

Planning Committee

- Date and Time - **Thursday 16 November 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.

AGENDA

1. **MINUTES**

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

2. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

The Chair to ask if any Member present is substituting for another Member and, if so, to declare their name as substitute Member and the name of the absent Member.

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 **WITHDRAWN APPLICATIONS**

The Director – Place and Climate Change to advise Members of those planning applications on the agenda which have been withdrawn.

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

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

For all enquiries – please contact julie.hollands@rother.gov.uk

Tel: 01424 787811

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5. DISCLOSURE OF INTEREST

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

6. PLANNING APPLICATIONS - INDEX (Pages 3 - 4)

7. RR/2021/2947/P - FORMER PUTTING GREEN SITE – LAND AT OLD LYDD ROAD, CAMBER (Pages 5 - 36)

8. RR/2023/1527/P - 11 ELLERSLIE LANE, MOLEYNES MEAD, BEXHILL (Pages 37 - 44)

9. RR/2020/1044/P - CHURCHFIELDS INDUSTRIAL ESTATE, LONG RAKE SPAR STORAGE LANE, RYE HARBOUR ROAD, ICKLESHAM (Pages 45 - 62)

10. RR/2023/1948/P - SPRINGFIELD, WHATLINGTON ROAD, WHATLINGTON (Pages 63 - 74)

11. RR/2023/976/P - LAND AT BAIRNSBOURNE, SEA ROAD, FAIRLIGHT (Pages 75 - 92)

12. RR/2023/1210/P - 1B AMHERST ROAD, OLD AUTOLEC BUILDINGS, BEXHILL (Pages 93 - 98)

13. RR/2023/1743/P - CAR PARK CENTRAL, COASTAL CONTROL CENTRE, OLD LYDD ROAD, CAMBER (Pages 99 - 110)

14. RR/2023/1593/P - PARK PALE MEADOW, MOUNTFIELD LANE, MOUNTFIELD (Pages 111 - 120)

15. RR/2022/2763/P - CHURCH FARM BUNGALOW, MAIN STREET, BECKLEY (Pages 121 - 132)

16. TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS

Tuesday 12 December 2023 at 9:30am departing from the Town Hall, Bexhill.

Lorna Ford
Chief Executive

Agenda Despatch Date: 8 November 2023

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

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

Rother District Council

Report to	-	Planning Committee
Date	-	16 November 2023
Report of the	-	Director - Place and Climate Change
Subject	-	Planning Applications – Index

Director: Ben Hook

Planning Committee Procedures**Background Papers**

These are planning applications, forms and plans as presented in the agenda, pertinent correspondence between the applicant, agents, consultees and other representatives in respect of the application, previous planning applications and correspondence where relevant, reports to Committee, decision notices and appeal decisions which are specifically referred to in the reports. Planning applications can be viewed on the planning website <http://www.rother.gov.uk/planning>

Planning Committee Reports

If you are viewing the electronic copy of the Planning Applications report to Planning Committee then you can access individual reported applications by clicking on the link ([View application/correspondence](#)) at the end of each report.

Consultations

Relevant statutory and non-statutory consultation replies that have been received after the report has been printed and before the Committee meeting will normally be reported orally in a summary form.

Late Representations

Unless representations relate to an item which is still subject to further consultation (and appears on the agenda as a matter to be delegated subject to the expiry of the consultation period) any further representations in respect of planning applications on the Planning Committee agenda must be received by the Director - Place and Climate Change in writing by 9am on the Monday before the meeting at the latest. Any representation received after this time cannot be considered.

Delegated Applications

In certain circumstances the Planning Committee will indicate that it is only prepared to grant/refuse planning permission if/unless certain amendments to a proposal are undertaken or the application is subject to the completion of outstanding or further consultations. In these circumstances the Director - Place and Climate Change can be delegated the authority to issue the decision of the Planning Committee once the requirements of the Committee have been satisfactorily complied with. A delegated decision does not mean that planning permission or refusal will automatically be issued. If there are consultation objections, difficulties, or negotiations which cannot be satisfactorily concluded, then the application will be reported back to the Planning Committee. This delegation also allows the Director - Place and Climate Change to negotiate and amend applications, conditions, reasons for refusal and notes commensurate with the instructions of the Committee.

Applications requiring the applicant entering into an obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) are also delegated.

Order of Presentation

The report on planning applications is presented in the following order as shown below:

Agenda Item	Reference	Parish	Site Address	Page No.
7	RR/2021/2947/P	CAMBER	Former Putting Green Site – Land at Old Lydd Road Camber, TN31 7RH	5
8	RR/2023/1527/P	BEXHILL	11 Ellerslie Lane Moleynes Mead Bexhill, TN39 4LJ	37
9	RR/2020/1044/P	ICKLESHAM	Churchfields Industrial Estate Longrakespar Storage Lane Rye Harbour Road Icklesham, TN31 7TE	45
10	RR/2023/1948/P	WHATLINGTON	Springfield Whatlington Road Whatlington, TN33 0NA	63
11	RR/2023/976/P	FAIRLIGHT	Land at Bairnsbourne Sea Road Fairlight	75
12	RR/2023/1210/P	BEXHILL	1B Amherst Road Old Autolec Buildings Bexhill, TN39 3JX	93
13	RR/2023/1743/P	CAMBER	Car Park Central Coastal Control Centre Old Lydd Road Camber, TN31 7RH	99
14	RR/2023/1593/P	MOUNTFIELD	Park Pale Meadow Mountfield Lane Mountfield, TN32 5LD	111
15	RR/2022/2763/P	BECKLEY	Church Farm Bungalow Main Street Beckley, TN31 6RS	121

SITE PLAN

RR/2021/2947/P

CAMBER

Former Putting Green Site – Land at
Old Lydd Road
Camber



Rother District Council

Report to	-	Planning Committee
Date	-	16 November 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2021/2947/P
Address	-	Former Putting Green Site – Land at, Old Lydd Road, CAMBER
Proposal	-	Erection of 10 No. dwellings with new vehicular access, car parking with hard and soft landscaping.

[View application/correspondence](#)

RECOMMENDATION: It be RESOLVED to GRANT (PLANNING PERMISSION) DELEGATED SUBJECT TO COMPLETION OF A SECTION 106 LEGAL AGREEMENT TO SECURE THE AFFORDABLE HOUSING

Director: Ben Hook

Applicant:	Rother District Council
Agent:	Robinson Escott Planning LLP
Case Officer:	Mr E. Corke (Email: edwin.corke@rother.gov.uk)
Parish:	CAMBER
Ward Members:	Councillors L. Hacking and P.N. Osborne

Reason for Committee consideration: Director – Place and Climate Change referral: This is a Rother District Council application, which relates to Council-owned land.

Statutory 13 week date: 09/06/2022

Extension of time agreed to: New date to be agreed

1.0 INTRODUCTION

- 1.1 This application was originally considered by the Planning Committee at the 16 March meeting earlier this year. At that time the scheme for 10 dwellings included six market houses with a policy compliant four affordable units. Members resolved to grant planning permission subject to the completion of a Section 106 Legal Agreement to secure the affordable housing.
- 1.2 The legal agreement has not yet been completed and the Applicant (Rother District Council) is now proposing to amend the scheme to deliver 100% affordable housing on the site, with a 50/50 mix of affordable housing for rent and shared ownership units. This change to the tenure mix has been publicised and the application was reported to the 12 October Planning Committee meeting. However, the consultation period had not expired at that

time and so Members resolved to defer the application, subject to the end of the consultation period on 13 October 2023, to allow all potential comments received to be considered.

- 1.3 Apart from the change to the tenure mix, the scheme remains as previously approved by Members, with the report updated accordingly.
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2.0 SUMMARY

PROVISION	
No of houses	10
No of affordable houses	10
CIL (approx.)	£0
New Homes Bonus (approx.)	£80,840 paid over 4 years

- 2.1 The application relates to a site owned by Rother District Council (RDC), which is allocated for a residential development of some 10 dwellings (of which 40% are affordable) under Policy CAM1 of the Development and Site Allocations (DaSA) Local Plan.
- 2.2 In this case the proposal is for 10 dwellings delivered as 100% affordable housing with a 50/50 mix of affordable housing for rent and shared ownership units.
- 2.3 The Council's *Technical Advice Note 2 100% Affordable Housing 2023*, (which is a material consideration in determining the application), 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 where they meet the Local Plan's adopted policies in all other respects and the affordable housing is secured through a Section 106 Legal Agreement.
- 2.4 The proposal is a well-designed and sustainable residential development which will deliver 10 dwellings on an allocated housing site and will have an acceptable impact on the environment. The change to a 100% affordable housing scheme should be supported as the housing mix is appropriate and it will help to address the clear need for the provision of more affordable housing in the district. There would be a loss of money raised through the Community Infrastructure Levy (CIL), but this loss is counterbalanced by the additional CIL liable on other sites in the district where less affordable housing and a higher proportion of market housing is achieved. New homes bonus could be approximately £80,840 paid over 4 years.
- 2.5 It is recommended that planning permission is granted for the proposal, subject to conditions and subject to completion of a Section 106 Legal Agreement to secure the affordable housing.
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3.0 SITE

- 3.1 The application relates to a raised and rectangular shaped plot of land located on the north-east side of Old Lydd Road within the Development Boundary

for Camber. It was formerly used as a putting green but is now in use as a pay and display car park for up to 70 cars.

- 3.2 The site is owned by RDC and is allocated for a residential development of some 10 dwellings (of which 40% are affordable) under Policy CAM1 of the DaSA Local Plan. It is bounded by residential development to the north-east, Marchants Drive to the south-east and residential properties in Royal William Square to the north-west.
- 3.3 There are sand dunes opposite the site, on the other side of Old Lydd Road. The dunes, and the beach beyond these, fall within the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI), which is a national designated site of importance for biodiversity. The beach also falls within the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Ramsar site, which are international designated sites of importance for biodiversity. There is also the Dungeness Special Area of Conservation (SAC), which lies approximately 2.8km to the east of the application site and approximately 1.6km to the south-west.

4.0 PROPOSAL

- 4.1 This is a full application for 10 dwellings delivered as 100% affordable housing with a 50/50 mix of affordable housing for rent and shared ownership units. The development would be served by a new vehicular access from Marchants Drive and there would be associated car parking and hard and soft landscaping. A new pedestrian footway is also proposed along the site's frontages with Old Lydd Road and Marchants Drive. Existing ground levels would be reduced as part of the development. The finished ground floor level for all dwellings is shown as 5.2m above ordnance datum (AOD).
- 4.2 The schedule of accommodation is outlined below:

PLOT	BEDROOM/SIZE	TENURE
1	1b2p / 58sqm	Shared Ownership
2	1b2p / 58sqm	Affordable Rent
3	1b2p / 58sqm	Affordable Rent
4	1b2p / 58sqm	Affordable Rent
5	2b4p / 79sqm	Affordable Rent
6	3b6p / 111sqm	Affordable Rent
7	3b5p / 93sqm	Shared Ownership
8	3b6p / 111sqm	Shared Ownership
9	3b5p / 93sqm	Shared Ownership
10	3b6p / 111sqm	Shared Ownership

- 4.3 In terms of site layout, the proposed dwellings are arranged in an 'L' shape with three pairs of semi-detached houses fronting Old Lydd Road and four chalet-style units (arranged as one detached dwelling and a terrace of three) fronting Royal William Square. Most of the on-site car parking is provided in a parking area to the rear of the properties, which is accessed from Marchants Drive. Two of the houses would be served by tandem parking spaces, accessed from Old Lydd Road.

- 4.4 The proposed dwellings follow a contemporary design. The semi-detached houses fronting Old Lydd Road alternate between two and three-storeys in height, and alternate between flat and dual-pitched roofs. The three-storey houses benefit from a beach facing roof terrace at second floor level. The detached dwelling and terrace fronting Royal William Square are chalet-style properties with front and rear dormers. The external materials palette for the proposed dwellings predominantly consists of facing brick and vertical composite cladding to the elevations and metal standing seam roofs (where pitched roofs are proposed).
- 4.5 Renewable energy technologies are proposed to be incorporated into the development in the form of air source heat pumps and solar PV panels for all of the dwellings. Electric Vehicle charging points are also proposed.
- 4.6 The scheme has been amended since it was first submitted, in relation to design issues, relationship with neighbouring properties, and now in relation to the tenure mix.

5.0 HISTORY

- 5.1 RR/2010/2061/P Change of use from temporary car park to permanent car park to operate from 30 September 2010. DEFERRED
- 5.2 RR/2009/1948/P Change of use from putting course to temporary use as a car park (part retrospective). GRANTED (TEMPORARY)
- 5.3 RR/2006/156/P Outline: erection of eight live/work units and one residential unit including alteration to an existing and formation of new vehicular access. WITHDRAWN
- 5.4 RR/2005/2415/P Outline: erection of 10 commercial units and managers office with 11 apartments above and managers accommodation including landscaping, alterations to an existing and creation of new vehicular access. REFUSED
- 5.5 RR/2003/42/P Erection of new cafe/restaurant and retail centre (existing putting course to be demolished) with new vehicular access. GRANTED
- 5.6 RR/89/2425/P Nine dwellinghouses with garages and vehicular access. ALLOWED ON APPEAL
- 5.7 RR/89/1042/P Outline application: erection of nine dwellings with garages and vehicular accesses. REFUSED
- 5.8 RR/89/0362/P Outline: erection of nine terraced and semi-detached dwellings with parking and new vehicular access. REFUSED
- 5.9 RR/83/1886 Outline: erection of nine two-storey dwellings with garages and accesses. GRANTED
- 5.10 RR/76/0020 Extension to pavilion at putting course. GRANTED

5.11	A/71/327	Putting course. GRANTED
5.12	A/68/466	Children's playground. GRANTED
5.13	A/60/106	Temporary car park. GRANTED
5.14	A/57/276	Pairs of semi-detached bungalows. REFUSED
5.15	A/55/199	Outline: to erect three pairs of semi-detached bungalows. REFUSED

6.0 LEGISLATION AND POLICIES

6.1 The Conservation of Habitats and Species Regulations 2017.

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

- PC1 (Presumption in Favour of Sustainable Development)
- OSS1 (Overall Spatial Development Strategy)
- OSS2 (Use of Development Boundaries)
- OSS3 (Location of Development)
- OSS4 (General Development Considerations)
- RA1 (Villages)
- SRM1 (Towards a Low Carbon Future)
- SRM2 (Water Supply and Wastewater Management)
- CO6 (Community Safety)
- LHN1 (Achieving Mixed and Balanced Communities)
- EN1 (Landscape Stewardship)
- EN2 (Stewardship of the Historic Built Environment)
- EN3 (Design Quality)
- EN4 (Management of the Public Realm)
- EN5 (Biodiversity and Green Space)
- EN6 (Flood Risk Management)
- EN7 (Flood Risk and Development)
- TR3 (Access and New Development)
- TR4 (Car Parking)

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

- DRM1 (Water Efficiency)
- DRM3 (Energy Requirements)
- DHG1 (Affordable Housing)
- DHG3 (Residential Internal Space Standards)
- DHG4 (Accessible and Adaptable Homes)
- DHG7 (External Residential Areas)
- DHG11 (Boundary Treatments)
- DHG12 (Accesses and Drives)
- DEN1 (Maintaining Landscape Character)
- DEN4 (Biodiversity and Green Space)
- DEN5 (Sustainable Drainage)
- DEN7 (Environmental Pollution)

- DIM1 (Comprehensive Development)
- DIM2 (Development Boundaries)
- CAM1 (Land at the Former Putting Green Site, Old Lydd Road, Camber)

- 6.4 The following documents are also material considerations:
- Council's Technical Advice Note 2 (TAN2) 100% Affordable Housing 2023
 - The Camber Village Supplementary Planning Document (SPD) 2014
 - The draft Sustainable Access and Recreation Management Strategy 2017
 - The National Planning Policy Framework
 - The Planning Practice Guidance (PPG)

7.0 CONSULTATIONS

- 7.1 Highway Authority (East Sussex County Council) – **NO OBJECTION** – Subject to the imposition of conditions.
- 7.2 Lead Local Flood Authority (East Sussex County Council) – **NO OBJECTION** – Subject to the imposition of conditions.
- 7.3 East Sussex County Council Archaeologist – **NO OBJECTION**
- 7.4 Southern Water – **NO OBJECTION** – Subject to the imposition of a condition.
- 7.5 Environment Agency – **NO COMMENTS TO MAKE**
- 7.6 Natural England – **NOT ABLE TO PROVIDE SPECIFIC ADVICE ON THE SUBMITTED HABITATS REGULATIONS ASSESSMENT (AND APPROPRIATE ASSESSMENT)**
- 7.7 Sussex Newt Officer – **NO OBJECTION** – An informative regarding Great Crested Newts has been recommended.
- 7.8 Sussex Police – **NO OBJECTION** – Subject to observations, concerns and recommendations being given due consideration.
- 7.9 East Sussex Fire & Rescue Service – **NO COMMENTS RECEIVED**
- 7.10 Romney Marshes Area Internal Drainage Board – **NO COMMENTS RECEIVED**
- 7.11 Housing, Enabling & Development Officer (Rother District Council) – **NO OBJECTION**
- 7.12 Environmental Health (Rother District Council) – **NO OBJECTION** – Subject to the imposition of a condition.
- 7.13 Waste & Recycling (Rother District Council) – **NO OBJECTION**
- 7.14 Planning Notice

In relation to the originally submitted scheme

7.14.1 21 letters of **OBJECTION** have been received (from 20 representatives). The concerns raised are summarised as follows:

- Loss of car parking (including disabled parking).
- Proposal is for financial gain.
- Proposal ignores the needs of the village and residents.
- Increase in traffic, parking issues, safety issues and adverse visitor behaviour within the village.
- Loss of revenue for local businesses as a result of lost car parking spaces.
- Application has been worded incorrectly to deliberately mislead/hide the general issues relating to this proposal as regards the availability/loss of a day visitor parking area within the village and the additional problems this will cause.
- The traffic consultant claims that there is an excess of parking spaces of 2650. This is simply not true.
- Houses will not be affordable for locals and will be bought as holiday-lets/holiday homes.
- Existing drainage system in the surrounding area is unable to cope with the number of existing houses. Is there capacity to add more dwellings to the system?
- Overdevelopment, overbearing and out of keeping.
- Overlooking and loss of privacy.
- The properties have very little storage provision (inside and out) for all the necessities of family life.
- Inadequate car parking provision for the new houses, leading to parking problems.
- No vehicle charging points.
- Windblown sand from the nearby sand dunes will cause accessibility issues to areas of the new properties.
- Proposal will lead to degradation of Site of Special Scientific Interest, Ramsar site and Special Area of Conservation.

7.14.2 One letter with **GENERAL COMMENTS** has been received. The comments are summarised as follows:

- Original ground level should be reinstated.
- Overlooking of Marchants Drive.
- Loss of car parking spaces.
- Increased traffic in Marchants Drive.

In relation to the first amended scheme

7.14.3 24 letters of **OBJECTION** have been received (from 20 representatives). Additional concerns raised are summarised as follows:

- Precedent for high density development which is not in keeping with the area.
- The drawings are at best, inaccurate, or at worst misleading.
- New parking spaces should be provided before any scheme that removes parking from the area is allowed.
- Poor design – a number of design issues are raised.
- Affordable housing units have not been ‘peppercotted’ with market housing units.
- Unclear whether a proportion of the homes will meet the Lifetime Homes Standard.

- Camber sits outside the residential development zones identified in the Local Plan and is therefore classed as a Rural Exception site. There is no evidence that the Rural Exception Site Requirements have been met.
- SUDS drainage strategy requires a clear maintenance and management plan.
- Any increase in pedestrian volume along the unadopted road at Royal William Square will increase the likelihood of a road traffic accident occurring.
- No assessment has been made of the impact of construction traffic on the unadopted road at Royal William Square.
- Overlooking and right to light issues for residents in Royal William Square.
- Lack of engagement with the community about the proposal.
- This development is a missed opportunity for habitat creation.
- Revised submission was not included in any of the 'My Alerts' emails issued or in any of the Council's lists of planning applications.
- Do we have any guarantee that these proposals will become reality in the end?

7.14.4 One letter with **GENERAL COMMENTS** has been received. The comments are summarised as follows:

- Use of light-brown bricks is an odd choice for the buildings and metal railings, metal-framed windows and zinc roofs would be subject to rapid erosion from the sea air.
- Potential for noise disturbance from proposed air source heat pumps.
- Covenants are required to prevent properties being sold as holiday homes and to retain the affordable units as 'affordable'.

In relation to the second amended scheme (change to 100% affordable housing)

7.14.5 Three letters of **OBJECTION** have been received (from two representatives).

- Incorrect and inconsistent measurements relating to the final height of the proposed development in relation to the adjacent properties.
- Steps need to be taken to ensure that the final height of the building does not cause excessive loss of light or shadowing to our properties.
- The new development will block all light to adjacent ground floor room.

7.15 Camber Parish Council

In relation to the originally submitted scheme

7.15.1 **GENERAL COMMENTS** have been received. These are summarised as follows:

- Loss of car parking at the site will add to existing parking issues in Camber.
- Concern that the affordable housing units will not be affordable and that they will add to the holiday-let market if not secured as affordable housing in perpetuity.
- Existing drainage system in the surrounding area is not fit for purpose. If permission is granted for building on this site, then a complete overhaul of drainage needs to be a condition.

In relation to the second amended scheme (change to 100% affordable housing)

7.15.2 **GENERAL COMMENTS** have been received. These are as follows:

- Concern about the amount of car parking spaces for visitors to the properties. This is because councillors feel that the number of car parking spaces allowed for each property and specifically because the one bed properties were allocated one bay could result in more on street parking on Old Lydd Road, the side of the Royal William pub and therefore it was felt that additional car parking spaces should be within the boundary allocated to properties.
- Concern about drainage. In 1990 Southern Water put an embargo on building more properties in Camber due to their infrastructure which they said could not cope with the extra capacity. In the early 2000s RDC were looking at the Yates Close allotment area as potential building but again this was objected to by Southern Water. To the knowledge of the parish council there has been no improvements made to the drainage and there is therefore concern about the capacity and if the extra properties will have an affect which could lead to tankers pumping out the drains due to overflow.
- There was a general conversation about the height of the properties and where this is measured from due to the temporary car park being raised somewhat above ground level due to the debris from the Royal William pub lying under.

8.0 LOCAL FINANCE CONSIDERATIONS

- 8.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. However, there is a fee exemption for affordable housing units which means that in this case no CIL money will be received.
- 8.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £80,840 over four years.

9.0 APPRAISAL

- 9.1 The main issues are determined to be:
- Principle of development, including whether the provision of 100% affordable housing is acceptable.
 - Impact on the character and appearance of the locality.
 - Housing mix.
 - Impact on neighbouring properties.
 - Living conditions for future occupiers.
 - Highway matters
 - Flood risk and drainage.
 - Impact on habitats and biodiversity.
- 9.2 Principle of development
- 9.2.1 The site is located within the development boundary for Camber where there is a policy presumption that infilling, and redevelopment will be acceptable, subject to compliance with other relevant policies of the development plan. One of these is Policy CAM1 of the DaSA Local Plan, which allows for the

redevelopment of the site from a car park to wholly residential, with some 10 dwellings provided (40% of which are affordable). The current proposal would provide 10 dwellings on the site delivered as 100% affordable housing.

9.2.2 Whether or not the provision of 100% affordable housing on this site is acceptable in relation to the policy requirement for 40% affordable housing is dealt with in the Council's *Technical Advice Note 2 100% Affordable Housing 2023*. This document, which is a material consideration in the determination of planning applications, explains how adopted Development Plan policy will be applied in situations where applications for 100% affordable housing are submitted. In summary, planning applications for 100% affordable housing should be supported where they meet the Local Plan's adopted policies in all other respects and the affordable housing is secured through a Section 106 Legal Agreement.

9.2.3 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."

9.2.4 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."

9.2.5 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."

9.2.6 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..."

9.2.7 The above demonstrates that there is a clear need for more affordable housing in the district. As such, the proposal for 100% affordable housing on this site should be supported in principle.

- 9.2.8 Separate to the above, the Parish Council and local residents have raised concern about loss of the existing car park. With regard to this specific issue supporting paragraph 11.70 of the DaSA Local Plan says:

“The site’s redevelopment will result in a small reduction in public car parking capacity in the village. However, there is a significant amount of alternative car parking provision in Camber, and the benefits of redeveloping this prominent site, including in terms of it making a valuable contribution to the village’s housing supply and improving the street scene, are considered to outweigh this loss. It is noted that any additional demand for car parking in the winter months could be adequately accommodated elsewhere in the village, including at the Central Car Park, in the event of the redevelopment of the former putting green site. It is not proposed to utilise the Western Car Park in the winter months (which would raise potential nature conservation issues).”

9.3 Impact on the character and appearance of the locality

- 9.3.1 Camber is characterised by a range of residential development. Buildings in the surrounding area are varied in terms of size, age, style, and materials. There is no single unifying character. Recent developments have generally followed a contemporary design approach.
- 9.3.2 Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy, Policy DEN1 of the DaSA Local Plan and paragraph 130 of the National Planning Policy Framework seek, amongst other things, to ensure that new development is of high design quality that respects, contributes positively towards, and does not detract from the character and appearance of the locality.
- 9.3.3 Policy CAM1 (ii) of the DaSA Local Plan says that in relation to the form of development on this site, regard is given to the Camber Village SPD. Section 4.3 of this document sets out the overall approach and framework to guide new development. This is designed to be nonprescriptive so that development can come forward flexibly but in line with key principles and guidelines for the site. The guidelines are set out in detail on pages 95-96, and cover: built development, traffic and movement, natural environment, uses and activities, and landscaping. An example scheme is provided in the document and the site layout is reproduced below:



9.3.4 The example layout shows units fronting Old Lydd Road and turning the corner to address the dwellings in Royal William Square to the west. Each of the buildings is said to be three-storeys in height. A parking area is provided to the rear of the properties, which is accessed from Marchants Drive.

9.3.5 The layout of the housing scheme now proposed is similar to that indicated in the Camber Village SPD. It presents a permeable frontage to Old Lydd Road, with gaps between the three pairs of semi-detached dwellings. It then turns the corner with the terraced dwellings and detached dwelling addressing the neighbouring properties in Royal William Square. The proposed site layout is reproduced below:



- 9.3.6 The proposed building heights are varied with a mixture of two and three-storey dwellings fronting Old Lydd Road, and chalet-style dwellings fronting Royal William Square. Overall, this results in a scheme which has a comfortable relationship with the local context in terms of massing, scale and streetscene character. Private gardens and a parking area are proposed to the rear of the houses, together with a new vehicular access onto Marchants Drive, all as per the SPD.
- 9.3.7 In terms of the building designs, a contemporary architectural approach has been adopted with a modern external materials palette comprising facing brick and vertical composite cladding to the elevations and metal standing seam roofs (where pitched roofs are proposed). Due to the variety of materials and styles in the local area, the proposed dwellings would not appear unsympathetic or out of keeping with their surroundings.
- 9.3.8 Conditions are required in relation to external materials, boundary treatments (including to define and enclose the front gardens of the dwellings) and hard and soft landscaping etc. to ensure a high-quality building appearance and a high-quality public realm and landscape setting.
- 9.3.9 Overall it is considered that the proposed housing development would contribute positively to the character and appearance of this coastal village.
- 9.3.10 Sussex Police have commented on the proposal from a crime prevention viewpoint. Recommendations have been made and these can be brought to the landowner and/or developer's attention by way of an informative on the decision notice if planning permission is granted.
- 9.3.11 Concern has been raised about herring gulls roosting within the development and it has been requested that the design is reviewed by a specialist to avoid this. Ultimately if roosting gulls becomes a problem, this would be a matter for future occupiers to deal with.

9.4 Housing mix

- 9.4.1 In relation to housing mix, Policy LHN1 of the Rother Local Plan Core Strategy supports mixed, balanced and sustainable communities. Housing developments should, amongst other things: (i) be of a size, type and mix which will reflect both current and projected housing needs within the district and locally; (ii) in rural areas, provide a mix of housing sizes and types, with at least 30% one and two bedroom dwellings (being mostly two bed); (iv) in larger developments (6+ units), provide housing for a range of differing household types.
- 9.4.2 The proposal would provide a mix of 1, 2 and 3-bedroom dwellings, 50% of which would be 1 and 2-bedroom properties and 50% of which would be 3-bedroom properties. The five 3-bedroom properties would cater for a mix of five and six person households. A mixture of dwellings is proposed which complies with the above policy requirements.
- 9.4.3 With specific regard to the affordable housing tenure mix, Policy LHN1 (v) of the Rother Local Plan Core Strategy says there should be an overall balance of 65% social/affordable rented and 35% intermediate affordable housing (e.g. shared ownership). In this case there would be a 50/50 split, which is at

odds with the above policy requirement. However, the Council's Housing Enabling & Development Officer has advised that this split is acceptable; his detailed comments are repeated below:

"The scheme proposes 5 homes for affordable rent and 5 homes for shared ownership. Under the previous iteration of the scheme that only provided 40% Affordable housing there would only have been 3 homes for affordable rent. As such there is an uplift of 2 homes for affordable rent in this application. Homes for affordable and social rent are a priority for the council in terms of meeting housing need in the district and this is therefore welcome. It is noted that the remainder of the scheme is to be delivered as homes for shared ownership which meets a need for more affordable family size homes in the Camber area. A smaller 1 bed shared ownership home is also proposed, this size of shared ownership home is not often included on development sites so it is welcome to see here.

