

## Planning Committee

- Date and Time - **Thursday 14 December 2023**  
**9:30am – 1:00pm and 2:00pm until close of business**  
(At the discretion of the Chair, the timing of lunch may be varied)
- Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**
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### **Councillors appointed to the Committee:**

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

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

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## AGENDA

### 1. **MINUTES**

To authorise the Chair to sign the minutes of the meeting of the Planning Committee held on the 16 November 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 **WITHDRAWN APPLICATIONS**

The Director – Place and Climate Change to advise Members of those planning applications on the agenda which have been withdrawn.

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

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

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

**Tel: 01424 787811**

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

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/2022/2131/P - LAND OFF TURKEY ROAD, TURKEY ROAD, BEXHILL**  
(Pages 5 - 64)

8. **RR/2023/2110/P - COLLEY CORNER - LAND AT COLLINGTON LANE EAST, BEXHILL** (Pages 65 - 72)

9. **RR/2023/1497/P - RICCARDS - LAND ADJACENT RICCARDS LANE, WHATLINGTON** (Pages 73 - 84)

10. **RR/2023/1804/P - ST MARYS RECREATION GROUND, BEXHILL** (Pages 85 - 94)

11. **RR/2023/1630/P - 21 STARRS MEAD, JAYSPERCH, BATTLE** (Pages 95 - 102)

12. **RR/2023/1948/P - SPRINGFIELD, WHATLINGTON ROAD, WHATLINGTON** (Pages 103 - 114)

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

Tuesday 16 January 2024 at 9:30am departing from the Town Hall, Bexhill.

Lorna Ford  
Chief Executive

Agenda Despatch Date: 6 December 2023

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

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

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**Rother District Council**

Report to	-	Planning Committee
Date	-	14 December 2023
Report of the	-	Director - Place and Climate Change
Subject	-	Planning Applications – Index

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**Director: Ben Hook**

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**Planning Committee Procedures****Background Papers**

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

**Planning Committee Reports**

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

**Consultations**

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

**Late Representations**

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

**Delegated Applications**

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

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

### Order of Presentation

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

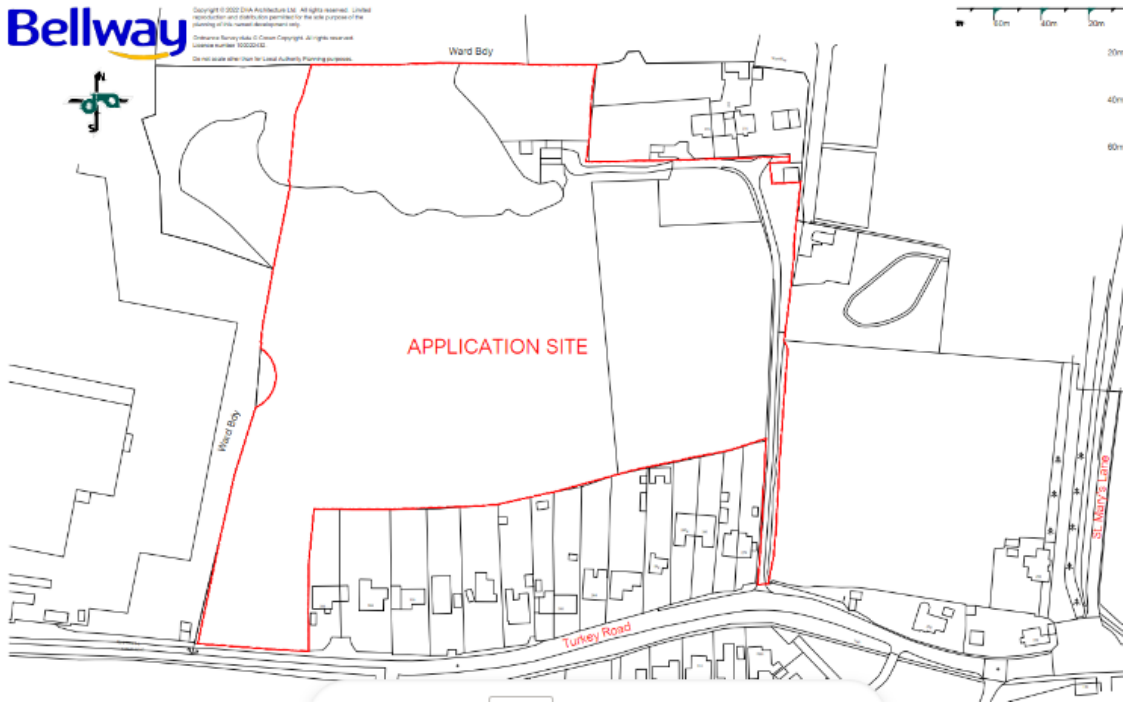
Agenda Item	Reference	Parish	Site Address	Page No.
7	<a href="#">RR/2022/2131/P</a>	BEXHILL	Land off Turkey Road Turkey Road Bexhill	5
8	<a href="#">RR/2023/2110/P</a>	BEXHILL	Colley Corner – Land at Collington Lane East Bexhill TN39 3RJ	65
9	<a href="#">RR/2023/1497/P</a>	WHATLINGTON	Riccards – Land adjacent Riccards Lane Whatlington TN33 0NG	73
10	<a href="#">RR/2023/1804/P</a>	BEXHILL	St. Marys Recreation Ground Bexhill	85
11	<a href="#">RR/2023/1630/P</a>	BATTLE	21 Starrs Mead Jaysperch Battle TN33 0UB	95
12	<a href="#">RR/2023/1948/P</a>	WHATLINGTON	Springfield Whatlington Road Whatlington	103

SITE PLAN

BEXHILL

RR/2022/2131/P

Land off Turkey Road  
Turkey Road  
Bexhill



## Rother District Council

Report to	-	Planning Committee
Date	-	14 December 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/2131/P
Address	-	Land off Turkey Road, Turkey Road, BEXHILL
Proposal	-	Full application for the erection 89 residential dwellings (including affordable housing), ancillary structures, new access road from Turkey Road, internal roads, car parking, landscaping and public open space, drainage features, and other associated and necessary works.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT (PLANNING PERMISSION) DELEGATED SUBJECT TO CONDITIONS AND THE COMPLETION OF A SECTION 106 LEGAL AGREEMENT IN RELATION TO:**

- **AFFORDABLE HOUSING PROVISION**
  - **CUSTOM/SELF-BUILD PROVISION**
  - **PROVISION OF OFF-SITE HIGHWAY WORKS AS REQUIRED BY EAST SUSSEX COUNTY COUNCIL HIGHWAY AUTHORITY**
  - **FINANCIAL CONTRIBUTIONS AS REQUIRED BY EAST SUSSEX COUNTY COUNCIL HIGHWAY AUTHORITY**
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**Director: Ben Hook**

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**Applicant:** Bellway Homes Ltd (South London)  
**Agent:** DHA Planning Ltd  
**Case Officer:** Mr E. Corke  
(Email: [edwin.corke@rother.gov.uk](mailto:edwin.corke@rother.gov.uk))

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

**Reason for Committee consideration: Councillor call in: Councillor Thomas: Not a sustainable location and access and highway issues.**

**Statutory 13-week date: 24 November 2022**  
**Extension of time agreed to: 15 May 2023**

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This application is included in the Committee site inspection list.

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## 1.0 SUMMARY

- 1.1 The site is located outside of but immediately adjoins the development boundary for Bexhill, as defined in the Development and Site Allocations Local Plan (DaSA). It is surrounded by urban and suburban land uses with the Ashdown Brickworks and Quarry to the west, houses on Turkey Road to the south, and the cemetery and some houses to the north. There is also the DaSA allocation for some 30 dwellings (Policy BEX6) to the east.
- 1.2 Although the site is technically within the countryside, the Council cannot currently demonstrate a five-year supply of housing (it was 2.79 years as of 1 April 2022) and therefore its policies relating to housing supply must be considered out-of-date.
- 1.3 The presumption in favour of sustainable development contained within the National Planning Policy Framework therefore applies. For decisions this means, under Paragraph 11 (d), granting permission unless:
  - (i) the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 1.4 The proposed housing scheme does not conflict with any policies that protect areas and assets of particular importance and therefore determination of the proposal falls to be considered against paragraph 11 (d) (ii) of the National Planning Policy Framework.
- 1.5 Paragraph 60 of the National Planning Policy Framework sets out the objective of significantly boosting the supply of housing. Paragraph 74 sets out a requirement for local planning authorities to provide a minimum five-year housing land supply.
- 1.6 The provision of 89 dwellings, including 27 affordable units, would significantly boost the supply of housing, which should be afforded substantial weight. There are also other benefits including some short-term benefits to the construction industry and further economic benefits from the spend of future occupants which can be given moderate weight in favour of the scheme. Furthermore, approximately £1,454,745 would be generated through the Community Infrastructure Levy and New Homes Bonus could be approximately £737,696 over four years.
- 1.7 Against this there would be some harm to the landscape character of the countryside and the landscape setting of the cemetery. However, the site and surrounding area would not be considered valued landscape in the context of the National Planning Policy Framework. Given the site's location on the edge of Bexhill adjacent to the development boundary, and surrounded by other development, it is not considered that the harm to landscape character would constitute significant harm. In relation to the landscape setting of the cemetery, it must be acknowledged that it is not unusual for cemeteries to be adjacent to residential development. Consequently, the harm to the landscape character of the countryside and the landscape setting of the cemetery are given limited weight against the proposal.

- 1.8 There would also be some harm to the living conditions of local residents by reason of disturbance from noise and lighting from the housing development. However, it is not considered that this harm would be so significant as to unreasonably harm the amenities of residents, nor give rise to significant adverse impacts on their health and quality of life. Over time, as residents became more used to the housing development, any disturbance from noise and lighting could become less noticeable and intrusive. As such, the harm to the living conditions of local residents is given limited weight against the proposal.
- 1.9 Further to the above, the proposal fails to provide the policy compliant number of custom/self-build units, which is at least 5% of the total number of dwellings. In this case four units are proposed which equates to some 4.5%. As this is only slightly (0.5%) below the minimum policy requirement it is given limited weight against the proposal.
- 1.10 It is also the case that 14 (16%) of the proposed dwellings would not be provided with outdoor amenity space and 16 (18%) of the dwellings would not meet Part M4(2) "Category 2: Accessible and adaptable dwellings" of the Building Regulations. These deficiencies would not affect a significant number of dwellings overall. As such, they are given moderate weight against the proposal.
- 1.11 Taking all the above into account, overall, the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole. Accordingly, on this occasion other considerations indicate the decision should be taken otherwise than in accordance with the development plan and therefore it is recommended that planning permission is granted.

