - OSS2: Use of Development Boundaries
  - OSS3: Location of Development
  - OSS4: General Development Considerations
  - RA2: General Strategy for the Countryside
  - RA3: Development in the Countryside
  - SRM1: Towards a low carbon future
  - SRM2: Water Supply and Wastewater Management
  - CO6: Community Safety
  - EN1: Landscape Stewardship
  - EN3: Design Quality
  - EN5: Biodiversity and Green Space
  - EN6: Flood Risk and Development
  - EC5: Support for Key Sectors

- TR3: Access and New Development
  - TR4: Car Parking
- 6.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DHG3: Residential Internal Space Standards
  - DHG4: Accessible and Adaptable Homes
  - DHG7 External Residential Areas
  - DHG11: Boundary Treatments
  - DHG12: Accesses and Drives
  - DEN1: Maintaining Landscape Character
  - DEN2: The High Weald Area of Outstanding Natural Beauty (AONB)
  - DEN4: Biodiversity and green space
  - DEN5: Sustainable Drainage
  - DEN7: Environmental Pollution
  - DIM2: Development Boundaries
- 6.3 The following policies of the adopted [Burwash Neighbourhood Development Plan 2020-2028](#) are relevant to the proposal:
- GP01: Protection of the AONB Landscape
  - GP03: Development Boundaries
  - GP04: Design Standards
  - GP06: Sustainable Development
  - EN04: Dark Skies
  - EN05: Integration of Landscaping
  - IN02: Parking
- 6.4 [The High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024](#) (AONB Management Plan) is also a material consideration with particular reference to the following objectives:
- S2: To protect the historic pattern and character of settlement
  - S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design
  - FH1: To secure agriculturally productive use for the fields of the High Weald, especially for local markets, as part of sustainable land management
  - FH2: To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands
  - LBE1: To improve returns from, and thereby increase entry and retention in, farming, forestry, horticulture and other land management activities that conserve and enhance natural beauty
- 6.5 [The National Planning Policy Framework](#) (with particular regard to paragraphs 80 and 176) and the [Countryside and Rights of Way Act 2000](#) (with particular regard to section 85(1)) are also material considerations.
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## 7.0 CONSULTATIONS

### 7.1 [East Sussex County Council Highways](#) – **OBJECTION**

7.1.1 This application as submitted attracts highway objection due to insufficient visibility either side of the access point.

7.2 Rother District Council Waste & Recycling – **NO OBJECTION**

7.2.1 There are no issues here as the resident would present on Shrub Lane

7.3 Rural Estates Surveyor – **NO OBJECTION**

7.3.1 It is considered that the application does meet the Local Plan (RA3) and National Planning Policy Framework (paragraph 80(a)) tests for the provision of a rural worker's dwelling.

7.4 Planning Notice

7.4.1 Seven letters of support have been received. The reasons are summarised as follows:

- Sensible to have on-site care for animals
- Unsure smooth running of the farm
- No impact on traffic on Shrub Lane
- Single dwelling is justified
- Application meets para 80 of National Planning Policy Framework
- Harm to AONB not relevant in this case
- No records of accidents on Shrub Lane
- Development is not for profit
- Acceptable siting and design of dwelling
- One new dwelling would not cause a harmful urbanising effect in the countryside
- A condition could be imposed for a hedge around the western boundary of the property

7.5 Town/Parish Council – **NO OBJECTION**

7.5.1 The Planning Committee of Burwash Parish Council met on 30-01-23 and voted to unanimously support this application with the following comments: - The Committee noted their disappointment that this application was refused previously. - The Committee RESOLVED to request that if the planning officer is mindful to refuse this application again, that Cllr Barnes call it into committee. - The Committee noted the overwhelming support from the surrounding community and that the Applicant was a serious and well-respected farmer in need of this on-site accommodation. - The Committee discussed and rejected the refusal submitted by ESCC Highways noting that the report was out of step with the practices already in place for access and further noted that living on site would decrease traffic to the site. The Committee suggested that ESCC Highways reconsider their comments. - The Committee noted that this application was entirely in line with paragraph 80 (a) of the National Planning Policy Framework 'essential need for a rural worker'. - The Committee noted their commitment to protection of the AONB and feel that this application would have no direct adverse effect on the AONB.

## 8.0 LOCAL FINANCE CONSIDERATIONS

- 8.1 The proposal is for a type of development that is 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 £37,952.46
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## 9.0 APPRAISAL

- 9.1 The main issues to consider in the determination of the application include:
- Principle of development and justification for agricultural dwelling
  - The effect of the proposal on the character and appearance of the area, with particular regard to the location of the site within the High Weald AONB.
  - Living conditions for future occupiers
  - Impact on neighbouring properties
  - Highway safety

### 9.2 Principle of agricultural dwelling

- 9.2.1 The application site is located in the countryside where most new development is restricted to that which supports local agricultural, economic or tourism needs.

- 9.2.2 At the national level, paragraph 80 of the National Planning Policy Framework says planning 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;*
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- (d) the development would involve the subdivision of an existing residential building; or*
- (e) the design is of exceptional quality, in that it:*
  - *is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
  - *would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.”*

- 9.2.3 At the local level, Policy RA3 (iii) of the Rother Local Plan Core Strategy is relevant. This says that there are four extremely limited circumstances in which new dwellings are allowed in the countryside. These are:
- Dwellings to support farming and other land-based industries;
  - The conversion of traditional historic farm buildings in accordance with Policy RA4;
  - The one-to-one replacement of an existing dwelling of similar landscape impact; and

- As a ‘rural exception site’ to meet an identified local affordable housing need.