The layout of the scheme appropriately separates the affordable rent and shared ownership units in a way that makes sense for development and management of the scheme as well as paying attention to Policy DHG1 on pepper-potting. If the shared ownership homes are seen to fulfil the roles of open market sale housing in this instance then the units are appropriately spread through this small development.

The provision of 1 bed affordable homes for rent is welcome and aligns with housing need identified in the area through the council's housing register, family size 2 bed and 3 bed affordable homes for rent are also proposed which is particularly welcome. The large size of the 3b 6p affordable rent home at 111sq m is also welcome and ensures it will be suited to a range of family sizes and likely suitable for a family into the long term.

This is a well-designed scheme providing well-proportioned units and good outside space. The energy efficiency credentials of the scheme mean that running costs for the people living in the completed homes should be more manageable also. This application for 10 affordable homes is fully supported by housing development."

- 9.4.4 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."

- 9.4.5 One of the exemptions listed are where the site or proposed development is exclusively for affordable housing. The National Planning Policy Framework has since been updated (most recently in September this year), 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.

9.4.6 For the above reasons the proposed housing mix is acceptable. The affordable housing units would need to be secured through a Section 106 Legal Agreement and this would also ensure the dwellings do not become holiday-lets/holiday homes.

9.5 Impact on neighbouring properties

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

9.5.2 The site is currently open and so compared to the existing situation the outlook from the surrounding properties would be quite radically altered by the proposed residential development. However, this is to be expected, as the site has been allocated for housing.

Impact on 'Thika'

9.5.3 To the rear, north-east, the site is adjoined by 'Thika', a detached bungalow with a long garden that runs the full width of the site. The proposed housing scheme's main parking area and the rear garden of the dwelling on Plot 1 would directly adjoin the neighbouring property. It is considered that the impacts arising from this – in terms of noise and disturbance – would be no worse than that generated by the existing use of the site as a pay and display car park for up to 70 cars.

9.5.4 Turning to the impacts from the proposed houses themselves, there would be a minimum separation distance of some 19m between the rear elevations of the two and three-storey dwellings and the common boundary with 'Thika'. This is a good measure of separation, which would ensure that overlooking, overshadowing/loss of light and loss of outlook to the detriment of residential amenity would not occur.

9.5.5 The proposed chalet-style dwelling on Plot 1 would be located closer to the neighbouring property (i.e. some 8.9m away from the common boundary). This is still reasonable degree of separation, and it is also the case that this dwelling would be opposite an outbuilding in the front garden of the neighbouring property. As such, overlooking, overshadowing/loss of light and loss of outlook to the detriment of residential amenity would not occur.

Impact on No. 21 Old Lydd Road

9.5.6 No. 21 Old Lydd Road comprises a detached two-storey building with the Dunes Bar & Restaurant at ground floor level and a flat above. It is located to the south-east of the site, on the other side of Marchants Drive. The main focus here is the relationship between the proposed three-storey dwelling on Plot 10 and the neighbouring first floor flat which has four windows facing the site.

9.5.7 There would be a separation distance of some 12m between the side, flank wall of the dwelling on Plot 10 and the neighbouring flat. It is considered that this measure of separation would be sufficient to guard against harmful

overlooking of the neighbouring living accommodation from the side facing windows and first floor terrace of the proposed dwelling.

- 9.5.8 Turning to impact on light, the 25-degree rule of thumb applies, as set out in the BRE sunlight and daylight guidance. The rule is that suitable daylight for habitable rooms is achieved when a 25-degree vertical angle taken from the centre of the lowest window is kept unobstructed. Having regard to the submitted street scene drawings, the rooms of the neighbouring flat would receive adequate daylight, as the 25-degree line would not be obstructed by the proposed three-storey dwelling. This would also ensure that there would be no loss of outlook to the detriment of residential amenity.

Impact on properties in Royal William Square

- 9.5.9 The residential properties comprising the Royal William Square development are located to the north-west of the site, on the other side of an unmade road. These properties have been constructed with garages at ground floor level and living accommodation at upper floor levels. The proposed chalet-style dwellings would be located opposite the neighbouring properties.
- 9.5.10 The separation distance between the front walls of the proposed dwellings and the main front walls of the neighbouring properties would be some 9.5m at the closest point. There is potential for some overlooking of the neighbouring upper floor living accommodation from the first floor dormer windows of the proposed chalet-style dwellings. However, these windows serve bathrooms and so they can be obscure-glazed, secured by condition.
- 9.5.11 Turning to impact on light, and having regard to the submitted street scene drawings, the neighbouring upper floor living accommodation would receive adequate daylight, as the 25-degree line would not be obstructed by the proposed chalet-style dwellings. This would also ensure that there would be no loss of outlook to the detriment of residential amenity.
- 9.5.12 The ground floors of the neighbouring properties facing the site were approved as garages (non-habitable accommodation) under the planning permission for the Royal William Square development (Application Ref: RR/2005/2230/P), and these are specifically precluded from being used for any other purpose by Condition 8 of that permission. Most of the garage doors remain and the relationship between the proposed chalet-style dwellings and these non-habitable ground floor rooms would be acceptable.
- 9.5.13 The garage doors at no.18 have been replaced with a large obscure glazed and slatted window. There is no record of any planning permission being granted for conversion of this garage to any other use. Therefore, if the garage is in use as additional living accommodation, this is likely to be unauthorised.
- 9.5.14 Local residents have raised concern about the impacts of construction traffic during the construction period of the development. This matter can be dealt with as part of a Construction Environmental Management Plan (CEMP), secured by condition.
- 9.5.15 Concern has also been raised about noise from the proposed air source heat pumps. Full details of the pumps – including noise levels and locations – have not been submitted for consideration. This matter can, however, be dealt with

by planning condition, and this would ensure that undue disturbance from noise would not arise.

- 9.5.16 One other matter that has been raised is that incorrect and inconsistent measurements have been shown relating to the final height of the proposed development in relation to the adjacent properties in Royal William Square. This has been rectified with the Proposed Street Scene Elevation drawings for Old Lydd Road amended to show the surveyed parapet height of the neighbouring development as 11.610m above Ordnance Datum, and 6.9m high from ground level. The height of the proposed housing development in relation to this is correct.
- 9.5.17 For the above reasons the proposal would not unreasonably harm the amenities of adjoining properties.

9.6 Living conditions for future occupiers

- 9.6.1 Policy OSS4 (i) of the Rother Local Plan Core Strategy states that all development should meet the needs of future occupiers, including providing appropriate amenities.
- 9.6.2 Policy DHG3 of the DaSA Local Plan sets out the minimum internal space standards for new dwellings. Policy DHG7 sets out the requirements for external areas, including in relation to the levels of private external space, car parking and cycle storage provision, and bin storage provision.
- 9.6.3 Paragraph 130 (f) of the National Planning Policy Framework says that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.6.4 In terms of internal space, all of the new dwellings proposed would meet the minimum internal space standards. Turning to external areas, new dwellings should normally be provided with private rear garden spaces of at least 10m in length. The submitted drawings show that the proposed development would include rear gardens to all of the new dwellings. However, none would meet the desired minimum length of 10m. They instead range from 6m to 9.4m in length. Generally, shorter gardens are provided for the 1-bedroom dwellings with longer gardens for the 2 and 3-bedroom units, three of which would also have a roof terrace at second floor level.
- 9.6.5 The reduced size of the gardens would not be attractive to every household, for example, families with children. The gardens would nevertheless provide adequate separation distances between the dwellings and would be useable for activities such as clothes drying, small-scale gardening, dining and sitting out. Moreover, the DaSA Local Plan says that there are a number of considerations that may be taken into account in respect of any garden spaces provided as part of a development. In this case, the external space available for rear gardens is largely constrained by the need to provide an appropriate level of on-site car parking provision. Furthermore, and with regard to families with children, there is easy access to the beach and there are several open spaces/play areas nearby on Lydd Road which are accessible on foot. Ultimately, it is not considered that the reduced size of the gardens would justify a refusal of planning permission in this case. It is,

however, considered necessary to remove permitted development rights for extensions and ancillary buildings (other than cycle stores) in the rear gardens, so that the existing garden provision is retained for future occupiers.

- 9.6.6 With regard to car parking provision, a total of 18 on-site car parking spaces are proposed. 12 of these would be allocated to the 2 and 3-bedroom houses (two spaces each) with four unallocated parking spaces serving the four 1-bedroom units. Two visitor spaces are also proposed. East Sussex County Council Highway Authority (the Highway Authority) have confirmed that this level of car parking provision is acceptable. Turning to cycle parking, a secure cycle store for each dwelling can be secured by condition.
- 9.6.7 In terms of bin storage provision, the submitted drawings show that seven of the proposed dwellings would have a bin store in their front garden; the remaining three dwellings would have a bin store in their rear garden. All bins would be available for collection from the front of the properties on collection day.
- 9.6.8 Local residents have queried whether a proportion of the houses would meet the Lifetime Homes Standard, as required by Policy LHN1 (vii) of the Rother Local Plan Core Strategy. This policy requirement is now defunct, as the Lifetime Homes Standard was superseded in 2015 by Part M4(2) Category 2: Accessible and adaptable dwellings of the Building Regulations. This new accessibility standard has been adopted by the Council for all new dwellings under Policy DHG4 of the DaSA Local Plan. It is secured by planning condition.
- 9.6.9 For the above reasons the proposal would meet the needs of future occupiers, including providing appropriate amenities.

9.7 Highway matters

- 9.7.1 Policies TR3 and CO6 (ii) of the Rother Local Plan Core Strategy seek to ensure adequate and safe access arrangements and avoid prejudice to road and/or pedestrian safety.
- 9.7.2 Paragraph 110 (b) of the National Planning Policy Framework seeks to ensure that safe and suitable access to the site can be achieved for all users. Paragraph 111 says:
- “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.”*
- 9.7.3 A new vehicular access is proposed on Marchants Drive to serve the rear car parking area. It is also proposed to create two new vehicular accesses on Old Lydd Road to serve the tandem car parking spaces. Further to this, a new pedestrian footway, some 2m in width, is proposed along the site’s frontages with Old Lydd Road and Marchants Drive. The formation of a new access on Marchants Drive and the provision of a new pedestrian footway comply with the requirements of Policy CAM1 (iv & v) of the DaSA Local Plan.
- 9.7.4 The Highway Authority has commented on the proposal. They have no major concerns regarding the proposed access arrangements, trip generation and

highway impact. Conditions have been recommended which would ensure that the development can proceed without an unacceptable impact on highway safety. The new pedestrian footway can also be secured by condition. On this basis there is no objection to the proposal on highway grounds.

9.8 Flood risk and drainage

9.8.1 Policy EN7 of the Rother Local Plan Core Strategy says that flood risk will be taken into account at all stages in the planning process to avoid inappropriate development in areas at current or future risk from flooding, and to direct development away from areas of highest risk. Policy CAM1 (iii) of the DaSA Local Plan requires a site-specific Flood Risk Assessment (FRA) to be undertaken which demonstrates that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

9.8.2 When the site was allocated for residential development it was in Flood Zone 2, which meant that it had a medium probability of flooding from rivers and the sea. However, the site is no longer in Flood Zone 2. According to the Government's Flood Map for Planning it is now in Flood Zone 1, which means it has a low probability of flooding from rivers and the sea. The FRA submitted with the application confirms this and it also confirms that the site is at low risk from surface water flooding. However, with regard to other sources of flooding, the FRA says that the site is at medium risk from groundwater flooding and this issue has been raised by the Lead Local Flood Authority (LLFA).

9.8.3 Paragraph 161 of the National Planning Policy Framework explains that to avoid flood risk to people and property, development plans should apply a sequential, risk-based approach to the location of development when taking account of all sources of flooding. This should be done by applying the Sequential Test. Paragraph 162 of the National Planning Policy Framework explains that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source. Paragraph 162 also includes an instructional policy that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

9.8.4 A Sequential Test has been submitted and this has listed other sites in a robustly defined Sequential Test Area (in this case Camber and its immediate environs), and then considered if they are of a lower flood risk and reasonably available. The Sequential Test concludes that there are no reasonably available sites within Camber and its immediate environs which are sequentially preferable to the application site for the functions and purposes of the development. As such, the Sequential Test is passed, and so this is a case where the development can be permitted, provided it can be made safe throughout its lifetime, without increasing flood risk elsewhere. The Exception Test referred to in paragraph 163 of the National Planning Policy Framework is not applicable, as the site lies within Flood Zone 1 where it is not required.

9.8.5 In terms of whether the proposed development can be made safe for its lifetime, without increasing flood risk elsewhere, an appropriately designed surface drainage system would be required. In this regard, the LLFA is

satisfied, in principle, that surface water runoff from the development can be managed safely. The detailed design – which will need to be informed by the findings of groundwater monitoring between autumn and spring – can be secured by condition.

- 9.8.6 In addition to the above, the FRA confirms that the elevated finished floor levels of the dwellings would mitigate any residual risk from surface water flooding. There is no objection to the provision of sleeping accommodation at ground floor level – as proposed for three of the dwellings – as the site now has a low probability of flooding from rivers and the sea.
- 9.8.7 While the site itself is at low risk from surface water flooding, the FRA confirms that Old Lydd Road to the south is at greater risk (the Government map shows it to be at high risk). This has the potential to cause difficulties in terms of access and egress in the event of surface water flooding along this route. Pedestrian access and egress would, however, still be available via Marchants Drive to the east of the site, and this has links through to the nearby Dunes Avenue and the main road through Camber.
- 9.8.8 With regard to foul water drainage, it is proposed to connect to the existing public foul sewer. Southern Water have not objected to this and would need to undertake any network reinforcement as appropriate. They have recommended a foul water drainage condition.
- 9.8.9 For the above reasons it is considered that the proposal would be acceptable in relation to flood risk and drainage.

9.9 Impact on habitats and biodiversity

- 9.9.1 Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the DaSA Local Plan and the National Planning Policy Framework seek to conserve and enhance habitats and biodiversity.
- 9.9.2 Policy CAM1 of the DaSA Local Plan makes specific reference to avoiding adverse impacts on the adjacent designated sites of importance for biodiversity (i.e. the Dungeness, Romney Marsh and Rye Bay SSSI, the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site, and the Dungeness SAC), as well as supporting the implementation of the Sustainable Access and Recreation Management Strategy (SARMS) as appropriate.
- 9.9.3 The application is accompanied by an Ecological Impact Assessment (EIA) – updated to support the amended housing scheme – which considers the impacts of the proposed development on statutory designated sites, habitats and protected species. The EIA's conclusion is as follows:

“The Dungeness, Romney Marsh and Rye Bay SSSI lies eight metres south of the site, while the Dungeness, Romney Marsh and Rye Bay Ramsar Site and SPA lie 140m south of the site. The Dungeness SAC lies 1.5 kilometres south-west. The site comprises a hardstanding car park bounded by ruderal vegetation and is assessed as having low suitability for foraging and commuting bats. The site does not support habitats suitable for any other protected species.”

Adverse impacts on designated sites and foraging and commuting bats have been identified and appropriate mitigation measures proposed. These include the implementation of a CEMP, development of a suitable drainage strategy, sensitive timings of works and working methods and the implementation of a sensitive lighting scheme for bats. Post-development, no residual or cumulative impacts are anticipated.

The site will be enhanced for bats through the installation of artificial roosting features within the new dwellings, and for bats and birds through new tree planting and landscaping. As such it is considered that the proposals will accord with all relevant national and local planning policy in relation to ecology including Policy EN5 of the Rother Local Plan Core Strategy, Policy CAM1 of the Development and Site Allocation Local Plan and the National Planning Policy Framework (see Section 2.0)."

9.9.4 With regard to the impact of the proposed development on protected species (in this case bats), the mitigation and enhancement measures proposed in the EIA can be secured by condition.

9.9.5 The Sussex Newt Officer (SNO) has confirmed that the site falls within the red impact zone for great crested newts. This indicates that there is suitable habitat and a high likelihood of great crested newt presence. However, in this case the SNO is satisfied that if the development was to be approved, it would be unlikely to cause an impact on great crested newts and/or their habitats. In reaching this conclusion the SNO has had regard to the EIA which says that the habitat on site is unsuitable for great crested newt. An informative on the decision notice has been recommended if planning permission is granted.

9.9.6 Turning to the impact of the proposed development on the designated sites of importance for biodiversity, with the regard to the European sites (i.e. the SPA and Ramsar site and SAC), the Council, as the competent authority, has undertaken an Appropriate Assessment in accordance with section 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). The assessment concludes that with the mitigation measures proposed in the EIA (e.g. CEMP, suitable drainage strategy etc.), which can be secured by condition, the proposal would not adversely affect the integrity of these sites. The proposed mitigation measures would also protect the integrity of the SSSI.

9.9.7 In terms of supporting the implementation of the SARMS, the EIA proposes signage in the form of a notice board in a communal area of the site, which can also be read from the footpath or road. The notice board would make residents aware of the importance of the designated sites, as well as ways in which visitors can avoid adversely impacting the sites when visiting. The proposed erection of a notice board is supported. Its precise location and content can be secured by condition.

9.9.8 For the above reasons it is considered that the proposal would have an acceptable impact on habitats and biodiversity.

9.10 Other Matters

9.10.1 The application is accompanied by a Phase I Geo-Environmental Site Assessment, which concludes:

“The Conceptual Site Model has identified the presence of a series of potentially active pollution linkages associated with the historical use of the site and immediately adjacent sites which are considered to have the potential to present a significant risk to identified receptors.”

9.10.2 It goes on to recommend:

“An intrusive site investigation should be undertaken to investigate the potential pollution linkages identified by the Conceptual Site Model and determine the potential risks posed to the identified receptors.

Upon return of chemical testing results a Tier 1 Risk Assessment should be undertaken to determine whether the encountered soils have the potential to present a significant risk to the identified receptors. This would then enable mitigation measures to be formulated, if required.”

9.10.3 The Council’s Environmental Health Service has reviewed the Phase I Geo-Environmental Site Assessment and agrees with the recommendation to carry out an intrusive site investigation. This can be secured by condition, together with a remediation strategy if contamination is found to be present.

10.0 PLANNING BALANCE AND CONCLUSION

10.1 The proposal is a well-designed and sustainable residential development which will deliver 10 dwellings on an allocated housing site and will have an acceptable impact on the environment. The change to a 100% affordable housing scheme should be supported as the housing mix is appropriate and it will help to address the clear need for the provision of more affordable housing in the district. There would be a loss of money raised through the Community Infrastructure Levy (CIL), but this loss is counterbalanced by the additional CIL liable on other sites in the district where less affordable housing and a higher proportion of market housing is achieved. New homes bonus could be approximately £80,840 paid over four years.

10.2 It is recommended that planning permission is granted for the proposal, subject to conditions and subject to completion of a Section 106 Legal Agreement to secure the affordable housing.

RECOMMENDATION: GRANT (PLANNING PERMISSION) DELEGATED SUBJECT TO COMPLETION OF A SECTION 106 LEGAL AGREEMENT TO SECURE THE AFFORDABLE HOUSING

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:

No. 001 Rev. P02 (Site Location Plan), dated 01/06/21
No. 003 Rev. P10 (Proposed Site Plan), dated 10/10/22
No. 004 Rev. P04 (Proposed Plans & Elevation Unit Type A), dated 06/10/22
No. 005 Rev. P04 (Proposed Plans & Elevation Unit Type B), dated 06/10/22
No. 006 Rev. P04 (Proposed Plans & Elevation Unit Type C), dated 06/10/22
No. 007 Rev. P04 (Proposed Plans & Elevation Unit Type D), dated 06/10/22
No. 008 Rev. P03 (Plots 1-4 Proposed Elevations Unit Type A), dated 05/10/22
No. 009 Rev. P03 (Plots 1-4 Proposed Elevations Unit Type A), dated 05/10/22
No. 010 Rev. P03 (Plot 5 Proposed Elevations Unit Type B), dated 05/10/22
No. 011 Rev. P03 (Plot 7 9 and 6 8 10 Proposed Elevations Unit Type C and D), dated 05/10/22
No. 012 Rev. P01 (Proposed Street Elevations Merchant Drive), dated 05/10/22
No. 013 Rev. P06 (Proposed Street Elevations Old Lydd Road), dated 05/10/22
No. 014 Rev. P06 (Proposed Street Elevations Old Lydd Road), dated 05/10/22
No. 015 Rev. P01 (Proposed Street Elevations Royal William Square), dated 05/10/22
No. 016 Rev. P02 (Proposed Site Block Plan), dated 10/10/22
Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development hereby permitted shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the approved drainage works to serve the development have been provided.
Reason: This pre-commencement condition is required to ensure the satisfactory drainage of the site and to safeguard the environment (including the nearby designated sites of importance for biodiversity) from pollution, in accordance with Policies SRM2 (i) and EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.
4. No development hereby permitted shall commence until details of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be designed having regard to the following:
 - a) Surface water runoff from the proposed development should be drained to the ground via infiltration. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
 - b) The details of the proposed permeable pavement and infiltration trench should be provided as part of the detailed design. This should include cross sections and invert levels.
 - c) The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
 - d) The detailed design of the SuDS features should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
 - e) A maintenance and management plan for the entire drainage system should be provided and cover the following:

- Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

The development shall not be occupied until evidence (including photographs) demonstrating that the surface water drainage scheme has been constructed in accordance with the approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: This pre-commencement condition is required to ensure the satisfactory drainage of the site and to safeguard the environment (including the nearby designated sites of importance for biodiversity) from pollution, in accordance with Policies SRM2 (iii), EN5 (ii) and EN7 of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii), DEN5 and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.

5. No development hereby permitted shall commence until a Contaminated Land Assessment (CLA) has been submitted to and approved in writing by the Local Planning Authority. The CLA shall include the following details:
 - a) The results of a full intrusive site investigation carried out in accordance with the recommendations set out in section 7.0 of the Omnia Phase I Geo-Environmental Site Assessment (Omnia ref: A11574/1.0), dated June 2021.
 - b) If contamination is found to be present at the site, provide a remediation strategy and timetable detailing how this contamination will be dealt with.

Where remediation is required, the remediation strategy shall be implemented as approved.

Reason: This pre-commencement condition is required to ensure that human health and the natural environment (including the nearby designated sites of importance for biodiversity) are not at risk from pollution, in accordance with Policies OSS3 (viii) and EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.

6. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy and timetable detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that human health and the natural environment (including the nearby designated sites of importance for biodiversity) are not at risk from pollution, in accordance with Policies OSS3 (viii) and EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.

7. No development hereby permitted shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, the timing of the works and site-specific measures to control and monitor impacts arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, surface water run-off and groundwater. It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the

measures set out in the CEMP. The construction of the development shall be carried out strictly in accordance with the approved CEMP at all times.

Reason: This pre-commencement condition is required to safeguard the amenities of neighbouring properties and the surrounding area generally, and to safeguard the integrity of the adjacent designated sites of importance for biodiversity, in accordance with Policies OSS4 (ii) and EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.

8. No development hereby permitted shall commence until construction details of the new pedestrian footway around the site have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the pedestrian footway has been provided and constructed in accordance with the approved details.

Reason: This pre-commencement condition is required to ensure satisfactory pedestrian access to the dwellings and to improve pedestrian access in the surrounding area, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and Policy CAM1 (v) of the Development and Site Allocations Local Plan 2019.

9. No development above slab level shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed in accordance with the approved details:

- a) 1:10 scale drawings of proposed details including fenestration, eaves details, dormer windows, porches, and utility boxes (including the location of such boxes on the buildings).
- b) Specifications and samples of the materials to be used in the construction of all external surfaces of the buildings.
- c) The proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps).

Reason: To ensure a high building appearance and architectural quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy 2014.

10. No development above slab level shall commence until the following public realm and hard landscaping details have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details and prior to occupation of the first dwelling:

- a) Boundary treatments and means of enclosure (fences, railings and walls) indicating the location, design and materials of such, including to define and enclose the front gardens of the dwellings.
- b) Hard surfacing materials specification (samples/product literature) (including for road surfaces, paths, parking spaces and other areas of hardstandings).

Reason: To ensure the creation of a high quality public realm, design quality, and landscape setting, in accordance with Policy EN3 of the Rother Local Plan Core Strategy 2014.

11. No development above ground level shall commence until the following soft landscaping details have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out as approved and in accordance with the agreed timetable for implementation:

- a) Detailed planting plans, supported by written material as necessary, setting out the mix of species, their size, number and planting densities as appropriate.
- b) The detail of all new trees, including their species, sizes, quantity, positions and how they will be protected and maintained until successfully established in accordance with BS5837:2012 “Trees in Relation to Design, Demolition and Construction – Recommendations”.
- c) Timetable for implementation of the soft landscaping works.
- d) Management responsibilities and maintenance schedules for the soft landscaped areas (except privately owned domestic gardens).

Any trees or plants that, within a period of five years after planting, are removed, die or are seriously damaged shall be replaced by others of the same species, size and number as originally proposed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the creation of a high quality public realm and landscape setting, and to enhance the biodiversity value of the site, in accordance with Policies EN3 and EN5 (ix) of the Rother Local Plan Core Strategy 2014 and Policy DEN4 (iii) of the Development and Site Allocations Local Plan 2019.

12. No development above slab level shall commence until full details of the proposed air source heat pumps – to include noise levels, maintenance instructions and proposed locations on the dwellings hereby permitted – have been submitted to and approved in writing by the Local Planning Authority. The air source heat pumps shall be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenities of neighbouring properties, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.

13. No development above slab level shall commence until details of a notice board for residents and visitors – to include design and materials of the notice board, content and location – which raises awareness of the importance of the adjacent Dungeness Complex of Natura 2000 sites – comprising the Dungeness, Romney Marsh and Rye Bay Special Protection Area and Ramsar site, and the Dungeness Special Area of Conservation – as well as ways in which visitors can avoid adversely impacting the sites when visiting, has been submitted to and approved in writing by the Local Planning Authority. The approved notice board shall be provided prior to occupation of the first dwelling and shall thereafter be retained.

Reason: To ensure the development has no adverse effect on the integrity of the adjacent Natura 2000 Sites and supports the implementation of the Sustainable Access and Recreation Management Strategy, in accordance with Policy EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vii) of the Development and Site Allocations Local Plan 2019.

14. At the time of construction and prior to occupation of the dwellings on Plots 1 to 4 hereby permitted, the bathroom windows at first floor level within the west elevations, as indicated on approved Drawing Nos. 004 Rev. P04 (Proposed Plans & Elevation Unit Type A), dated 06/10/22, and 008 Rev. P03 (Plots 1-4 Proposed Elevations Unit Type A), dated 05/10/22, shall be glazed with obscure glass of obscurity level equivalent to scale 5 on the Pilkington Glass Scale and shall thereafter be retained in that condition.

Reason: To safeguard the amenities of neighbouring properties, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.

15. At the time of construction and prior to occupation of the first dwelling, a single integrated bat tube shall be incorporated into the fabric of each new dwelling hereby permitted, as detailed in section 5.5.3 of the ECOSA Ecological Impact Assessment (Report ref: 22.0186.0001.F0), dated November 2022, and the bat tubes shall thereafter be retained.
Reason: To enhance the biodiversity value of the site, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy 2014 and Policy DEN4 (iii) of the Development and Site Allocations Local Plan 2019.
16. The completed vehicular accesses shall have maximum gradients of 4% (1 in 25) from the channel line for 2m or for the whole width of the verge whichever is the greater and 11% (1 in 9) thereafter.
Reason: To ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy 2014.
17. No dwelling hereby permitted shall be occupied until the vehicular accesses serving the development have been constructed in accordance with the approved drawings.
Reason: To ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy 2014.
18. The main vehicular access from Marchants Drive shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy 2014.
19. No dwelling hereby permitted shall be occupied until motor vehicle parking and turning areas have been provided in accordance with the approved drawings. The motor vehicle parking and turning areas shall thereafter be kept available for the parking and turning of motor vehicles and shall not be used for any other purpose.
Reason: To ensure there is adequate parking provision and to ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway, in accordance with Policies CO6 (ii), TR3 and TR4 (i & iii) of the Rother Local Plan Core Strategy 2014.
20. The motor vehicle parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls/fences).
Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway, in accordance with Policies CO6 (ii), TR3 and TR4 (i & iii) of the Rother Local Plan Core Strategy 2014.
21. No dwelling hereby permitted shall be occupied until a secure cycle store for each dwelling has been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority and the cycle stores shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with Policies PC1 and TR3 of the Rother Local Plan Core Strategy 2014.

22. No external lighting shall be installed until a "lighting design strategy for biodiversity" for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The installation of any external lighting shall thereafter only be undertaken in accordance with the approved strategy and shall be retained as such thereafter.

Reason: To mitigate the effects of artificial lighting on bats, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy 2014 and Policy DEN4 (ii) of the Development and Site Allocations Local Plan 2019.

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

Reason: To ensure that an acceptable standard of access is provided to the dwellings, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and Policy DHG4 of the Development and Site Allocations Local Plan 2019.

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

Reason: To ensure that the dwellings are built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy 2014 and Policy DRM1 of the Development and Site Allocations Local Plan 2019.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension beyond the rear wall of the dwellings on Plots 2 to 10 hereby approved, or beyond the north wall of the dwelling on Plot 1 hereby approved, shall be constructed.

Reason: To ensure appropriate outdoor amenity space is retained for occupiers of the dwellings, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and Policy DHG7 (i) of the Development and Site Allocations Local Plan 2019.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development permitted by Class E of Part 1 of Schedule 2 of the 2015 Order (as amended) shall be erected within the curtilage of any dwelling hereby approved.