1.12 **PROPOSAL DETAILS**

<b>PROVISION</b>	
Total no of houses	89
No of affordable houses	27
No of custom/self-build dwellings	4
Other developer contributions 1	Off-site highway works
Other developer contributions 2	Improvements to bus route/establishment of demand responsive transport service (£1,100 per dwelling)
Other developer contributions 3	Funding of a Traffic Regulation Order
Other developer contributions 4	Travel plan audit fee (£6,000)
CIL (approx.)	£1,454,745
New Homes Bonus (approx.)	£737,696

**2.0 SITE**

- 2.1 The application relates to an approximately 4-hectare parcel of unallocated land located to the north of Turkey Road, just outside of the development boundary for Bexhill, as defined in the DaSA. The site mainly comprises open grassland with some trees and scrub and a collection of low-key stable



buildings. There are trees and vegetation on some of the site boundaries. Access is via a long track from Turkey Road, which also serves a terrace of three adjacent dwellings (Nos. 270 to 274 Turkey Road). The site generally slopes down from north to south towards Turkey Road. The exception to this is the northern part of the site, which slopes down towards the adjacent Bexhill cemetery to the north.

- 2.2 Immediately to the north and northeast of the site is the cemetery; there is also the terrace of three dwellings accessed from Turkey Road. To the south-east of the site, on the other side of the access track, is the DaSA allocation for some 30 dwellings (Policy BEX6). To the south, the site is bounded by dwellings which front onto Turkey Road (Nos. 276 to 306). Part of the site itself also fronts onto the road. The Ashdown Brickworks and Quarry, which is a safeguarded minerals site, lies immediately to the west. Part of the application site is within the consultation zone for the safeguarded minerals site.
- 2.3 In addition to the above, the site lies within the Pevensey Levels Hydrological Catchment Area, which has particular drainage requirements necessary to mitigate surface water and water quality concerns within the Pevensey Levels Ramsar site. The application site is located approximately 2.5km to the north-east of this designated site of importance for biodiversity, as well as the Pevensey Levels Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).
- 2.4 The site has previously been considered for housing development through the Strategic Housing Land Availability Assessment (SHLAA) 2013. This document does not form part of the development plan, but nevertheless provides useful information about the site. The SHLAA concludes that the site is not suitable for residential development due to its proximity to the Brickworks (the land provides an important gap between existing residential development along Turkey Road and the Brickworks), it is important with regards to the setting of the adjacent cemetery, and its distance to services in Sidley (although it is relatively well located with regards to access to the High School).

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## **3.0 PROPOSAL**

- 3.1 Full planning permission is sought for the erection 89 residential dwellings (including 30% affordable housing), ancillary structures, new vehicular access, internal roads, car parking, landscaping and public open space, drainage features, and other associated and necessary works.
- 3.2 The proposed new vehicular access is a priority-controlled T-junction located between No. 306 Turkey Road and the Ashdown Brickworks and Quarry. The associated and necessary works include the provision of a 5m high acoustic barrier along part of the western boundary of the site, adjacent to the Brickworks, and the creation of two pedestrian crossing points on Turkey Road. One of these would be located adjacent to the shared driveway of Nos. 304 & 306 Turkey Road. Access to this crossing point would be via a section of connecting pathway from the new vehicular access. The other crossing point would be further east, adjacent to No. 276 Turkey Road. Access to this would be via part of the long track serving Nos. 270 to 274 Turkey Road.

3.3 The proposed schedule of accommodation is as follows:

Unit Type	Number
<b>Private Dwellings</b>	<b>58</b>
2 bed coach house	2
2 bed house	14
3 bed house	26
4 bed house	15
<b>Affordable First Homes</b>	<b>7</b>
1 bed apartment	4
2 bed apartment	3
<b>Affordable Shared Ownership Dwellings</b>	<b>3</b>
2 bed maisonette	1
3 bed house	2
<b>Affordable Rented Houses</b>	<b>17</b>
1 bed apartment	4
2 bed apartment	5
2 bed coach house	1
2 bed house	1
3 bed house	4
4 bed house	2
<b>Custom Build</b>	<b>4</b>
3 bed house	3
4 bed house	1

- 3.4 The scheme includes a mix of 1, 2, 3 and 4-bedroom dwellings provided in a range of unit types including detached, semi-detached and terraced houses, semi-detached town houses, coach houses and apartments within two separate apartment blocks. The building heights range from single storey for ancillary garages to 2 ½ storeys for the town houses and apartment blocks. Proposed external materials comprise plain tiles to the roofs and a mixture of brick, weatherboarding and tile hanging to the walls.
- 3.5 In addition to the application form and accompanying plans/drawings, a suite of reports and assessments have been submitted in support of the planning application and these are available to view on the planning website.
- 3.6 The application has been amended since it was first publicised – principally in relation to density and site layout. Changes include, but are not limited to:
- A reduction in the number of dwellings from 98 to 89.
  - The provision of more open space within the site, both in the northern part, adjacent to the cemetery, and in the central area.
  - An increased 5m wide landscape buffer along part of the western boundary of the site to provide greater separation between the proposed acoustic barrier and rear gardens of the new houses in this location.
  - Replacement of a large apartment block located on the higher, northern part of the site of the site, with two apartment blocks located on the lower, southern part of the site.

- 3.7 Prior to the submission of this application, the Applicant submitted a pre-application enquiry for a residential development of 96 dwellings on the site. Several concerns were raised in the pre-app response, including:
- Whether this is a sustainable location for new residential development.
  - Whether a new residential development would be acceptable in this location given the proximity of the Ashdown brickworks and quarry site.
  - Whether safe and suitable access to the site can be achieved for all users and what impacts the development would have on the transport network, or on highway safety.
  - Whether appropriate foul and surface water drainage schemes can be provided.
  - Whether the proposal would have an adverse effect on the integrity of Pevensey Levels SAC and Ramsar site.
  - Whether the setting of the cemetery and adjacent natural feature within the site (woodland habitat) would be preserved.
- 3.8 The summary of the pre-app response to the Applicant says:

*“The Council is presently unable to demonstrate a 5-year supply of deliverable housing sites (2.89 years as at 1 April 2021) for the district. As such, we may be prepared to consider a residential development on this edge-of-settlement site, however, we would need to be convinced that the above fundamental issues can be addressed...”*

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#### **4.0 HISTORY**

- |      |                |   |
|------|----------------|---|
| 4.1  | B/50/264       | Timber bungalow – REFUSED.  |
| 4.2  | B/53/420       | New vehicular access – GRANTED.   |
| 4.3  | B/58/655       | Outline: Residential development – REFUSED.   |
| 4.4  | B/64/434       | Outline application: 108 dwellings.   |
| 4.5  | B/71/432       | Outline application: Residential development of land north of Turkey Road – REFUSED.                |
| 4.6  | B/72/1406      | Outline application: Erection of 77 dwellings and attendant garages – REFUSED.                      |
| 4.7  | RR/80/1111     | Outline: Residential development of 27 building plots and estate road – REFUSED.                    |
| 4.8  | RR/87/0173     | Outline: Residential development of land including new estate road – REFUSED.                       |
| 4.9  | RR/91/2524/P   | Erection of two stables with tack and feed room – GRANTED.  |
| 4.10 | RR/1999/2555/P | Erection of a shed and lean-to structure to existing stables (retrospective application) – GRANTED. |

- 4.11 RR/1999/1193/O Lawful retention of shed and lean-to providing storage for hay and feed and shelter for ponies in winter – WITHDRAWN.
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## 5.0 POLICIES

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

- PC1 (Presumption in favour of Sustainable Development)
- OSS1 (Overall Spatial Development Strategy)
- OSS2 (Use of Development Boundaries)
- OSS3 (Location of Development)
- OSS4 (General Development Considerations)
- BX1 (Overall Strategy for Bexhill)
- BX3 (Development Strategy)
- RA2 (General Strategy for the Countryside)
- RA3 (Development in the Countryside)
- SRM1 (parts ii – viii inclusive) (Towards a Low Carbon Future)
- SRM2 (Water Supply and Wastewater Management)
- CO3 (Improving Sports and Recreation Provision)
- CO4 (Supporting Young People)
- CO5 (Supporting Older People)
- CO6 (Community Safety)
- LHN1 (Achieving Mixed and Balanced Communities)
- EC1 (Fostering Economic Activity and Growth)
- 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)
- TR2 (Integrated Transport)
- TR3 (Access and New Development)
- TR4 (Car Parking)

5.2 The following policies of the [Development and Site Allocations Local Plan 2019](#) are relevant to the proposal:

- DRM1 (Water Efficiency)
- DRM3 (Energy Requirements)
- DHG1 (Affordable Housing)
- DHG3 (Residential Internal Space Standards)
- DHG4 (Accessible and Adaptable Homes)
- DHG6 (Self-build and Custom Housebuilding)
- 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)
  - BEX6 (Land adjacent to 276 Turkey Road, Bexhill)
- 5.3 The following policies of the [East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013](#) are relevant to the proposal:
- WMP14 (Safeguarding Mineral Resources)
- 5.4 The following policies of the [East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017](#) are relevant to the proposal:
- SP8 (Mineral Safeguarding Areas for land-won minerals resources within the Plan Area)
- 5.5 The National Planning Policy Framework and Planning Practice Guidance are also material considerations. The National Planning Policy Framework chapters of relevance include:
2. Achieving sustainable development
  4. Decision-making
  5. Delivering a sufficient supply of homes
  6. Building a strong, competitive economy
  8. Promoting healthy and safe communities
  9. Promoting sustainable transport
  11. Making effective use of land
  12. Achieving well-designed places
  14. Meeting the challenge of climate change, flooding and coastal change
  15. Conserving and enhancing the natural environment
  16. Conserving and enhancing the historic environment
  17. Facilitating the sustainable use of minerals

## 6.0 CONSULTATIONS

### 6.1 National Highways – **NO OBJECTION**

6.1.1 Subject to the imposition of conditions.

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

6.2.1 Subject to the imposition of conditions and subject to a Section 106 legal agreement to secure the proposed access arrangement and associated works and all other off-site works and financial contributions.