9.2.4 In this case the proposal is for a dwelling to support an existing farming enterprise. Policy RA3 (iii) (a) of the Rother Local Plan Core Strategy says:

*“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 agricultural activity concerned are financially sound and have a clear prospect of remaining so; and*
- iv. Dwellings are of appropriate size, siting and design.”*

9.2.5 Supporting paragraph 12.64 says:

*“In particular, new dwellings may be essential for the proper functioning of land-based businesses (i.e. farming, forestry and equine-related activities). Such businesses should be demonstrably ‘financially sound’, which normally means that permissions will initially be on a temporary basis. Permanent dwellings will normally require the agricultural unit and activity to have been established for at least three years, have been profitable for at least one of them, be currently financially sound and have a clear prospect of remaining so. Careful consideration should also 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. To ensure that a dwelling remains available to meet the recognised need, occupancy conditions will be applied.”*

9.2.6 Having regard to the first three tests set out under Policy RA3 (iii) (a) of the Rother Local Plan Core Strategy, the advice of a Rural Estates Surveyor (RES) has been sought. His comments are as follows:

9.2.7 Regarding (i) (Demonstrate a clearly established functional need, relating to a full-time worker primarily employed in the farming and other land-based businesses) and (iii) (Demonstrate the unit and agricultural activity concerned are financially sound and have a clear prospect of remaining so):

9.2.8 *The information set out in the Planning Statement indicates a large, livestock-oriented business with cattle (145 head of cattle) and sheep (1,000 ewes, plus ewe-lambs and followers).*

9.2.9 *The labour calculation provided in the Statement indicates a labour demand considerably in excess of two full-time workers – and is not disputed – such that the proposed new dwelling would be occupied by a full-time worker.*

9.2.10 *In terms of essential need; there is a legal responsibility to ensure that animals are kept in a manner which accords them freedom from thirst,*

*hunger and malnutrition; appropriate comfort and shelter; the prevention, or rapid diagnosis and treatment of injury, disease or infestation; freedom from fear; and freedom to display most normal patterns of behaviour.*

9.2.11 *But, at a more practical level, there is an essential need to live on site during lambing to ensure that the welfare of ewes and lambs is not compromised during difficult lambings (due to mis-presentation). Managing a flock of over 1,000 ewes prior to, during and post lambing (from, say December to June) is an arduous task and needs the provision of on-site supervision to ensure the welfare of the ewes and lambs is not compromised. Distocia in sheep is common, partly due to the regular occurrence of twins, triplets and occasionally more lambs, and the difficulty in ensuring that the right lamb is presented in the correct manner for birth; intervention needs to be timely. In addition, there is the need to:*

- *help lambs to “find” the udder promptly to ensure appropriate intake of colostrum;*
- *remove lambs where triplets (or quads) are born and foster onto ewes with single lambs (or no lambs);*
- *apply iodine to navel cords, ear tag, vaccinate, and generally ensure their health is properly monitored; and*
- *provide prompt attention to ewes with post-partum complications such as prolapses or infections.*

9.2.12 *These practical issues were examined at appeal in Hertfordshire in 2012, with the Inspector reporting, in relation to approximately 150 ewes:*

*“During lambing, the stockman needs to be able to attend to the ewes at all times of the day and night, and thus must live on or adjacent to the site. The lambing season lasts for only a few months, but the demands on the stockman during this period, and the needs of the animals, make the need for a dwelling for at least part of every year indisputable. At other times of year, it might be possible to live off-site, but the appellant quite fairly points out that this would not be a very practical arrangement, nor would it help to attract good calibre staff. Retaining a temporary dwelling on the site in perpetuity, for seasonal use, would therefore not be a sustainable long-term solution. Throughout the year, an on-site dwelling would allow closer and more regular supervision of livestock, and a rapid response to any emergencies, and thus would be in the interests of animal welfare.”*

*Here there are over 1,100 ewes.*

9.2.13 *There is also a need to be available to provide for similar needs with the cattle. Cows giving birth and young calves all need appropriate and prompt care to ensure their well-being as a lack of proper supervision can result in livestock deaths.*

9.2.14 *In such circumstances, it is accepted that there is an essential need for a worker to live on site to provide for the needs of the livestock. In this case, the dwelling will ensure a smooth succession process for the son who is an essential part of the farm’s labour, and without whom the viability of the business would likely be detrimentally effected.*

9.2.15 *Farm business accounts have been provided that demonstrate that this business has generated profits in excess of £50,000 in each of the past*

*three years –the business is clearly profitable. T. Woodroffe (assumed to be the Applicant's son) is also identified as a partner in the business, albeit the partnership percentage splits are not indicated, and appears to part of the succession process.*

- 9.2.16 *Although a detailed accounts' analysis has not been provided (for the agricultural elements -v- the contracting and sales businesses), for the purposes of this assessment it is accepted that this rural business is sufficiently profitable to meet the financial test for the foreseeable future.*
- 9.2.17 With regards to (ii) (Demonstrate the functional need cannot be fulfilled by other existing accommodation in the area), the application provides comparable examples of other available properties in the local area and states that they would exceed that which is affordable, and that the construction of the new dwelling would be a more financially economical option.
- 9.2.18 Whilst a detailed breakdown of the construction costs has not been provided, it is acknowledged that the cost of land would not need to be factored in as the Applicant already owns the site where the dwelling is proposed. Therefore, it is accepted that the functional need could not be fulfilled by other existing accommodation in the area.
- 9.2.19 Therefore, it is considered that the principle of the dwelling is acceptable as the application meets the Local Plan Policy RA3 and National Planning Policy Framework paragraph 80(a) tests for the provision of a rural worker's dwelling.