Reason: To ensure appropriate outdoor amenity space is retained for occupiers of the dwellings, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and Policy DHG7 (i) of the Development and Site Allocations Local Plan 2019.

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 landowner and/or developer is advised that Sussex Police have made recommendations on the proposal from a crime prevention viewpoint. Their details comments are available to view on the planning website.
3. The landowner and/or developer 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.
4. The landowner and/or developer will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of the new vehicular accesses. 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.
5. The landowner and/or developer is advised that the provision of the new 2m wide pedestrian footway along the site's frontages with Old Lydd Road and Marchants Drive is likely to require a 'deed of dedication' in order that the footway can be constructed to an adoptable standard. The footway will require constructing in accordance with East Sussex County Council specification with all works carried out by an approved contractor under the appropriate legal agreement.
6. The development will be subject to the requirements of the Building Regulations, and advice should be sought from the East Sussex Building Control Partnership. No work should be carried out until any necessary permission has been obtained.
7. The developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Bank Holidays.

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

been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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SITE PLAN

BEXHILL

RR/2023/1527/P

11 Ellerslie Lane
Moleynes Mead
Bexhill



Rother District Council

Report to - Planning Committee
Date - 16 November 2023
Report of the - Director – Place and Climate Change
Subject - Application RR/2023/1527/P
Address - 11 Ellerslie Lane, Moleynes Mead, BEXHILL
Proposal - Variation of Condition 2 imposed on RR/2022/1921/P to allow amendments to the proposed housing mix plan, to remove the affordable housing provision.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Court Developments Ltd
Agent: Pump House Designs
Case Officer: Mrs Harriet Beckett
(Email: harriet.beckett@rother.gov.uk)

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

Reason for Committee consideration: In line with the scheme of delegation.

Statutory 8-week date: 20 October 2023
Extension of time agreed to: 24 November 2023 (No Response)

1.0 SUMMARY

- 1.1 This application proposes the variation of Condition 2 imposed on RR/2022/1921/P to allow the amendments to the proposed housing mix plan, to remove the affordable housing provision.
- 1.2 The viability assessment provided by the developer, and the subsequent independent assessment by Altair, has confirmed that the provision of affordable housing on site would not be viable. As such it is considered acceptable to remove the affordable housing provision from the previously approved scheme and instead provide an offsite contribution of an agreed sum, to be secured through the Section 106.
- 1.3 As such the proposal for the removal of affordable housing has been justified and demonstrated to satisfy the policy requirements.
-

2.0 SITE

- 2.1 This site is located within a residential area in the northern part of Bexhill. The whole of the application site extends to about 1.25 hectares. The site is surrounded by existing residential development. The eastern side of the application site fronts Ellerslie Lane and has something of a semi-rural character with several mature trees and a roadside verge. The opposite side of the lane contains a ribbon of mainly detached houses. A cul-de-sac, Fryatts Way, extends around the south and west of the site. The southern side of the site abuts the rear gardens of five bungalows/chalet bungalows in Fryatts Way and the western side boundary of the site, which fronts directly onto Fryatts Way, contains a close-boarded fence. Here, fronting the opposite side of Fryatts Way, on its western side, is a ribbon of individual, detached bungalows/chalet bungalows. On the northern boundary of the site there is a detached house, 'Welton', that stands within a fairly large garden plot, side-on to the northern site boundary and separated by a hedge. 'Welton' fronts Ellerslie Lane and has access directly onto the lane.
- 2.2 The application site excludes the detached house which stands on the property and is known as, 'Moleynes Mead'. The dwelling is believed to date back to the mid-1920s. The access to 'Moleynes Mead' is from Ellerslie Lane and this also falls outside the application site. In addition to the house and garden, the property is used in connection with equestrian activity and contains several stables, a manège, and areas of grass-land paddock. Running east/west across the site is a steep bank which separates the house and garden from a bottom paddock. This bank contains a belt of mature trees and there is evidence of a badger sett. A considerable number of individual trees on the site are the subject of a tree preservation order.
- 2.3 The house, Moleynes Mead, is considered to be a non-designated heritage asset.
-

3.0 PROPOSAL

- 3.1 The current application relates to a development that was approved for the construction of 26 dwellings together with associated new access roads, parking and external amenity areas. The amendments are to the previously approved housing mix plan, to remove the affordable housing provision.
-

4.0 HISTORY

- 4.1 RR/2020/565/P Redevelopment of land to provide 26 dwellings (8 x 4-bed 2 storey homes, 10 x 3-bed 2 storey homes, 4 x 2-bed 2 storey homes, 2 x 3-bed 1 storey homes, 1 x 2-bed maisonette, 1 x 1-bed maisonette) and associated new access roads, parking and external amenity areas. APPROVED CONDITIONAL.
- 4.2 RR/2022/1115/DC Submission of details required by Condition 5 imposed on RR/2020/565/P. COMPLETED.

- 4.3 RR/2022/1302/P Variation of Conditions 3 & 4 imposed on planning permission RR/2020/565/P to allow the demolition phase of development to be permitted prior to the details specified within the conditions being approved. APPROVED CONDITIONAL.
- 4.4 RR/2022/1369/DC Submission of details required by Condition 7 imposed on RR/2020/565/P. COMPLETED.
- 4.5 RR/2022/1514/P Variation of Section 106. UNDECIDED.
- 4.6 RR/2022/1667/DC Submission of details required to satisfy Conditions 3, 14 and 17 imposed on RR/2020/565/P. APP DOC PART (Condition 3 in part, 14 and 17 are approved and discharged.)
- 4.7 RR/2022/1729/DC Submission of details required by Condition 19 imposed on RR/2020/565/P. COMPLETED.
- 4.8 RR/2022/1872/DC Submission of details required by Conditions 4 and 11 imposed on RR/2020/565/P. COMPLETED.
- 4.9 RR/2022/1921/P Variation of Conditions 2, 13 and 15 imposed on RR/2020/565/P to allow changes to approved plans as detailed in schedule of amendments. APPROVED CONDITIONAL.
- 4.10 RR/2022/2478/DC Submission of details required by Conditions 8, 9, and 10 imposed on RR/2020/565/P. COMPLETED.
- 4.11 RR/2023/878/DC Submission of details required by Condition 22 imposed on RR/2020/565/P. COMPLETED.
- 4.12 RR/2023/1035/DC Submission of details required by Condition 16 imposed on RR/2020/565/P. COMPLETED.

5.0 POLICIES

- 5.1 The following Bexhill policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
 - 5.1.1 Policy BX1: ‘Overall Strategy for Bexhill’, which includes objectives to (i) conserve and enhance the town’s distinct and independent character and residential function, supported by local services and jobs as much as possible; and (ix) provide for employment and housing growth, in accordance with Policy BX3, with particular regard to the needs of families, affordable housing for younger people and a range of supported housing options for older households.
 - 5.1.2 Policy BX3: ‘Development Strategy’, indicates that new residential and employment development will contribute to the overall strategy for Bexhill including through (ii) an overall level of housing growth of some 3,100 dwellings between 2011-2028.

- 5.1.3 The following Bexhill policy of the Development and Site Allocations Local Plan is particularly relevant to the proposal:
- BEX7: Land at Moleynes Mead, Fryatts Way, Bexhill
 - DHG1: Affordable Housing
- 5.1.4 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.
-

6.0 CONSULTATIONS

6.1 Pevensey & Cuckmere – NO OBJECTION

- 6.1.1 The proposed variation appears to relate to the housing mix and does not seem to have an impact on the proposed impermeable area or the general layout. Therefore, it is unlikely to have an impact on local flood risk. The information is satisfactory and enables the PCWLMB and LLFA to determine that the proposed development is capable of managing flood risk effectively.

6.2 RDC Housing and Enabling Officer – NO OBJECTION

- 6.2.1 It is disappointing to note that provision of on-site affordable housing in line with Policy DHG1 and others is not viable on this scheme. The Applicant has submitted a suitable viability report, and this has been reviewed by a local authority commissioned consultant. Following this review, it was agreed that the provision of on-site affordable housing was not viable on this site at present and as such an amount was set out to be paid as a commuted sum in-lieu of on-site affordable housing. The agreed sum should be index linked and payable prior to occupation of 50% of the development scheme units, that is prior to occupation of the 14th unit. Based on payment being made of the sum set out above at the 50% occupation trigger this application is supported by Housing Development.

6.3 Planning Notice

- 6.3.1 One letter of objection has been received. The concerns raised are summarised as follows:

- Rother DC needs to support locals in finding housing to meet need.

- 6.3.2 Three letters of support have been received.

6.4 Bexhill-on-Sea Town Council – NO COMMENT RECEIVED

7.0 APPRAISAL

- 7.1 The principle of providing the dwellings on this site has been established through the planning approval, approved 6 April 2022.

- 7.1.1 The main issue to consider with this variation of condition application is the assessment of the justification for the removal of an affordable housing provision from the approved scheme.

- 7.1.2 There appears to be no changes to any design aspects, as such its impact on the character and appearance of the locality or impact on neighbouring amenities does not need to be assessed in this case.
- 7.1.3 There also appears to be no changes to the road layout and provision of parking and turning spaces accordingly, as such highway safety does not need to be assessed in this case.
- 7.2 *Justification*
- 7.2.1 The Applicant submitted a Financial Viability Report dated 15 February 2023, which provides their own detailed analysis illustrating that the scheme is non-viable at 31% affordable housing. It also details that the Applicant's report arrives at a position where after all assumptions are made, there would be a deficit, meaning that no affordable housing contribution can viably be provided as part of the application.
- 7.2.2 The viability report was subsequently independently assessed for the Council by Altair. Altair carried out a review of all of the assumptions that sit behind this conclusion and have made a series of amendments to the analysis, due to conclusions drawn upon the accuracy of the Applicants' assumptions. In performing the assessment, the assumptions used within the Applicants' residual land value calculation and how they compare to industry benchmarks along with current economic factors and evidence were considered. These amendments reduce the deficit in the application and a surplus would occur for the delivery of affordable housing.
- 7.2.3 It was therefore recommended within the report that the Council applies the viability review mechanisms at early and late stages of development in line with the National Planning Policy Guidance for Viability document where local policy allows.
- 7.2.4 The following comments were made by the Councils' Housing Enabling and Development Officer:
- It is disappointing to note that provision of on-site affordable housing in line with Policy DHG1 and others is not viable on this scheme. The Applicant has submitted a suitable viability report, and this has been reviewed by a local authority commissioned consultant.*
- Following this review, it was agreed that the provision of on-site affordable housing was not viable on this site at present and as such an amount was set out to be paid as a commuted sum in-lieu of on-site affordable housing. The agreed sum should be index linked and payable prior to occupation of 50% of the development scheme units, that is prior to occupation of the 14th unit.*
- Based on payment being made of the sum set out above at the 50% occupation trigger this application is supported by Housing Development.*
- 7.2.5 In light of the above, it can be considered that the justification provided and independently assessed in relation to the removal of on-site affordable housing provision would be acceptable, subject to securing the commuted sum in-lieu of on-site affordable housing.

7.3 *Condition 2*

- 7.3.1 Given the nature of the amendment, it is such that the proposals are considered acceptable, the independent Financial Viability Assessment by Altair dated May 2023 demonstrated that the scheme could not viably provide any affordable housing in the form of on-site affordable housing contribution but could however provide an offsite contribution of an agreed sum.
- 7.3.2 Therefore, the revised Housing Mix Plan, Drawing No. 7290/VC/15 rev A dated 19 July 2023 which has been submitted corresponding to the removal of on-site affordable housing would be considered acceptable.

7.4 Other Matters

- 7.4.1 A concern has been raised regarding the need to support housing needs. All concerns have been noted, on assessment of the proposal to amend the housing mix plan, to remove on-site affordable housing within this application above, therefore it is considered that the amendments have been justified and can be considered acceptable.

8.0 **PLANNING BALANCE AND CONCLUSION**

- 8.1 The alterations to the housing mix plan to remove affordable housing from the scheme, has been assessed. Overall, the viability assessment provided, and the subsequent independent assessment have confirmed that the provision of affordable housing on site would not be viable. As such it is considered acceptable to remove the affordable housing provision from the previously approved scheme and instead provide an offsite contribution of an agreed sum, to be secured through the Section 106.
- 8.2 For the reasons explained the proposal would comply with the development plan policies together with the various provisions set out in the National Planning Policy Framework and therefore the application can be supported.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITION 2 IS VARIED AS FOLLOWS:

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Proposed Site Layout Plan: Drawing No. 7290/C/L1/C dated June 2022
Proposed Mix plan: Drawing No. 7290/VC/15 rev A dated 19 July 2023
Parking strategy plan: Drawing No. 7290/VC/12 dated November 2022
Fire and access plan: Drawing No. 7290/VC/13 dated November 2022
Proposed Refuse strategy: Drawing No. 7290/VC/14 dated November 2022
Site sections: Drawing No. 7290/VC/20 dated November 2022
Landscaping Plan: Drawing No. 7290/VC/11 dated November 2022
Ecology Plan: Drawing No. 7290/VC/10 dated November 2022

House types:

Plot 1: Drawing No. 7290/C/A1/1/A dated June 2022
Plot 2, 7, 20: Drawing No. 7290/C/A2/1/A dated June 2022
Plot 3, 23: Drawing No. 7290/C/A3/1/A dated June 2022
Plot 4-6: Drawing No. 7290/C/B1/1/A dated June 2022
Plot 8: Drawing No. 7290/C/C1/1/B dated June 2022
Plot 11: Drawing No. 7290/C/C2/1/B dated June 2022
Plot 14: Drawing No. 7290/C/C3/1/B dated June 2022
Plot 24: Drawing No. 7290/C/C4/1/B dated June 2022
Plot 9-10: Drawing No. 7290/C/D1/1/B dated June 2022
Plot 9-10: Drawing No. 7290/C/D1/2/B dated June 2022
Plot 12-13: Drawing No. 7290/C/D2/1/B dated June 2022
Plot 12-13: Drawing No. 7290/C/D2/2/B dated June 2022
Plot 15-17: Drawing No. 7290/C/E1/1/A dated June 2022
Plot 18-19: Drawing No. 7290/C/F1/1/A dated June 2022
Plot 21-22: Drawing No. 7290/C/G1/1/B dated June 2022
Plot 25: Drawing No. 7290/C/H1/1/C dated June 2022
Plot 26: Drawing No. 7290/C/H2/1/C dated June 2022
Garage Type Y1: Drawing No. 7290/C/Y1/1/B dated June 2022
Reason: For the avoidance of doubt and in the interests of proper planning.

REPEATED CONDITIONS:

The development shall not proceed other than in accordance with Conditions 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 inclusive, imposed on planning permission RR/2022/1921/P dated 2 December 2022.

Reason: This permission is granted pursuant to planning permission RR/2022/1921/P Under Section 73 of the Town and Country Planning Act 1990, the Council has considered the conditions subject to which those previous planning permissions were granted and confirms that the conditions and associated reasons remain pertinent and are re-imposed, apart from as varied by this permission.

ADVISORY NOTES:

1. Conditions 4, 5, 7, 8, 9, 10, 11, 14, 16, 17, 19, 22 have been approved.
2. Condition 1 has been complied with.
3. Condition 3 has been complied with in part.

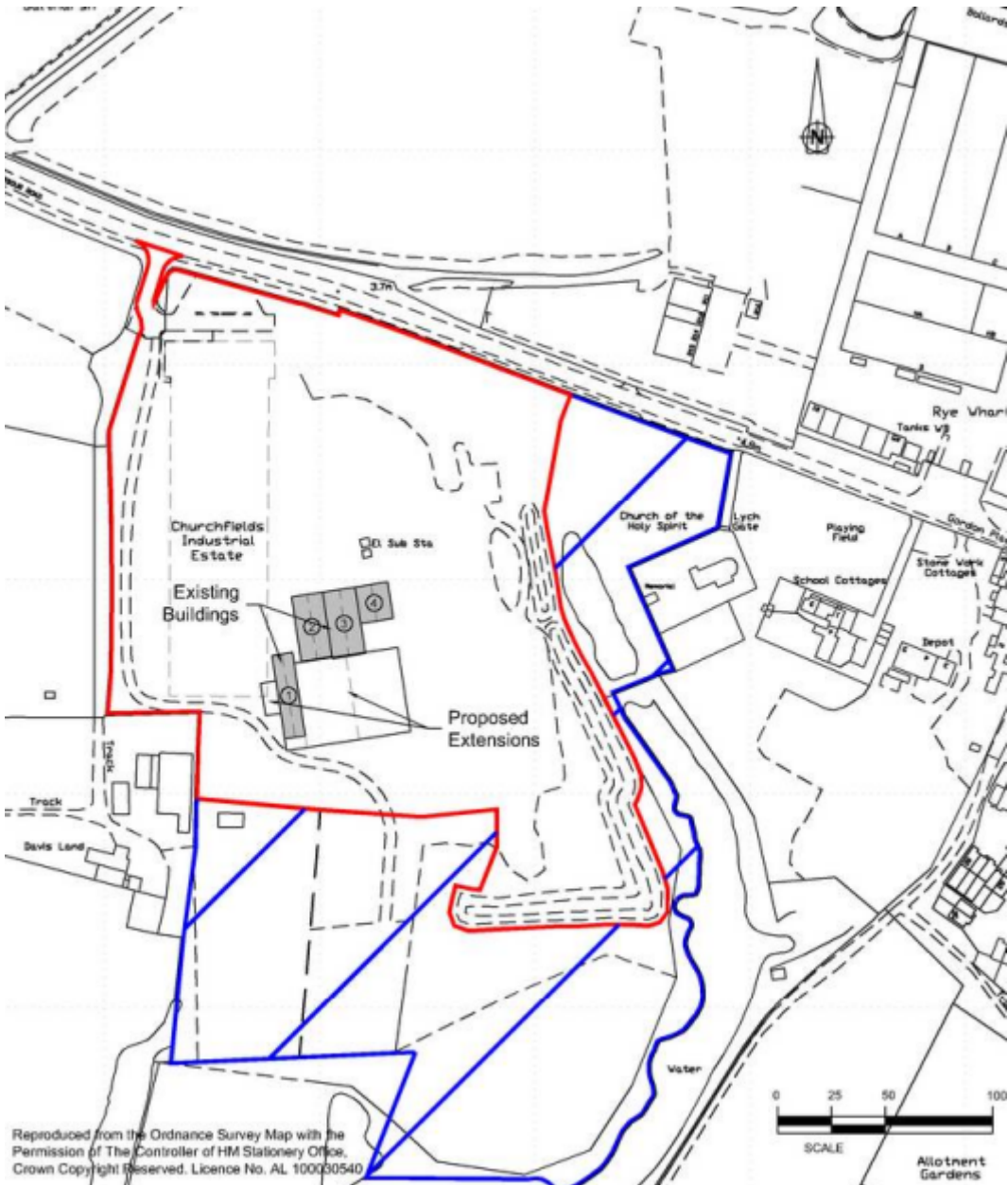
NATIONAL PLANNING POLICY FRAMEWORK: In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

SITE PLAN

ICKLESHAM

RR/2020/1044/P

Churchfields Industrial Estate
Long Rake Spar Storage Lane
Rye Harbour Road
Icklesham



Rother District Council

Report to - Planning Committee
Date - 16 November 2023
Report of the - Director – Place and Climate Change
Subject - Application RR/2020/1044/P
Address - Churchfields Industrial Estate, Long Rake Spar Storage
Land, Rye Harbour Road, Rye Harbour
ICKLESHAM
Proposal - Variation of Conditions 2, 7, 8, 9 & 10 imposed on
RR/2017/2541/P to alter the external materials and ridge
orientation, extend operating times within the building,
increase number of shipments, alter landscaping details
and install external floodlighting.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (FULL PLANNING) SUBJECT TO VARIED CONDITIONS**

Director: Ben Hook

Applicant: Long Rake Spar
Agent: A & M Architectural Partnership
Case Officer: Mrs Sarah Shepherd
(Email: sarah.shepherd@rother.gov.uk)

Parish: ICKLESHAM
Ward Members: Councillors L. Hacking and P.N. Osborne

Reason for Committee consideration: Referred by Councillor to consider the neighbour impacts/complaints.

Statutory 13 week date: 28 August 2020
Extension of time agreed to: 20 November 2023

1.0 SUMMARY

1.1 This application seeks to vary previous approved plans and conditions with regard to the buildings, landscaping and operations at the Long Rake Spar site in Rye Harbour Road. High levels of objection were initially received following an unauthorised and temporary use of a concrete crusher at the site, not related to the application. The application details have taken a long time to amend and finalise and follow close involvement with both Natural England and Environmental Health.

- 1.2 A Transport Assessment, noise reports, Shadow Habitats Regulation Assessment and amended plans for the building elevations, lighting and landscaping have all now been submitted. As now presented, and subject to varied and additional conditions, the proposals are considered to be acceptable as they do not represent harm to residential amenity, the important local habitats and Sites of Special Scientific Interest (SSSI) or the highway network. The proposals will retain and improve the commercial use at the site, continue to support use of Rye Wharf and thereby maintain local employment and the local economy.
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2.0 SITE

- 2.1 Churchfields is a long-standing industrial site and allocated for industrial uses in the local plan. It contains some buildings and a large area of hardstanding formerly occupied by a furniture manufacturer, the building of which burnt down in 2008. The site has been used by Long Rake Spar since 2015.
- 2.2 The site is currently quite open with palisade fencing and hedges to the roadside and a large area of scrubland, some part of the SSSI to the east. This separates the site from the church and School Cottages, which are Grade II listed buildings, the closest residential properties some 200m away. The main village is slightly further to the east on the eastern side of the wharf entrance, which lies on the opposite northern side of the road. The church and school cottages are listed buildings. There are trees along the boundary with the church and play area.
- 2.3 To the south lies a natural area of scrub, trees and water with more open marshes to the west. The site is surrounded on three sides by the Dungeness, Romney Marsh and Rye Bay SSSI and the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA).
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3.0 PROPOSAL

- 3.1 This application was originally submitted during the COVID-19 pandemic in 2020. It seeks changes to conditions including alterations to the approved plans and operating times. It has been the subject of much discussion and negotiation, with various amendments and additional reports submitted during the preceding three years. The amendments and reports have been required not only by planning officers but also by officers from Natural England and Environmental Health.
- 3.2 Amendments have been made as requested with regard to the building finishes, limited external lighting, landscaping and the Dust Management Plan and additional details have been provided with regard to a Shadow Habitats Assessment. Variations to specific conditions are proposed as follows:
- Condition 2 – amendments to building elevations including cladding and change in orientation of ridge, change to rooflights and addition of PV solar. Exhaust vent relocated from east to west elevation.
 - Condition 6 – applied to vary but wording not changed - amendments to landscaping to increase bund height and associated planting.

- Condition 7 – variation to operating hours sought for the internal aggregate drying plant and weekday extension for unloading ships.
- Condition 8 – increase to cover ship unloading days.
- Condition 9 – revised lighting details.
- Condition 10 – variation required as an updated Dust Management Plan was required and has been submitted.

4.0 HISTORY

- 4.1 The site has been in industrial use for many years, pre-dating the current planning system from the 1940's. The area is to be retained for employment/industrial use in accordance with the Rother Local Plan Core Strategy.
- 4.2 Part of the site to the rear previously benefitted from permission for the storage of inert hardcore and concrete and crushing plant. That permission was subject to several conditions which equally applied to the original Long Rake Spar proposal, particularly with regard to hours of operation, lighting and dust control. (County matter).
- 4.3 RR/2015/1798/P Change of use for the bagging, storage and distribution of decorative aggregates. APPROVED CONDITIONAL. This relates to the existing use of much of the site.
- 4.4 RR/2017/2541/P Extension to existing industrial buildings, relocation of boundary fence, new landscaping and retention of bunding. APPROVED CONDITIONAL.
- 4.5 RR/2022/2580/P Retrospective application for the erection of concrete boundary wall and aggregate storage bins, permeable tarmac surfacing and associated water surface drainage with improvement of external lighting. TO BE DETERMINED.

5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- RY1: Policy framework for Rye and Rye Harbour, including promotion of employment floorspace at Rye Harbour having particular regard to protecting internationally designated habitats
 - EC3: Existing employment sites
 - OSS4: General development considerations
 - EN2: Stewardship of the Historic Built Environment
 - TR3: Access and new development
 - EN5: Biodiversity and green space
- 5.3 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal:
- DEC3: Existing employment sites and premises, retention of
 - DEN4: Biodiversity and green space

- DEN5: Sustainable drainage
- DEN7: Environmental pollution
- RHA2: Harbour Road employment area

5.4 The National Planning Policy Framework and Planning Practice Guidance are also material considerations particularly with regard to retention of employment and biodiversity.

5.5 In addition regard should be had to the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 66 sets out the statutory duty of local planning authorities when considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

6.0 CONSULTATIONS

6.1 Natural England – **NO OBJECTION**

6.1.1 Initially objected on the basis of a lack of information. Following lots of discussion and updated submissions have now advised that they have “no objection, subject to appropriate mitigation being secured”.

6.2 Environmental Health – **NO OBJECTION**

6.2.1 Originally raised concerns following receipt of a noise complaint in June 2020 regarding the use of a temporary mobile concrete crusher (unrelated to this application). As a result they pursued further information with regards to noise, dust and lighting and have been working with the Applicant to ensure that they have all requirements in place including an Environmental Permit. It is noted that *“The permit and the site operations will be subject to a routine annual compliance inspection by environmental health, can be varied or revoked if there are any material changes to the process or there is repeated ongoing non-compliance with conditions and will take precedent over any planning consent that may be granted with regard to emissions to air.”*

6.3 ESCC Highways – **NO OBJECTION**

6.3.1 Note that *Only the variation of Condition 8 is likely to impact directly on the highway. This condition refers to the Transport Statement and a variation is requested is to extend the operating hours in order to allow an increased number of ships to unload materials. No additional HGV traffic is anticipated for the delivery or collection of goods over these extended hours. More imports by ship is also likely to reduce the number of traffic movements on the wider highway network. With this in mind, I have no major concerns regarding the variation of this condition and therefore do not wish to object.*

6.4 National Highways – **NO OBJECTION**

6.4.1 Initially requested more information. Subsequently advised offer “no objection* **on the basis that we are satisfied that the proposals will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG*

National Planning Policy Framework, particularly paragraph 109), in this location and its vicinity;”

6.5 ESCC Lead Local Flood Authority – **NO OBJECTION**

6.5.1 Do not consider that the variations of the planning conditions will have a significant impact on surface water flood risk or the management of surface water runoff. Therefore, we have no further comments to make at this stage.

6.6 ESCC Minerals & Waste Disposal – **NO OBJECTION**

6.6.1 Comments that *Policy WMP15 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (2013) safeguards wharves and their capacity in order to contribute towards meeting local and regional supply for aggregates and other minerals as well as supporting modal shift in the transport of minerals. The Council supports the continued use of the port of Rye for the importation of aggregates and the increased usage of the wharf at Rastrum’s in Rye Harbour as proposed in the variation of Condition 8. The reduction in vehicle movements on the wider highway network as a result of more imports by ship is also supported.*

6.7 Environment Agency – **NO COMMENTS TO MAKE**

6.8 Planning Notice

6.8.1 Initially attracted a high number of objections, some 200, from local and non-local people, including petitions of objection in 2020. 44 renewed objections have been received following the re-consultations in respect of additional documents in 2021 and eight objections received following the submissions in 2022. None received this year. These figures include several repeat objections/objectors and objection from the Rye Nature Reserve (Sussex Wildlife Trust) and Rye Conservation Society. The concerns raised are summarised as follows:

- Dangerous road with lots of vehicles.
- High noise levels.
- Accept provides work but should not extend working hours to early or through the night.
- Breaches of conditions.
- Lack of thought, morals and ethics with regard to residents.
- Light pollution.
- Increase in lorry traffic and fumes.
- Impacts to nature reserve and SSSI and the wildlife.
- Impacts to public enjoyment of the nature reserve.
- Noise impact assessment related to nearer residential properties and not the nature reserve.
- Lack of information to support increased wharf use.
- Should plant more trees.
- Increase in dust.
- Rocks dropped in road.
- Building higher than should be.
- Need traffic calming on the road.
- Impacts to adjacent church.
- Impacts on local tourism.

- Dust plan insufficient.
- They have spoiled the village.

6.8.2 Three letters of support. The comments are summarised as follows:

- This is an industrial area and those choosing to live here are aware of that. Access to the village is through the industrial estate. Subject to noise and light reducing measures it should be acceptable. With the recession we need all the employment possibilities we can.
- Rye Harbour is funded by vessels using Rye and cargo fees from commercial vehicles. Prior to the Applicants' use of the harbour, use had been in decline. Now it is thriving and proposals should seek to maximise the potential of the harbour asset for the local economy.
- Goods unload at the wharf and are unloaded into lorries for transport across the road to the site, using wharf equipment. This supports the viability of the wharf.
- The site is a large local employer.
- Lighting is shielded and the Applicant has resurfaced the site to reduce dust.
- Their vessels can only enter Rye on spring tides (twice a month) thus minimizing any disturbance and carbon footprint. This is usually no earlier than 6am, unless there is unusual and unpredictable weather condition change. There is no intention of unloading between 8pm and 6am which would be extremely unlikely and rare (only on rare occasions of unpredictable weather instances).
- Occasionally the wharf weighbridge is used as it is the closest to the site. This is open between 7am and 5pm Monday to Friday.
- Use of the wharf for the importation of goods considerable reduces the number of lorry movements via the road, as goods are only then exported via road.