### 6.3 Environment Agency – **NO COMMENTS TO MAKE**

6.3.1 This planning application falls outside their remit as a statutory planning consultee.

### 6.4 Southern Water – **NO OBJECTION**

6.4.1 Subject to the imposition of conditions.

### 6.5 Pevensey and Cuckmere Water Level Management Board and the Lead Local Flood Authority – **NO OBJECTION**

- 6.5.1 Subject to the imposition of conditions.
- 6.6 ESCC Ecologist – **NO OBJECTION**
- 6.6.1 Subject to the imposition of conditions.
- 6.7 ESCC Archaeologist – **NO OBJECTION**
- 6.7.1 Subject to the imposition of conditions.
- 6.8 ESCC Landscape Officer – **OBJECTION**
- 6.8.1 The current scheme would not allow for an adequate landscape buffer to the cemetery.
- 6.9 ESCC Minerals and Waste Planning Authority (MWPA) – **GENERAL COMMENT**
- 6.9.1 The MWPA considers there is insufficient information to fully assess the impacts of the proposed development on the Mineral Safeguarded Area. A condition and informative have been recommended if planning permission is granted.
- 6.10 East Sussex Fire & Rescue Service – **NO OBJECTION**
- 6.10.1 If this application receives approval the Developer is required to ensure there is sufficient water for firefighting in accordance with the Water UK National Guidance Document.
- 6.11 Sussex Police – **NO OBJECTION**
- 6.11.1 General observations provided on design and layout, reducing crime, improving natural surveillance and improving safety.
- 6.12 Sussex Newt Officer (NatureSpace) – **NO OBJECTION**
- 6.12.1 Subject to a great crested newt licence being obtained for the development.
- 6.13 Natural England – **NO OBJECTION**
- 6.13.1 Subject to appropriate mitigation being secured by planning condition or obligation.
- 6.14 Rother District Council (RDC) Environmental Health – **GENERAL COMMENT**
- 6.14.1 No objection subject to conditions in relation to the permitted operations of the adjacent brickworks and quarry. Concern raised about sound levels if potential future scenario of quarrying under the existing brickworks building takes place.
- 6.15 RDC Housing – **NO OBJECTION**

- 6.15.1 The scheme provides a policy compliant quantum of affordable housing with appropriate tenure and size splits and is supported by Housing Development. Notwithstanding this, the following issues have been raised:
- Not all units appear to be provided to M4(2) standards.
  - There can be management issues with 2b3p units.
  - The effectiveness of pepper potting is reduced by the placement of the apartment blocks in close proximity to one another.
  - Multiple affordable housing tenures in the apartment blocks could be an issue for registered providers.
- 6.16 RDC Waste and Recycling – **NO OBJECTION**
- 6.16.1 There are no issues here providing turning areas are kept clear and that there are dropped kerbs if larger communal bins are to be used.
- 6.17 Planning Notice
- 6.17.1 A large number (close to 100) of objections have been received in relation to the original and amended scheme (including from local residents and Ibstock Brick), which can be viewed in full on the planning website. The concerns raised are summarised as follows:
- Loss of green spaces.
  - Noise pollution from traffic and development.
  - Increased traffic on Turkey Road, St Mary's Lane, Little Common and A259.
  - Concerns regarding road safety due to increased traffic and the access being in dangerous location.
  - No footpaths.
  - Road not suitable for buses.
  - Poor bus links.
  - Roads and nearby footpaths not suitable for pedestrians and cyclists.
  - Turkey Road floods regularly.
  - The proposed cycle path links up with bus bypass.
  - Natural water required for the brickworks factory will be contaminated.
  - Access has poor visibility.
  - Added strain on local services and on infrastructure.
  - Existing sewage problems.
  - Impact on wildlife.
  - Exacerbate flooding issues caused by Ibstock brickyard.
  - Land has existing flooding issues.
  - Overlooking neighbouring properties.
  - Land not suitable for development due to proximity to brickworks, noise, odour and light pollution from Ibstock brickworks will affect development.
  - Impact of increased noise pollution on human health.
  - Dust pollution.
  - Increased light pollution.
  - Increased pollution from development.
  - Concerns from Ibstock brickworks over sterilisation of minerals within Mineral Safeguarding Area caused by development.
  - Proximity to cemetery is disrespectful.
  - Ibstock brickworks production will be curtailed by development.
  - Proposal is too dense.

- Lack of policing in local area.
- Development would obstruct views of existing houses along Turkey Road.
- Oak trees to be felled for visibility splay.
- Proposed acoustic barriers are large and disruptive to landscape.
- Proposed acoustic barriers will damage ancient tree roots on boundary.
- Previous applications have been refused on this site.
- Unsustainable development.
- Outside of development boundary.
- Concerns over proximity of pumping station to existing properties.
- Field being used for rescue horses, concern regarding where the horses would be relocated to.
- Houses will not be affordable housing.
- Overdevelopment is changing character of Bexhill.
- Possibility of unexploded WW2 bomb.
- Possibility of undiscovered pre-historic remains.
- Development on clay can lead to sinkage and subsidence.

6.17.2 One letter of support has been received in relation to the original and amended scheme. The comment is summarised as follows:

- Supporting local demand.

6.17.3 Two general comments have been received in relation to the original and amended scheme. The comments are summarised as follows:

- Access for fire appliances is satisfactory.
- Overdevelopment of Bexhill.

6.18 Town Council – **NO COMMENTS RECEIVED**

## **7.0 LOCAL FINANCE CONSIDERATIONS**

7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change and would be subject to an exemption for the affordable housing units and the custom/self-build units, but the development could generate approximately £1,454,745.

7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £737,696 over four years.

7.3 Other finance considerations include Section 106 Planning Obligations, which are detailed further on in the report.

## **8.0 APPRAISAL**

8.1 The application relates to an unallocated site for housing adjacent to the development boundary for Bexhill. The main issues include:

- Principle of residential development.
- Whether the proposed development would provide a suitable location for housing, with reference to the accessibility of services and facilities.



- Whether the proposed residential development is compatible with the adjacent Ashdown Brickworks and Quarry, which is a safeguarded minerals site.
- Landscape impact.

## 8.2 Principle of residential development

- 8.2.1 The site is located outside of but immediately adjoins the development boundary for Bexhill. In policy terms the site is defined as countryside.
- 8.2.2 Policy OSS2 of the Rother Local Plan Core Strategy and Policy DIM2 of the DaSA require new development to be focused within defined settlement boundaries, principally on already committed and allocated sites, together with other sites where proposals accord with relevant Local Plan policies. 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 Policy RA2 of the Rother Local Plan Core Strategy sets out the overarching strategy for the countryside. It seeks to, amongst other things, strictly limit new development to that which supports local agricultural, economic or tourism needs and maintains or improves rural character.
- 8.2.4 Policy RA3 (iii) states that the creation of new dwellings in the countryside will only be permitted in extremely limited circumstances. These are:
- (a) to support farming and other land-based industries;
  - (b) the conversion of a traditional historic farm building 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.
- 8.2.5 The site is not in an isolated location as it adjoins dwellings in Turkey Road and is adjacent to an allocated housing site. As such, the proposal would not conflict with the advice in the National Planning Policy Framework at paragraph 80, which seeks to avoid the development of isolated homes in the countryside. Nevertheless, the site is located within the countryside where development is restricted to those circumstances listed above.
- 8.2.6 The proposal is not for one of the extremely limited circumstances in which new dwellings are allowed in the countryside and as such the construction of dwellings here would normally be considered unacceptable in principle.
- 8.2.7 However, the Council cannot currently demonstrate a five-year supply of deliverable housing sites (it was 2.79 years as of 1 April 2022). This means that the policy restrictions relating to development boundaries are presently '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 says that, in accordance with the presumption in favour of sustainable development, 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 the National Planning Policy Framework taken as a whole.

8.2.8 This situation alone does not mean that housing schemes which are unacceptable on sound planning grounds must now be allowed; however, it does add weight to the benefits that a potential additional source of housing supply would bring when determining the 'planning balance'.

8.2.9 The merits of the proposal in relation to Paragraph 11 are considered below.

### 8.3 Suitability of the location

8.3.1 Policy OSS3 (x) of the Rother Local Plan Core Strategy says 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.

8.3.2 Policy TR3 requires new development to minimise the need to travel and support good access to employment, services and community facilities.

8.3.3 Paragraph 105 of the National Planning Policy Framework says that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.

8.3.4 The nearest focus of local services and shops, including a Lidl supermarket, is Sidley 'District Centre', which lies some 1.3km to the east of the site, at the end of Turkey Road. Amenities listed as being within 1km (12 minutes) walking distance of the site are as follows:

- St. Mary's Wood.
- Highwoods Golf Club.
- Bus Stops on Turkey Road x 2.
- Rose and Crown Public House.
- Glenleigh Park Primary Academy and Nursery.
- One Stop Convenience Store.

8.3.5 The 2013 Strategic Housing Land Availability Assessment (SHLAA) infers that the application site is not in a sustainable location for a housing development. However, the site adjoins the development boundary for Bexhill and is adjacent to a site allocated for some 30 dwellings in the DaSA (Policy BEX6). Supporting Paragraph 9.75 of that policy says:

*"The site is relatively well located in terms of access to some services, notably schools and is close to existing bus routes. There is no footpath on the north side of Turkey Road but the site can be linked to footpaths on the opposite side of the road. The most likely access point is at the south-west corner of the site onto Turkey Road. Highway improvements are likely to be required to make the development acceptable."*

- 8.3.6 Given the close proximity of the application site to the development boundary and allocated housing site, and having regard to the above supporting paragraph, there is potential for the proposed housing site to be made a sustainable location. ESCC Highway Authority have been in discussions with the Applicant on this issue throughout the application and they have provided detailed comments which can be viewed in full on the planning website. Concern has been raised about accessibility from the outset, mainly in relation to the walking distance from the site to services and facilities, including bus stops on Turkey Road which offer a service suitable as an alternative to travel by private car.
- 8.3.7 The Applicant has sought to address this concern through the provision of an on-site bus stop for future residents. Further to this, the following highway works/contributions would be secured through a Section 106 Legal Agreement:
- Pedestrian access into the site close to the main access. A 2m wide footway is to be provided along the northern edge of the existing tree line to connect with the proposed access road. This will then connect with the existing hardstanding area adjacent to Nos. 304 and 306 Turkey Road, beyond which a small section of newly proposed footway will be provided. A newly proposed tactile paving crossing will also be provided connecting to a small section of proposed footway on the southern side of Turkey Road to connect with the existing footway.
  - Pedestrian access to the site at the eastern boundary. In order to link the pedestrian access to the existing pedestrian facilities on the south side of the road a new section of footway on the north side of Turkey Road along with an informal crossing point with dropped kerbs and tactile paving would be provided.
  - The provision of a new bus stop on the southern side of Turkey Road, located to the east of No. 171 Turkey Road. This would comprise a marked bus stop with a raised kerb, hard standing, flag and pole and road markings. A new 3m wide footway would connect to the stop from the existing footway.
  - A contribution of £1,100 per dwelling to improve the bus route serving the development and/or to help establish a demand responsive transport (DRT) service.
  - A Travel Plan auditing fee of £6,000.
- 8.3.8 In addition to the above, an enhanced Travel Plan would be secured by condition to encourage future residents to use alternatives to the private car. Measures would include:
- The provision of one month's free bus travel for new residents followed by three months discounted travel.
  - Taster provision of shopping deliveries x 5 from a selected retailer to reduce the need for trips to supermarkets and enable deliveries for those who do not have access to a car.
  - Encourage cycling by co-ordinating Dr Bike or similar maintenance schemes and promoting a Cycle Buddy Scheme.
  - Encourage walking, cycling and scootering further through the provision of hi-vis clothing for children. Also, through the possible introduction of walking school bus groups.
- 8.3.9 Having regard to the above measures, ESCC Highway Authority conclude that:

*“The measures proposed to enable a bus to enter the site and provide a service directly to residents is now acceptable. It is considered that this along with a financial contribution towards an improved bus service or potentially a new DRT service would go some way to improving sustainable travel choice for new residents.*

*As a result, my concerns regarding the accessibility of the site are addressed to some extent; however, there remains doubt that the level of bus service would provide a usable alternative means of travel for many journey types and with this in mind some residents may remain reliant on travel by private car.*

*Nonetheless, pedestrian infrastructure already exists in the surrounding area to the immediate east of the site, and it is acknowledged that the walking distance from the site to the bus stops providing a more frequent service on Turkey Road is walkable for more mobile residents, being located approximately 1.0km away.*

*Other facilities, such as a school, convenience store, public houses etc are also located a similar distance away from the site and could also be considered accessible by walking for some residents.*

*In conclusion, the location of the site is far from ideal from an accessibility perspective, being outside a walkable neighbourhood, however, my concerns are offset by the provision of an improved bus service which can be accessed directly from within the site and the availability of some additional facilities within a 1km walking distance. Furthermore, there would also be opportunities for residents to cycle to facilities located further afield.*

*As a result, future residents of the site need not be entirely car reliant and therefore an objection on accessibility could no longer be justified.”*

8.3.10 Based on the advice of ESCC Highway Authority, the site can be made sustainable with reference to the accessibility of services and facilities. As such, it is a suitable location for the proposed development.

8.3.11 In relation to accessing the new pedestrian crossing points, local residents are concerned about potential conflicts between vehicles and pedestrians. The concern centres around pedestrians from the housing site having to walk in front of the shared driveway at Nos. 304 & 306 Turkey Road and having to walk down part of the long access track serving Nos. 270 to 274 Turkey Road. This concern is acknowledged. However, it is not unusual for driveways to cross pavements and with regard to the long access track, this is not heavily trafficked. Furthermore, ESCC Highway Authority have not raised an objection to the proposal in relation to this matter. The access arrangements to the pedestrian crossing points are therefore considered to be acceptable.

#### 8.4 Compatibility with the adjacent Ashdown Brickworks and Quarry

8.4.1 Policy OSS4 (iv) of the Rother Local Plan Core Strategy says that new development should be compatible with both the existing and planned use of adjacent land.

- 8.4.2 Policy DEN7 (i) the DaSA says in the case of new noise-sensitive development, users of the new development should not be likely to experience unacceptable adverse effects resulting from existing levels of noise.
- 8.4.3 Paragraph 187 of the National Planning Policy Framework says that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the Applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.
- 8.4.4 Policy WMP14 of the Waste and Mineral Plan says:
- “The Authorities will safeguard areas for land-won resource to ensure viable resources are not sterilised. The Authorities will identify Mineral Safeguarding Areas and Mineral Consultation Areas in the Waste and Minerals Sites Plan, and expect to be consulted on any proposal for major development that would have a significant impact on current or future operations.*
- In addition, other non-strategic mineral resources that might need protection will be identified through the Plan review process and in the Waste and Minerals Sites Plan. This will allow a viability assessment to be made around additional resource need over the plan period.”*
- 8.4.5 Policy SP8 of the Waste and Minerals Sites Plan says:
- “Proposals for non-minerals development on or near the MSA that would sterilise or prejudice the extraction of the mineral resource, or result in incompatible development, will be strongly resisted. The MPA will consider whether the proposed development is in accordance with a site allocation in an adopted local plan or neighbourhood plan; the minerals development is no longer needed; the proposal is of a temporary nature; or, the capacity of the minerals development can be relocated elsewhere.*
- The prior extraction of minerals should be considered by the MPA in relation to any non-minerals development.”*
- 8.4.6 The Ashdown Brickworks and Quarry, which is operated by Ibstock, is a safeguarded minerals site. It has a long history of brick making with records dating back to 1900. The site operates as both a site for mineral extraction (quarry for the extraction of clay) and as a brickworks.
- 8.4.7 The Brickworks building and associated infrastructure (e.g. outside operating area, brick stocking area, vehicle parking area etc.) lie immediately to the west of the proposed housing development. The excavation of clay is concentrated in two connected areas – the Pevensey Pit to the north of the brickworks building and the Crowborough Pit to the west of the building. Additionally, there is potential for clay to be imported from a separate clay pit at Little Standard Hill Farm near Ninfield, which has permission for clay extraction which must cease by 8 August 2048. No extraction is currently taking place at that site. However, the permission states that clay extracted from the site shall only be used for or in connection with the production of brick or other

clay products at the Ashdown Brickworks site, except with the prior written approval of the Minerals Planning Authority.

- 8.4.8 Under the current planning permission for the Ashdown Brickworks and Quarry (County Council Ref: RR/811/CM, dated 6 December 2018), clay extraction has to cease by 27 May 2051 with all buildings, plant, machinery, foundations, hardstanding, roadways and any other structure or development on the site to be removed. There is also a requirement for the implementation of a formal restoration scheme and an approved Revised Concept Restoration Plan shows the creation of habitats for biodiversity (including a large waterbody, tree and shrub planting, visitor centre and car park etc.). Other conditions restrict the hours of operation for mineral extraction operations, restrict the level of noise emitted from the site from mineral extraction operations, control the emission of dust from the site etc.
- 8.4.9 The proposed housing development would be located on land adjacent to the Mineral Safeguarding Area and this brings about two issues for consideration. Firstly, whether the proposal is compatible with the permitted operations at the brickworks and quarry (i.e. extracting clay and producing bricks), and secondly, whether the housing development would prejudice any future extraction of clay from beneath the brickworks building.
- 8.4.10 With regard to the first issue, the permitted operations at the Brickworks and Quarry have the potential to have significant adverse impacts on the health and quality of life of future occupiers of the houses. As such, the proposal could be incompatible development. In this situation it is for the Applicant (or 'agent of change') to demonstrate that this would not be the case, with suitable mitigation provided if necessary. The Applicant has submitted a Mineral Infrastructure Assessment (MIA), and this is supported by a range of technical reports including in relation to noise and vibration, dust and odour. The conclusion of the MIA is that subject to appropriate mitigation for noise impacts, the permitted operations of the Brickworks and Quarry would not be compromised by the housing development.
- 8.4.11 The Council's Environmental Health Service has reviewed the Noise & Vibration Assessment, Operational Dust Assessment and Odour Assessment (all updated for the 89-unit housing scheme), which are available to view in full on the planning website. In terms of noise and vibration, the assessment recommends the provision of a 5m high acoustic barrier along part of the western boundary of the site to screen properties in this area from works on the Ibstock site. With this in place, external sound levels in rear gardens are expected to meet the guidance levels of BS 8233:2014 Sound Insulation and Noise Reduction. Construction details of the proposed acoustic barrier have not been provided at this time. In relation to any upgraded glazing requirements for the proposed dwellings in the western part of the site, the assessment advises that with the implementation of a 5m high acoustic barrier along the western boundary – screening residential properties from the works – upgraded glazing is not considered necessary at these facades. Therefore, standard glazing and ventilation specifications are considered appropriate at all property facades on the site.
- 8.4.12 Environmental Health has advised that the Noise & Vibration Assessment is short on details regarding the proposed acoustic barrier to be erected along part of the western boundary. Nevertheless, its provision is considered to be

acceptable in principle in relation to mitigating noise impacts from the permitted operations of the brickworks and quarry. Full details of the proposed barrier, including details of its appearance and a maintenance and management plan, can be secured by condition. In relation to the proposed use of standard glazing and ventilation specifications at all property facades on the site, this is accepted by Environmental Health. However, a condition is recommended to ensure that these noise mitigation measures remain appropriate.

8.4.13 Turning to dust, in the conclusion of the Operational Dust Assessment it says that the overall effect of dust and PM10 emissions associated with Ibstock Brickworks on the proposed development will be 'not significant'. Environmental Health agree with this assessment and further add that the proposed acoustic barrier would provide additional mitigation which would only be beneficial.

8.4.14 With regard to odour, in the conclusions of the Odour Assessment it says:

*"It is judged that the overall effect of potential odour sources associated with the Ibstock Brickworks current facilities and operations on sensitive locations within the proposed development will be 'not significant'. This is in accordance with local, regional and national policy and guidance."*

8.4.15 Environmental Health agree with this assessment and further add that the apparent absence of any history of complaint from occupiers of existing residential properties in the vicinity of the Brickworks lends credence to this assessment.

8.4.16 Concern has been raised by Ibstock Brick about the absence of a Lighting Assessment with the application. In this regard they say:

*"Light from the factory and stocking area (inclusive of localised flood lighting), will without doubt be a factor to any potential residential dwellings. The artificial light from our site will increase background levels in this area and result in light spill locally over the adjacent field / proposed development land. Any boundary fences/structures will only limit this so far particularly from a second or even third storey window on the development which will have clear unencumbered views of the brick factory day and night."*

8.4.17 In relation to this issue, the MIA submitted with the application advises that a technical assessment for light was originally planned to evaluate any potential impacts along the western part of the application site. However, this was screened out from further assessment due to the proposed provision of a 5m high acoustic barrier along the western boundary. With this in place light impacts are considered to be negligible.

8.4.18 Light impacts from the Brickworks and Quarry on the proposed housing development have been considered by Environmental Health. This includes having regard to additional comments from the Applicant advising that in addition to the acoustic barrier, the site boundary benefits from heavy tree coverage. Environmental Health does not consider this issue to be a significant concern. It is acknowledged that the adjacent brickworks building and stocking area have localised flood lighting necessary for the permitted operations and that the lighting is likely to be visible from the proposed

houses, despite the presence of the acoustic barrier and existing trees. However, in the context of the proposal being an 89-unit housing scheme, which would generate light pollution from streetlights, internal and external lighting at the residential properties etc., it is not considered that lighting at the adjacent factory and stocking area would unreasonably harm the living conditions of future occupiers.

8.4.19 Overall, subject to the proposed noise mitigation measures being secured by condition, it is considered that the housing development would be compatible with the permitted operations of the Ashdown Brickworks and Quarry.