### 9.3 Impact on character and appearance within the AONB

- 9.3.1 The Government's approach to the natural environment is set out in the National Planning Policy Framework. Paragraph 174 says planning decisions should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside. Paragraph 176 says that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. Paragraph 185 seeks to limit the impact of light pollution on intrinsically dark landscapes.
- 9.3.2 The Countryside and Rights of Way Act 2000 s85(1) also outlines the duty of public bodies in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, and that local authorities shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- 9.3.3 Policy OSS3 (vi) of the Rother Local Plan Core Strategy requires planning decisions to be considered in the context of the character and qualities of the landscape. Policy
- 9.3.4 RA2 (viii) says the overarching strategy for the countryside is to conserve the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside. Policy RA3 (v) says proposals for development in the countryside will be determined on the basis of ensuring that all development in the countryside

is of an appropriate scale, will not adversely impact on the on the landscape character or natural resources of the countryside.

- 9.3.5 Policy EN1 says: *“Management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district’s nationally designated and locally distinctive landscapes and landscape features; including*  
*(i) the distinctive identified landscape character, ecological features and settlement pattern of the High Weald Area of Outstanding Natural Beauty; and*  
*(vii) tranquil and remote areas, including the dark night sky.”*
- 9.3.6 Policy DEN1 of the DaSA Local Plan says 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. Particular care will be taken to maintain the sense of tranquillity of more remote areas, including through maintaining ‘dark skies’ in accordance with Policy DEN7.
- 9.3.7 Policy DEN2 says that all development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan. Development within the High Weald AONB should be small-scale, in keeping with the landscape and settlement pattern.
- 9.3.8 The site lies in a remote location within the open countryside of the High Weald AONB. The area is characterised by large open fields and areas of woodland, interspersed with sporadic development. The siting of the proposed dwelling would be located within the undeveloped field to the north of the access track and west of the main road.
- 9.3.9 The siting of the proposed dwelling would be somewhat well related to the existing agricultural unit, having a shared access from the main road, however, it would be separated from the cluster of agricultural buildings and the existing farm dwelling to the south.
- 9.3.10 The proposal would result in a new dwelling in the countryside. In this respect, the residential development proposed would protrude into an existing open, undeveloped field and the urbanised domestic form and design of the dwelling would be out of keeping with the wider rural landscape.
- 9.3.11 The impact of the dwelling would be exacerbated by its illumination during the hours of darkness, which would have a detrimental effect on the dark night sky.
- 9.3.12 Furthermore, the creation of a dedicated domestic garden associated with the new dwelling would compound the urbanisation of the land, especially if domestic outbuildings, paraphernalia, and landscaping are put in place. The associated parking area and parked cars would add to this.



- 9.3.13 Consequently, the proposed development would have a harmful urbanising effect in the countryside and would fail to conserve the landscape and scenic beauty of the High Weald AONB, in conflict with the above policies.
- 9.3.14 It is noted that the residential development would not be readily visible in public views given the mature screening along the roadside. However, national and local planning policies seek to protect the intrinsic character and beauty of the countryside, which would be harmed in this case.
- 9.4 Living conditions for future occupiers
- 9.4.1 Policy OSS4 (i) states that all development should meet the needs of future occupiers, including providing appropriate amenities.
- 9.4.2 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.*
- 9.4.3 In considering new residential development, it is important to appreciate that they will provide the living environment for people for decades to come. Therefore, all new residential development should be capable of accommodating the reasonable expectations of likely occupiers, including in terms of outdoor space and cater for practical needs, such as parking and access and refuse and recycling facilities.
- 9.4.4 The proposed dwelling would meet the nationally described space standards with regards to internal floor area for the type of dwelling proposed. It would also provide adequate space at the front of the site for parking, cycle storage and waste and recycling storage. The proposed garden area is also considered to be of an acceptable scale.
- 9.5 Impact on neighbouring properties
- 9.5.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that new development should not unreasonably harm the amenities of adjoining properties.
- 9.5.2 The dwelling and structures are sited away from neighbouring buildings and as such, do not appear overbearing or result in harmful overlooking. With regard to agricultural use of the land, this is a use that is expected within a countryside location and indeed, the land is currently in such use.
- 9.6 Highway safety
- 9.6.1 Policy TR3 of the Rother Local Plan Core Strategy requires new development to have adequate, safe access arrangements. Policy TR4 (i) of the Rother Local Plan Core Strategy requires adequate on-site parking to be provided.
- 9.6.2 Policy CO6 (ii) Rother Local Plan Core Strategy states that a safe physical environment will be facilitated by ensuring that all development avoids prejudice to road and/or pedestrian safety.