6.8.3 Two letters of general comment. The comments are summarised as follows:

- Could the Applicant be required to undertake road maintenance?
- Could cladding help reduce noise?

6.9 Icklesham Parish Council – **OBJECTION**

6.9.1 Initially commented that *“Object on the basis of the impact extended hours will have on local residents, and the wider area, to increased levels of pollution from excessive noise, dust and light, along with the lack of a traffic assessment on the movement of additional heavy vehicles in Harbour Road and at the junction with the A259 into Rye.”*

6.9.2 Following the submission of additional noise and transport reports in 2021 questioned when and how the measurements were undertaken. Maintained their objection.

6.10 Rye Town Council – **GENERAL COMMENT**

6.10.1 Commented: *The increase HGV movements will have an adverse impact on the amenity of Rye residents living on/near the approach/departure routes - particularly during the night. The lighting proposed - and 24-hour working - will have a detrimental effect on wildlife and parishioners' enjoyment of the night sky. The junction of the A259 and Harbour Road is hazardous and needs to be improved in order to accommodate greater usage by HGVs.*

7.0 LOCAL FINANCE CONSIDERATIONS

7.1 None applicable.

8.0 APPRAISAL

8.1 The main issues for consideration include: Continued use of site for employment purposes; Impact on highway; Impacts on neighbours; Impact on biodiversity; Landscape impacts; Impact on heritage assets.

8.2 *Continued use of site for employment purposes*

8.2.1 The Long Rake Spar site is part of the Rye Harbour industrial area, and it is allocated as an employment site within the local plan and to be retained for employment purposes, in accordance with Policy DEC3 of the DaSA. Part (ii) of this policy also *permitting intensification, conversion, redevelopment and/or extension of existing sites and premises where they accord with other policies of the Plan*; While the area pre-dates the current planning system, the site has been used for concrete production and then later accommodated a large furniture business. The rear of the site was temporarily used as a waste transfer site prior to being purchased by the Applicants. It will also be noted from the consultation comments that Rye Wharf is allocated within the County Council Minerals and Waste Disposal Plan and its retention is seen as vital to the local economy not only of Rye but the wider county area and crossing also into Kent.

8.2.2 This application for variation of conditions does not propose to change the use of the site which would remain a commercial employment site. The variations in working hours are proposed to aid improvements in working practises at the site on weekdays. The existing pertinent conditions state:

7. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site before 8.00am or after 6.00pm on weekdays; before 8.00am or after 1.00pm on Saturdays, or at any time on Sundays, Bank or Public Holidays.

Reason: To protect the residential amenities of the locality in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and having regard to paragraph 123 of the National Planning Policy Framework.

8. In accordance with the Transport Statement, paragraphs 5.2.5 and 6.1.3, no more than 126 trips in total by HGV's shall occur at the application site on each of two days only in any calendar month. Those trips shall be undertaken by no more than 3 No. eight wheeler lorries running between the application site and Rye Wharf. No more than a total of 40 trips by other vehicles shall occur at the application site on those or any other working day.

Reason: To protect the residential amenities of the locality and having regard to the local highway situation, there being only one vehicular access route to the village of Rye Harbour, in accordance with Policies OSS4 (ii) and TR3 of the Rother Local Plan Core Strategy and having regard to paragraph 123 of the National Planning Policy Framework.

8.2.3 The conditions were imposed having regard to the siting on the eastern edge of the industrial estate and closer proximity to the village and acknowledging the residential amenities and highway restrictions in that location. As such any variation of those conditions requires consideration of any potential impacts on the residential amenities of the area as well as in terms of highway, landscape and biodiversity issues, all of which are considered below.

8.3 *Impact on highway*

8.3.1 The changes to working hours do not propose any significant increase in vehicle movements to and from the site out towards Rye and the highway network. It is proposed to undertake 24-hour working within the building only for the washing/drying of the aggregates and not in relation to packaging and distribution.

8.3.2 Equally the change in times for use of the wharf is to allow the unloading of ships where on limited occasions the tide conditions precede 8am. The request is to be able to unload from 6am which may also increase the potential number of shipments. Any one shipment would not increase the HGV movements between the wharf and site, which would remain the same. While any increase in the number of shipments may increase the number of days on which movements take place, this would be limited local movements and not affect the wider highway network.

8.3.3 The associated Transport Statement indicates that with increased working hours there may be a potential at worse case, to increase HGV movements by 12 trips across an average working day, with six arrivals and departures, equating to around one additional movement in any direction every two hours. Neither the local Highway Authority or National Highways have an objection on this basis. The local Highway Authority further concludes that, *More imports by ship is also likely to reduce the number of traffic movements on the wider highway network.* A reduction in traffic movements on the wider highway network would be of benefit to other road users of the network as well as reducing potential carbon emissions.

8.3.4 As such there are no highway reasons to refuse the proposed variations.

8.4 *Impacts on neighbours*

8.4.1 It is noted that many of the initial objections and complaints to planning with regard to the site emanated from the temporary unauthorised use of a concrete crusher at the site in 2020, which generated significant noise and dust. This was ceased promptly. Since that time there have been some further complaints to planning regarding dust but none received this year.

8.4.2 In terms of complaints to Environmental Health, they advise that *there have been only two complaints made to environmental health since late 2021. One on 17 November 2021 and the second on 6 July 2022. Both of these from occupiers of the nearest residential properties in Harbour Road and relating to dust allegedly from the Long Rake Spar operations. No evidence to substantiate these complaints was ever obtained by officers witnessing, however the 2022 complainant did submit some video footage they had taken themselves from the site boundary indicating sporadic dust plumes from a loading shovel. It was unclear however as to when these videos were taken.*

It is considered that the gradual improvement in the Dust Management Plan (DMP) and the implementation of both the practical and management dust control measures on the site have gone some way to reducing the level of complaint. Environmental Health further comment on dust control measures and noise and shipments below.

8.4.3 Dust Control Measures

These are identified and explained in detail in the 6th version of the Long Rake Spar DMP of July 2023. Very few of these measures were in place in the summer of 2020 when the majority of complaints about dust emissions arose. The physical measures include:

- Suppression of dust by the use of a tractor and water bowser and a forklift with spray bars on site roads and yards along with wet sweeping of Harbour Road during ship unloading.
- Water spray bars on the rinser/conveyor.
- Repair and re-surfacing of haul roads to prevent the accumulation of dust in ruts and potholes.
- The erection of a significant number of concrete walled storage bays for the storage of aggregate materials with a stockpile height marker at least 0.5 m from the top of the bay. This helps to limit the wind entrainment of dust. No longer are materials stockpiled for prolonged periods in the open and without protection from the wind.
- There are water spray bars fitted to the top of the bay walls so the stockpiles can be dampened down as and when they dry out or weather conditions dictate.
- A mobile mist unit has been provided to dampen down any problem areas as and when they arise.
- Continuous dust monitoring systems have been provided at the eastern site boundary and in the exhaust air discharge vents on the western side of the process building. These can be accessed for real time emission monitoring by appropriate staff who also receive warnings should specified set emission levels be approaching the predefined limits. The site boundary dust monitor system also incorporates weather station with wind speed monitoring and direction thus enabling corrective measures to be made to site activities if deemed necessary.
- Sheeting of loaded open trucks during ship unloading and bagging of finished and dried product in enclosed bulk bags.
- A range of management measures are also to be implemented including daily visual monitoring and reporting by site staff, changes in work practices should particularly dry and windy weather conditions prevail and damping down of stockpiles should they start to dry out.
- Employees are also now regularly health screened for lung capacity and by the use of personal dust dose monitoring devices.

The newly implemented dust control measures are outlined and will be included as operating conditions in the new environmental permit.

8.4.4 Noise and Early Morning Ship

Unloading from discussions with LRS they would occasionally need the facility to be able to unload aggregate ships arriving at Rastrum outside of the “normal working day” e.g. 9 to 5. They advise that in a calendar year there may be approximately three occasions when it may be necessary to unload no earlier than 06:00. This is very much dependant on the tides and most unloading would take place between 07:00 and 20:00 at the latest.

- 8.4.5 A noise assessment undertaken by MRL acoustics in August 2020 identified that during a normal working day the unloading of ships would not unduly impact on those living nearest to the site. There remains the fact that a significant number of additional HGV movements at 06:00 could cause disturbance to the nearest residents. On this basis in order not to detrimentally affect the amenity of those living in the vicinity and to allow the company to conduct its ship unloading operations on a very few occasions in the early morning if the application is likely to be approved, I would recommend the imposition of a noise condition on the Churchfields site rather than refusing the requested variation to the ship unloading hours. A suggested condition is outlined below:

At all times when the factory is operating the sound level rating from all site operations and activities (including the unloading of aggregate vessels) shall not exceed +5dB above background sound level (taken as a 15 minute LA90 at the boundary with the nearest noise sensitive premises) during the hours of 06:00 and 23:00 and shall not exceed the background level (taken as a 15 minute LA90 at the boundary with the nearest noise sensitive premises) during the hours of 23:00 and 06:00

All measurements shall be taken in accordance with the methodology of BS 4142:2014 +A1:2019 – Methods for rating and assessing industrial and commercial sound (and/or its subsequent amendments)

- 8.4.6 With regard to noise from the internal aggregate drying plant, relative to the request for 24-hour working of this, following relocation of the exhaust vents it is noted that at School Cottages (the closest residential properties), noise from the aggregate drying plant was not perceptible and consequently would not result in adverse effect on any residential amenity.
- 8.4.7 Having regard to the fact that this is a long standing and allocated industrial site, that the arrival of shipping prior to 8am would be on a very limited number of occasions and given the proposed conditions to restrict noise and still maintain limits on working hours in other respects, it is considered that an amendment and additional conditions could suitably mitigate the effects of any extension to the working hours. Similarly, a limited extension of the number of HGV movements would also not be considered significantly harmful to residents.
- 8.4.8 It is also noted that Environmental Health consider that compliance with the Environmental Permit would take precedent over any planning permission and as such they could take action regarding any non-compliance. Environmental Health have stated: *“The permit and the site operations will be subject to a routine annual compliance inspection by environmental health, can be varied or revoked if there are any material changes to the process or there is repeated ongoing non-compliance with conditions and will take precedent over any planning consent that may be granted with regard to emissions to air.”*

8.5 *Impact on biodiversity/habitats*

- 8.5.1 Natural England (NE) conclude that while the proposals could have an adverse effect on the integrity of Dungeness, Romney Marsh and Rye Bay Special Protection Area/Ramsar site (part of which is also designated as the Dungeness Special Area of Conservation (SAC)). And could damage or

destroy the interest features for which Dungeness, Romney Marsh and Rye Bay SSSI has been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured as part of any planning permission in relation to the proposal:

- The mitigation measures as outlined in the two submitted shadow Habitats Regulations Assessment which relate to this application and the application for the aggregate storage area within the same site, application RR/2022/2580/P.

8.5.2 NE comment that there are the following potential detrimental impacts from noise dust and lighting:

8.5.3 *Noise*

Aggregate Tipping etc. and Drying Plant Operation: We welcome the inclusion of noise assessment points within the adjacent designated sites, as provided in the Noise Assessment report, Appendix A of the Aggregate storage area shadow HRA. The mitigation measures (including the 4m high wall along the western boundary with the SPA/Ramsar, and addition of fan exhaust noise attenuation) are also welcome.

Ship Unloading: It is also noted within the shadow HRA (J21108) that the ship unloading hours will be restricted to between 06.00 and 20.00 and that only the aggregate drying plant will be operating for 24 hours a day.

8.5.4 *Dust*

Airbourne and Surface Water Dust Pollution: The best practice construction methods, as detailed in sections 7.3.40 and 7.3.41 are welcome, as is the confirmation of mitigation measures that are in place and their assessment against the potential impact via these pathways, included within the shadow HRA (J21108).

8.5.5 *Lighting*

The mitigation measures as outlined in 7.3.32 and 7.3.33 are welcome, in particular, the confirmation that all lights will be downward pointing, cowed, warm white LEDs and that resulting lighting levels will be no greater than 1lux at the development site boundary.

Such lighting design would ensure no light spill into the adjacent SSSI.

8.5.6 Having regard to the detailed assessments undertaken by NE the council has no reason to come to any other conclusions. Subject to a condition requiring compliance with the mitigation measures the proposals would not result in harm to the acknowledged importance of the protected habitats and local biodiversity.

8.6 *Landscape impacts*

8.6.1 The landscape and planting scheme is based on the approved scheme and utilises native species, with boundary planting to the roadside as well as the bund. The minor amendments include infilling of a gap in the bund on the eastern boundary following removal of a telegraph pole and at the southeast corner and rounding off the top of the bund with a slight increase to aid improvement of any noise and lighting matters. The reprofiling of the bund is

in accordance with Natural England advice to ensure that rainwater runs into the site and not to the neighbouring designated sites.

8.6.2 The bund and landscaping should now be completed and potentially this could be undertaken within the current planting season, to provide a positive and welcome enhancement to the site within the street scene and surrounding views.

8.6.3 With regards to the external amendments to the buildings, the cladding has been undertaken to obscure some unauthorised lighting panels on the elevations. The height of the building is as approved. Lighting and the position of the exhaust vent have been amended to reduce any impacts and in accordance with the noise and biodiversity mitigation requirements. These changes are required in order to mitigate the appearance of the buildings within longer views of the site and the potential effects on local biodiversity and habitats.

8.7 *Impact on heritage assets*

8.7.1 The listed church and School Cottages to the east are separated by an area of the SSSI, which is fenced and unused. Existing trees separate the church from the boundary with the new bund extending the length of the east side boundary closer to the road. Once completed and planted this will further screen the site from these heritage assets. The setting in terms of the relationship of the listed buildings to the industrial estate would remain in principle unchanged but the enhanced landscaping would improve the visual setting. As such the proposals are considered to have a neutral impact and the variation to conditions would not have any significant harmful impacts on the heritage assets.

9.0 **PLANNING BALANCE AND CONCLUSION**

9.1 The application site occupies a longstanding industrial site, that pre-dates the current planning system and is allocated for commercial and employment purposes within the local plan. Subject to other policy considerations, effective use and retention of employment sites is required by local Policy DEC3.

9.2 The proposed variations to the approved plans are supported both for the building elevations and the landscaping. The variations assist in mitigating impacts to the local area including both residential and in terms of habitats and biodiversity.

9.3 Following the submission of new and updated environmental reports, the proposed changes to working hours and ship unloading, subject to compliance with the mitigation detailed in the accompanying shadow Habitat Assessments, would not have negative impacts on the local sites of habitat importance. However, additional conditions are required to secure these.

9.4 The proposed changes to working hours and ship unloading, subject to additional conditions are not considered to result in harm to local residential amenity. In this regard, it is also noted that the site is now subject of an Environmental Permit and would be subject to *routine annual compliance inspection by Environmental Health*.

- 9.5 The proposed changes to working hours and ship unloading do not result in significant changes to vehicle movements and as such do not impact the wider highway network.
- 9.6 Having considered all aspects and obtained amendments and updated reports, the proposals subject to varied and additional conditions, are now considered to be policy compliant.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITION 1 of planning permission RR/2017/2541/P has already been discharged with implementation of the development.

Condition 2 is varied as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Drawing No. 4330-220 Rev.B, Elevations, received 29/01/21

Drawing No. 4330-210 Rev.C, Landscape Plan, dated 12/01/2021

Drainage schedule

Shadow Habitats Regulations Assessment, Revision C, by Greenspace, dated June 2023

Transport Statement by DHA, dated November 2020

Noise Assessment Reports (2), by MRL Acoustics, dated August 2020

6th version of the Long Rake Spar Dust Management Plan of July 2023

Drawing No. LR/017/251, dated 07-12-17

Drawing No. C17002-010 rev. P1, dated 29-11-17

Drawing No. WM/146/502 rev.3, dated 19-03-18

Drawing No. LR/017/500 rev.2, dated 21-03-18

Landscape Statement by Lloydbore Ltd, dated 23/10/2017

Amended grass seed mix by Lloydbore Ltd, submitted with email 04-05-18

Surface Water Management Strategy by Rural Partners Limited, dated November 2017 (subject to the additional drainage details and compliance with conditions 4 and 5 below)

Tidax Drawing No. EMC-2018-006-01, dated 02/03/2018 (surface water drainage design)

Heritage Statement by ASE, version 2, dated September 2017

Planning Statement and Flood Risk Assessment by Rural Partners Limited, dated November 2017

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

CONDITION 3 IS NO LONGER REQUIRED.

CONDITION 4 IS SUBJECT TO SEPARATE DISCHARGE AND REAPPLIED

Prior to commencement of works to provide the surface water drainage system, a maintenance and management plan for the lifetime of the development, shall first be submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To ensure the provision of a sustainable surface water drainage system and to prevent pollution of controlled waters and harm to the Site of Special Scientific Interest and avoid flood risk elsewhere, in accordance with the National Planning Policy Framework paragraph 167 and 174 and Policies OSS3 (viii), EN5 (ii) and EN7

of the Rother Local Plan Core Strategy and Policy DEN4 and DEN5 of the Development and Site Allocations Local Plan.

CONDITION 5 IS SUBJECT TO SEPARATE DISCHARGE AND REAPPLIED

Prior to occupation of the extensions hereby approved, the surface water drainage design shown on Tidax Drawing No. EMC-2018-006-01, dated 02/03/2018, shall be implemented only in accordance with the approved drawing, unless any alternate details are first submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Prior to occupation of the extensions, evidence (including photographs) of the construction of the drainage system to accord with the approved design details shall be submitted to the Local Planning Authority.

Reason: To ensure the provision of a sustainable surface water drainage system and to prevent pollution of controlled waters and harm to the Site of Special Scientific Interest and avoid flood risk elsewhere, in accordance with the National Planning Policy Framework paragraph 167 and 174 and Policies OSS3 (viii), EN5 (ii) and EN7 of the Rother Local Plan Core Strategy and Policies DEN4 and DEN5 of the Development and Site Allocations Local Plan.

CONDITION 6 REMAINS EXTANT

The 'construction/maintenance methodology' agreed with Natural England including the planting details supplied by Lloydbore Ltd shall be adhered to with specific reference to the following matters:

- Prior to planting top of the existing bund, it is to be profiled as required so that any surface water run-off drains into the site, away from the adjoining Site of Special Scientific Interest.
- Planting of the face of the bund adjacent to the Site of Special Scientific Interest is to be timed so that soil conditions are suitable without the need for cultivation or watering.
- Landscape management, as with planting, is not to include irrigation.

Reason: To ensure the protection and preservation of the adjacent Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest and the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and reduce any impacts on adjacent water levels, in accordance with Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and Site Allocations Local Plan, the National Planning Policy Framework and the Habitat Regulations.

CONDITION 7 IS VARIED AS FOLLOWS

With exception of the internally located aggregate drying plant, no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site before 6.00 or after 18.00hrs on weekdays; before 8.00 or after 13.00 on Saturdays, or at any time on Sundays, Bank or Public Holidays. In this regard for clarification it is noted that:

- Exceptionally, ONLY the aggregate drying plant within the building shall be operated for any 24-hour period
- Only deliveries from Rye Wharf and no other operations or deliveries, shall be taken at or dispatched from the site between the hours of 6.00 and 8.00 on weekdays.

Reason: To protect the residential amenities of the locality in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy, Policy DEN7 of the Development and Site Allocations Local Plan and having regard to paragraph 174 and 185 of the National Planning Policy Framework.

CONDITION 8 IS VARIED AS FOLLOWS

In accordance with the Transport Statement, paragraphs 5.3.2 and 5.3.6, no more than 136 arrivals or departures in total by HGV's shall occur at the application site on any day that a shipment requires unloading from Rye Wharf, set to occur on no more than 18 days across any one calendar year. On all other days no more than 11 arrivals or departures in total by HGV's shall occur at the application site.

Reason: To protect the residential amenities of the locality and having regard to the local highway situation, there being only one vehicular access route to the village of Rye Harbour, in accordance with Policies OSS4 (ii) and TR3 of the Rother Local Plan Core Strategy and having regard to paragraph 110 of the National Planning Policy Framework.

CONDITION 9 IS VARIED AS FOLLOWS

No floodlighting or other external means of illumination shall be provided, installed or operated at the site, except as hereby approved and in accordance with the shadow Habitat Regulations Assessment or in accordance with a detailed scheme which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise light spill and impacts on the river side and surrounding Site of Special Scientific Interest, thereby safeguard protected species and habitats and to safeguard the visual amenities of the locality in accordance with Policies OSS1 (iii) (e), OSS4 (iii) (iv), RY1 (ix) and EN5 (ii) of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and Site Allocations Local Plan and chapter 15 of the National Planning Policy Framework.

CONDITION 10 IS VARIED AS FOLLOWS

Bagging of aggregates shall only take place within buildings on the site with appropriate dust controls in place, in accordance with the 6th version of the Long Rake Spar Dust Management Plan of July 2023.

Reason: To protect the residential amenities of the locality and to prevent pollution of controlled waters and harm to the Site of Special Scientific Interest, in accordance with Policies OSS3 (viii), OSS4 (ii) and EN5 (ii) of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and Site Allocations Local Plan and the National Planning Policy Framework.

CONDITION 11 REMAINS EXTANT AND IS REAPPLIED

The access, parking and turning arrangements for HGV's and staff cars shall be provided prior to occupation or use of the extensions hereby approved, as set out on approved Drawing No. WM/146/502 rev.3, dated 19-03-18 and shall hereafter be retained for those uses only.

Reason: To ensure that vehicles can enter and leave the site in a forward gear and park on-site, in the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to Policies TR3 and TR4 of the Rother Local Plan Core Strategy.

ADDITIONAL CONDITIONS ARE APPLIED

12. At all times when the factory is operating the sound level rating from all site operations and activities (including the unloading of aggregate vessels) shall not exceed +5dB above background sound level (taken as a 15 minute LA90 at the boundary with the nearest noise sensitive premises) during the hours of 06:00 and 23:00 and shall not exceed the background level (taken as a 15 minute LA90 at the boundary with the nearest noise sensitive premises) during the hours of 23:00 and 06:00

All measurements shall be taken in accordance with the methodology of BS 4142:2014 +A1:2019 – Methods for rating and assessing industrial and commercial sound (and/or its subsequent amendments)

Reason: To protect the residential amenities of the locality in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy, Policy DEN7 of the Development and Site Allocations Local Plan and having regard to paragraphs 174 and 185 of the National Planning Policy Framework.

13. No operations, processes or development hereby approved shall be undertaken within the site unless in full compliance with the mitigation measures set out in the Shadow Habitats Regulations Assessment, Revision C, by Greenspace, dated June 2023. This has specific regard to, (but not the only measures to be followed), in respect of noise, dust and lighting at paragraphs 7.3.4, .26, .29, .32, .36 and .37.

Reason: To ensure the protection and preservation of the adjacent Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest and the Dungeness, Romney Marsh and Rye Bay Special Protection Area and reduce any impacts on adjacent water levels, in accordance with Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and site Allocations Local Plan, the National Planning Policy Framework and the Habitat Regulations.

14. The landscape planting and alterations to the bund are to be completed within the current planting season, i.e. by the end of March 2024, in accordance with the approved plan Drawing No. 4330-210 Rev.C, Landscape Plan, dated 12/01/2021 and in accordance with the requirements of Condition 6 above.

Reason: To ensure the visual and green enhancement of the site and protection and preservation of the adjacent Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest and the Dungeness, Romney Marsh and Rye Bay Special Protection Area and reduce any impacts on adjacent water levels, in accordance with Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and site Allocations Local Plan, the National Planning Policy Framework and the Habitat Regulations.

NOTE:

1. Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the Local Planning Authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.

All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the

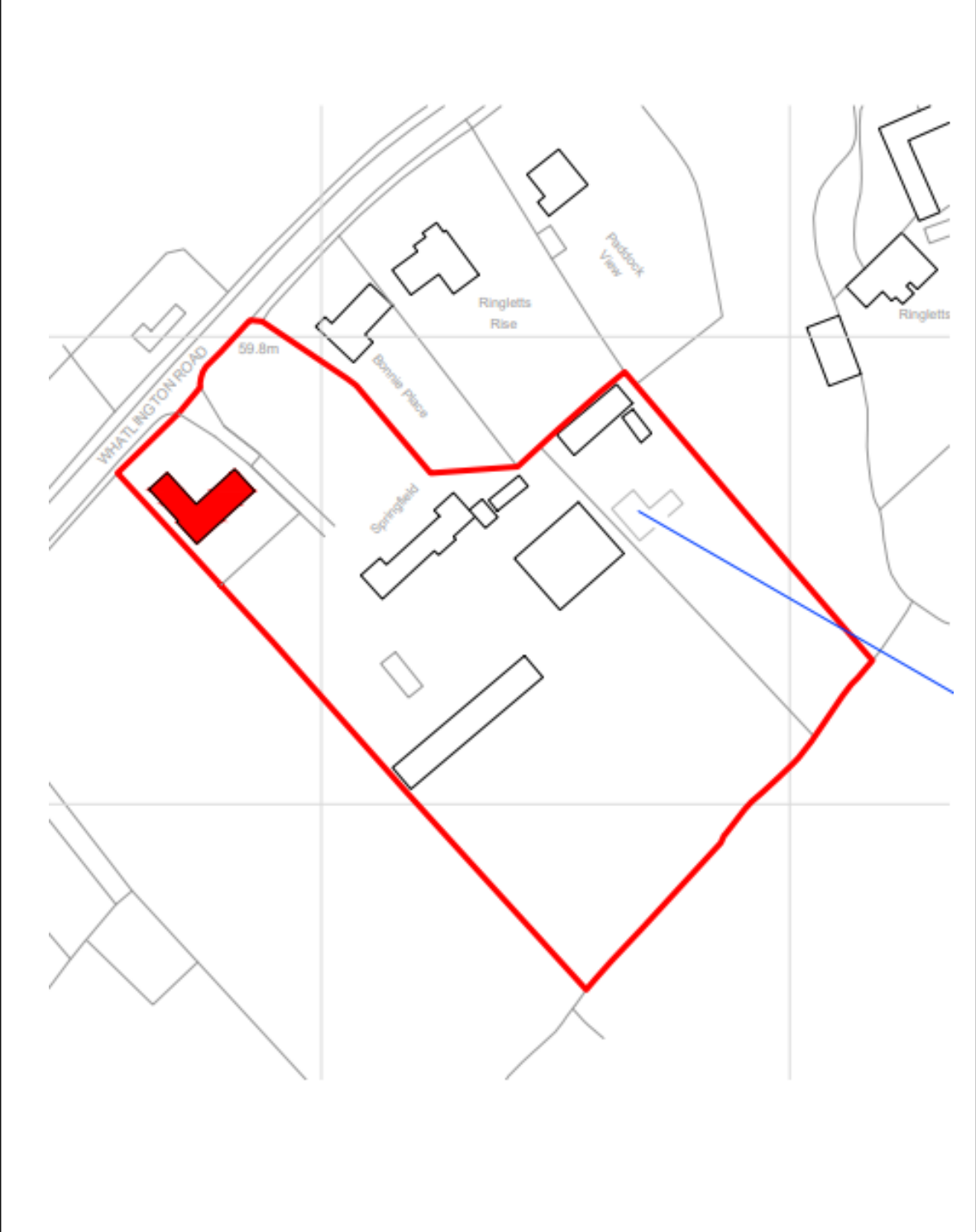
Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant,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

SITE PLAN

WHATLINGTON

RR/2023/1948/P

Springfield
Whatlington Road
Whatlington



Rother District Council

Report to - Planning Committee
Date - 16 November 2023
Report of the - Director – Place and Climate Change
Subject - Application RR/2023/1948/P
Address - Springfield, Whatlington Road, WHATLINGTON
Proposal - Proposed demolition of lawful dwelling approved under RR/2019/738/O and erection of replacement dwelling in new location as an alternative to approved replacement dwelling granted under extant planning permission RR/2021/1937/P.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr R. Vallier
Agent: Pump House Designs
Case Officer: Mrs Harriet Beckett
(Email: harriet.beckett@rother.gov.uk)

Parish: WHATLINGTON
Ward Members: Councillors S. Burton and K.M. Field

Reason for Committee consideration: Member call in:

- This new property will not impact on the street line, which the neighbouring properties have already set. There will be no loss of light or privacy to neighbouring properties. As I believe this home will be for a family member there will be no measurable increase in traffic especially as the turning is an already existing driveway.
- This proposed weather boarding is wood rather than plastic or cement-based weather boarding which is to be commended as is the use of clay roof tiles there are no huge, glazed areas to impact the dark skies policies.
- The plan will have less negative impact on the environment with less hard surfacing leaving the existing lawn and hedgerows to help balance the biodiversity lost to trimming conifers and loss of lawn on the opposite side.
- The building will be screened from the road therefore not affecting the views across the Area of Outstanding Natural Beauty. There are no public footpaths affected by this application.