8.4.20 Turning to the issue of whether the proposed housing development would prejudice any future extraction of clay from beneath the brickworks building, the MIA says that the existing planning permission governing mineral activities on the Ashdown Quarry site does not provide Ibstock with permission to excavate the residual clay reserve beneath the brickworks in the Mineral Safeguarding Area (MSA). Any future extraction of that mineral reserve would be subject to obtaining the necessary planning permission for that activity through the ESCC Minerals and Waste Planning Authority. Prior extraction of these mineral resources within the MSA is not possible as this requires the prior demolition of the brickworks building before extraction can commence. The MIA goes on to say:

*“It is important to note that:*

- *The measures required to mitigate noise impacts for Scenario 1 (see Section 5) will be in place during any future excavation phase.*
- *Mineral extraction activities will be short-term in nature.*
- *The eastern limit of the future excavation within the MSA will be fixed and determined by the need for Ibstock to ensure the integrity of the eastern quarry face.*

*Given these observations, we conclude that the presence of the non-mineral development adjacent to Ashdown Quarry (i.e. existing properties on Turkey Road and the application site) will not sterilize the residual resources within the MSA. However, additional conditions may be applied as part that permission to mitigate any short-term impact excavation may have on those properties, over and above those required through as part of the MIA.”*

8.4.21 Ibstock have raised concerns about the proposed housing development sterilising the potential clay resources still available within the footprint of the brickworks building. However, as per the MIA, the current planning permission for the minerals site does not permit the extraction of clay from this area. This would require a separate planning permission which would be determined by the ESCC Minerals and Waste Planning Authority. It is not clear at this time whether there is an intention to extend the area of clay extraction to include underneath the brickworks building.

8.4.22 In the event that extraction of clay from underneath the brickworks building is realised, the submitted Noise & Vibration Assessment shows that without additional mitigation measures, some of the rear gardens of the proposed dwellings would be subject to a significant and very noticeable increase in garden sound levels from that which is predicted to arise from the current permitted operations. This increase in sound levels would be above the BS 8233:2014 guidelines, which would not be acceptable.



- 8.4.23 However, an increase in garden sound levels would also be noticeable at existing residential properties in Turkey Road, including the rear garden of no. 306, where the increase in sound levels would also be above the BS 8233:2014 guidelines. Therefore, if a planning application is submitted for permission to extend the area of clay extraction to include underneath the brickworks building, it is likely that appropriate mitigation measures to avoid harm to the existing residential properties from any future quarrying would be required as part of any planning permission. In this context, it is not considered that the proposed housing development would result in the need for the adjacent business to provide additional mitigation measures over and above what would be required for the existing residential properties in the locality. Furthermore, the ESCC Minerals and Waste Planning Authority have not raised an objection to the proposed housing development in relation to it prejudicing any future extraction of clay from beneath the brickworks building.
- 8.4.24 For the above reasons, it is not considered that the proposal would prejudice any future extraction of clay from beneath the brickworks building.
- 8.4.25 The ESCC Minerals and Waste Planning Authority have advised that if planning permission is granted the following informative is attached:
- “In line with National Policy, namely paragraph 187 of the National Planning Policy Framework, should the Applicant discover any potential sensitivity of the proposed non-mineral development to operation of the brickworks/quarry or any impact of the non-mineral development on the brickworks/quarry, suitable mitigation must be provided, in consultation with the Local Planning Authority and the Minerals Planning Authority.”*
- 8.4.26 The above is not reasonable as an informative or condition, as the proposal has been assessed and is acceptable subject to the recommended noise mitigation measures being secured by condition.

## 8.5 Landscape impact

- 8.5.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy requires all development to respect and not detract from the character and appearance of the locality.
- 8.5.2 Policy RA2 says the general strategy for the countryside is to (viii) generally conserve the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.
- 8.5.3 Policy RA3 says that proposals for development in the countryside will 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.
- 8.5.4 Policy EN1 provides that the management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district’s nationally designated and locally distinctive landscapes and landscape features; including, amongst other things, (v) open landscape between clearly defined settlements,

including the visual character of settlements, settlement edges and their rural fringes; and (vii) other key landscape features across the district, including native hedgerows, copses, field patterns, ancient routeways, ditches and barrows, and ponds and water courses.

8.5.5 Paragraph 174 of the National Planning Policy Framework, amongst other things, says that planning decisions should recognise the intrinsic character and beauty of the countryside.

8.5.6 This edge of settlement site mainly comprises open grassland with some trees and scrub and a collection of low-key stable buildings. There are trees and vegetation on some of the site boundaries. There is no doubt that the proposed development would completely change the character of the site from countryside to suburban residential development, eroding the rural fringe of this part of Bexhill. However, the County Landscape Architect has advised that the site and surrounding area would not be considered valued landscape in the context of the National Planning Policy Framework. It is surrounded by urban and suburban land uses with the Ashdown Brickworks and Quarry to the west, houses on Turkey Road to the south, and the cemetery and some houses to the north. There is also the DaSA allocation for some 30 dwellings (Policy BEX6) to the east.

8.5.7 The creation of a new vehicular access would result in the loss of some trees, including a category B2 English Oak. This is necessary for access into the site and would be mitigated by new tree planting within the development.

8.5.8 It is the case that the proposed development would result in some harm to the landscape by reason of an erosion of the countryside resulting in a loss of its intrinsic character and beauty. However, given the site's context on the edge of Bexhill adjacent to the development boundary, and surrounded by other development, it is not considered that this would constitute significant harm.

8.5.9 Concern has been raised about the proposed acoustic barrier damaging tree roots on the western boundary of the site. However, these are shown to be retained on the Tree Protection Plan, which also shows the acoustic barrier in-situ.

## 8.6 Design and layout

8.6.1 Policy EN3 of the Rother Local Plan Core Strategy, Policy DEN1 of the DaSA and Paragraph 130 of the National Planning Policy Framework seek to ensure that new development is well-designed.

8.6.2 The submitted plans/drawings show that the site would accommodate a range of types and sizes of dwellings, including detached, semi-detached and terraced houses, semi-detached town houses, coach houses and apartments. The building heights range from single storey for ancillary garages to 2 ½ storeys for the town houses and apartment blocks. Proposed external materials comprise plain tiles to the roofs and a mixture of brick, weatherboarding and tile hanging to the walls. Having regard to the immediate and wider context of Bexhill there is a broad mix of homes. As such, the range of dwellings proposed for this housing development would be acceptable.

8.6.3 The neighbouring dwellings in the immediate locality generally sit within large plots. In contrast, the proposal would provide a greater density of housing with smaller plot sizes. In the context of the need to make optimal use of the potential of sites, this is considered to be acceptable.

8.6.4 In terms of the general layout of the site, this has been amended to address concerns of overdevelopment. It includes more soft landscaping and open space, and a more organic layout with the central open space made more of a feature. The town houses and apartment blocks in particular would be arranged around this feature. The County Landscape Architect has commented as follows on the revised layout:

*“The revised layout is much better related to the site topography and existing landscape features than the previous one. The road layout is a significant improvement on the earlier rectilinear design, which did not allow for a distinctive housing layout, particularly in relation to the central open space.*

*The provision of street trees has been increased and these are better related to the houses providing adequate space for growth.*

*The landscape buffers to southern, eastern and western boundaries have been increased reducing risk of shading and conflict between existing trees and residents.*

*The proposed houses adjacent to the northern boundary would be located on the highest part of the site on the crest of the ridge. These would be prominent in views from the south western part of the cemetery. It is acknowledged that the proposed tree planting has been increased within the open space, however the houses on the northern boundary would be set on a low ridge on the highest part of the site. In this context the proposed landscape buffer would not be adequate and it is recommended that units 14-19 and 49, 50 are omitted or located further south. The higher ground could then be incorporated into the open space, this would also increase the opportunity for multifunctional green infrastructure on the site.*

*A sensitively designed and landscape led development could be acceptable on this site however, the current scheme would not allow for an adequate landscape buffer to the cemetery. It is recommended that the proposed development is not supported as it would have unacceptable impacts on local landscape character and views.”*

8.6.5 The County Landscape Architect’s concern regarding the provision of an adequate landscape buffer to the cemetery is noted. Even with the proposed tree planting, the housing development would be visible from the south-western part of the cemetery and any future extension to the west. However, it must also be acknowledged that it is not unusual for cemeteries to be adjacent to residential development. Therefore, whilst the proposal would cause some harm to the landscape setting of the cemetery, it is not considered that this would constitute significant harm.

8.6.6 Notwithstanding the identified harm to the landscape character of the countryside and the landscape setting of the cemetery, it is considered that the proposed housing development is well-designed, will function well, and will add to the overall quality of the area.

8.6.7 The appearance of the proposed 5m high acoustic barrier is not known at this time. Clearly this would be a large structure within the site. However, it would form part of the housing development and details of its appearance would be secured by condition. The submitted landscaping plans shown that soft landscaping would be provided in front of the barrier (facing the proposed houses) with a 5m wide planting buffer provided between it and the rear gardens of the houses.

8.7 Housing mix

8.7.1 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; (iii) in Bexhill, contribute to increased provision of family dwellings, unless site circumstances make this inappropriate; (iv) in larger developments (6+ units), provide housing for a range of differing household types.

8.7.2 The proposal would provide a mix of 1, 2, 3 and 4-bedroom dwellings, 39% of which would be 1 and 2-bedroom properties, 39% of which would be 3-bedroom properties and 22% of which would be 4-bedroom properties. These would be provided in a range of unit types and would cater for a range of different household sizes. A mixture of dwellings is proposed which complies with the above policy requirements.

8.7.3 With regard to affordable housing provision, Policy DHG1 (i) of the DaSA requires 30% of the houses to be affordable. It is proposed to provide a policy compliant number of affordable homes, which equates to 27 units. The breakdown in tenures is as follows:

<b>Affordable First Homes</b>	<b>7</b>
1 bed apartment	4
2 bed apartment	3
<b>Affordable Shared Ownership Dwellings</b>	<b>3</b>
2 bed maisonette	1
3 bed house	2
<b>Affordable Rented Houses</b>	<b>17</b>
1 bed apartment	4
2 bed apartment	5
2 bed coach house	1
2 bed house	1
3 bed house	4
4 bed house	2

8.7.4 The Council's Housing Enabling & Development Officer supports this tenure mix, which meets the national requirement to provide 25% First Homes and the local policy requirement to provide 65% affordable housing for rent, with the remaining units provided as intermediate affordable housing (in this case shared ownership).

8.7.5 Policy DHG1 says that affordable units should be 'pepperpotted' individually, or in small clusters, amongst market units. The Housing Enabling &

Development Officer has advised that the proposed peppercotting of the affordable homes is fairly effective with the units spread across the site. A preference has been expressed for one of the apartment blocks to be relocated further north. However, this is not considered to be necessary given the peppercotting is already fairly effective.