- 9.6.3 Policy DHG12 (i) of the DaSA Local Plan states that proposals for new drives and accesses will be supported where they are considered acceptable in terms of highway safety, including for pedestrians and cyclists.
- 9.6.4 Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.6.5 The East Sussex County Council Highways Authority have been consulted on this application and have given the following comments:
- 9.6.6 Access / Location:
- 9.6.7 *The site is located and will be accessed from a private driveway which serves Acorn Farm. Shortly to the east, the driveway connects to Shrub Lane (C212). The C212 is subject to a derestricted speed limit at the point of access meaning visibility splays of 2.4m X 215m are normally required either side of the access point. After conducting a site visit, it is evident visibility splays fall far below the required standard either side of the access point which is not acceptable due to the intensification of the access.*
- 9.6.8 *The land either side of the access, including the dwelling known as 'Bramlyns' appears to be within control of the Applicant. There is potential to therefore trim back vegetation within the Applicant's control/ the highway extent to improve visibility. The Applicant will then need to undertake a speed survey in accordance with CA185 to justify a reduction in driver sightlines if the Applicant believes speeds are low enough to justify the reduction on this stretch of the C212.*
- 9.6.9 *While it is acknowledged the Applicant has stated that the dwelling will be for a farm worker negating the commute to work, this may not be the case in the future, and I would argue ancillary trips in association with a 3-bedroom dwelling would still result in an intensification of the access. Because the C212 at the point of access is relatively straight in alignment, I would still have concerns about vehicles travelling at higher speeds.*
- 9.6.10 *Furthermore, this application therefore presents an opportunity to provide a much safer access securable via condition. The access to Acorn Farm from the C212 is wide enough to sufficiently accommodate the two- way flow of traffic. The access is in good condition and would not require upgrading.*
- 9.6.11 Internal Layout
- 9.6.12 *Two parking spaces will be provided for the dwelling. There is scope to provide additional parking on the driveway to accommodate any overspill. I am satisfied there is sufficient space for vehicles to turn and exit the site in a forward gear.*
- 9.6.13 *The Council encourages developers to include charging facilities for electric vehicles at all properties with off-street parking in accordance with current guidance as set out in the National Planning Policy Framework.*

- 9.6.14 *Cycle Parking should be provided in accordance with East Sussex County Council Standards which is two spaces for 3-bedroom dwellings. Cycle storage should be safe, covered and secure.*
- 9.6.15 *In accordance with ESCC guidance 'refuse & recycling storage at new residential developments within the Eastbourne, Hastings, Wealden and Rother council areas' residents should not be required to carry waste more than 30m and refuse vehicles should be able to reach within 25m of the storage point for collection. It is assumed that the site cannot accommodate a large refuse vehicle and will operate with a kerbside collection. Therefore, a communal waste/ storage point should be considered in order to meet the above requirements.*
- 9.6.16 Accessibility
- 9.6.17 *The site is poorly connected to public transport with no train stations located within an acceptable walking distance. It is acknowledged, however, that there are bus stops located approximately 850m to the south of the site. They are not accessible by footway, however, and provide a limited service making them not the most realistic alternative to private car use.*
- 9.6.18 In light of these comments, the Applicant has been asked to address the above issue with regards to visibility and conduct a speed survey to potentially reduce the required splays either side of the access. However, no further information has been provided to overcome this objection from the Highways Officer.
- 9.6.19 Therefore, given the potential intensification of the access and lack of required visibility either side of the access, the proposed development would lead to increased traffic hazards on Shrub Lane.

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## **10.0 PLANNING BALANCE AND CONCLUSION**

- 10.1 The proposal does meet the policy requirements for the provision of a new agricultural dwelling in the countryside and would provide an adequate level of living accommodation for future occupiers without resulting in any harm to neighbouring properties. However, the proposal would have a harmful urbanising effect in the countryside and would fail to conserve the landscape and scenic beauty of the High Weald AONB. The proposed development would also lead to increased traffic hazards on Shrub Lane by reason of the inadequate visibility at the proposed access. Therefore, this application is recommended for refusal.

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

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### **REASONS FOR REFUSAL:**

1. The proposed residential development would have a harmful urbanising effect on the countryside. The proposal would be an alien and obtrusive development within the otherwise rural character and appearance of the countryside that would cause harm to the landscape and scenic beauty and

dark night sky of this part of the High Weald Area of Outstanding Natural Beauty, in conflict with Policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (v) & EN1 (i & vii) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan, Policies GP01 and EN04 of the Burwash Neighbourhood Development Plan, paragraphs 174, 176 and 185 of the National Planning Policy Framework and Section 85(1) of the Countryside and Rights of Way Act 2000.

**NOTE:**

1. This refusal relates to the following plans:
  - Location & Block Plan, Drawing No. PHA-PL-001A, dated 25/05/22
  - Site Plan, Drawing No. PHA-PL-007, dated 02/12/2022
  - Proposed Site Plan, Drawing No. PHA-PL-008, dated 04/01/22
  - Proposed Floor Plans, Drawing No. PHA-PL-004, dated 17/12/21
  - Proposed Elevations, Drawing No. PHA-PL-005, dated 17/12/21