Statutory 8-week date: 8 November 2023
Extension of time agreed to: 23 November 2023

1.0 SUMMARY

- 1.1 The proposed is for the demolition of a lawful dwelling and erection of replacement dwelling in new location as an alternative to an approved replacement dwelling under extant planning permission RR/2021/1937/P. The main issues for consideration are the principle of development, impact on character of site, streetscene and Area of Outstanding Natural Beauty (AONB), standard of residential accommodation, impact on neighbouring amenity and highway safety.
- 1.2 The proposal by reason of the dwelling's overall height, large footprint, volume and overall scale and mass would represent a bulky, visually intrusive and overbearing dwelling that would appear incongruous in its location and siting set to the northwest of the host dwelling and building line of development in the area. Although described as a replacement dwelling, the new development would occupy an entirely different footprint around 75m from the existing. For these reasons, it would materially harm the character and appearance of the locality, including the surrounding landscape setting and scenic beauty of the High Weald AONB. The proposal would extend built residential form into the AONB having unacceptable character impacts. The proposal would be out of keeping within the locality, resulting in having a harsh urbanising effect upon the existing countryside character of the area through its architectural form, materials and its siting. The proposal would give rise to irreversible harmful impacts upon the High Weald AONB.
- 1.3 For the reasons explained above, the application is recommended for refusal.
-

2.0 SITE

- 2.1 Springfield Nursery is located within the grounds of Springfield in Whatlington, on the north side of Whatlington Road and within the High Weald AONB.
- 2.2 The existing lawful dwelling proposed to be demolished is positioned over 29m to the east of the host dwelling 'Springfield' and set over 20m behind the neighbouring dwelling; Ringlett's Rise. The existing dwelling is positioned well into the site, set back over 88m from the road, which is screened by the neighbouring dwelling. The proposed dwelling is sited 75m west from the position of existing lawful dwelling; set just 10m from the road frontage but behind a tall mature hedge line.
-

3.0 PROPOSAL

- 3.1 This application seeks planning permission for the demolition of lawful dwelling approved under RR/2019/738/O and erection of replacement dwelling in a new location, described as an alternative to approved replacement dwelling granted under extant planning permission RR/2021/1937/P. However, the 2021 approval was within the curtilage of the authorised dwelling and of a lesser scale. The current application is a resubmission of the previously refused 2023 application, for a 'replacement' dwelling on an entirely separate site.

- 3.2 The proposed build site would be set significantly forward of the existing dwelling, much closer to the road. The walls would be constructed using black weatherboard cladding, and the roof with clay roof tiles. The dwelling would be two storeys, although the first floor accommodation would effectively be provided within the roof space with dormers incorporated into the design. Four double bedrooms are proposed across the ground and first floor, an open plan living and dining area, with a separate kitchen.
- 3.3 The location of the dwelling would be in the same position and orientation as the previously refused 2023 application. This proposed scheme has the following differences:
- The addition of a cycle store;
 - The alteration of design to include half hip roofs; and
 - The removal of the basement.
-

4.0 HISTORY

- 4.1 RR/2019/738/O Certificate of lawfulness for the existing use of Springfield Nursery as a single residential dwelling (Use C3). LAWFUL DC APPROVED.
- 4.2 RR/2003/3270/P Use of land as residential curtilage. APPROVED CONDITIONAL.
- 4.3 RR/2021/1937/P Proposed demolition of existing dwelling and outbuilding, and erection of replacement dwelling. APPROVED CONDITIONAL.
- 4.4 RR/2023/156/P Demolition of lawful dwelling approved under RR/2019/738/O and erection of replacement dwelling in new location as an alternative to approved replacement dwelling granted under extant planning permission RR/2021/1937/P. REFUSAL.
-

5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- OSS3: Location of Development
 - OSS4: General Development Considerations
 - RA2: General Strategy for the Countryside
 - RA3: Development in the Countryside
 - EN1: Landscape Stewardship
 - EN3: Design Quality
 - TR3: Access and New Development
 - TR4: Car Parking
- 5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal:
- DHG3: Residential Internal Space Standards
 - DHG7: External Residential Areas

- DHG12: Accesses and Drives
- DEN1: Maintaining Landscape Character
- DEN2: The High Weald AONB

5.3 The following objectives of the adopted High Weald AONB Management Plan 2019-2024 are relevant to the proposal:

- Objective S2: To protect the historic pattern and character of settlement.
- Objective 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.

5.4 The National Planning Policy Framework and Planning Practice Guidance are also material consideration – particularly paragraph 176 of the National Planning Policy Framework relating to the conservation of National Parks, the Broads and AONBs.

6.0 CONSULTATIONS

6.1 RDC – Waste & Recycling – NO OBJECTION

6.1.1 There are no issues here as bins will be presented on Whatlington Road.

6.1.2 East Sussex County Council (ESCC) Highways – NO OBJECTION

6.1.3 I would not wish to object to this application, subject to the imposition of conditions.

6.2 Planning Notice

6.2.1 One letter of objection has been received. The concerns raised are summarised as follows:

- Concerns in relation to setting a precedent to build in gardens or fields along the road.

6.2.2 One letter of general comment has been received. The concerns raised are summarised as follows:

- Concerns in relation to if allowed it would subsequently be cited to justify development on the adjacent land.

6.3 Whatlington Parish Council – NO COMMENT RECEIVED

7.0 APPRAISAL

7.1 The main issues to consider include the principle of development, impact on character of site, streetscene and AONB, standard of residential accommodation, impact on neighbouring amenity and highway safety.

7.2 *Principle of development*

7.2.1 The site is outside of any defined development boundary and for the purposes of planning policy the site is located within the countryside. Policies OSS1, OSS2 and OSS3 of the Rother Local Plan Core Strategy are concerned with

the distribution of development, the use of development boundaries and the location of development respectively. Collectively they encourage sustainable patterns of development with most development directed within existing Development Boundaries around settlements.

- 7.2.2 Policy DIM2 of the DaSA states that new development shall be focused within defined settlement boundaries, principally on already committed sites (i.e. sites with planning permission) and allocated sites, together with other sites where proposals accord with relevant Local Plan policies. This policy also states that in the countryside (that is, outside of defined settlement development boundaries), development shall be normally limited to that which accords with specific Local Plan policies or that for which a countryside location is demonstrated to be necessary.
- 7.2.3 With regards to new dwellings in the countryside, the National Planning Policy Framework sets out at paragraph 80 the need to avoid isolated homes in the countryside unless there are special circumstances and examples are given. While the proposed dwelling would not necessarily be isolated in physical terms as there are residential properties either side of the site and on the other side of the road, it would be isolated with regard to access to employment, services and community facilities, as set out under the issue for consideration, sustainable location (see issues section).
- 7.2.4 At the local level, Policy RA3 (iii) of the Rother Local Plan Core Strategy is specific to the formation of new dwellings in the countryside. This states that there are four extremely limited circumstances in which dwellings are allowed: a) Dwellings to support farming and other land-based industries (i.e. forestry and equine-related activities); b) The conversion of traditional historic farm buildings in accordance with Policy RA4; c) The one-to-one replacement of an existing dwelling of similar landscape impact; and d) As a 'rural exception site' to meet an identified local affordable housing need.
- 7.2.5 While the proposal is described as being a replacement of the existing property, the new dwelling would occupy an entirely different location, much closer to the road. The new dwelling would be 75m northwest of the existing. In addition, given the existing dwelling on site is a modest, flat roof single storey building, which obtained status as a residential dwelling through application reference RR/2019/738/O, together with the size and design of the previously approved dwelling, in comparison to that proposed which is significantly larger, this is not considered to be a one-to-one replacement of the existing dwelling of similar landscape impact. Not only in regard to the location and position of the dwelling but also the size and design of the proposed dwelling.
- 7.2.6 Therefore, none of the above circumstances in which new dwellings are allowed in the countryside are considered applicable in this case.
- 7.2.7 Notwithstanding the above, the Council cannot currently demonstrate a five-year supply of deliverable housing sites, which is contrary to the requirement set out in paragraph 75 of the National Planning Policy Framework. Relevant policies for the supply of housing (e.g. Policy RA3 (iii)) in the development plan are therefore out of date and, accordingly, point d (ii) in paragraph 11 is engaged. This states where there are no relevant development plan policies,

or the policies which are most important for determining the application are out of-date, granting permission unless:

- i. the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (such as AONB or Ancient Woodland); or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

7.2.8 It therefore remains necessary to consider the overall impact of the proposed development, particularly in this case in terms of its effect on the character and appearance of the area, including the landscape and scenic beauty of the AONB; whether the dwelling would be sustainably located with regard to access to employment, services, and facilities; impact on neighbouring amenities; highway safety and parking provision.

7.3 *Sustainable location*

7.3.1 Policy OSS3 of the Rother Local Plan Core Strategy states that in assessing the suitability of a particular location for development, proposals should be considered in the context of the need for access to employment opportunities.

7.3.2 Policy TR3 of the Rother Local Plan Core Strategy, amongst other things, requires that new development minimises the need to travel and supports good access to employment, services and community facilities.

7.3.3 As already mentioned, within the DaSA, this site is outside of the development boundary. Despite there being a nearby hourly bus route and bus stops fairly close by, the site is not considered to be a sustainable location for a new dwelling. Nevertheless, the proposed development is for a replacement dwelling, albeit larger in scale, and therefore its impact on additional traffic generation would be minimal. On this basis, an objection in terms of the sustainability of location is not raised.

7.4 *Character and Appearance of site, streetscene and AONB*

7.4.1 Policy OSS3 of the Rother Local Plan Core Strategy states that in assessing the suitability of a particular location for development, proposals should be considered in the context of (vi) the character and qualities of the landscape.

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

7.4.3 Policy RA2 of the Rother Local Plan Core Strategy states that the overarching strategy for the countryside is to (viii) conserve the intrinsic value, locally distinctive rural character and landscape features of the countryside.

7.4.4 Policy RA3 of the Rother Local Plan Core Strategy states that (v) all development should be of an appropriate scale and will not adversely impact on the landscape character of the countryside.

- 7.4.5 Policy EN1 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the DaSA require development to protect and enhance the distinctive landscape character, including (i) the AONB.
- 7.4.6 Policy DEN1 of the DaSA states that the siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics.
- 7.4.7 Paragraph 126 of the National Planning Policy Framework states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.
- 7.4.8 Paragraph 130 of the National Planning Policy Framework states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 7.4.9 Paragraph 134 of the National Planning Policy Framework states that permission should be refused for development that is not well designed, taking 'into account any local design standards or style guides in plans or supplementary planning documents.
- 7.4.10 Paragraph 176 of the National Planning Policy Framework states that development within the setting of AONB should be sensitively located and designed to avoid or minimise adverse impacts.
- 7.4.11 A replacement dwelling was granted (RR/2021/1937/P), on the footprint of the existing dwelling (RR/2019/738/O). Overall, it was judged that the previous approved scheme against the relevant planning policies and in consideration, it was concluded that the proposal would have an acceptable landscape impact to the one it would replace and would preserve the landscape and scenic beauty of the AONB.
- 7.4.12 Nevertheless, the proposed dwelling subject of this application would not be erected over the top of the footprint of the existing dwelling and would be positioned to the northwest of the host dwelling, around 75m away. It would have a much larger footprint than the previously approved dwelling. It would be significantly larger in height and overall mass than the existing dwelling and previously approved dwelling. The sheer increase in size, its location, scale and design would result in the proposed dwelling not having a similar landscape impact as the existing. The proposed dwelling would have a significant adverse impact on the countryside and the landscape and scenic beauty of the AONB.
- 7.4.13 Whilst it is appreciated that the site is fairly well screened by vegetation and is not particularly prominent in the wider landscape, these factors do not justify erecting such a large replacement dwelling of the design proposed, as this reasoning could be allowed too often to the complete detriment of the intrinsic qualities of the countryside and the AONB designation.

- 7.4.14 Policies OSS4, RA2 and RA3 seek to maintain the character and appearance of the countryside and the landscape and scenic beauty of the AONB. The provision of a two-storey dwelling of the scale and design proposed would be harmful to the surrounding countryside's open character and the landscape and scenic beauty of the AONB.
- 7.4.15 It is therefore considered that the proposal would be out of keeping within the locality, resulting in a harsh urbanising effect upon the existing countryside character of the area. The proposal would give rise to irreversible harmful impacts upon the High Weald AONB. The proposed development would have a detrimental impact on the streetscene and wider setting of the High Weald AONB, contrary to local and national planning policies.
- 7.5 *Standard of residential accommodation*
- 7.5.1 Policy DHG3 of the DaSA requires new housing development to achieve the Government's nationally described space standards.
- 7.5.2 Four double bedrooms are proposed across the ground and first floor. For a 4b8p unit, 124sqm is required with 3sqm of built in storage.
- 7.5.3 For a four-bedroom dwelling, the minimum gross internal floor areas and storage would be achieved by the development. The development would meet these aspects of the policy and is acceptable in this regard.
- 7.5.4 Policy DHG7 (i) of the DaSA states that an appropriate level of useable external space should be provided. For dwellings, private rear garden spaces of at least 10 metres in length will normally be required. The proposal would accord with this requirement.
- 7.5.5 Policy DHG7 (iii) requires sufficient bin storage and collection points to be provided on all new residential developments. ESSC Highways have advised, as per the below, that the collection arrangements are satisfactory.
- 7.5.6 ESSC's best practice guidance: 'Refuse & Recycling Storage at New Residential Developments within the Eastbourne, Hastings, Wealden and Rother Council Areas' states that any external bin store should be within 30m of an entrance of a property and within 25m of the collection point where the collection vehicle will stop. The plans suggest the bins will be located on Whatlington Road on collection day. This is considered acceptable.
- 7.6 *Impact on neighbouring amenity*
- 7.6.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that all development should not unreasonably harm the amenities of adjoining properties. Such as, result in loss of light and privacy, causing an overbearing presence and causing intrusion such as through noise, activity and unsocial hours, lighting etc.
- 7.6.2 The proposed dwelling would not be situated in close proximity to other residential properties, to the extent that concerns would arise in respect of overlooking and loss of privacy. Similarly, the dwelling is not considered to cause an overbearing impact or result in a sense of enclosure.

7.6.3 Given its residential use and position away from other residential uses, it is not considered that any significant or harmful noise generation, activity or unsocial hours would arise from the development.

7.7 *Highway Safety*

7.7.1 Policy CO6 of the Rother Local Plan Core Strategy states that a safe physical environment will be facilitated by (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.

7.7.2 Policy TR3 of the Rother Local Plan Core Strategy requires new development to ensure adequate, safe access arrangements.

7.7.3 Policy TR4 of the Rother Local Plan Core Strategy relates to parking provision and requires development to (i) meet its residual needs for off-street parking.

7.7.4 ESCC Highways department were consulted with throughout the course of the application, who raised no objection subject to the imposition of conditions in the event of an approval.

7.8 *Trip Generation*

7.8.1 The Applicant has not submitted trip generation analysis for this development. However, a development of this size is unlikely to result in a significant impact on the local highway network.

7.8.2 Therefore, it is not considered this development will result in a significant impact on the local highway network.

7.9 *Vehicular Access*

7.9.1 The site has an existing vehicle access from an access road from Whatlington Road and this is to remain the same as part of the proposed development. However, a new access road from the existing drive is proposed as part of the proposed development.

7.9.2 The new access is to be approximately 7m wide. In accordance with Manual for Streets, an access should measure a minimum distance of 4.8m to ensure two vehicles can pass simultaneously. However, given the proposal is for one dwelling, it is unlikely that two vehicles will be entering and exiting at the same time. Therefore, in this instance, the access is considered acceptable.

7.9.3 It should be noted that the construction of the new access may be subject to a S278 agreement and should be undertaken by an approved contractor under an appropriate licence.

7.10 *Parking Provision*

7.10.1 In accordance with the ESCC's parking calculator, the proposed development would require two parking spaces. The site is proposed two car parking spaces, and this is considered acceptable.

- 7.10.2 ESCC parking guidance requires the minimum dimensions of parking bays to be 5m x 2.5m, with an additional 0.5m in either/both dimensions if the space is adjacent to a wall or fence.
- 7.10.3 The Applicant is also proposing a turning area, which would allow vehicles to enter and exit the site in forward gear.
- 7.11 *Cycle Parking*
- 7.11.1 In terms of cycle parking provision, there would need to be storage for two bicycles for the dwelling, to be in accordance with ESCC's guidance. ESCC requires cycle parking to be in a safe, secure and covered location. The scheme would provide cycle storage, so would be considered to meet this guidance.
- 7.12 *Community Infrastructure Levy (CIL)*
- 7.12.1 The proposed development is a type that is liable for CIL.
-

8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 The site lies outside of the development boundary as delineated by the DaSA.
- 8.2 As noted, the Council is currently unable to demonstrate a five-year supply of land for housing. This triggers the presumption in favour of sustainable development test set out in paragraph 11(d) of the National Planning Policy Framework. This states that where policies most important for determining the application are out-of-date, permission should be granted unless:
- i. The application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development; or
 - ii. 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.
- 8.3 Paragraph 11 (d) (i) is engaged in this instance due to the adverse impact of the proposed development on the landscape and scenic beauty of the AONB which provides a clear reason for refusing the application.
- 8.4 The proposal conflicts with Development Plan policies together with the various provisions contained within the Framework and therefore the application cannot be supported.
-

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The proposal by reason of the dwelling's overall height, large footprint, volume and overall scale and mass would represent a bulky, visually intrusive and overbearing dwelling that would appear incongruous in its location and siting set to the northwest of the host dwelling and building line of development in the

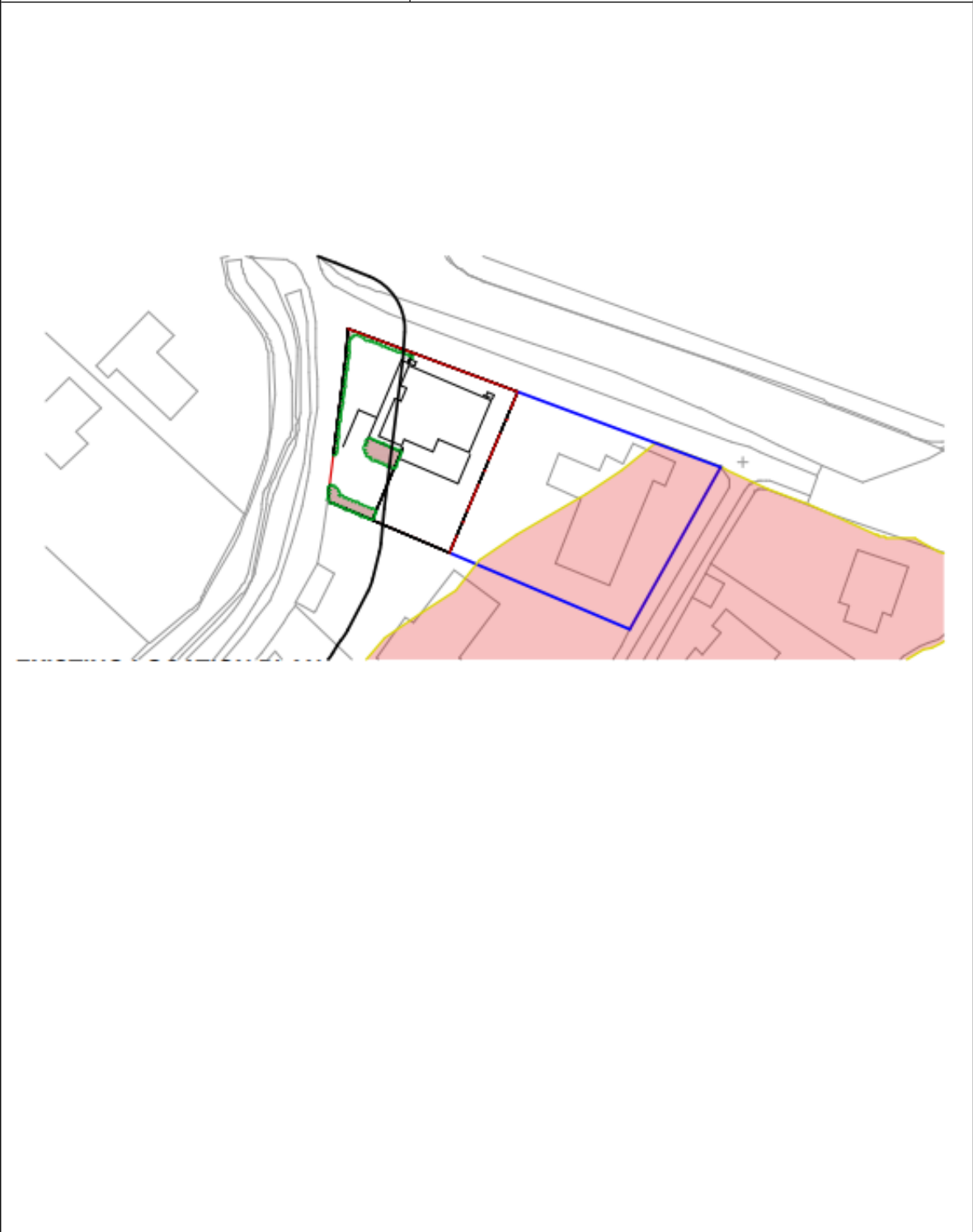
area. Although described as a replacement dwelling, the new development would occupy an entirely different footprint around 75m from the existing. For these reasons, it would materially harm the character and appearance of the locality, including the surrounding landscape setting and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB). The proposal would extend built residential form into the AONB having unacceptable character impacts. The proposal would be out of keeping within the locality, resulting in having a harsh urbanising effect upon the existing countryside character of the area through its architectural form, materials and its siting. The proposal would give rise to irreversible harmful impacts upon the High Weald AONB. As such, the proposal is contrary to Policies OSS2, OSS4, RA2, RA3, EN3 of the Rother Local Plan Core Strategy (2014) and Policies DIM2, DEN2 of the Rother Development and Site Allocations Local Plan (2019) and paragraphs 126, 130, 134 and 176 of the National Planning Policy Framework and Objectives 2 and 3 of the High Weald Management Plan.

NOTE:

1. This refusal of planning permission relates to the following drawings and documents:
Drawing No. 7468/LBP, Location / Block Plan dated 20 December 2022
Drawing No. 7468/23/3, Proposed Site Layout dated 1 August 2023
Drawing No. 7468/23/2, Proposed Dwelling Elevations dated 1 August 2023
Drawing No. 7468/23/1, Proposed Dwelling Floor Plans dated 1 August 2023

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, 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.

<p>SITE PLAN</p> <p>RR/2023/976/P</p>	<p>FAIRLIGHT</p> <p>Land at Bairnsbourne Sea Road Fairlight</p>
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Rother District Council

Report to - Planning Committee
Date - 16 November 2023
Report of the - Director – Place and Climate Change
Subject - Application RR/2023/976/P
Address - Land at Bairnsbourne, Sea Road,
FAIRLIGHT
Proposal - Erection of single dwelling in the rear garden of existing dwelling Bairnsbourne. Re-submission of application RR/2022/2315/P

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr & Mrs M. Roche
Agent: Hawkins & Hawkins
Case Officer: Miss Katie Edwards
(Email: katie.edwards@rother.gov.uk)

Parish: FAIRLIGHT
Ward Members: Councillors T.O. Grohne and A.S. Mier

Reason for Committee consideration: Call-in by Councillor Mier to consider land stability and drainage matters.

Statutory 8-week date: 26 July 2023
Extension of time agreed to: 23 November 2023

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 This application is a resubmission of refused application RR/2022/2315/P. The amended scheme is considered to have overcome the three reasons for refusal, which related to lack of information regarding drainage and stability; ecology; and lack of parking/turning. It is considered that the stability of the site would not be worsened as concluded in the stability assessment submitted with this application and with conditions there would be no harm from surface water drainage. The proposal would not harm the character or the area, neighbouring amenities or ecology. Parking and turning are provided within the site. As such this application is recommended for approval.

2.0 SITE

- 2.1 The application site forms part of the rear garden area of Bairnsbourne and is located outside but adjacent to the Development Boundary for Fairlight Cove as defined within the Development and Site Allocations (DaSA) Local Plan. The development boundary runs along the south-eastern side of Lower Waites Lane, i.e. the western boundary of the application site. All neighbouring dwellings around Bairnsbourne are also located outside the development boundary.
- 2.2 The site lies 14.7m outside the coastal zone buffer identified within the DaSA and outside but adjacent to the High Weald Area of Outstanding Natural Beauty (AONB). It lies within Fairlight and Pett Level Drainage Area. There are three neighbouring properties to the east that lie within the coastal buffer zone closer to the cliffs, being Bairnsbourne, Grey Winds and Merrie Lands.
- 2.3 There is a stream approximately 3m to the west of the site on the opposite side of Lower Waites Lane. Whilst the site is not within a coastal/river flood zone, the front section of the site lies within a potential surface water flood area. Fairlight is known for drainage issues and stability issues.
- 2.4 Bairnsbourne can be accessed from Sea Road and Lower Waites Lane being a corner plot between the two roads. The trees on the western side of Lower Waites Lane are subject to a Tree Preservation Order.
- 2.5 The site is additionally situated within a red Impact Risk Zone under the NatureSpace Partnership Scheme which means the area provides a 'highly suitable habitat' for Great Crested Newts.
- 2.6 There is a neighbouring property to the south-west (side) of the site which was approved under Planning Ref. RR/2004/2801/P. This land was formerly part of Bairnsbourne.

3.0 PROPOSAL

- 3.1 This application seeks permission for a new dwelling house. The dwelling would be a single storey bungalow with a footprint of 148.7sqm, with 133sqm of internal space.
- 3.2 The resulting property would have 3-bedrooms with a modular design with two lean-to green roofs and a mixture of off-white render and vertical timber cladding.
- 3.3 The property would be accessed via a new driveway off Lower Waites Lane. Following the previous refusal the boundary screening would be retained to the north and west side boundaries.

4.0 HISTORY

- 4.1 RR/2022/2315/P Erection of single bungalow dwelling with associated landscaping and parking – REFUSED.

5.0 POLICIES

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

- PC1: Presumption in Favour of Sustainable Development
- OSS2: Use of Development Boundaries
- OSS3: Location of Development
- OSS4: General Development Considerations
- RA2: General Strategy for the Countryside
- RA3: Development in the Countryside
- CO6: Community Safety
- EN1: Landscape Stewardship
- EN3: Design Quality
- EN5: Biodiversity and Greenspace
- EN7: Flood Risk and Development
- TR3: Access and New Development
- TR4: Car Parking

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

- 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 AONB
- DEN4: Biodiversity and Green Space
- DEN5: Sustainable Drainage
- DEN6: Land Stability
- DIM2: Development Boundaries
- DRM2: Renewable energy developments

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

5.4 The adopted High Weald AONB Management Plan 2019-2024 and Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area. These are relevant as the proposal would affect the setting of the AONB whilst not being inside the AONB itself.

6.0 CONSULTATIONS

6.1 [East Sussex County Council \(ESCC\) Highways](#) – **DO NOT WISH TO COMMENT**

6.2 [NatureSpace](#) – **NO OBJECTION**

6.3 [ESCC Lead Local Flood Authority](#) – **DO NOT WISH TO COMMENT**

- 6.4 Southern Water – **GENERAL COMMENTS:**
- 6.4.1 Southern Water requires a formal application for a connection to the public foul sewer to be made by the Applicant or developer. And list details required for any surface water drainage scheme.
- 6.5 Environment Agency – **DO NOT WISH TO COMMENT**
- 6.6 RDC Waste & Recycling – **NO ISSUES**
- 6.7 Wealden Building Control – **UNABLE TO COMMENT**
- 6.7.1 Have to rely on the reports provided by suitably qualified persons who have accepted responsibility for them. In relation to siting of a soakaway, it has been agreed that a safe distance of 100m from the cliff edge is required.
- 6.8 Fairlight Preservation Trust – **OBJECTION**
- 6.8.1 Comments summarised:
- Vulnerable location, area has been subject to sever coastal erosion and cliff falls.
 - Major drainage and groundwater pooling issues.
 - Accompanying stability report is inadequate as it is a desk study and does not accurately reference property 'Grey Winds'. Professional expert advice is still needed.
 - Southern water system is already overloaded, Pathfinder Project has places Fairlight as one of only six sites.
 - Loss of mature scrubs and trees harming local environment and drainage.
 - LEAP Report contains comprehensive exclusions to benefit the Applicant.
 - Environmentally sensitive area, namely an Site of Special Scientific Interest.
 - No construction management plan provided.
- 6.9 Public Notice
- 6.9.1 10 letters of **objection** received from 13 people. The comments are summarised as follows:
- Road to narrow for construction vehicles, any damage is paid for by residents.
 - Vehicle access would damage stream, blocking access for properties beyond and causing hazards for walkers of coastal pathway.
 - Harmful to properties on cliff edge, whilst outside 50m zone still relevant.
 - Geological report does not add any new information, site inspection does not offer confidence as neighbouring property on cliff edge, was excluded from inspection.
 - Harmful to wildlife.
 - Sewage system has no capacity for further dwelling.
 - Concrete is overused and would reduce absorption.
 - Weight load pressure would affect water pooling.
 - Overdevelopment of plot, tiny garden.
 - Faces wrong way, contradicting other properties on lane.
 - Only one WC in ensuite.
 - No storage inside or outside, storage outside would be an eyesore.

- Blind corner on Lower Waites Lane, accident chances will be exacerbated.
- Out of character with other properties in terms of design.
- Trees would be felled, oat tree has already been felled.
- Bairnsbourne has already been subdivided once.
- Overlooking neighbouring properties due to amount of glazing and garden patio.
- Turning space on driveway is inadequate.
- Adding conditions are not good enough as would not be enforced by Rother District Council.