- 8.7.6 The Housing Enabling & Development Officer has advised that the provision of 2-bedroom 3-person houses for shared ownership and affordable housing for rent may result in management issues for registered providers of social housing, and therefore the interest in acquiring these units may be reduced. He has also advised that the proposed mix of affordable housing tenures in apartment block 2 (7 x first homes and 1 x affordable housing for rent), may not be attractive for registered providers in terms of taking on the single unit of affordable housing for rent. He has, however, acknowledged that this unit has its own entrance and its own allocated parking space, which may reduce the issue.
- 8.7.7 Notwithstanding the above issues, the Housing Enabling & Development Officer is satisfied that the scheme provides a policy compliant quantum of affordable housing with appropriate tenure and size splits and is therefore supported by Housing Development. The affordable housing units would need to be secured through a Section 106 Legal Agreement.
- 8.7.8 On sites of 20 or more dwellings, Policy DHG6 of the of the DaSA requires for 5-10% of the total number of dwellings to be made available as serviced plots for self and custom housebuilders and these are secured through a Section 106 Legal Agreement. In this case, four of the plots are shown as serviced plots, which equates to some 4.5%. This is slightly below the minimum policy requirement.
- 8.8 Water efficiency, energy requirements and accessible and adaptable homes
- 8.8.1 Policy DRM1 of the DaSA requires all new dwellings to be designed to achieve water consumption of no more than 110 litres per person per day.
- 8.8.2 Policy DRM3 says the extent to which a proposal incorporates renewable and low carbon energy technologies will be a factor weighing in the favour of a proposed development.
- 8.8.3 An Energy and Sustainability Statement has been submitted with the application. This says that the energy hierarchy approach of 'Be Lean, Be Clean, and Be Green' has been followed to ensure the maximum viable reductions in energy and regulated CO2 emissions is achieved. The strategy achieves and meets the following requirements:
- Includes improved optimal building fabric improvements, energy efficient design of building services.
  - Complies with Part L 2013 Building Regulations and will reduce carbon emissions by 31% in line with the demands of the new Part L (2021) requirements.
  - Provides an estimated 91.56 kWp of PV to the houses to increase the carbon and energy savings.
  - Utilises a low carbon solution to supplying hot water to the apartments through the use of hot water heat pump technology.

- 15% of the total predicted energy demand is generated through renewables.
  - Exceeds the TFEЕ minimum reduction requirements by 15%.
- 8.8.4 The required water efficiency measure for the new dwellings can be secured by condition, as can the provision of solar PV panels, and the use of a low carbon solution to supplying hot water to the apartments. Electric Vehicle (EV) charging points can also be secured by condition.
- 8.8.5 Policy DHG4 of the DaSA requires all new dwellings to meet Part M4(2) “Category 2: Accessible and adaptable dwellings” of the Building Regulations. In this case 72 (81%) of the proposed dwellings would meet this standard with a further unit (one of the ground floor apartments) meeting Part M4(3) “Category 3: Wheelchair user dwellings”.
- 8.8.6 A total of 16 (18%) of the proposed dwellings would not meet Part M4(2). These comprise the 12 upper floor apartments and four coach houses, which would not be provided with lift access. These dwellings would meet the basic standard, Part M4(1) “Category 1: Visitable dwellings”. As not all the dwellings would meet Part M4(2) of the Building Regulations, the proposal conflicts with Policy DHG4.
- 8.9 Amenities of neighbouring properties
- 8.9.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy says that new development should not unreasonably harm the amenities of adjoining properties.
- 8.9.2 Policy DEN7 of the DaSA seeks to avoid significant adverse impacts on health and quality of life, including from, amongst other things, noise, odour and light pollution. This is consistent with Paragraph 185 of the National Planning Policy Framework.
- 8.9.3 As previously stated, the proposed development would completely change the character of the site from countryside to suburban residential development. This would be a substantial change for residents of the neighbouring properties. Potential impacts arising from the development include disturbance from noise and light pollution, loss of light/outlook and loss of privacy. Matters such as loss of view and loss of property value are not material planning considerations.
- Privacy/light/outlook*
- 8.9.4 For the existing dwellings which back onto the application site along Turkey Road, in general, they all benefit from comparatively ample rear gardens. Some of these are open to or have mature trees and hedging delineating the common boundaries with the site. The layout for the proposed development takes into account the juxtaposition of the existing private residential gardens, with most of the new houses separated from the common boundaries by their own rear gardens, which are at least 10m in length. This measure of separation, combined with the ample rear gardens of the neighbouring dwellings, would ensure that overlooking to the detriment of residential amenity would not occur. Further to this, the rear gardens of the new houses would be provided with appropriate boundary treatment, secured by condition.

This would serve to provide privacy between gardens, for both existing and future residents.

- 8.9.5 The side wall of the proposed Coiner House on Plot 89 would be adjacent to and face the rear garden of No. 304 Turkey Road. However, the new house does not include any first floor windows in this elevation and so no overlooking would occur.
- 8.9.6 In terms of light and outlook, the proposed houses to the north of the existing ample rear gardens in Turkey Road would not result in loss of sunlight or overshadow the neighbouring gardens due to their position to the north, outside of the sun's path. In addition to this, loss of outlook to the detriment of residential amenity would not occur, as in themselves the existing ample rear gardens mean that that new houses would be set well back from the neighbouring dwellings.
- 8.9.7 The proposed 2 ½ storey apartment blocks are positioned well within the site with a significant set back from neighbouring properties. As such, harmful overlooking of neighbouring properties from the apartments would not occur, and nor would the buildings result in loss of light, overshadowing and loss of outlook.
- 8.9.8 To the northeast of the application site is the terrace of three neighbouring dwellings, Nos. 270 to 274 Turkey Road, whose principal elevations face south. These are separated from the site by the existing access track, and they are set back from this by their front gardens. They are also on a higher ground level than this northeastern corner of the site. The layout for the proposed development takes into account the juxtaposition of the neighbouring properties. The proposed terrace of three houses in this location is positioned so that it is not directly in front of the neighbouring dwellings, and it is orientated so that the principal elevations face in an easterly direction. As such, they would not directly overlook the neighbouring dwellings. There may be some oblique views of the neighbouring front gardens from the first floor windows of the new dwellings, but the front gardens are not private areas and so harmful overlooking would not occur.
- 8.9.9 The side wall of the proposed Tillman house on Plot 61 would be adjacent to and face the parking area of No. 270 Turkey Road. However, the new house does not include any first floor windows in this elevation and so no overlooking would occur.
- 8.9.10 In terms of light and outlook, the proposed terrace of three houses is positioned so that it is not directly in front of the neighbouring dwellings, and it would also be on a lower ground level. In addition, the measure of separation to the closest of the neighbouring dwellings (No. 270 Turkey Road) is some 13.5m. This combination of factors would ensure that loss of light, overshadowing and loss of outlook to the detriment of residential amenity would not occur.
- 8.9.11 No. 270 has an ample side garden which contains a group of established trees. The proposed town houses on Plots 51 & 52 would be separated from the common boundary by their rear gardens, which are at least 13m in length. This measure of separation, combined with the ample side garden of the neighbouring dwelling and group of established trees therein, would ensure

that harmful overlooking would not occur. These factors would also ensure that loss of light, overshadowing and loss of outlook to the detriment of residential amenity would not occur. Further to this, the rear gardens of the new houses (including the house on Plot 61) would be provided with appropriate boundary treatment, secured by condition.

- 8.9.12 The proposed house on Plot 48 would be located at the end of the ample side garden of No. 270 Turkey Road. The measure of separation from the neighbouring dwelling, and presence of established trees in-between, mean that harmful impacts from the house – in terms of overlooking, loss of light, overshadowing and loss of outlook – would not occur. There would be no first floor windows in the side elevation facing the neighbouring property. Appropriate boundary treatment would be secured by condition.

*Disturbance from noise and light pollution*

- 8.9.13 The application is accompanied by a Noise and Vibration Assessment, which has been reviewed by the Council's Environmental Health Service. A Lighting Assessment has not been submitted. In relation to noise, the impact of additional road traffic noise arising from the proposed development in the surrounding road network (i.e. Turkey Road and St. Marys Lane) is shown to be negligible and this is not disputed by Environmental Health. Notwithstanding this, and in view of the current characteristics of the site, it is reasonable to assume that people and traffic related noise associated with the housing development would be noticeable to existing residents over and above that which already occurs both within their homes and their gardens. Lighting from the development would also be noticeable.
- 8.9.14 Whether this noise and lighting would be a disturbance or not can be specific to the person experiencing it. It is a matter of judgement on whether that impact and resultant harm to the living conditions of the existing residents would give rise to significant adverse impacts on health and quality of life.
- 8.9.15 Noise from traffic movements associated with the development has the potential to have the greatest impact on the residents of No. 306 Turkey Road, as the main access road into the site runs parallel to that property. The development proposal would result in 71 two-way vehicle movements during the morning peak hour and 59 two-way movements during the evening peak hour. Compared to the existing character of the site, the residents of No. 306 would be aware of the traffic in respect of noise generated and this would be likely to cause disturbance. Notwithstanding this, the proposed access road would be located at least 23m to the west of the neighbouring property and there is also an opportunity to provide new boundary treatment (e.g. fencing) along the western boundary of No. 306 (there currently is none). This would also serve to provide privacy. In addition, over time as residents became more used to the traffic flows, any disturbance from noise could become less noticeable and intrusive.
- 8.9.16 In general terms, compared to the existing character of the site, it is considered that there would be some harm to the living conditions of local residents by reason of disturbance from noise and lighting from the housing development. However, it is not considered that this harm would be so significant as to unreasonably harm the amenities of residents, nor give rise to significant adverse impacts on their health and quality of life. Again, over time, as residents became more used to the housing development, any



disturbance from noise and lighting could become less noticeable and intrusive.

8.9.17 The layout for the proposed development shows a combined foul and surface water pumping station would be provided on-site and this would be located to the west of No. 306 Turkey Road, adjacent to the main access road. Sewage Sector Guidance says that in order to minimise the risk of odour, noise and nuisance for this type of pumping station, the minimum distance from the wet well to any habitable buildings is 15m. In this case, the wet wells of the pumping station would be located 15m away from the common boundary with No. 306 which is acceptable. The perimeter of the compound would be landscaped with a native hedge.

8.9.18 There would be potential noise and dust impacts during the construction phase of the development, and these would need to be addressed in a Construction Management Plan, secured by condition. A separate condition restricting the days and hours of construction works and deliveries to the site would also be necessary.

#### 8.10 Living conditions for future occupiers

8.10.1 Policy OSS4 (i) of the Rother Local Plan Core Strategy says that development should meet the needs of future occupiers, including providing appropriate amenities and the provision of appropriate means of access for disabled users.

8.10.2 Policy DHG3 of the DaSA 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.

8.10.3 In terms of internal space, all the dwellings would meet the minimum internal space standards. Moreover, one of the affordable units is proposed to be delivered to achieve wheelchair accessible standards, in accordance with Policy DHG4 of the DaSA.