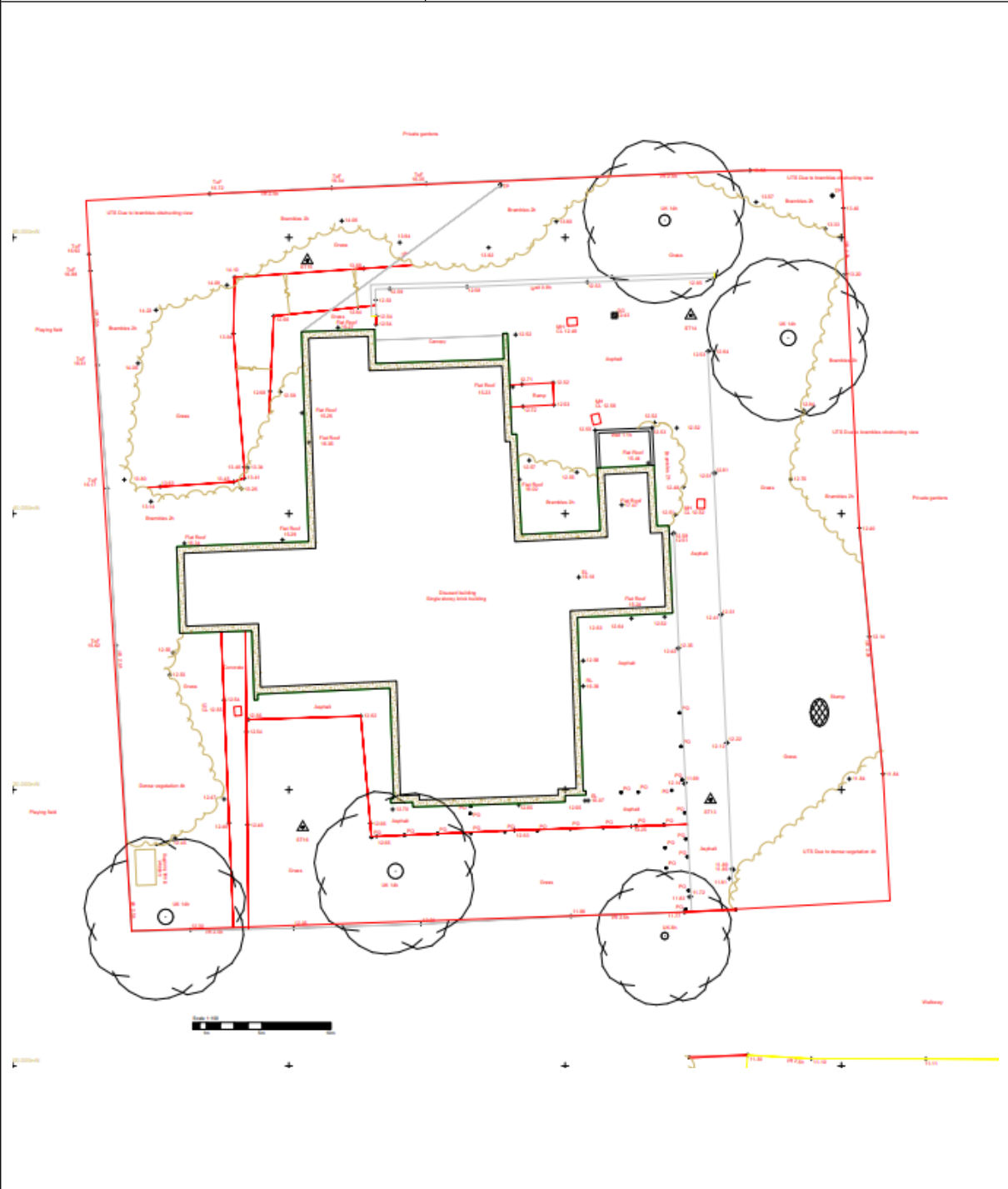
**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining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

SITE PLAN

BEXHILL

RR/2023/1344/DN

(Old) King Offa High



## Rother District Council

Report to	-	Planning Committee
Date	-	20 July 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2023/1344/DN
Address	-	(Old) King Offa High School, Kitchen Dining Room Building, BEXHILL
Proposal	-	Prior notification for the proposed demolition of the entire existing building including raised brick/concrete plinths, ground bearing floor slabs, foundations to 2.00m depth, retaining walls and hardstanding within site boundaries.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to conclude that **DETAILS NOT REQUIRED**

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**Director: Ben Hook**

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**Applicant:** Rother District Council  
**Agent:** -  
**Case Officer:** Mr M. Worsley  
(Email: [matthew.worsley@rother.gov.uk](mailto:matthew.worsley@rother.gov.uk))

**Parish:** BEXHILL ST STEPHENS  
**Ward Members:** Councillors A. Rathbone Ariel and R.B. Thomas

**Reason for Committee consideration:** Director – Place and Climate Change  
**referral: Council owned land**

**Statutory 28-day expiry: 25 July 2023**

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### 1.0 SUMMARY

1.1 The application is accompanied by a detailed method statement and risk assessments for demolition and site clearance together with a health and safety plan. The information provided is very thorough and has been prepared by a contractor. Prior approval of the authority will not be required as to the method of demolition and any proposed restoration of the site. Demolition is being sought pending the redevelopment of the site having regard to application RR/2019/430/P, which has a resolution to grant permission subject to completion of a s106 agreement.