6.10 Fairlight Parish Council – **OBJECTION**

6.10.1 Comments summarised:

- Close proximity to 50m coastal buffer.
- Immediacy to neighbouring properties and overlooking issues.
- Sewerage structure is overloaded.
- Private access road is narrow and unstable, would not accommodate large construction vehicles, dead end no turning for large vehicles and possible damage to stream.
- Contamination to stream from ground water runoff.
- Inadequate parking space for visitors, no off-road parking without blocking road.
- Construction management plan required.
- Permeable driveway and channel drain would be an issue.
- Soakaway is proposed, not suitable for area.
- Disturbance of wildlife.
- Existing established trees and hedgerow should be maintained.
- Only one toilet within ensuite bedroom.

6.11 Other comments regarding RDC procedures

6.11.1 There has been additional comments regarding the location of the planning notice, however as stated on the notice it is not always possible to display on the application site it has been sited to ensure wider publicity for the proposal. There are also complaints about the speed of displaying the notice and how the notice period was insufficient. Please note that once displayed there are 21 days for comments as with all planning applications and any delay in posting the notice has allowed a longer consultation period.

6.11.2 The location plan is on the website and can be seen on Drawing No. 02 rev D. In line with the guidance at paragraph 39-42 of the National Planning Policy Framework pre-application guidance is allowed and available for all applicants.

7.0 **LOCAL FINANCE CONSIDERATIONS**

7.1 If approved, the development would be 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.

8.0 APPRAISAL

8.1 The main issues for consideration include the principle of development; site stability; drainage and flood risk; character and appearance of area; amenities of neighbours; living conditions for future occupiers; ecology; and highway safety.

8.2 Principle of Development

8.2.1 Policy OSS2 of the Rother Local Plan Core Strategy states that “Development Boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not”.

8.2.2 Policy DIM2 of the DaSA states that “In the countryside (that is, outside of defined settlement development boundaries), development shall be normally limited to that which accords with specific Local Plan policies or that for which a countryside location is demonstrated to be necessary”.

8.2.3 As the site is located outside of the development boundary as defined in the DaSA, the site is in the countryside for policy purposes.

8.2.4 The site is outside of the development boundary in an area that has been deliberately excluded by local Planning Policy due to its sensitive nature and risk or erosion. Due to this it is considered that greater weight should be placed on this location.

8.2.5 However, based on the current housing position it is acknowledged that the Council cannot currently demonstrate a five-year supply of housing land with the appropriate buffer. This means that policy restrictions relating to development boundaries must be viewed at the present time as being ‘out-of-date’. As a consequence, planning applications fall to be considered in the context of paragraph 11 d) of the National Planning Policy Framework, which states, that *in accordance with the presumption in favour of sustainable development, where policies are out of date planning permission should be granted unless:*

- i) *the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or*
- ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

8.2.6 The merits of the application proposal in relation to paragraph 11 are considered below.

8.3 Site Stability

8.3.1 The site lies just over 60m from the cliff edge, Policy DEN6 of the DaSA states that “*development will only be permitted on unstable or potentially unstable land where, (i) the nature of the instability has been properly assessed; and (ii) any remedial measures required to ensure that the development does not add to the instability of the site or surrounding land are environmentally acceptable and are normally implemented prior to the building works*”.

- 8.3.2 Paragraph 11.110 of the DaSA states that *'The development boundary is drawn back from the cliff edge, to protect land that may be at risk of erosion or land instability.'*
- 8.3.3 The Council did not receive any objections from consultations regarding stability. Building Control could not comment on the proposal, however, did state that we have to rely on the report undertaken by a suitably qualified professional. The National Planning Policy Framework states at paragraph 184 that *Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.* The company, LEAP, who produced the report have provided further clarifying comments which can be found in full on the website.
- 8.3.4 The 'Preliminary Land Stability and Cliff Assessment' by LEAP, considers that as long as the proposed development is undertaken taking the general recommendations into account, it will not have an adverse effect on the stability of the existing sea cliff. The report also concludes that in time, as it is, the cliff will eventually fail and retreat however this would not be due to the proposals for the site, but due to the natural regrading of the cliff, wave action and lifespan of the coastal defence.
- 8.3.5 The assessment is primarily a desk-based study. This included looking at the historical maps, historical datasets, the retreating shoreline patterns, existing cliff angles, soil/rock type and distance of proposals from the crest of the cliff, local information, other local published reports and the effect the rock berm has had on the stability of the cliff since installation and likely life span. They also physically looked at the existing site and local topography to establish if any existing and recent movement could be identified. An onsite intrusive investigation was requested, however LEAP stated that this would be very unlikely to change the conclusions and recommendations within their original report.
- 8.3.6 They additionally advised that whilst boreholes could be used, they would not usually be for an assessment of this type. At Fairlight the existing cliff exposure has been very well documented and as such this is not necessary.
- 8.3.7 The final recommendations from the assessment are as follows:
- Care must be taken not to create any stockpiles of material on the northern corner of the site where slope stability remains a potential problem.
 - Site levels should remain at or as close to the existing as possible.
 - All drainage should be directed to off-site drain runs.
 - Care must be taken to avoid any water collecting and introduction of water into the ground should be avoided at all times.
- These can be incorporated within conditions with any approval as well as a Construction Management Plan for agreement prior to any works starting on site.
- 8.3.8 In summary with the absence of any objections from qualified statutory consultees we have no reason to disagree with the conclusions in the assessment.

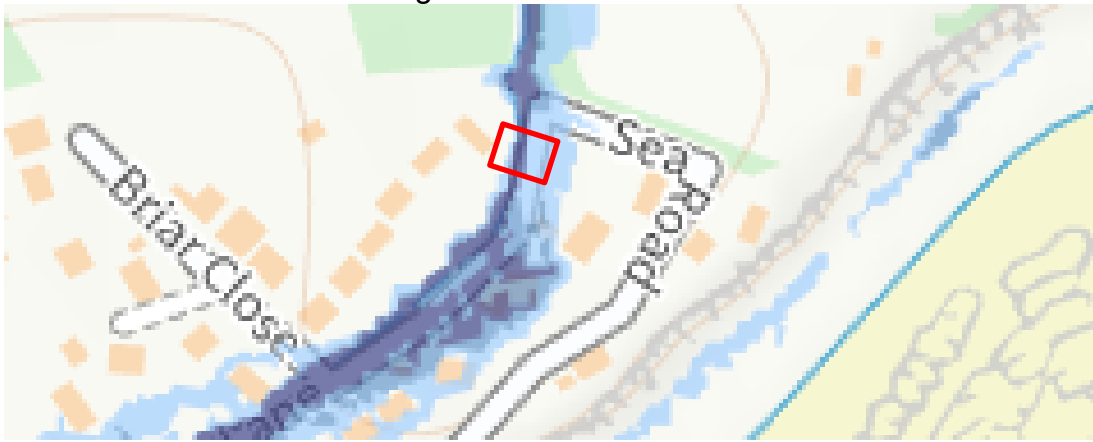
8.4 Drainage and Flood risk

- 8.4.1 Policy DEN5 of the DaSA states that:

'(ii) new development should utilise opportunities to reduce the causes and impacts of all sources of flooding, ensuring flood risks are not increased elsewhere, that flood risks associated with the construction phase of the development are managed, and that surface water run-off is managed as close to its source as possible'. And '(vii) within the Fairlight and Pett Level Drainage Area, surface water run-off from development shall be no more than the greenfield rate, in terms of volume and flow; and at Fairlight Cove, drainage proposals should accord with Policy DEN6 (land stability).'

- 8.4.2 There is a stream approximately 3m west from the front boundary and the site and is within the Fairlight and Pett Level Drainage Area. However, it is noted that the western end of the plot is within a low risk (pale blue) area of surface water flooding. Low risk (as on the Government website) means that this area has a chance of flooding of between 0.1% and 1% each year.

Plan of surface water flooding:



- 8.4.3 Southern Water provided a comment on the proposal. They require a formal application to connect to the public foul sewer. When a Sustainable Drainage System is to be implemented (SuDS) drainage details should be submitted to the Local Planning Authority which, specify the responsibilities of each party for the implementations, include a timetable of implementation and detail management and maintenance plans for the lifetime of the development. There has been concern raised by residents regarding the use of the existing sewer system, however Southern Water have not objected to this proposal.
- 8.4.4 The proposal originally included a soakaway system, however as this would be inappropriate in this area the proposal was amended. The development, following consideration of the ESCC 'SuDS Decision Support Tool for Small Scale Development', now proposes to use an attenuation tank, the details of which would be determined by a specialist prior to development. Additionally, three rainwater harvesting cylinders would be used and a sedum green roof. The channel drain on the driveway would discharge water into the attenuation tank as would the bio-retention gardens. This seems to be sufficient and if approved a pre-commencement condition for full details of the attenuation tank and other matters raised by Southern Water would be required.

8.5 Character and appearance of the locality

- 8.5.1 Policy DEN1 of the DaSA states that *'The siting, layout and design of development should maintain and reinforce the natural and built landscape*

character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics’.

- 8.5.2 Policy EN3 of the Rother Local Plan Core Strategy advises that development must contribute positively to the character of the site and surroundings and Policy OSS4(iii) states that development must respect and not detract from the character and appearance of the locality.
- 8.5.3 Paragraph 130 of the National Planning Policy framework states that development must ‘function well and add to the overall quality of the area’ and is ‘sympathetic to local character and history, including the surrounding built environment and landscape setting’.
- 8.5.4 While not within the High Weald AONB boundary, the site is outside of a development boundary and is therefore in the countryside for policy purposes. Given that the boundary for the High Weald AONB is close to the site (the boundary of which is to the north side of the Sea Road), the impact on views to and from the High Weald AONB would also be a consideration in terms of its setting.
- 8.5.5 The area is semi-rural in character and Lower Waites Lane is a narrow lane lined either side with vegetation. However, the site is adjacent to the development boundary of Fairlight Cove which is a village of a reasonable size and is bordered by other residential properties also located outside the development boundary. The dwellings along the lane are detached, generally set within spacious plots and are set back from the road with long front and rear gardens.
- 8.5.6 Whilst the proposed dwelling would be within a somewhat smaller plot, closer to the roadside and be of a less traditional design, it would not be unacceptable given the built-up nature of this area, where there are many dwellings on a variety of plot sizes, and which vary in design. In addition, the side elevation of Bairnsbourne is close to the boundary with Sea Road, on the same alignment as the proposed dwelling. The proposed dwelling would also be single storey and would be seen in the context of other surrounding residential properties. With retention of boundary planting and the vegetation on the opposite side of the road, it would be screened from wider views and not read as an intrusion into the countryside and would not cause harm to the setting of the AONB. In terms of design the property would face Lower Waites Lane and would be a bungalow, like the majority of the neighbours. Whilst a more contemporary design, the development is not considered to be harmful to the character of the area.
- 8.5.7 Both Sea Road and Lower Waites Lane are characterised by tree and hedge lined lanes. With the previous application there was some concern about the loss of boundary screening, however with this proposal it is clear that the hedgerow would be retained. If the application were to be approved, hard and soft landscaping details would need to be submitted which include retention of the boundary hedges.
- 8.6 Amenities of adjoining properties

- 8.6.1 Policy OSS4 of the Rother Local Plan Core Strategy states that ‘all development should meet the following criteria: (ii) *It does not unreasonably harm the amenities of adjoining properties*’.
- 8.6.2 The closest neighbour to the site would be Bairnsbourne, to the east, with the application property built within their garden. The proposal would result in the loss of garden space for Bairnsbourne, however, the resultant garden space for this property would still provide an adequate level of external amenity space for future occupiers (13m). No. 78 Lower Waites Lane lies to the south of the application site and this land was also formerly part of Bairnsbourne.
- 8.6.3 The application site would be positioned to the north and the north west of the aforementioned properties with a good enough distance between to remove any concern about loss of light to the neighbouring properties. Due to the single storey height and minimum distances of 13m (Bairnsbourne) and 13m (No. 78) to the dwellings closest elevations, it is considered that the proposal would not appear to be unacceptably overbearing or enclosing to these neighbours.
- 8.6.4 There has been some concern raised reference overlooking from the proposal. However due to the proposed property being single storey and not positioned at an elevated terrain height, it is not considered that any additional views towards neighbouring properties would be achieved than already pertains from the existing rear garden of Bairnsbourne. As such the proposal would not introduce a new level of overlooking.
- 8.7 Living conditions for future occupiers
- 8.7.1 Policy DHG3 of the DaSA requires new housing development to achieve the Government’s nationally described space standards. Any proposal for a new dwelling must meet these minimum standards. The proposal would be for a three bed, six person dwelling and would meet the minimum standards.
- 8.7.2 Policy DHG4 of the DaSA states that all dwellings are required to meet M4(2): Category 2 - Accessible and Adaptable dwellings. The Council has adopted the Optional Buildings Regulations for Accessible and Adaptable Homes. If granted there would need to be a condition ensuring that the property complies with these standards.
- 8.7.3 Policy DHG7 (i) of the DaSA requires new housing development to achieve adequate private external space, normally rear gardens with a depth of 10m. The site is confined and as such a rear garden cannot be provided, but external private amenity space would be located to the southern side of the property. The external space would have a depth of 14.8m so would provide external space that would comply with the condition.
- 8.7.4 Policy DHG7 (iii) of the DaSA requires sufficient bin storage to be provided. The proposal includes an area for bin storage adjacent to the lane.
- 8.8 Ecology
- 8.8.1 The site lies within a red impact zone as per the modelled district licence impact map, meaning it is a ‘highly suitable habitat’ for the presence of Great Crested Newts. NatureSpace have been consulted and they have no

objection to the proposal. In this case the site is not within 50m of a pond and in this instance an informative only can be recommended reminding the Applicant of the regulations and should Great Crested Newts be found at any stage of the development works, then all works should cease, and Natural England should be contacted direct for advice.

8.8.2 Comments from neighbours regarding the impact to wildlife have been received, however the land is an existing part of the rear maintained garden for 'Bairnesbourne' and as such would not be as attractive for wildlife as the woodland to the north-west of the site. As such the development is not considered to harm protected species.

8.9 Highway Safety

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

8.9.2 Policy CO6 of the Rother Local Plan Core Strategy states that a safe physical environmental will be facilitated by: *(ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.*

8.9.3 Policy DHG7 *(ii) of the DaSA states that provision for car parking and safe and secure cycle storage should be made in accordance with the Rother Local Plan Core Strategy Policy TR4 and ESCC's 'Guidance for Parking at New Residential Development'.*

8.9.4 Lower Waites Lane is very narrow, however, it is not considered that the provision of one additional dwelling would have a significant impact on highway safety. Given the narrow nature of the lane, vehicles are also likely to be travelling at slower speeds.

8.9.5 The proposed parking area shows space for two cars and a turning space so that the vehicles can enter and exit in forward gear. Two parking spaces is adequate for a dwelling of this size. ESCC Highways were consulted and did not object or offer any comments on the proposal in terms of issues with safety.

8.9.6 There has been concern raised by neighbours that during works construction vehicles would block access and that the large vehicles could damage the road. These construction issues can be mitigated and conditioned with a Construction Management Plan, which in this instance is appropriate due to the nature of the site access and potential blocking of access, which could impact other road users.

9.0 **PLANNING BALANCE AND CONCLUSION**

9.1 This revised application is considered to have overcome all three of the previous reasons for refusal under RR/2022/2315/P.

- 9.2 It is considered that there would be no harm to the stability or drainage of the area with full details via conditions and compliance with the recommendations within the stability report.
- 9.3 The proposals would not give rise to harm to protected species.
- 9.4 Parking and turning can be provided within the site.
- 9.5 The proposed dwelling would not harm the character of the local area or the neighbouring amenities. With conditions therefore, the application is recommended for approval.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Proposed Site Plans, Drawing No. 01 rev A, dated 27/10/23
Proposed Plans, Drawing No. 02 rev G, dated 27/10/23
Proposed Elevations, Drawing No. 03, received 27/10/23
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place until a scheme for protective fencing to the boundary hedges and trees has been submitted to and approved in writing by the Local Planning Authority. The protective fencing shall be erected prior to the commencement of any ground works and shall be retained for the duration of construction.
Reason: To ensure that tree and hedges 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), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy and Policies DEN1 and DEN4 of the Development and Site Allocations Local Plan.
4. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
 - a) the anticipated number, frequency and types of vehicles used during construction;
 - b) the method of access and egress and routeing of vehicles during construction;
 - c) the parking of vehicles by site operatives and visitors;
 - d) the loading and unloading of plant, materials and waste;

- e) the storage of plant and materials used in construction of the development;
 - f) the erection and maintenance of security hoarding;
 - g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
 - h) details of public engagement both prior to and during construction works.
- Reason: These details are required prior to commencement of any works to ensure highway safety and to protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

5. No development shall commence until a surface water drainage scheme for the site, including details of the proposed attenuation tank, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: These details are integral to the whole development and are therefore required prior to commencement of works to prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) of the Rother Local Plan Core Strategy, Policy and DEN7 (iii) of the Development and Site Allocations Local Plan and paragraphs 167 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

6. Construction and completion of the works shall be undertaken in accordance with the recommendations outlined on page 19 of the 'Preliminary Land Stability and Cliff Assessment' by LEAP, dated 29 March 2023, including the details to be submitted in respect of the Construction Management Plan and the surface water drainage scheme.

- a) Care must be taken not to create any stockpiles of material on the northern corner of the site where slope stability remains a potential problem.
- b) Site levels should remain at or as close to the existing as possible.
- c) All drainage should be directed to off site drain runs as appropriate.
- d) Care must be taken to avoid any water collecting and introduction of water into the ground should be avoided at all times.

Reason: The application site is within an area of unstable land and in order to safeguard the safety of future occupiers of the land, in accordance with the requirements of Policy OSS3 (viii) of the Rother Local Plan Core Strategy and Policy DEN6 of the Development and Site Allocations Local Plan.

7. No development above ground level shall take place until samples or details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in keeping with the character and appearance of the existing building and to maintain the visual amenities of the area having regard to Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy and Policy DEN1 of the adopted Development and Site Allocations Local Plan.

8. No development above ground level on the site shall take place until the hard and soft landscaping details for that part of the site have been submitted to and

approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: To ensure a high quality public realm taking account of the characteristics of the area in accordance with Policies OSS4 (iii), EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.

9. In this condition "retained tree/hedge" means the existing trees and hedging to the roadside boundaries in Lower Waites Lane and Sea Road, which are to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 10 years from the date of the occupation of the building for its permitted use.
- a) No retained tree/hedge shall be cut down, uprooted or destroyed, nor shall any retained tree/hedge 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/hedge is removed, uprooted, destroyed or dies, another tree/hedge plant shall be planted at the same place and that tree/hedge plant 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/hedge 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/hedge protection schemes shall be made without prior written consent of the Local Planning Authority.

Reason: To ensure that tree/hedges 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), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy and Policies DEN1 and DEN4 of the Development and Site Allocations Local Plan.

10. The development shall not be occupied until the parking and turning area have been provided in accordance with the approved plans and the area shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles

Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic or conditions

of general safety along the highway in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

11. 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 extensions, buildings or structures as defined within classes A, AA, B, D or E of Part 1 of the Schedule 2 of the order, shall be carried out on the site otherwise than in accordance with a planning permission granted by the Local Planning Authority.
Reason: To ensure that the satisfactory appearance of the development and area is maintained, to preserve the natural landscape quality and character of the High Weald Area of Outstanding Natural Beauty and to protect ground stability and drainage, in accordance with Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN6 of the Development and Site Allocations Local Plan.
12. The dwelling hereby permitted shall not be occupied until it has/they have been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.
Reason: To ensure that an acceptable standard of access is provided to the dwelling(s) in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Rother Development and Site Allocations Local Plan.
13. The dwelling hereby approved shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part 3 of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwelling hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwelling has been constructed to achieve water consumption of no more than 110 litres per person per day.
Reason: To ensure that the development is built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2(v) of the Rother Local Plan Core Strategy and Policy DRM1 of the Development and Site Allocations Plan.

NOTES:

1. Rother District Council adopted the Community Infrastructure Levy (CIL) Charging Schedule on 4 April 2016. CIL applies to all applicable planning permissions granted on or after this date. In this case, the development hereby approved is CIL liable. The Applicant/Agent is advised to ensure the appropriate submission of the relevant CIL form(s). Forms and guidance are available on the Councils website: www.rother.gov.uk/planning-and-building-control/planning-policy/community-infrastructure-levy-cil-2/
2. 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; intentionally or recklessly obstruct access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under this legislation. Should great crested newts

be found at any stages of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

3. This permission may include condition(s) requiring the submission of details prior to the occupation of development. Following close consideration in the courts, it is now well established that if the permission contains conditions requiring further details to be submitted to the Council or other matters to take place prior to development commencing and these conditions have not been complied with, the development may be unlawful and not have planning permission. You are therefore strongly advised to ensure that all such conditions have been complied with before the development is commenced. A fee is payable for written requests for compliance with conditions; the current fee is £34.00 for each request for householder developments and £116.00 for each request for all other categories of development. The appropriate 1APP form can be downloaded from the Council's Planning website www.rother.gov.uk/planning.
4. The Applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that conditions triggering the optional technical standards for Water Efficiency and Accessibility are attached to this planning permission and that development should be built accordingly. Enforcement action may be taken without further notice if the relevant standards are not achieved.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with 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.

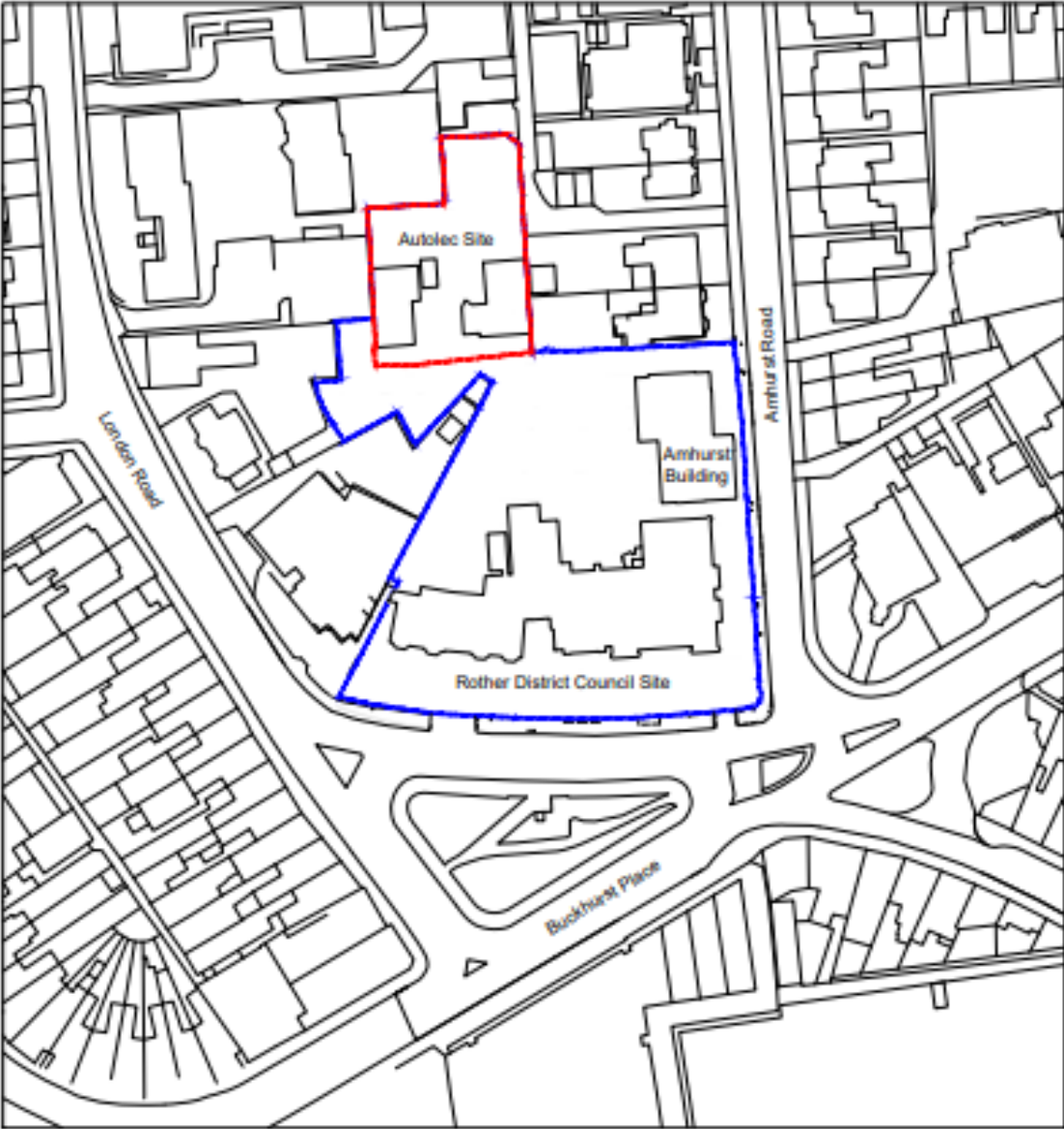
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SITE PLAN

BEXHILL

RR/2023/1210/P

1B Amherst Road
Old Autolec Buildings
Bexhill



Rother District Council

Report to: - Planning Committee
Date: - 16 November 2023
Report of the: - Director – Place and Climate Change
Subject: - Application RR/2023/1210/P
Address: - 1B Amherst Road, Old Autolec Buildings, BEXHILL
Proposal: - Demolition of Autolec Building and garages to the rear of the Town Hall building.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Rother District Council
Agent: Rother District Council
Case Officer: Rossella De Tommaso
(Email: Rossella.DeTommaso@rother.gov.uk)

Parish: BEXHILL CENTRAL
Ward Members: Councillors C.A. Bayliss and R.A. McCourt

Reason for Committee consideration: Council Own Development.

Statutory 8 - week date: 3 October 2023
Extension of time agreed to: 17 November 2023

1.0 SUMMARY

1.1 Full planning permission is sought for the demolition of two derelict and unsafe buildings within the Autolec Site as indicated in Drawing No. 00720-PL- 100. Based on the comprehensive method statement, adherence to safety regulations, and alignment with relevant guidelines, it is recommended that the planning application for the demolition of the two derelict and unsafe buildings be approved, subject to any necessary conditions to ensure compliance with safety and environmental requirements.

2.0 SITE

2.1 The site comprises of two buildings within the Autolec Site located at the rear (west) of the properties fronting Amherst Road and northwest of the Town Hall. It is within the the development boundaries for Bexhill. The site is not listed and it is not within a conservation area.

3.0 PROPOSAL

- 3.1 This application is seeking planning permission for the demolition of two derelict and unsafe buildings at the application site. The Applicant has provided the following supporting documents:
- Demolition Method Statement dated 04/07/2023.
 - Asbestos Refurbishment and Demolition Survey for Asbestos Materials dated 2 September 2021.
-

4.0 HISTORY

- 4.1 RR/2022/1784/P Proposed demolition of existing offices and outbuildings to rear of site, construction of new building comprising offices, civic and event space, cafe, and creation of new access; refurbishment of existing Town Hall, including part-removal of later additions; removal of access ramp; and associated landscaping and infrastructure works. REFUSED 15/07/2022.
-

5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- OSS4: General Development Considerations
- 5.2 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.
-

6.0 CONSULTATIONS

6.1 Planning Notice

- One representation of objection has been received on this application stating that there is no need to demolish these buildings.
- One general comment has been received on this application questioning whether the demolition is down to the ground or not and if anything will be built in its place.

6.2 RDC Estates – **NO RESPONSE**

6.3 Bexhill-on-Sea Town Council – **SUPPORTS THE APPLICATION**

7.0 APPRAISAL

- 7.1 The planning application under consideration pertains to the demolition of two derelict and unsafe buildings within the application site. The proposal includes the submission of a method statement and an asbestos report. In this report, we assess the proposal's potential impact on residents and the surrounding area.

- 7.2 The proposal is supported by a detailed method statement outlining the proposed demolition process, ensuring safe and controlled demolition. Additionally, an asbestos report has been submitted to address potential asbestos-containing materials within the structures.
- 7.3 The method statement emphasises adherence to safety regulations and measures to mitigate potential risks to residents and the environment during the demolition process. Proper waste disposal and minimising noise and dust pollution are key aspects of the proposed plan.
- 7.4 The asbestos report advises the removal of all asbestos-containing materials by a licensed contractor. This recommendation aligns with best practices and safety standards to protect workers and the community from asbestos-related health risks.

Impact on Residents:

- 7.5 The demolition of the derelict buildings may temporarily disrupt residents in the vicinity due to noise and dust associated with the demolition process. However, measures outlined in the method statement aim to minimise this disruption and ensure the safety and well-being of residents.

Impact on the Area:

- 7.6 The removal of derelict and unsafe buildings would have a positive impact on the immediate and surrounding area.

Other

- 7.7 Comments received regarding the application have been noted. However, it is important to highlight that these comments do not directly relate to planning matters as outlined in the application. Furthermore, the application pack clearly indicates that the proposal pertains to the demolition of the two buildings as indicated in the plans provided.

8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 Considering the provided method statement and asbestos report, the proposed demolition is deemed appropriate and in line with safety and environmental regulations. The potential short-term inconvenience to residents is outweighed by the long-term benefits to the area through the removal of derelict and unsafe structures.

RECOMMENDATION: GRANT (FULL PLANNING PERMISSION)

CONDITIONS:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Drawing No. (00720-PL- 100), dated (July 23)

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

3. All demolition works shall be carried out in full in accordance with the recommendations of the Demolition Method Statement dated 04/07/2023 and the Asbestos Refurbishment and Demolition Survey for Asbestos Materials dated 2 September 2021.