8.10.4 Turning to external areas, new dwellings should normally be provided with private rear gardens of at least 10m in length. In relation to flat developments and complexes, an appropriate level of usable communal amenity space should be provided.

8.10.5 The submitted drawings show that the proposed development would include at least 10m long rear gardens for all new houses and balconies would be provided for the six first floor apartments. This satisfies the requirement of Policy DHG7 in relation to the provision of outdoor amenity space for these dwellings. However, neither the four coach houses nor 10 of the apartments (those at ground and second floor levels) would be provided with useable outdoor amenity space. This equates to some 16% of the total number of dwellings. The Applicant has advised that:

*“...some of the flats have balconies and also that these units have ample access to the communal open space in the centre of the Site. These residents will also have access to the open spaces in the northern and eastern portions of the Site.”*

- 8.10.6 Notwithstanding the above, the proposal conflicts with Policy DHG7 in relation to the provision of outdoor amenity space, as this should be provided for all dwellings.
- 8.10.7 With regard to car parking provision, each house would be provided with two allocated car parking spaces and each apartment would be provided with one. There would also be an additional nine unallocated spaces for residents and 18 for visitors spread throughout the development. Further to this, 43 garage spaces would be available. This level of car parking provision would meet the needs of future occupiers. Turning to cycle parking, adequate cycle storage for the development can be secured by condition.
- 8.10.8 Turning to bin storage provision, for houses this would generally be located in rear gardens. For the apartments, communal bin storage areas would be provided within the buildings. This is acceptable.
- 8.10.9 The proposed housing scheme includes the provision of several areas of landscaped open space and a Local Area of Play, which would provide opportunities for recreation and would act as a visual amenity.
- 8.11 Highway issues
- 8.11.1 Policies TR3 and CO6 (ii) of the Rother Local Plan Core Strategy seek to ensure adequate and safe access arrangements, avoid prejudice to road and/or pedestrian safety, and seek mitigation against transport impacts which may arise from development proposals.
- 8.11.2 Paragraph 110 of the National Planning Policy Framework seeks to ensure that, amongst other things, safe and suitable access to the site can be achieved for all users, and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.11.3 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.”*
- 8.11.4 The application is accompanied by various transport documents including a Transport Assessment, Technical Note and Residential Travel Plan. Both National Highways and ESCC Highway Authority have appraised the scheme.
- 8.11.5 National Highways have assessed the scheme in relation to potential impacts on the safe and efficient operation of the Strategic Road Network (SRN), particularly within the vicinity of the A259 at Bexhill. They have no objection to the proposal subject to the implementation of off-site highway improvements at the Bexhill Leisure Centre (A269)/King Offa Way (A259) junction, and the adherence to a Construction Management Plan during the construction period. Both requirements can be secured by condition.
- 8.11.6 ESCC Highway Authority have assessed the proposed development in terms of site access, traffic generation and highway impact, internal road layout and parking provision. This includes an assessment of the housing development's

impact on the operation of the Ashdown brickworks and quarry. Their comments can be viewed in full on the planning website. In conclusion, they have no objection to the proposal subject to standard conditions and the provision of necessary highway works and transport contributions secured through a Section 106 Legal Agreement. The necessary highway works and transport contributions include:

- Access into the site via a priority-controlled T-junction on the northern side of Turkey Road, located between No. 306 Turkey Road and the Ashdown Brickworks and Quarry.
- A financial contribution to fund a Traffic Regulation Order (TRO) that would be necessary to provide parking restrictions on some sections of the internal road.

8.11.7 For the above reasons the proposed development is acceptable on highway grounds.

## 8.12 Flood risk and drainage

8.12.1 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.

8.12.2 The Flood Risk Assessment (FRA) submitted with the application has considered all potential sources of flooding of the site. The findings are as follows:

- The entire site is within Flood Zone 1, which has a low probability of flooding from rivers and the sea.
- Groundwater is not anticipated to pose a risk to the site. The RDC SFRA from 2021 includes mapping for groundwater flooding. Appendix H of the SFRA shows the area surrounding the site to be at “No Risk” of groundwater flooding, with the water table expected to be significantly deeper than 5m BGL.
- The site is within an area at very low risk of surface water flooding, except for along the northern boundary adjacent to the cemetery, which is shown to be at low risk. The FRA advises that to avoid increasing flood risk on adjacent/upstream land, this surface water flow route is to remain in public open space to mimic the existing runoff.
- The site is not within an area at risk of flooding from reservoirs, canals or other artificial water bodies. There are several manmade basins in the adjacent brickworks as a result of excavation which can be seen from aerial imagery. These basins are not considered to pose a risk to the development and will be managed appropriately as part of the minerals extraction works. The long-term aspiration for the site once the site is decommissioned is to restore the site to biodiverse amenity space which will benefit the local residents.

8.12.3 Overall, the site is at low risk of flooding from all sources and as such the sequential test – which aims to steer new development to areas with the lowest risk of flooding from any source – is not applicable in this case. The provision of housing on this site is acceptable in principle, subject to appropriately designed foul and surface water drainage systems to ensure satisfactory drainage of the site and to ensure flood risks are not increased elsewhere.

- 8.12.4 With regard to the disposal of foul sewage, it is proposed to connect to the existing public foul sewer in Turkey Road. The submitted Concept Drainage Strategy shows that a combined foul and surface water pumping station would be provided on-site. Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water and the developer will need to work together in order to review if the delivery of their network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable them to establish the extent of any works required.
- 8.12.5 The matters outlined above can be managed via condition so that occupation of the development is phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development. Full details of the means of foul sewerage disposal can also be secured by condition.
- 8.12.6 Turning to the disposal of surface water, Policies SRM2 (iii) & EN7 (iii) of the Rother Local Plan Core Strategy and Policy DEN5 of the DaSA seek to, amongst other things, promote the use of sustainable drainage systems to control the quantity and rate of run-off, and specifically for development within the Pevensey Levels Hydrological Catchment Area, should incorporate at least two stages of suitable treatment, unless demonstrably inappropriate.
- 8.12.7 The submitted Concept Drainage Strategy shows that surface water would be dealt with via a combination/series of below-ground geocellular attenuation tanks, above ground attenuation basins/ponds and a pumping station. Final discharge would be to a ditch on the southern side of Turkey Road. This surface water drainage strategy has been reviewed by the Pevensey and Cuckmere Water Level Management Board and the Lead Local Flood Authority, and their comments can be viewed in full on the planning website. Overall, they are satisfied that it will be possible to manage surface water runoff from the development site, without increasing flood risk elsewhere, subject to the imposition of conditions relating to the detailed design of the drainage system.
- 8.12.8 Subsequent to these comments, and following the rainfall in recent months, local residents have raised concern over surface water flooding of the application site, with the excess water flooding properties and roads in the surrounding area. This matter has been investigated by the Pevensey and Cuckmere Water Level Management Board and the Lead Local Flood Authority. Their comments are as follows:

*“Photos, videos, and site observations show that there is an existing surface water overland flow route from the application site to the existing properties fronting Turkey Road. Site observations also indicated that there was most likely a historic ditch/watercourse between the application site and the neighbouring properties intercepting and directing overland surface water flows from the application site away from the existing properties.*

*Consequently, if measures are not introduced to manage these existing overland flows, flood risk could be increased once impermeable areas are introduced. Therefore, the Applicant should incorporate intercepting swale/land drain into the design to receive and divert the overland flows away from the existing properties. This swale/land drain should be located on communally maintained accessible area to ensure it can continue to be maintained for the lifetime of the development.”*

8.12.9 The above requirement can be secured by condition. The swale/land drain would form part of the detailed design of the drainage system.

8.12.10 For the above reasons the proposed development is acceptable in relation to flood risk and drainage.

### 8.13 Biodiversity

8.13.1 Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the DaSA and the National Planning Policy Framework seek to conserve and enhance habitats and biodiversity.

8.13.2 The application is accompanied by various ecological documents, including, amongst other things:

- Ecological Appraisal (EA).
- Confidential Appendix: Badger Survey Results and Assessment.
- Initial Consideration of Consultation response received from East Sussex Council Ecology Officer (TN01).
- Additional Ecological Information relating to Great Crested Newts (TN02).
- Update Habitat Survey and Biodiversity Net Gain Assessment.
- Information to inform a Habitats Regulations Assessment.
- Tree Survey and Impact Assessment – referred to as an AIA by the County Ecologist.
- Tree Constraints Plan (TCP).
- Tree Protection Plan (TPP).

8.13.3 The County Ecologist has reviewed the scheme in relation to potential impacts on biodiversity and the comments can be viewed in full on the planning website. In summary, the proposed development can be supported from an ecological perspective, provided the recommended mitigation, compensation and enhancement measures are implemented, secured by conditions. Relevant protected species licences from Natural England are also required. The proposed conditions include:

- Complying with all ecological measures and/or works detailed within the various ecological documents.
- Securing a Construction Biodiversity Management Plan (CBMP) – referred to as a CEMP by the County Ecologist.
- Securing a Biodiversity Method Statement (BMS).

- Securing an Ecological Design Strategy (EDS).
- Securing a Landscape and Ecological Management Plan (LEMP).

8.13.4 The following detailed comments and recommendations of the County Ecologist should be noted.

*Habitats*

8.13.5 The site is bound to the north and east by a cemetery, by woodland and the Brickworks to the west and by residential development and Highwoods Golf Course to the south. A number of waterbodies are present in the Brickworks to the north and west. The mitigation measures (MM1) in the EA to safeguard adjacent off-site waterbodies during the construction phase are supported and should be detailed in the CEMP. Given that the site falls nearly 15m in a south-east direction there is, in the absence of mitigation and presence of high rainfall events, an unaccounted risk of surface water flow impacting these waterbodies during construction. To mitigate this risk, the use of temporary bunding and silt fencing is strongly recommended as part of the site's pollution prevention tool-kit. TN01 confirms that this will be provided with details provided in the CEMP.

8.13.6 The site comprises species-poor semi-improved grassland with wet flushes, improved grassland, one native hedgerow, scattered trees, bracken, dense and scattered scrub, one building (stable) and hardstanding. Features of greatest ecological value are the hedgerow and trees with bat roosting potential, which are considered to be of local importance.

8.13.7 The hedgerow is a Habitat of Principal Importance (HPI) under Section 41 of the NERC Act. The BNG assessment states that 'it is anticipated that hedgerow H1 can be fully retained under the proposals', but the Planting Plans indicate grassland will be created in this location and that it may be impacted by the secondary access. TN01 confirms that this is a typographic error in the BNG assessment and that H1 will be lost, but there will nonetheless be a +262% gain in hedgerow units post-development. As such, the loss of H1 is accepted and the overall hedgerow gain supported.