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## **2.0 SITE**

- 2.1 The application relates to an old kitchen/dining room building which is around 160m north of the main King Offa Primary School building. It is positioned behind residential properties along Bancroft Road and Newlands Avenue, within the town of Bexhill. To the south of the building is a mature oak which is subject to a tree preservation order (TPO).
- 

## **3.0 PROPOSAL**

- 3.1 Prior notification has been submitted for the proposed demolition of the entire existing building including raised brick/concrete plinths, ground bearing floor slabs, foundations to 2.00m depth, retaining walls and hardstanding within site boundaries.
- 3.2 The application is accompanied by a method statement and risk assessments for demolition and site clearance together with a health and safety plan, both prepared by Dorton Demolition & Excavation Limited.
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## **4.0 HISTORY**

- 4.1 RR/2023/638/T T1 – Oak (T332 – Canopy reduction required to safely maintain the trees – NO OBJECTION
- 4.2 RR/2019/430/P Outline: Mixed use development comprising a leisure centre (D2 Use), ancillary car parking and up to 52 dwellings (C3 Use) including matters of access with all other matters reserved – DELEGATED TO APPROVE SUBJECT TO CONDITIONS AND COMPLETION OF A SECTION 106 AGREEMENT
- 4.3 ESX/94 Canteen building and kitchen at rear – APPROVED CONDITIONAL
- 

## **5.0 LEGISLATION**

- 5.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is the relevant piece of legislation. Schedule 2, Part 11, Class B relates to the demolition of buildings. This provides that any building operation consisting of the demolition of a building can be permitted development, subject to certain exclusions and on the condition that the developer must, before beginning the development, apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site.
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## **6.0 CONSULTATIONS**

- 6.1 Planning Notice

6.1.1 No representations received.

6.2 Town/Parish Council – **NO COMMENTS RECEIVED**

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## **7.0 APPRAISAL**

- 7.1 None of the exclusions listed in the legislation apply to the subject building and therefore demolition can be carried out under permitted development rights subject to the prior approval process to consider the method of demolition and the restoration of the site.
- 7.2 The building is detached and single storey. Poor lighting surrounds the site, with a public footpath running adjacent to the site, which has meant it has been a target for anti-social behaviour, including recent break ins.
- 7.3 The method of demolition and restoration of the site is set out in detail within the application. It is explained that the site is to be fully secured to all boundaries with appropriate signage. A letter drop will be carried out to neighbouring residents and businesses. A Considerate Contractors Scheme is to be applied for and signage erected. Dust suppression will be carried out using mister sprays aimed specifically at the local works areas. Machine works will be controlled by a banksman when operating adjacent to live public footpaths. There is a public right of way to the south of the building which will be kept clear. Gates to the demolition site and the southern part of the site – dedicated site compound area - will be opened and closed by the banksman for vehicular access and egress. The banksman will also control vehicular movement to and from the site compound area via the existing one-way route off Down Road. This road has shared use by King Offa Primary Academy, Bexhill Leisure Centre, The Workplace School, and the public. The utmost caution will be adopted when entering and leaving the site compound, and due consideration will be given to other users - school children, parents, pedestrians, cyclists, etc. Site traffic to limit speed to 10mph. The banksman (orange high visibility vest) will be dedicated for movement of construction plant / vehicles throughout the demolition period. Suitable and adequate signage (with the Council's agreement) shall be displayed in a prominent position at the site access point to advice on the works and the access/egress protocol.
- 7.4 Demolition will be of the entire existing building including raised brick/ concrete plinths, ground bearing floor slabs, foundations to 2.00m depth, retaining walls and hardstanding within site boundaries. Soft strip and demolition will be carried out in a methodical manner with arisings pulled into the footprint of the building as the works progress. All the arisings will be segregated into their respective piles and progressively removed from site. All movements of materials/debris are to be checked, covered, and secured prior to leaving site to ensure skips are not overloaded etc. The banksman will remove any debris which may have dropped onto the footpath and road network, and secure the gated entrance to prevent trespass by school children, public etc. Demolition is to be carried out in one shift wherever possible and works left safe overnight. All operatives engaged in the works will be fully trained and competent. DDE will re-claim all materials with a commercial resale value, as opposed to disposal as waste, but only if conditions and time allow. Noisy works will be reduced to an acceptable decimal level by use of modern and noise dampened protection systems. Controls to eliminate or reduce dust emissions will be in place and noted on the



safety plan and method statements. Use of knock down sprays, water bowsers to keep areas damp, specific water sprays to points, and sheeting of loads in transit, will be implemented.

- 7.5 Waste disposal will be minimised by conducting a materials assessment strategy prior to commencement of works. This will identify the opportunities for re-use, reclamation and or recycling of products and materials which will include, aggregates, wood, plastic, gypsum, paper, bricks, roofing, and metals. Those materials that are difficult to recycle or cannot be recycled on site due to commercial constraints shall be co-mingled and taken to local accredited waste transfer stations for processing. There is no intention at any stage to landfill any waste, except for asbestos, thereby contributing to the reduction of carbon dioxide and methane gases released to the atmosphere.
- 7.6 In terms of restoration of the site, once the building has been removed, the site will be left clear and secured, with as much vegetation left in place as possible so as not to disturb wildlife unnecessarily, similarly to the adjacent Old High School Site that was demolished down to slab level.

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## **8.0 CONCLUSION**

- 8.1 The application is accompanied by a detailed method statement and risk assessments for demolition and site clearance, together with a health and safety plan. The information provided is very thorough and has been prepared by a contractor. Prior approval of the authority will not be required as to the method of demolition and any proposed restoration of the site, which is to subsequently be redeveloped.