Reason: To ensure the satisfactory development and appearance of the site and safety of residents and in accordance with Policy OSS4 (ii) (iii) 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.

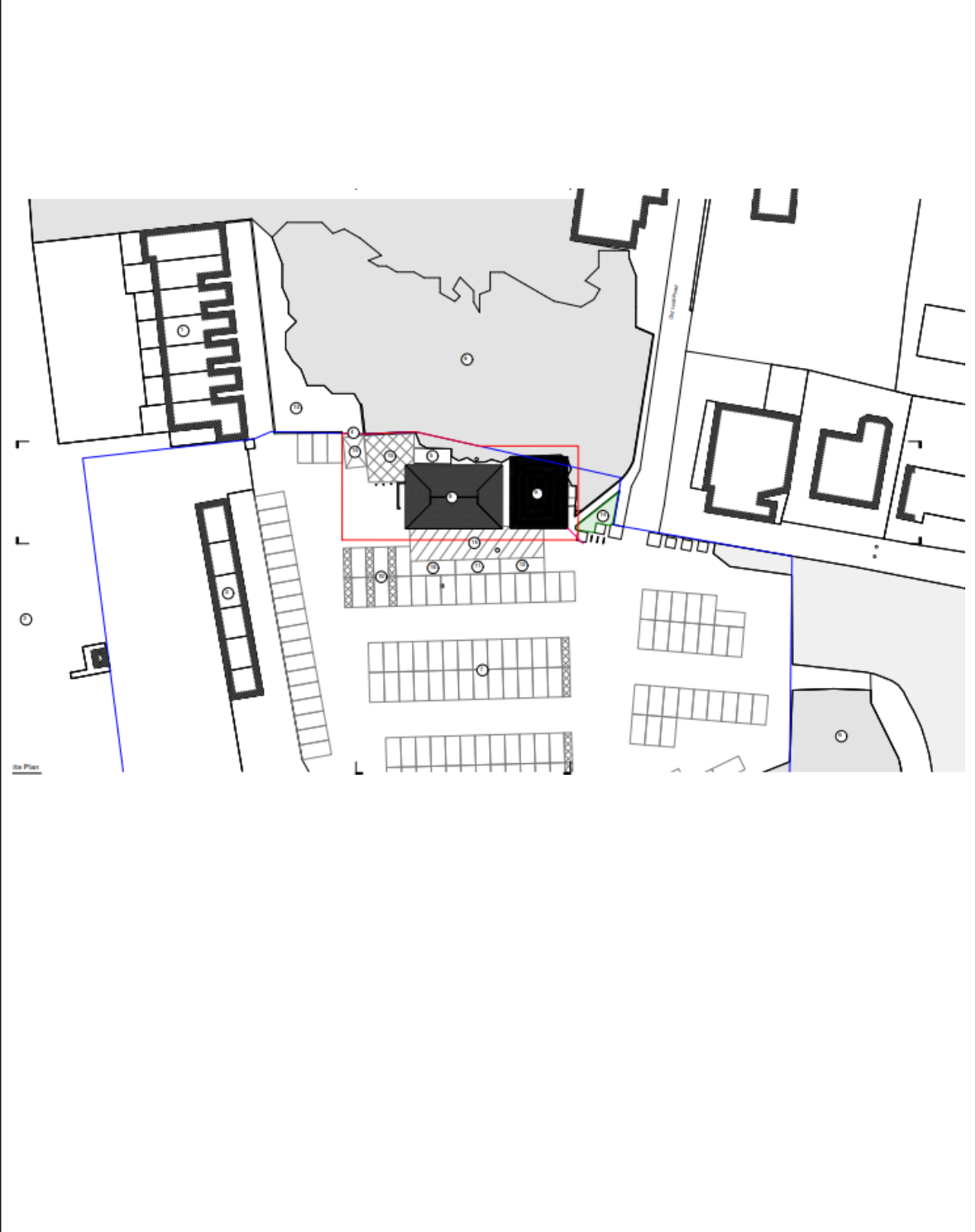
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SITE PLAN

CAMBER

RR/2023/1743/P

Car Park Central
Coastal Control Centre
Old Lydd Road
Camber



Rother District Council

Report to	-	Planning Committee
Date	-	16 November 2023
Report of the	-	Director – Place and Climate Change
Subject	-	RR/2023/1743/P
Address	-	Car Park Central, Coastal Control Centre, Old Lydd Road, CAMBER
Proposal	-	Extension and internal/external refurbishment of the Camber Central WC's and Coastal Office.

[View application/correspondence](#)

RECOMMENDATION: GRANT (FULL PLANNING)

Director: Ben Hook

Applicant: Rother District Council
Agent: DK-CM
Case Officer: Matthew Jenner
(Email: matthew.jenner@rother.gov.uk)

Parish: CAMBER
Ward Members: Councillors L. Hacking and P.N. Osbourne

Reason for Committee consideration: Director – Place and Climate Change referral: This is a Rother District Council application, which relates to Council owned land.

Extension of time agreed to: 20 November 2023

1.0 SUMMARY

1.1 The redevelopment of this tourist facility within the development boundary of Camber is considered an improvement of the existing site and is an acceptable proposal in principle. The proposal would not have an adverse impact on the character and appearance of the area, harm the amenities of neighbouring properties and would be acceptable in terms of flood risk. Subject to conditions, the proposal is considered acceptable in terms of traffic management, biodiversity and habitat protection.

2.0 SITE

2.1 The proposal relates to buildings within the Camber Car Park situated adjacent to the beach. The buildings are situated to the western side of the car park and include toilet facilities, a small office and first aid store as well as a garage. The site is within the development boundary for Camber and has

its own allocations Policy CAM2 in the Development and Site Allocations Local Plan (DaSA). To the west of the site are sand dunes and the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI). The site lies within a red impact zone as per the modelled district licence impact map, meaning it is a 'highly suitable habitat' for the presence of Great Crested Newts.

3.0 PROPOSAL

- 3.1 The application proposes a refurbishment of the Camber Central WCs and Coastal Office. The works would include a new roof connecting the two existing structures, new windows, doors, fixtures and fittings throughout, introduction of a changing rooms, additional toilets and first aid areas, a two-storey extension on the south side of the building to house an improved coastal office facility, RNLI storage, spaces for community hire and a public facing kiosk.
- 3.2 Following concerns raised by Natural England and East Sussex County Council (ESCC) Ecology regarding the impact of the proposal on biodiversity and the designated habitats, amended plans and additional information have been submitted.
- 3.3 The footprint of the original proposal has been reduced in response to these concerns. The application as now proposed would still consist of a two-storey extension on the east side which would have both a flat roof and mono pitched roof design. A roof terrace that was previously proposed has now been omitted from the application.
- 3.4 The current proposal would link the existing structures with a low angle mono pitched roof that would be finished with zinc cladding. An additional single story flat roof extension is also proposed on the west elevation which would provide storage for the RNLI. At ground floor level, the doors and windows of the east elevation would be recessed into the building with columns supporting the first floor above.
- 3.5 The external surfaces of the walls would utilise the existing painted brickwork as well as some areas which would be clad with panels utilising recycled demolition waste from the site. The proposed fenestration would consist of a mix of timber and steel finishes.
-

4.0 HISTORY

- 4.1 RR/81/0667 Use kiosk to sell fresh fruit, wrapped confectionery, light refreshments, dry beach sundries and newspapers. APPROVED CONDITIONAL
- 4.2 RR/97/636/3R Demolition of existing hut and construction of a permanent new building on the same site. APPROVED CONDITIONAL
-

5.0 POLICIES

- 5.1 The following policies of the adopted Rother Local Plan Core Strategy are relevant to the proposal:
- OSS3: Location of Development
 - OSS4: General Development Considerations
 - EN3: Design Quality
 - EN5 Biodiversity and Green Space
 - EN6: Flood Risk
 - EN7: Flood Risk and Development
 - EC6 Tourism Activities and Facilities
 - CO1 Community Facilities and Services
 - CO2 Provision and Improvement of Healthcare Facilities
 - CO6 Community Safety
 - TR4 Car Parking
- 5.2 The following policies of the Development and Site Allocations Local Plan are relevant to the proposal:
- DCO1: Retention of Sites of Social or Economic Value
 - DEN1: Maintaining Landscape Character
 - DEN6: Land Stability
 - DIM1: Comprehensive Development
 - DIM2: Development Boundaries
 - CAM2: Land at the Central Car Park, Old Lydd Road, Camber
- 5.3 The Camber Village Supplementary Planning Document (2014), National Planning Policy Framework and National Planning Practice Guidance are also material considerations.
-

6.0 CONSULTATIONS

6.1 Camber Parish Council – **SUPPORT**

- 6.1.2 The application was considered by Councillors at their meeting on 19 September. Camber Parish Councillors support the application in principle with six of seven councillors voting in support of the planning application which was proposed by Cllr Cawte and seconded by Cllr Clarke but with comments and reservations to be submitted to the Planning Authority for consideration. The following concerns were raised:
1. Toilet block: The proportionality of the allocation of space provided for toilet facilities. Comments were that the area for unisex toilets was too great in relation to the male and female toilets. Questions were raised about how 'family friendly' this area would be, and that the layout should consider the safety of users at all times.
 2. Provision of a lift: Concerns were raised that by providing community space at high level gave the need to provide a lift to this area but that the cost of the lift may be better spent elsewhere in the refurbishment.
 3. Overbearing design: Comments were made that the design was overbearing, and that the footprint was increased along with the height.
 4. Clarity on use of space provided: Some councillors were confused about how the community space and the kiosk space would be used and more details would be welcomed by them.

5. Extended use of spaces provided: The use of space was queried such as the first aid area, storage of RNLI equipment etc and that this space may only be utilised for a short time each year. It would be helpful to hear plans for year round use of these facilities
6. Community gain: The Parish Council welcomes the refurbishment of the facilities and the investment in the village by RDC, but it would be helpful to receive some more details on how the local community can benefit directly from the redevelopment in this planning application.

6.2 Marine Management Organisation – **NO OBJECTIONS RECEIVED**

- 6.2.1 Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the Applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

6.3 ESCC Ecology – **RECOMMEND FOR REFUSAL DUE TO INSUFFICIENT INFORMATION**

- 6.3.1 Insufficient information has been provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation, and enhancement. Further advice will be provided upon receipt of additional information.

6.4 Natural England – **FURTHER INFORMATION REQUIRED TO DETERMINE THE IMPACTS ON DESIGNATED SITES**

- 6.4.1 As submitted, the application could have potential significant effects on Dungeness, Romney Marsh and Rye Bay SSSI, Special Protection Area (SPA) and Ramsar Site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

6.5 Environment Agency – **NO OBJECTION**

6.6 Nature Space – **NO OBJECTION**

- 6.6.1 It is considered that the proposed development would present a low risk to great crested newts and/or their habitats. As the development is within the red Impact Risk Zone, as modelled by district licence mapping, an informative note is recommended.

6.7 Public Notice

- 6.7.1 One letter of support summarised below:
 - In favour of toilet block being demolished and a new block put in place with better facilities.
 - However, concerns raised over height of the building and its impact on wind/sand deposits, drain on resources and concern over the restricted access of new coastal office.
- 6.7.2 One letter of objection (representing seven neighbouring properties) summarised below:
 - Concerns over the boundary of the site with the entrance to our Car Park.

- The RNLI ‘hose down area’ will be in front of the car park entrance and will present access issues.
- Health and safety concerns over RNLI manoeuvring into storage space at the back of the building.
- Addition of a ‘tower’ at the west end of the building will add a big bulk to the building.
- Concerns raised over first floor terrace, creating a source of nuisance, overlooking and nesting of seagulls.
- Puzzled by the location of the clock and tide indicator on the south face which would not be visible to people entering the beach.
- We hope that the clock tower will not be illuminated.

8.0 APPRAISAL

- 8.1 The main issues to consider in the determination of this application include:
- The principle of the development.
 - The impact of the proposal on the character and appearance of the locality.
 - Biodiversity and designated habitats.
 - Flood risk.
 - Traffic management.
 - The impact of the proposal on neighbouring amenities.

8.2 The principle of development

- 8.2.1 The site is specified in the DaSA by Policy CAM2 as being ‘allocated for a comprehensive mixed-use scheme to include an improved public realm with tourism, commercial and operational uses’.
- 8.2.2 The proposed improvement of tourism and safety facilities is considered an improvement to the site. The proposal would be limited to a relatively small footprint within the allocated site and would therefore not impede its future development.
- 8.2.3 The site is within the development boundary for Camber and therefore the proposal would comply with Policy OSS2 of the Rother Local Plan Core Strategy which favours new development within a development boundary.
- 8.2.4 Policy EC6 of the Rother Local Plan Core Strategy states that proposals relating to tourism activities and facilities will be encouraged where they accord with the following considerations, as appropriate: *(i) It provides for the enhancement of existing attractions or accommodation to meet customer expectations and (ii) It supports active use along the coast, consistent with environmental and amenity factors.*
- 8.2.5 Policy CO1 of the Rother Local Plan Core Strategy states that the availability of community facilities to meet local needs will be achieved by: *(i) Permitting new, improved or replacement community facilities in appropriate locations where they meet identified community needs, having regard to population characteristics, Local Actions Plans and recognised standards of provision.*

8.2.6 The proposal is considered to be an enhancement of the existing toilet facility which serves visitors at this tourist location along the coast and would therefore comply with Policies EC6 and CO1 of the Rother Local Plan Core Strategy. Additionally, the proposal would comply with Policies CO2 and CO6 of the Rother Local Plan Core Strategy which seek to improve community safety and healthcare facilities.

8.2.7 For the reasons stated above it is considered that the proposal is acceptable in principle, subject to the consideration of the following matters.

8.3 **Character and appearance of the locality**

8.3.1 Policy DEN1 of the DaSA states that *'The siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics.* Policy EN3 of the core strategy advises that *development must contribute positively to the character of the site and surroundings* and Policy OSS4(iii) states that *development must respect and not detract from the character and appearance of the locality.*

8.3.2 The proposed redevelopment of the site would only increase a moderate amount of the existing footprint following the amended plans that have been received.

8.3.3 Camber has a varied mix of buildings in terms of design, massing and materials. The building as proposed would not appear overly domestic in appearance. Its overall design would be reflective of its purpose as a tourist facility in this location. The proposed materials which consist predominately of cladding, retained brickwork and a zinc roof are therefore also considered acceptable in this location.

8.3.4 Part of the building would increase from one storey to two storey. However, this would only be a small section on the south side of the building. It is not considered that this would harm the character and appearance of the existing building or on the site as a whole and or its surroundings, given its acceptable design.

8.3.5 For the reasons stated above it is not considered that the proposal would harm the character and appearance of the area.

8.4 **Biodiversity and designated habitats**

8.4.1 Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the DaSA seek to conserve and enhance habitats and biodiversity.

8.4.2 Policy CAM2 of the DaSA makes specific reference to avoiding adverse impacts on the adjacent designated sites of importance for biodiversity (i.e. the Dungeness, Romney Marsh and Rye Bay SSSI, the Dungeness Romney Marsh and Rye Bay SPA and Ramsar site and the Dungeness SAC, including the sand dunes), as well as supporting the implementation of the Sustainable Access and Recreation Management Strategy (SARMS) as appropriate adjacent Natura 2000 Site.

8.4.3 Natural England and ESCC Ecology were consulted on the application as originally proposed. Both consultees have requested additional information following concerns over the potential impact on biodiversity and the designated sites. Following these concerns, amended plans and additional information have been received. However, at the time of writing this report a response has not been received from either Natural England or ESCC Ecology. It is anticipated that the amendments received, reducing the scope of the development, will have addressed the concerns and that conditions can be applied to mitigate any impact of the proposal on biodiversity and the designated sites. However, confirmation from Natural England and ESCC Ecology must be received before concluding this.

8.4.4 The site is within the Red Impact Zone for the protection of Great Crested Newts. This indicates that there is suitable habitat and a high likelihood of great crested newt presence. However, in this case the Sussex Newt Officer (Naturespace) is satisfied that if the development was to be approved, it would present a low risk to GNCs and their habitats. An imitative note is recommended to advise the Applicant of the best practices for development in this instance.

8.4.5 For the reasons stated above, there are no objections to the proposal on the grounds of biodiversity and designated habitats.

8.5 **Flood risk**

8.5.1 Policy CAM2 states that development will only be permitted where: *'(iv) a site specific flood risk assessment has been undertaken which demonstrates that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall'*.

8.5.2 The site as a whole is within flood zones 1, 2 and 3. As required by Policy CAM2 a Flood Risk Assessment has been submitted with the application.

8.5.3 The report confirms the following:

- The proposed planning application is for the reconfiguration and repurposing of the existing toilets and Coastguard Office and extension to the existing toilets. Accordingly, it is considered that the vulnerability of the site will not increase post development.
- The development will use the confines of the existing structure. Finished floor levels of the extension will be set no lower than existing floor levels.
- Flood proofing of the development will be incorporated as appropriate.
- The Applicant will register with the free Environment Agency Floodline Warnings Direct service.
- Due to the small scale of the development, a full Surface Water Drainage Strategy is not required at this stage of planning. The proposed development will utilise the existing drainage arrangements on site.

8.5.4 For the reasons set out above, it is concluded in the flood risk assessment that the proposed application is suitable in terms of flood risk.

8.6 Traffic management

- 8.6.1 Policy CAM2 states that development will only be permitted where: *'(iii) a traffic management scheme is submitted to manage traffic impacts arising from the development, both during and after the construction period. The scheme shall include an assessment of the impact on public car parking provision throughout the year and demonstrate that appropriate provision will be retained in the village during the winter period (October to March)'*.
- 8.6.2 The site is within the Central Camber Car Park, which is extremely busy in peak season, and the number of visitors causes issues for residents.
- 8.6.3 The proposal would not result in the loss of any parking spaces within the site. However, a traffic management plan has not been submitted as required by Policy CAM2. This can be secured by a condition to manage traffic impacts arising from the development, both during and after the construction period

8.7 Neighbouring amenities

- 8.7.1 The application closest neighbouring properties to the site are the terrace of coastal cottages to the south-west and the buildings to the north on Old Lydd Road.
- 8.7.2 In terms of massing, loss of light and overbearing it is not considered that the proposal, would cause harm given the reasonable separation distance between the application site and neighbouring properties.
- 8.7.3 A roof terrace was initially proposed with the application but following the submission of amendments, this has been removed from the proposal. The amended proposal is therefore not considered to have an impact in terms of overlooking.
- 8.7.4 For the reasons stated it is not considered that the proposal would have an impact on neighbouring amenities.

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 The redevelopment of this tourist facility within the development boundary of Camber is considered an improvement of the existing site and is an acceptable proposal in principle. The proposal would not have an impact on the character and appearance of the area or harm the amenities of neighbouring properties and would be acceptable in terms of flood risk. Subject to conditions the proposal is considered acceptable in terms of traffic management. Also, subject to no objection being received from Natural England and ESCC, and with the imposition of conditions to secure mitigation, there should be no harm to biodiversity and habitat protection. An update in this regard is anticipated before the Planning Committee meeting on the 16 November 2023.
- 9.2 For the reasons explained, the proposal would comply with the Rother Local Plan Core Strategy and DaSA policies. The application is therefore recommended for approval.

RECOMMENDATION: GRANT (PLANNING PERMISSION)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990(as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Location Plan- 2215-S4-000, dated 09.10.23
Proposed Site Plan- 2215-S4-001, dated 09.10.23
Proposed Ground Floor Plan- 2215-S4-100, dated 09.10.23
Proposed First Floor Plan- 2215-S4-101, dated 09.10.23
Proposed Roof Plan- 2215-S4-102, dated 09.10.23
Proposed East Elevation- 2215-S4-200, dated 09.10.23
Proposed West Elevation- 2215-S4-201, dated 09.10.23
Proposed Short Elevations- 2215-S4-202, dated 09.10.23
Proposed S-N Section- 2215-S4-300, dated 09.10.23
Proposed W-E Sections- 2215-S4-301, dated 09.10.23
Proposed W-E Sections- 2215-S4-302, dated 09.10.23
Design and Access Statement (Prepared by DK-CM), final issue dated 17.08.23
Flood Risk Assessment for Planning (Prepared by UNDA)- 93150-DKCM-CamberCentralPC, dated July 2023
Preliminary Ecological Appraisal (Prepared by The Ecology Partnership), dated August 2023
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with that described in the application unless an alternative finish is first submitted to and approved in writing by the Local Planning Authority.
Reason: To maintain the characteristics of the existing building in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy.
4. Traffic Management Plan: no development shall take place, including any ground works or works of demolition, until a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
 - i. The anticipated number, frequency and types of vehicles used during construction.
 - ii. Delivery and construction phase working hours.
 - iii. The method of access and egress and routing of vehicles during construction.
 - iv. The parking of vehicles by site operatives and visitors.
 - v. The loading and unloading of plant, materials and waste.
 - vi. The storage of plant and materials used in construction of the development.

- vii. The erection and maintenance of security hoarding, including provision to protected identified landscapes.
- viii. The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders).
- ix. Scheme for the control of noise and dust.
- x. Details of public engagement both prior to and during construction works.
- xi. The erection and maintenance of security hoarding to the Public Right-of-Way to ensure continued safe access to this route during construction.
- xii. The Applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

Reason: Pre-commencement condition for works to ensure that the amenities of existing occupiers are protected and in the interests of and for the safety of persons and vehicles using the local road network serving the site, having regard to National Planning Policy Framework paragraphs 174 and 185, and Policy OSS4(iii) of the Rother Local Plan Core Strategy and Policy CAM2 of the Rother Development and Site Allocations Local Plan.

5. ANY NECESSARY ECOLOGICAL RELATED MITIGATION CONDITIONS SUGGESTED BY NATURAL ENGLAND OR ESCC ECOLOGIST

NOTE:

- 1. The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

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

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<p>SITE PLAN</p> <p>RR/2023/1593/P</p>	<p>MOUNTFIELD</p> <p>Park Pale Meadow Mountfield Lane Mountfield</p>
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Rother District Council

Report to	-	Planning Committee
Date	-	16 November 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2023/1593/P
Address	-	Park Pale Meadow, Mountfield Lane, MOUNTFIELD
Proposal	-	Erection of stable building to replace existing individual buildings.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr & Mrs J. Carey
Agent: Pump House Designs (Mr A. Gerken)
Case Officer: Mr Michael Vladeanu
(Email: Michael.vladeanu@rother.gov.uk)

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

Reason for Committee consideration: The application has been called in by Ward Members with regard to harm to the High Weald Area of Outstanding Natural Beauty.

Statutory 8-week date: 4 October 2023
Extension of time agreed to: 23 November 2023

1.0 SUMMARY

1.1 Overall, it is considered that the Applicant has adequately addressed the previous reasons for refusal. The proposed stable building would not adversely impact neighbouring amenity. The revised size, design and proposed materials are considered appropriate and would not be detrimental to the character, appearance or landscape setting of this rural location within the High Weald Area of Outstanding Natural Beauty (AONB). It is therefore proposed the application can be supported.

2.0 SITE

2.1 The site is agricultural land located off Mountfield Lane which has been sold off separately from the farmhouse. The parcel of land is approximately 2.2ha

in size and is bordered by hedges. An access track runs along the eastern boundary of the site.

- 2.2 The site is outside of any development boundary and is within the High Weald AONB. The field and field boundaries are recognised as being of historic importance within the AONB. To the south is Darwell Reservoir and the Darwell Complex Site of Nature Conservation Importance (SNCI).

3.0 PROPOSAL

- 3.1 This application follows on from a previous refusal at the site and seeks permission for the erection of a stable building to replace existing individual buildings. The stable building would include a stable, tack room, hay store and tractor store.
- 3.2 The previous stable building was refused due to its scale which measured 12.6m by 19.5m with a height of 4.5m. The new building would be sited beside the existing stables and would measure 15.5m width by 5.2m depth with a pitched roof ridge height of 3.7m. The proposed materials comprise timber cladding for the walls and Onduline corrugated sheeting for the roof.

4.0 HISTORY

- 4.1 RR/2019/1370/P Change of use of land to part equestrian. Additional buildings to include stables, a tack room, a store shed, improved access & track, formation of new hard standing in front of stable block. (Retrospective). APPROVED CONDITIONAL
- 4.2 RR/2019/2525/P Removal of Conditions 6 & 7 imposed on RR/2019/1370/P. ALLOWED ON APPEAL
- 4.3 RR/2023/792/P Erection of new stable building to replace existing individual buildings. REFUSED

5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- OSS4: General Development Considerations
 - RA2: General Strategy for the Countryside
 - RA3: Development in the Countryside
 - EN1: Landscape Stewardship
 - EN3: Design Quality
 - EN5: Biodiversity and Green Space
- 5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal:
- DEN1: Maintaining Landscape Character
 - DEN2: The High Weald AONB

- DEN4: Biodiversity and Green Space
- DCO2: Equestrian Developments
- DHG12: Accesses and Drives
- DIM2: Development Boundaries

5.3 The following objectives of the adopted High Weald AONB Management Plan 2019-2024 are relevant to the proposal:

- Objective G2: To protect sandstone outcrops, soils and other important landform and geological features.
- Objective S2: To protect the historic pattern and character of settlement.
- Objective 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.

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

6.0 CONSULTATIONS

6.1 Planning Notice

6.1.1 Five letters of objection have been received (from five representatives). The concerns raised are summarised as follows:

- Proposed buildings are unnecessarily extensive.
- Detrimental impact to the AONB.
- Screening by trees is not a material factor.

6.2 Mountfield Parish Council – **OBJECTION**

6.2.1 Mountfield Parish Council objects to this application on the following grounds: It is too large and further threatens the character of the High Weald AONB locally.

6.3 Brightling Parish Council – **OBJECTION**

6.3.1 The proposed buildings are unnecessarily large and extensive for a small field supporting an absolute maximum of three horses and putting up more buildings here will further damage the High Weald AONB.

7.0 APPRAISAL

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

- Justification for the building.
- Impact on the locality and the High Weald AONB.
- Impact on neighbouring amenity.
- Highway safety.

7.2 Justification for the building

7.2.1 Policy RA3 states proposals for development in the countryside will be determined on the basis of: (i) supporting new agricultural buildings and other

nondomestic buildings demonstrably needed to support farming, woodland and other land-based industries that are of appropriate size, siting and design and materials and directly related to the enterprise.

7.2.2 Policy DCO2 (v) states that adequate provision should be made for the safety and comfort of horses in terms of the land for grazing and exercising, notably in the consideration of stabling proposals.

7.2.3 The previous application at the site was refused due to a lack of justification for the new stable building. Regarding this proposal the supporting statement outlines the need for the new building and states:

“After reviewing feedback from the refusal, it has been decided that the existing two stable buildings are to remain, although the Applicants would have preferred to replace and relocate them, they are useable in their current position. However, the existing tack room and store are not fit for purpose. The wooden floor in both have rotted and they are essentially single skin sheds not suitable to store anything of any value. The Applicants have already suffered a break-in shortly after the land was purchased in November 2021. In addition, the store is currently located under the tree line and away from the main yard. Therefore, it would be better placed within the yard area for convenience of use but would also improve the site visually with all the buildings being in the corner of the equestrian use land and screened by the hedge and tree line. The “nice to have” open wash bay has been removed from the plans.”

7.2.4 The proposal would allow for the existing store and tack room to be better located within the site close to the existing stables and hardstanding. In addition, the original approval allowed for three horses to be kept on site and so the addition of a stable to create three stables in total is considered acceptable and in line with the original permission. The tractor/machinery store would allow for the storage of machinery which would allow for better land management of the site for grazing and would be of proportionate scale.

7.2.5 Overall, it is considered that, the Applicant has taken into account the previous concerns and has justified the need for the proposed building subject to other material considered discussed below.

7.3 Impact upon the countryside landscape within the High Weald AONB

7.3.1 Policy OSS4 (iii) requires all development to respect and not detract from the character and appearance of the locality.

7.3.2 Policy RA2 states that the overarching strategy for the countryside is to, inter alia, (iii) strictly limit new development to that which supports local agricultural, economic or tourism needs and maintains or improves the rural character; (vi) support enjoyment of the countryside and coast through improving access and supporting recreational and leisure facilities that cannot reasonably be located within development boundaries, such as equestrian facilities, compatible with the rural character of the area; and (viii) generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.