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## **RECOMMENDATION: DETAILS NOT REQUIRED**

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**Rother District Council**

**Report to:** Planning Committee

**Date:** 20 July 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/2022/813/P ASHBURNHAM: The White Cottage - Land opposite, Brownbread Street, Ashburnham  
Retention of pond and associated earth works. Retention of hardstand next to pond and summer house. (Retrospective) New planting of indigenous species throughout the site.  
Mr R. Williams

RR/2022/2226/L ASHBURNHAM: Brays Hill Farm House, Brays Hill, Ashburnham  
Erection of rear extension incorporating internal alterations to a previously approved and extant permission.  
Mrs Fay Merrick

RR/2022/2225/P ASHBURNHAM: Brays Hill Farm House, Brays Hill, Ashburnham  
Erection of rear extension incorporating internal alterations to a previously approved and extant permission.  
Mrs Fay Merrick

RR/2021/1707/L BATTLE: Whispers Cottage, Battle Hill, Battle  
Proposed replacement windows and door.  
Lydia Crouch

RR/2022/2191/P BECKLEY: Land at Watermill Lane, Beckley  
Outline application for the proposed erection of a single dwelling (all matters reserved other than site access).  
Mr W.J.R. Banister

RR/2023/560/FN BECKLEY: The Cottage In The Wood - Land adjacent to, Hobbs Lane, Beckley

Agricultural Building to be used for storage of machinery, tools, feed and general farming materials. The building will also have space for a farm office and workshop.  
Ms E. Nicholson

- RR/2023/37/T BEXHILL: 48 Wealden Way, Bexhill  
T1, T2, T3 and T4 - Oak Trees - Reduce the canopies/height by 6M to improve health of the tree and to prevent potential risk to neighbouring dwelling.  
Mr Stephen Ashley
- RR/2022/1639/P BEXHILL: 23a Western Road, Bexhill  
Proposed replacement windows  
Miss N. Tidd and Mrs S. Ingamells
- RR/2023/383/P BEXHILL: Flat 2, 31 Eversley Road, Bexhill  
Erection of balustrade to flat roof of ground floor bay window.  
Mr Cheatley
- RR/2022/2992/TN BEXHILL: King Offa Way - Land at, Bexhill  
Application to determine whether prior approval is required for a proposed new 5G telecommunications mast on site and additional ancillary equipment cabinets and associated ancillary works.  
Dot Surveying Ltd
- RR/2022/2056/P CAMBER: Dear Octopus, Farm Lane, Camber  
Erection of a single dwellinghouse.  
Mr Spicer
- RR/2022/2058/P CROWHURST: The Farmhouse, Lower Hill Farm, The Granary, Watermill Lane, Crowhurst  
Conversion of an agricultural and commercial storage building to create a detached dwelling with car parking provision - resubmission of RR/2021/2074/P  
Mr P. Coleman
- RR/2023/114/P EWHURST: 1 Forge Lane, Hillcrest, Staplecross, Ewhurst  
Creation of new two-storey extension and porch to property.  
Mr Jon Greenman
- RR/2022/2596/P EWHURST: Handsel Lodge, Junction Road, Ewhurst  
Change of use of redundant building to dwellinghouse along with associated works, gardens and parking. Use of existing access.  
Mr and Mrs R. Hines
- RR/2023/186/P ICKLESHAM: Bredeside, Sea Road, Winchelsea Beach, Icklesham  
Erection of oak gates (retrospective).  
Mr Steve Powell

RR/2023/183/P	PETT: Amos Sunview, Marsham Brook Lane, Pett Variation of Conditions 6 and 7 imposed on previously approved scheme RR/2017/2197/P to allow permanent residential use of the wooden lodge holiday home. Mrs Kathleen Amos
RR/2022/386/P	RYE: 98 High Street, The George in Rye Hotel, Rye Retention of external colour scheme to front and side elevations. (Retrospective) The George on High Ltd
RR/2022/387/L	RYE: 98 High Street, The George in Rye Hotel, Rye Retention of external colour scheme to front and side elevations. (Retrospective) The George on High Ltd
RR/2023/53/L	SALEHRST/RBRDGE: 20 High Street, Salehurst/ Robertsbridge Rear extension and internal alterations to first floor. Mr Nigel Dumbell
RR/2023/52/P	SALEHRST/RBRDGE: 20 High Street, Salehurst/ Robertsbridge Rear extension and internal alterations to first floor. Mr Nigel Dumbell
RR/2022/2886/P	TICEHURST: Land adjacent to Seacox Cockers, The Mount, Flimwell, Ticehurst Erection of a pair of Semi-Detached Dwellings, together with parking, new access and landscaping. Mr J. Waller
RR/2023/300/FN	WESTFIELD: Crowham Manor Farm - Land to the East, Main Road, Westfield Application to determine if prior approval is required for the reconstruction of a pole barn. Mrs Caroline Mason (nee Norris)
RR/2023/198/FN	WESTFIELD: Crowham Manor Farm, Main Road, Westfield Alteration to existing barn. Mrs Caroline Mason (nee Norris)
RR/2023/301/FN	WESTFIELD. Crowham Manor Farm - Land to the West, Main Road, Westfield Application to determine if prior approval is required for the erection of a dutch Barn. Mrs Caroline Mason (nee Norris)
RR/2021/1490/P	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

## **APPEALS STARTED**

- RR/2021/3035/P      BATTLE: Battle Golf Clubhouse, Netherfield Hill, Netherfield, Battle  
Change of use of redundant golf clubhouse, together with minor extensions, to form a single residential dwelling, including parking and associated landscape works.  
Mr David Bull
- RR/2022/2020/P      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/2022/963/P      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/2022/2187/PN3      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

## **APPEALS PENDING**

- RR/2022/1296/P      ASHBURNHAM: Honeyland, Honey Lane, Ashburnham  
Erection of replacement barn for agricultural use.  
Mr Allan Chamberlain
- RR/2022/2492/P      BATTLE: Paygate, Whatlington Road, Battle  
Erection of extension and internal alterations.  
Mr & Mrs A.J. Gerken
- RR/2022/1661/P      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/2022/240/P      BATTLE: Battle Great Barn - land adj, Marley Lane, Battle  
Erection of new dwelling.  
Mr Neil Mortimer
- RR/2022/2472/P      BATTLE: 72a High Street, Battle  
Change of use from office to residential, proposing a new three- bed maisonette.  
Mr M. Law

RR/2021/2447/P	BATTLE: Marley Lane - Land at, Battle Construction of single detached two storey chalet dwelling with associated access. Mr & Mrs Joe Thompsett
RR/2021/3049/P	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	BEXHILL: The Little House, Worsham Lane, Bexhill Proposed extension to dwelling involving the removal of several outbuildings. Mr N. Rowe
RR/2022/2089/P	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/2021/1609/P	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/2022/539/P	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	BREDE: Sant Roc, Cackle Street, Brede Demolition of existing dwelling and outbuilding. Erection of three terraced dwellings. Hawkins & Hawkins
RR/2022/814/P	BREDE: St Elmo, Cackle Street, Brede Erection of single storey rear extension & front porch. Mr & Mrs T. Quinn
RR/2022/1244/O	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	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	<p><b>BRIGHTLING:</b> Little Worge Farm, Brightling Demolition of part of agricultural barn and erection of a holiday cottage. Brightling Properties</p>
RR/2022/1337/P	<p><b>BURWASH:</b> 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</p>
RR/2020/558/P	<p><b>CAMBER:</b> 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 overflow. Mr Jimmy Hyatt</p>
RR/2022/2059/P	<p><b>CROWHURST:</b> 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</p>
RR/2022/461/P	<p><b>DALLINGTON:</b> Prospect House - Land Opposite, Woods Corner, Dallington Proposed new dwelling &amp; associated parking. Woods Corner No.2 Ltd</p>
RR/2021/2992/P	<p><b>DALLINGTON:</b> 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</p>
RR/2021/2615/P	<p><b>ETCHINGHAM:</b> Church Hill - Land Lying to East of, Church Lane, Etchingam Change of use from agricultural to dog walking field. Miss Katie Cruttenden</p>
RR/2022/746/P	<p><b>EWHURST:</b> 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</p>
RR/2022/37/P	<p><b>GUESTLING:</b> Milward Gardens - Land adjacent to, Winchelsea Road, Guestling Outline: Erection of 4 No. bedroom detached house. BBG Commercial Properties Ltd</p>



RR/2022/1071/P	GUESTLING: Old Coghurst Farmhouse, Rock Lane, Guestling Replacement of two existing barns with access and landscaping. Messrs D & J Harris & Manuell
RR/2022/2250/O	GUESTLING: The Cottage, Stream Farm, Chapel Lane, Guestling Existing use of the garage building as a residential dwelling. Mr Colin McNulty
RR/2022/155/P	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/2022/1062/P	HURST GREEN: 2 Silverhill Cottages, Silverhill, Hurst Green First floor rear extension. Miss Karina Hymers
RR/2022/1097/P	NORTHIAM: Ghyllside - Land adjacent to, Station Road, Northiam Demolition of existing residential garage to provide a detached residential dwelling. Express Housing Group Ltd
RR/2021/1084/P	NORTHIAM: The Cedars, Station Road, Northiam Demolition of existing single storey bungalow and erection of two dwellings with retained access. Brasseur
RR/2022/364/P	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/2020/995/P	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 2 retail outlets (A1) and 3 offices (B1(a)), together with allocated parking. Holland of Rye
RR/2022/1610/P	SALEHRST/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/2021/2335/P 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/2020/646/P TICEHURST: Bantham Farm, London Road, Ticehurst  
Change of use of art studio to live/work unit.  
Mr N. Watts
- RR/2021/2600/P TICEHURST: Bantham Farm, London Road, Ticehurst  
Change of Use of existing redundant and disused barn to residential use.  
Mr N. Watts
- RR/2022/2351/P TICEHURST: Bryants Farm, Wards Lane, Ticehurst  
Conversion of barn to four bed dwelling.  
Ms Elizabeth Latchford
- RR/2022/1103/P 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/2021/1647/P 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/2022/1323/P WESTFIELD: Land adjacent to Holly Cottage, Moat Lane, Westfield  
Erection of single residential dwelling with associated landscaping and parking.  
Ms Cindy Cane
- RR/2021/3023/P WESTFIELD: Hooters, Moat Lane, Westfield  
Construction of storage barn (Retrospective).  
Mr & Mrs M. Hawkins

### **APPEALS ALLOWED**

- RR/2022/64/P 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/2022/468/P 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 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

### **APPEALS DISMISSED**

RR/2022/184/P 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/2021/1430/P 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/2022/1008/P 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/2021/3084/L RYE: 18 Landgate, Larkin House, Rye  
Alterations to roof space including formation of access through low collar in roof structure, insertion of 3no new rooflights in inner roof slopes, enlargements and guarding of loft hatch opening.  
Ms Tara Larkin

RR/2022/132/O 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 WITHDRAWN**

NONE

## **FORTHCOMING HEARINGS/INQUIRIES**

NONE

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Chief Executive:	Lorna Ford, Interim Chief Executive
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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