- 7.3.3 Policy RA3 requires proposals for development in the countryside to be determined on the basis of (v) ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management.
- 7.3.4 Policy EN1 states the management of the high quality natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated landscapes and landscape features, including (i), the distinctive identified landscape character, ecological features and settlement pattern of the High Weald AONB. This is further expanded in Policy DEN2 of the DaSA. These policies are also supported by paragraph 176 of the National Planning Policy Framework.
- 7.3.5 The Government's approach to the natural environment is set out in the National Planning Policy Framework and advises that valued landscapes should be protected and enhanced. Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. In addition, Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area.
- 7.3.6 DaSA Policy DCO2 specifically relates to equestrian development and states:
- "Proposals for equestrian developments should, individually and cumulatively, safeguard the intrinsic and locally distinctive character and amenities of the countryside, with particular regard to the conservation of the High Weald AONB. In addition, proposals should accord with the following criteria, as applicable:*
- (i) the siting, scale and design, including materials and boundary treatment, of any new buildings or facilities should be appropriate to their rural setting;*
 - (ii) proposals should not be sited in particularly prominent or isolated locations where new development would not be appropriate;*
 - (iii) commercial riding schools, livery stables and related facilities should be satisfactorily integrated with existing buildings;*
 - (iv) any associated floodlighting, earthworks, new access routes or ancillary structures, including storage facilities, manure bays, hardstandings, fencing and jumps, should not have an adverse impact on the surrounding countryside, biodiversity or local residential amenities; and*
 - (v) adequate provision should be made for the safety and comfort of horses in terms of the land for grazing and exercising, notably in the consideration of stabling proposals. Where possible, commercial riding schools, livery stables and other commercial facilities should have satisfactory access to public bridleway network without the use of unsuitable roads and in all cases not adversely impact on road safety.*
- 7.3.7 The stable building would be positioned in close proximity to the existing stables and would not be clearly visible from Mountfield Lane due to the existing mature vegetation along each boundary of the site. It is noted that concern has been raised on the impact of the building on the AONB especially

during the winter months when vegetation cover is low however, the proposed stable building would not be prominent in the surrounding landscape and would be read in context with the existing stable. The stable building features traditional Dutch style half doors ensuring that the building would be of a typical equestrian design. The proposed materials would be sympathetic to the surroundings and rural landscape of the AONB and although the stable building would be relatively large, it would still appear subservient to the site it would serve and thus is acceptable in this instance.

7.3.8 Dark night skies are a valued characteristic of the district's countryside and contribute in particular to the special landscape qualities and natural beauty of the High Weald AONB. To preserve the night sky a condition could be imposed to ensure that no floodlighting or other external means of illumination is installed on the building or in its surroundings, in order to protect the character and appearance of the locality in the countryside and the dark night sky.

7.3.9 Overall, the reduced scale of the building has addressed the previous reasons for concern, and it is considered that the stable building would be of an appropriate scale and of sympathetic materials. The development would not be unduly harmful to the rural surroundings or landscape quality of the AONB.

7.4 Impact on neighbouring amenity

7.4.1 Policy OSS4 (ii) states that development should not unreasonably harm the amenities of adjoining properties.

7.4.2 The building itself would not be in close proximity to residential properties and as such, the living conditions of any local residents should not be unacceptably affected.

7.4.3 The development would be for private use only which can be secured by a condition in the event of an approval. As such, there should be minimal impact on neighbouring amenity in terms of comings and goings and general activity.

7.4.4 Conditions can be imposed to ensure no floodlight or other means of illumination are installed at the site, without planning permission from the Local Planning Authority. This would ensure neighbouring amenity is protected.

7.5 Highway safety

7.5.1 Policy CO6 of the Rother Local Plan Core Strategy states that a safe physical environment will be facilitated by (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.

7.5.2 An existing access is proposed to be used and it is not considered that highway safety would be adversely affected by the proposals. The use of the stables could be restricted to private use only as existing.

8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 Overall, it is considered that the Applicant has adequately addressed the previous reasons for refusal. The proposed stable building would not adversely impact neighbouring amenity. The revised size, design and proposed materials are considered appropriate and would not be detrimental to the character, appearance or landscape setting of this rural location within the High Weald AONB. It is therefore proposed the application can be supported.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Proposed Layout, Drawing No. 7578/23/1/B, dated 23/10/2023
Location Block Plan, Drawing No. 7578/23/LBP/A, dated 09/08/2023
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as described within Drawing No. 7578/23/1/B, dated 23/10/2023, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the development is in keeping with the character of the area and to maintain the visual amenities of the area, having regard to Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy.
4. The building hereby permitted shall be used for private equestrian/recreational purposes only and not for any commercial riding, livery use, breeding, training or other business use.
Reason: In the interests of highway safety, to protect the residential amenities of the locality, and to protect the character of the countryside in this Area of Outstanding Natural Beauty area, in accordance with Policies OSS4 (ii and iii), RA2 (viii), RA3 (v), and EN1 of the Rother Local Plan Core Strategy and Policy DC02 of the Development and Site Allocations Plan.
5. No floodlighting or other external means of illumination of the stable building or its surrounding site hereby permitted shall be provided, installed or operated at the site.
Reason: To protect the residential amenities of the locality and to protect the special character and dark night skies of the rural area within the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (ii and iii), RA2 (viii), RA3 (v) and EN1 (v and vii) of the Rother Local Plan Core Strategy and Policy DC02 of the Development and Site Allocations Plan.

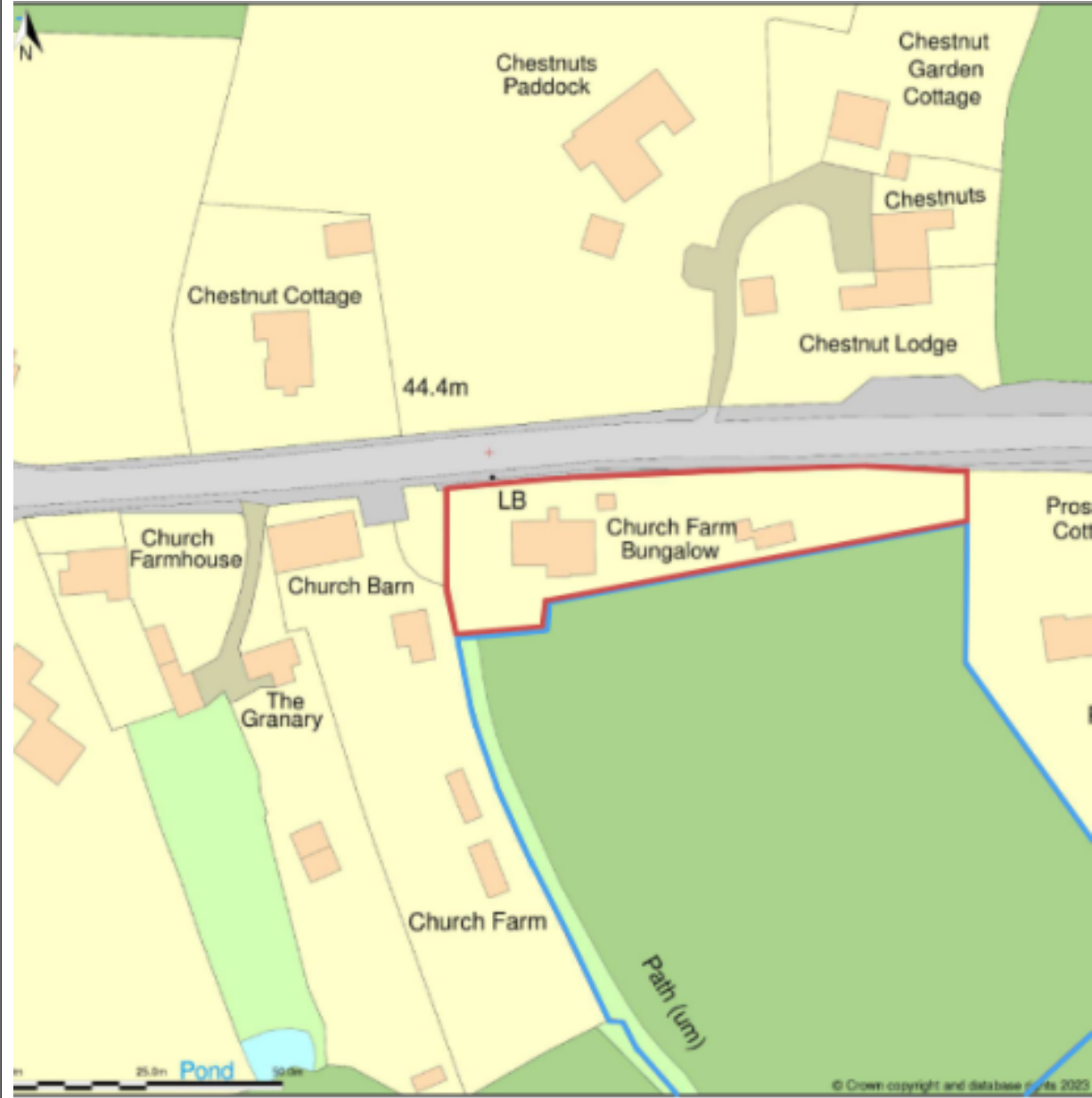
6. No more than three horses shall be kept on site as outlined in red/blue on the approved plan, Drawing No. 7578 / 23 / LBP / A, dated 09/08/2023, and no other animals other than horses shall be kept on the site.

Reason: To control further development and restrict an intensification of the use of the land in the interest of the protecting the character and enmities of the area within the High Weald Area of Outstanding Natural Beauty, in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

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 RR/2022/2763/P	BECKLEY Church Farm Bungalow Main Street Beckley
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Rother District Council

Report to - Planning Committee
Date - 16 November 2023
Report of the - Director – Place and Climate Change
Subject - Application RR/2022/2763/P
Address - Church Farm Bungalow, Main Street
BECKLEY
Proposal - Retrospective application for the erection of a wooden cabin to be used as ancillary living accommodation.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mrs Emma Howitt
Agent: Mrs Emma Howitt
Case Officer: Mrs M. Taylor
(Email: maria.taylor@rother.gov.uk)

Parish: BECKLEY
Ward Member(s): Councillors A.E Biggs and A.E. Ganly

Reason for Committee consideration: Referred by Councillor as it is considered to be a new dwelling in the Area of Outstanding Natural Beauty, outside the development boundary and having negative impacts on the countryside and neighbouring properties.

Statutory 8 week date: 5 October 2023
Extension of Time Requested: 20 November 2023

1.0 SUMMARY

- 1.1 This application seeks retrospective permission for the retention of a two bedroomed wooden cabin used as ancillary living accommodation.
- 1.2 The cabin is within the residential curtilage of Church Farm Bungalow situated approximately 43m distance from the property to the east side beyond the stable building with shared access via the existing main dwelling.
- 1.3 The proposal is submitted as ancillary accommodation and must be considered as such, (a view upheld by Inspectors in recent appeals). The proposal is acceptable as the cabin is for ancillary use and considered to be of an appropriate design and materials. It does not harm the amenities of neighbouring properties or the character of the area. The application is

therefore recommended for approval subject to the imposition of appropriate conditions as stipulated by Policy DGH10 of the Development and Site Allocations Local Plan 2019 (DaSA), to limit the use and occupation as ancillary family accommodation in association with the main dwelling Church Farm Bungalow.

2.0 SITE

- 2.1 Church Farm Bungalow is a three bedroomed detached property situated on the south side of Main Street approximately 170m distance from All Saint's Church. The site is outside the development boundary for Beckley as identified in the DaSA but is within the High Weald Area of Outstanding Natural Beauty (AONB) and an Archaeological Notification Area. A public footpath, No. 12, runs down the west side boundary of the site.
- 2.2 The application relates to a detached cabin building sited towards the bottom of the garden to the east side of the house. Within the garden area there is also a stable building and to the south side of the garden is a field within the ownership of the bungalow, where the owners keep their own horses. To the east is a residential property, The Rectory, and to the west a Grade II listed property, Church Farm Barn.
- 2.3 The cabin is of timber construction with a corrugated roof and measures 4.5m deep x 14m long with a height of 2.5m. The internal layout comprises an open plan lounge, dining and kitchen area with small corridor leading to a bath/shower room and two bedrooms.
- 2.4 Access to the cabin is through the garden of the bungalow. The bungalow and cabin share both vehicular and pedestrian accesses, parking and postal address. There is no separate independent access to the cabin. The cabin does benefit from its own electrical supply due to the convenience of the existing power supply being directly adjacent to the site.
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3.0 PROPOSAL

- 3.1 This application seeks retrospective permission for the retention of a wooden cabin used as ancillary living accommodation.
-

4.0 HISTORY

- | | | |
|-----|------------|--|
| 4.1 | A/64/294 | Outline – Six dwellings – REFUSED |
| 4.2 | RR/80/2223 | Outline application for erection of bungalow for market garden. APPROVED CONDITIONAL |
| 4.3 | RR/80/1418 | Outline application for erection of bungalow and garage. WITHDRAWN |
| 4.4 | RR/81/1024 | Approval of reserved matters for 2-bedroom bungalow and car port, pursuant to outline permission RR/80/2223 – APPROVED CONDITIONAL |

- 4.5 RR/90/0341 Double unit caravan for agricultural worker – REFUSED
- 4.6 RR/91/0544/PD Single storey extension to form bedroom toilet – APPROVED CONDITIONAL
- 4.7 RR/2006/3215/O Lawful occupation of dwelling for a period in excess of 10 years in non-compliance with agricultural occupancy condition imposed upon planning permission RR/80/2223 – LAWFUL DC APPROVED
- 4.8 RR/2014/1673/P The construction of new white PVCU conservatory to the rear elevation – APPROVED CONDITIONAL.
- 4.9 ENF/144/22/BEC Large log cabin type building has been constructed in the rear of the property behind the stable block, family of five living in it.
- Blue Land:
- 4.10 RR/2015/291/P Change of use of adjoining field from agricultural to pony paddock – APPROVED CONDITIONAL
-

5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- OSS4: General Development Considerations
 - RA2: General Strategy for the Countryside
 - RA3: Development in the Countryside
 - CO5: Supporting Older People
 - EN1: Landscape Stewardship
 - EN3: Design Quality
 - EN5: Biodiversity and Green Space
 - TR4: Car Parking
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DHG9: Extensions, Alterations and Outbuildings
 - DHG10: Annexes
 - DEN1: Maintaining Landscape Character
 - DEN2: The High Weald AONB
 - DEN4: Biodiversity and Green Space
 - DEN7: Environmental Pollution
 - DIM2: Development Boundaries
- 5.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. Of particular relevance in this instance are paragraphs 174 and 176 within Chapter 15 – Conserving and enhancing the natural environment.
- 5.4 Section 85 of the Countryside and Rights of Way Act 2000, with regard to the duty to conserve and enhance the AONB.
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6.0 CONSULTATIONS

6.1 County Archaeology

6.1.1 *“... Although this application is situated within an Archaeological Notification Area, the application is for retrospective development which appears to have been completed. Although archaeological evidence may have been impacted there is no practical means of establishing if this was the case at this juncture. I therefore have no further comments to make.”*

6.2 Planning Notice

6.2.1 Four emails and one letter received objecting to the application summarised as follows:

- Church Farm Bungalow not within five settlement areas of Beckley, in the “Countryside” where strict planning policies apply.
- Although not a designated “Conservation Area” the area around the site is a sensitive one as there are many notable listed buildings nearby.
- Contravenes regulations, building is presently illegal, unconsented development in the countryside for cabin to be used as a single dwelling. Policy RA3 does not allow for this development in the Countryside.
- Constructed as two sheds and later joined together. Do not fit with recently approved buildings in the village which are commonly brick or cream lapboard, totally out of keeping with the Parish of Beckley.
- Main bungalow has three bedrooms and large triple aspect conservatory, large sitting/lounge room.
- Building was occupied on completion by applicant, her husband and child.
- Impacts near neighbours.
- Plan submitted inaccurate – Rectory House borders the whole of the site on the east.
- Public Footpath – Beckley 12 joins right of way 7A – clear view of the unconsented dwelling as constructed on the rising agricultural field. Public footpath is a material consideration.
- Future use of property dubious and out of character with existing properties.
- If allowed will result in a future application to replace this unsightly erection with a separate dwelling.
- Staged application with the intent to make a planning gain for further development.
- Better solution would be to extend the existing bungalow to accommodate future needs.

6.3 Beckley Parish Council

6.3.1 *General Comment – “Beckley Parish Council are aware that concerns have been raised and ask officers to consider it in line with policy.”*

7.0 APPRAISAL

7.1 The main issues for consideration are:

- Principle of development.

- Design, living conditions and appearance.
- Impact on character and appearance within the street scene and the wider locality.
- Impacts upon neighbouring and nearby properties.
- Other matters.

7.2 Principle of development

7.2.1 Policy RA2 in regards to the general strategy for the Countryside states:

(iii) Strictly limit new development to that which supports local agricultural, economic or tourism needs and maintains and improves the rural character.

(viii) Generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.

7.2.2 Policy CO5 focuses on initiatives and developments supporting older people and supports development that:

(i) Enables older people to live independently in their own home.

7.2.3 Policy DHG10 sets out the sequential approach for the consideration of annexe accommodation:

(i) an extension to the dwelling;

(ii) the conversion of an existing outbuilding within the residential curtilage that is located in close proximity to the dwelling; and

(iii) a new building located within the residential curtilage in close proximity to the existing dwelling and with a demonstrable link to the main dwelling, such as shared vehicular access, communal parking and amenity spaces, where appropriate.

All proposals will be assessed against the criteria of Policy DHG9 ... and In all cases, the occupation of the annexe shall be managed by planning condition or exceptionally a legal agreement to ensure that the accommodation is tied to the main dwelling, cannot be used as a separate dwelling and cannot be sold separately.

7.2.4 This is a retrospective application that seeks permission for the retention of a 2-bedroomed timber cabin as ancillary accommodation to the main dwelling Church Farm Bungalow. Within a supporting statement received 17-10-23 from the Applicant it is explained that the main dwelling is owned by the Applicants' parents and she has moved back with her family to support her parents, due to their advanced age and health conditions, to help them maintain their family home, garden and field which also includes the care of horses. The Applicant's family comprises herself, husband and three children and as such in practical terms Church Farm Bungalow is too small to accommodate them all and therefore the ancillary accommodation was built.

7.2.5 The site is outside any development boundary as identified in the DaSA and is within a countryside location within the High Weald AONB where policies are in place to preserve and protect the landscape. However, it should be noted that this application is for consideration of ancillary accommodation and not a separate dwelling. In the recent appeal for St Benedicts Byre, (reference RR/2022/2059/P for a detached two-bedroom annexe), in allowing the appeal the Inspector comments that *"Having regard to these*

links and subject to the imposition of a condition that ensures that the building cannot be occupied as a separate dwelling, I am satisfied that the proposed annexe would not be tantamount to the creation of a new dwelling and would protect the character of this area of countryside”.

- 7.2.6 Policy DHG10 sets out the sequential approach for consideration of ancillary accommodation. It would appear that the Applicant briefly considered extending the main dwelling but was misled with the advice she received in this respect and this option was not pursued. There are no existing outbuildings that would have been capable of conversion and therefore the detached cabin was built.
- 7.2.7 As required by Policy DHG10 the cabin is within the residential curtilage, as defined within the application documentation for the lawful development certificate in 2006, RR/2006/3215/O, which was approved. In respect of distance, the cabin is sited approximately 43m from the main dwelling, which is not that close and is further separated by the existing stable building. However, access to the cabin is through the residential garden of Church Farm Bungalow and the cabin shares the vehicular access and parking area with the main dwelling as well as the property postal address. In regards to the amenity space, whilst the property is within the residential curtilage of the main dwelling, the garden appears separated by fencing and gates and a small track which serves as access from the field to the stables for the horses. But there is direct access into the immediate garden of the main property which could be utilised.
- 7.2.8 In addition Policy DHG10 states all proposals should be assessed against the criteria of Policy DHG9, which are considered later in this report and in all cases the occupation of the annexe should be managed by planning condition or exceptionally a legal agreement to ensure that the accommodation is tied to the main dwelling and could not be used as a separate dwelling or sold separately. In this instance it would be recommended that conditions to restrict the use of the accommodation by family members only and to tie the cabin to the main dwelling, Church Farm Bungalow, would be imposed to prevent the cabin being used as separate accommodation or being separated from the main dwelling without a separate planning permission.
- 7.2.9 The statement in support of the application from the Applicant would comply with Policy CO5 (i) in that the need for the cabin was to enable family to support elderly members to continue to live independently in their own home.

7.3 Design, living conditions and appearance

- 7.3.1 Policy DHG9 (iv) requires sufficient useable external private space for the occupiers of the dwelling in accordance with Policy DHG7 of the DaSA which sets a minimum size of 10m depth for private amenity space. In addition, point (vii) requires outbuildings to respect and respond positively to the character, appearance and setting of the main dwelling within its plot and the wider street scene or general locality through their siting, scale and massing, design and appearance and materials.
- 7.3.2 As previously mentioned the cabin is of timber construction with external timber clad elevations and a shallow pitched corrugated roof. The cabin is of

an elongated design 14m x 4.5m giving a gross internal floor area of 63sqm having six windows and two sets of double doors in the front elevation facing south towards the field in the same ownership as Church Farm Bungalow. There are other windows in the rear elevation of the building serving the bath/shower room and second bedroom. The maximum height of the building is 2.5m with the eaves height lowered to 2m at the rear of the building. The design is such that the building appears to be in an agricultural style, although fairly elongated and with several windows, which gives the building a more domestic appearance. However, the natural timber finish with corrugated roof is considered to be an acceptable material finish for an outbuilding in this countryside location and within the garden curtilage.

7.3.3 With regards to the internal accommodation the cabin has an open plan living/dining and kitchen area with corridor leading to a bath/shower room and two bedrooms. As an ancillary annexe, the internal and external space is considered more than adequate.

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

7.4.1 Policy OSS3 explains development should be considered in the context of:
(i) *The spatial strategy for the particular settlement or area, and its distinct character.*
(vi) *The character and qualities of the landscape.*

7.4.2 Policy OSS4 (iii) notes that *It respects and does not detract from the character and appearance of the locality*; which is further supported by Policies DEN1 and DEN2 of the DaSA that seek to conserve and enhance the landscape setting within the High Weald AONB.

7.4.3 Policies RA2 and RA3 seek to *protect, preserve and enhance the intrinsic character and appearance of the countryside*. Policy RA3 (v) *Ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management*. Similarly, Policy DHG9 (iii) in relation to outbuildings states they *do not detract from the character and appearance of the wider street scene, settlement or countryside location ...*

7.4.4 Policy EN1 focuses on the management of the natural landscape character by ensuring the protection and possible enhancement of the district's nationally designated and locally distinctive landscapes.

7.4.5 Policy EN3 seeks to ensure the design quality contributes positively to the character of the site and surroundings.

7.4.6 As stated above the cabin has been erected within the residential curtilage of Church Farm Bungalow. The cabin is not directly visible from the street scene, the B2088 Main Street through Beckley due to its design with the low and shallow pitched roof and its positioning set in from the north roadside boundary, which has established hedging also screening views. However, there is a public footpath which runs down the western boundary of the land within the same ownership of Church Farn Bungalow where views would be obtained across the field back towards the cabin. From here the timber cabin is read in context with the existing timber stables and dwelling, and the

backdrop of the established trees to the side and rear of the building. As such is not overly prominent given the single storey design and natural timber finish and is read as part of the existing residential property.

7.4.7 External lighting was observed on the building but not observed during darkness and therefore the brightness of these lights has not been fully assessed. Policy DEN7 of the DaSA notes that environmental pollution can result from lighting, while Policy EN1 (vii) seeks to protect the dark night sky. Lighting should be necessary, and the minimum required and designed as such to minimise light pollution including light glare and sky glow using best available technology having regard to the lighting levels recommended by the Institute of Lighting Professionals for the relevant environmental zone. However, in this instance a shield/shade could be fitted or a condition limiting its illumination levels to ensure there was no excessive light spill. Also noted is the number of windows and the glazed double doors which again could enable light spill into the dark night sky which could be reduced by window coverings such as curtains or blinds or applied tinted films.

7.4.8 Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have a regard to “the purpose of conserving and enhancing the natural beauty of AONB’s in making decisions that affect the designated area.” In this particular instance it is noted that the ancillary accommodation is within the residential curtilage of the dwelling, Church Farm Bungalow, and therefore there is no change of use of the land on which this outbuilding is situated. In terms of visual impact on the landscape setting this is not considered to be harmed and subject to conditions as noted above, the landscape character and appearance is conserved.

7.5 Impacts upon neighbouring and nearby properties

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

7.5.2 *The Rectory*: Is the nearest neighbouring residential property to the development. This property is set further back into the plot than the application site and the cabin which is the subject of this application. The separation distance between the cabin and the front elevation of this neighbouring property is approximately 30m. Given the positioning of both it is noted this property has windows in the front, north, and west side elevations which have views towards the cabin. However, given the separation distance and the boundary hedging and trees with the single storey low level design of the proposal it is considered there would be no detrimental impact to the residential amenities of this neighbouring property by way of massing, loss of light or loss of privacy.

7.5.3 *Chestnut Lodge*: This is a detached property on the opposite side of the road to the position of the cabin and again given the separation distance and the boundary screening there would be no adverse impact to the residential amenities of this neighbouring property.

7.5.4 *Church Farm*: This is a Grade II listed property to the west side of the main dwelling. This property does not have any views towards the cabin. The cabin shares the existing parking area of the main dwelling, Church Farm Bungalow, which has an access from the main highway directly next to that

of this neighbouring property. In regards to this aspect there is likely to be a very minor increase in vehicular movements although the use of carers visiting the site would also result in additional car movements. It is noted there is ample off-road parking and therefore should not be an issue. No complaints have been received in regard to this matter and the increase in traffic movements by the ancillary accommodation is not considered to be excessive and therefore not considered to be a reason for refusal.

7.6 Other Matters

7.6.1 *Setting of the listed building:* Church Farm to the west is a listed building and as noted above has no views of the cabin. The cabin is set within the existing residential curtilage of the Bungalow and as such there is no change to the nature of the setting of the listed building. It would thus have a neutral impact to the setting of the listed building.

7.6.2 *Archaeological Notification Area:* Consultation has been undertaken with the County Archaeologist and a response received advising that as the application is retrospective and the development complete there is no practical means of establishing if archaeological evidence may have been impacted or not and therefore no further comments are made.

7.6.3 *Ecology and Biodiversity:* Policies EN5 of the Rother Local Plan Core Strategy and DEN4 of the DaSA focus on biodiversity and green space. The site is within a Red Impact Zone for Great Crested Newts (GCN) as per the modelled district licence impact map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. However, this application is retrospective and the works have already been completed. There are no conditions in regards to the disturbance or any breeding or resting places for GCNs. For future reference, the Applicant should note 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 GCNs; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Any planning consent granted for a development does not provide a defence against prosecution under this legislation.

7.6.4 *Parking:* Policy TR4 of the Rother Local Plan Core Strategy seeks to ensure that parking provision meets the residual needs of the development for off-street parking. The existing bungalow has three bedrooms which requires two parking spaces. The ancillary accommodation comprises two bedrooms which requires one parking space. This is a total of three and when assessed, the size of the existing parking and turning area is considered sufficient to meet the three parking spaces required.

8.0 **PLANNING BALANCE AND CONCLUSION**

8.1 Objections have been received principally concerned with the creation of a separate dwelling unit. However, the application is for ancillary accommodation and must be determined as submitted. Reference is made to the recent appeal decision for St Benedicts Byre, RR/2022/2059/P for a detached two bedroomed building to be used as ancillary accommodation

for family members, where the site is also located outside a defined development boundary and is within a countryside location. The structure was considered in context with the countryside location and surrounding farmstead, noted the position although some distance from the main dwelling was within the domestic curtilage and had shared facilities in close proximity to the ancillary building noting they shared the access, driveway, parking and garden areas. These factors were considered as physical and functional links and with the imposition of conditions to ensure that the building could not be occupied as a separate dwelling the Inspector was satisfied that the proposal would not be tantamount to the creation of a new dwelling. As such the Council's refusal was overturned and the appeal was allowed.

- 8.2 As per Policy DHG10 of the DaSA the occupation of the ancillary accommodation would need to be managed by planning conditions to ensure that the accommodation is tied to the main dwelling and could not be used as a separate dwelling or sold separately. These appropriate conditions should therefore be imposed on any permission given.
- 8.3 Bearing the above appeal decision in mind and the contents of this report where the character and appearance of the cabin has been considered acceptable in regards to the countryside location within the High Weald AONB and that there would be no detrimental impact on neighbouring amenities, it is considered that this application is supportable with the imposition of conditions to control the use and occupation of the cabin.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The ancillary building hereby permitted shall be retained in accordance with the following approved plans and details:
Site Location Plan dated 19 June 2023
Block Plan, scale 1:500, dated 02/02/2023
Corrected/amended floor plan
Corrected/amended elevations
Reason: For the avoidance of doubt and in the interests of proper planning.
2. The building hereby permitted is permitted solely as additional accommodation for the existing dwelling known as Church Farm Bungalow, Main Street, Beckley TN31 6RS and shall not be occupied by any person who is not a member of the family (as defined by section 186 of the Housing Act 1985 or in any provision equivalent to any re-enactment of that Act) residing in the family dwelling.
Reason: In the interests of protecting the character of the area and to preclude the creation of a new dwelling within the countryside, in accordance with Policies RA3 and OSS4 of the Rother Local Plan Core Strategy and having regard to Policy DHG10 of the Development and Site Allocations Local Plan.
3. Any existing or proposed external lighting should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011(or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise

potential pollution caused by glare and spillage. In a rural area this should not exceed 600 lumens as detailed in the table below.

Illuminated Area m²	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1,000
Over 10.00	n/a	300	600	600

Environmental Zones

Zone	Surrounding	Lighting Environment	Examples
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically Dark	National Parks, Areas of Outstanding Natural Beauty etc.
E2	Rural	Low District Brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium District Brightness	Small town centres or suburban locations
E4	Urban	High District Brightness	Town/city centres with high levels of night-time activity

The guidance advises that, where an area to be lit lies on the boundary of two zones or can be observed from another zone, the limits used should be those applicable to the most rigorous zone.

Reason: To prevent light pollution, overspill and obtrusive lighting and in the interests of protecting the dark sky environment and ecology within the countryside of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (iii), RA3 (v) and EN1 (vii) of the Rother Local Plan Core Strategy and Policies DEN2 and DEN7 (ii) of the Development and Site Allocations Local Plan.

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