*Invasive species*

8.13.8 A small amount of Japanese knotweed (JKW) is present within H1 in the south-east corner of the site; an invasive plant listed on Schedule 9 of Wildlife and Countryside Act 1981, as amended. Regardless of the status of H1, it is recommended that JKW be eradicated from site and appropriately disposed of (where required). Outline mitigation measure (MM10) in the EA is supported and full details of the agreed work method should be provided in a Biodiversity Method Statement (BMS).

*Trees and woodland*

8.13.9 The TCP and TPP shows that the following numbered trees/hedgerow/scrub will be lost; three (short section of native hedgerow), eight (blackthorn scrub), six (native hedgerow and H1 referred to in the EA), 28 (sycamore), 42 (pedunculate oak), 44 (pedunculate oak), 45 (native hedgerow), 53 (hawthorn) and 57 (hawthorn). Remedial works (crown lifting) will also take place to 54, 47, and 48. A Tree Preservation Order (TPO) protects trees at the eastern edge of the site. The AIA states that 'The proposed development results in the loss of very few trees, most of which are low quality and value'. The protection of woodland/trees and individual tree works should be

undertaken in accordance with current best practice i.e. the British Standard Institution's BS 5837: 2012 Trees in Relation to Design, Demolition and Construction and BS 3998: 2010 Recommendations for Tree Work and details provided in the AIA/TPP.

8.13.10 Lowland Deciduous Woodland HPI is located adjacent to a short section of the west boundary forming part of a larger area of off-site HPI woodland at the Brickworks. Subject to the implementation of best practice construction measures in the CEMP and tree protection measures, no impacts on this adjacent HPI woodland are anticipated.

8.13.11 TN01 confirms how woodland and urban trees have been accounted for in the BNG assessment, which is welcomed and is very helpful in the absence of the full Excel metric being provided and the limited use of the comments column of the submitted metric (as screen shots). Only c. 20% of the proposed trees have been assigned the medium-size category with good justification for this use of the larger canopy size in the post-development calculation.

*Great crested newts (amphibians)*

8.13.12 The great crested newt (GCN) is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, as amended, making it a European Protected Species. Habitats on site offer potential for amphibians, including GCN, with mosaics of grassland/bracken/scrub, hedgerow and woodland being optimum. The site lies within the red zone of the impact risk maps for the district licence scheme, indicating highly suitable habitat and a high likely presence of GCN.

8.13.13 There are four waterbodies within 500m of the development proposal; the closest is Pond 2 c. 140m west, Pond 1 lies c. 205m north and the remaining ponds more than 250m distance. Pond 2 could not be accessed, but following discussion with the landowner it was deemed unsuitable for newts because it is located within the active brickyard, was being used for mineral extraction at the time of survey and is regularly pumped dry. Pond surveys for GCN were undertaken at Pond 1 in April and May 2022 and confirmed the likely absence of GCN. An online comment objecting to the application (30 May 2023) referred to an additional pond (Pond 3) being present at Bramble Lane Cottage, 270 Turkey Road c.20m north of the proposed development. An additional eDNA survey of Pond 3 was undertaken 29/06/2023 and returned a positive result. TN02 concluded that in the absence of mitigation, development proposals would likely result in a low scale of impact to the GCN population utilising Pond 3, but that the removal of habitats within 250m of this pond has the potential to injure or kill GCN, and as such, has the potential to trigger an offence under wildlife legislation protecting this species. A licence should therefore be obtained for the proposed development; either a European Protected Species mitigation licence from Natural England (specific to the permitted development) or a District Licence from NatureSpace. If a site-specific licence is to be obtained post permission, outline details of GCN mitigation should be provided in the BMS. If the Applicant opts for the District Licence, a certificate or report from NatureSpace must be provided with the application.

8.13.14 The six attenuation basins will provide additional wetland habitat providing they are appropriately designed to encourage wildlife to use them. At least

part of their margin should provide a shallow profile for amphibian access, which will also act as a safe means of escape for badgers that are present on-site and other mammals such as foxes and hedgehogs, should they fall in. TN01 confirms that this will be implemented and detailed in the Ecological Design Strategy (EDS). The same four marginal/wetland species (attenuation basin mix) are to be planted in all six basins. Where possible it is recommended that at least two different basin mixes are utilised to increase the biodiversity and landscape value of the SuDS. The updated Planting Plans (Rev C) do not show this.

### *Bats*

- 8.13.15 All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Trees, scrub and hedgerow provide suitable foraging and commuting habitat for bats and three walked transect surveys (two dusk and one dawn) were undertaken May, July and October 2022 which is the survey methodology applied to sites with low suitability habitat. This was supported with the deployment of automated static detectors in two locations in May, July and September (each left out for at least six nights). Whilst the two dusk surveys started at sunset (not 15mins before sunset as required) and there was light rain during the third static monitoring, the additional level of static monitoring (beyond that required for low suitability sites) is considered sufficient to compensate for these survey limitations.
- 8.13.16 Four bat species (common pipistrelle, soprano pipistrelle, Noctule, Myotis sp.) were recorded during the transects with the detectors picking up the additional species of brown long-eared and undetermined 'big bats' i.e. noctule/leislars/serotine. The highest number of registrations (85%) were common pipistrelle and the highest levels of overall activity were along the north boundary and adjacent to scrub in the north west. There were relatively low levels of activity along the east and west boundaries. The majority of the central woodland belt and trees/scrub habitats around the periphery of the site will be retained and new tree, hedgerow and scrub planting will help to maintain foraging and commuting habitat.
- 8.13.17 A preliminary roost assessment of buildings and trees was undertaken Nov 2021 and assessed the stable (Building 1) as having negligible bat roosting potential. Five trees (T1-T5 on Plan 6381/ECO3 of the EA) were assessed as having bat roost potential. T2, T3 and T5 have low potential and T1 and T4 have moderate potential to support roosting bats. TN02 confirms that T1-T4 relate to tree group 41 on the TPP and T5 is 44 on the TPP. Trees T1 – T4 are to be retained under the proposals, but are in unfavourable condition. Where the removal of T1-T4 is required for health and safety reasons a climbed inspection survey will be undertaken and if bats are confirmed as being absent a sensitively timed and supervised soft-fell will be carried out by a suitably qualified and experienced ecologist. If bats are recorded present, further roost characterisation surveys will be required to inform the removal of the tree(s) under a Natural England licence. Where climbed inspections are not practical/safe, dawn re-entry surveys will be undertaken prior to soft-felling. T5, located at the site entrance, is scheduled for removal and will be soft-felled following the same procedure described above.



- 8.13.18 The recommendation (MM3) to undertake updated bat surveys of buildings and trees, should there be a notable lapse in time i.e. two years, between the bat survey and start of works is supported.
- 8.13.19 The recommendation (MM5) to minimise light spill onto retained and newly created habitat of value to bats is supported and should be detailed in a sensitive lighting strategy, which TN01 confirms. Key habitats should remain completely dark, but where this is not possible any light spill should not exceed one lux (equivalent of clear full moon).
- 8.13.20 The recommendation in the EA (EE3) to provide bat boxes in suitable retained trees and/or integrated into buildings is supported. A specification for these bat boxes should be provided as part of the EDS and include information on target species and box number, type, location and installation and maintenance.
- 8.13.21 The recommendation in the EA (EE3) to provide bat boxes in suitable retained trees and/or integrated into buildings is supported. A specification for these bat boxes should be provided as part of the EDS and include information on target species and box number, type, location and installation and maintenance.

#### *Hazel dormouse*

- 8.13.22 The hazel dormouse is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, as amended, making it a European Protected Species. Dense scrub / bramble, woodland, trees and hedgerow provide suitable habitat for dormice, which are linked to potential off-site woodland habitat. A dormouse survey was undertaken between May and November 2022 and confirmed the likely absence of this species. Given the presence of dormouse records in the local area, and that Sussex is located within the core distribution area for this species, the precautionary mitigation measures (MM7) given in the EA are supported. This will include sensitive timing of works involving clearance outside of the peak hibernation and breeding periods, or as a two-stage process i.e. removal of above ground vegetation during the winter months, followed by removal of stumps and ground works in late spring the following year. Works will also be carried out under ecological supervision, with progressive clearance of vegetation by hand. Full details of dormouse mitigation should be provided in a BMS.

#### *Badgers*

- 8.13.23 Badgers are protected under the Protection of Badgers Act 1992. Under the Act, it is an offence inter alia to: wilfully kill, injure or take a badger, or attempt to do so; cruelly ill-treat a badger; or intentionally or recklessly interfere with a badger sett, by a) damaging a sett or any part of one, b) destroying a sett, c) obstructing access to or any entrance to a sett, d) causing a dog to enter a sett, or e) disturbing a badger when it is occupying its sett. Activities that can affect badgers include noise, additional lighting or vibration. Badger sett tunnels can extend for 20m or more from the entrance holes.
- 8.13.24 Badger surveys were undertaken in 2021 and 2022 and recorded two badger setts in the northern section of the site, with badger activity recorded throughout the northern part of the site. Sett 1 comprises six active and four inactive entrances, but the level of use has varied and currently a

precautionary approach is being taken, with this sett assumed to be a main sett (albeit a small one). Sett 2 comprises two inactive entrances and is considered to be a subsidiary/outlier sett. The site is of value to foraging and commuting badgers at only the site level, given the prevalence of suitable habitat in the site's surroundings. Sett 1 is located within the development footprint and will be lost. Sett is located c. 20m from the proposed development but is currently inactive and therefore falls outside of the description of a sett. Closure of the main sett will require a licence from Natural England and provision of an alternative (artificial) sett, with proof of use before closure, to compensate for loss (MM3 and MM4 in the Badger Report).

- 8.13.25 To ensure badgers are safeguarded in the long-term it will be necessary to implement the mitigation measures (MM1-4) outlined in the Badger Survey Results and Assessment. MM1 requires monitoring surveys to check sett status prior to construction/habitat creation works. MM2 requires a series of best practice measures to be implemented during construction. In addition to the listed measures, it is recommended that the sensitive lighting strategy (required for bats) also ensures the main sett and key badger foraging and commuting habitats are not impacted by light spill during the operational phase. MM3 includes the creation of an artificial sett in advance of acquiring a licence. This will be located in the north west corner of the site which will be directly connected to offsite woodland and foraging grounds. It will comprise five chambers and five tunnels/entrances with a minimum 15m buffer to development provided. It is agreed that the development will lead to disturbance in the location of the new sett and defensive planting is fully supported. Updated Planting Plan 1 (RevC) shows that the area of defensive planting includes hawthorn and blackthorn extending in a c. 25m arc from the north west corner of the site.
- 8.13.26 Mitigation outlined in the Badger Survey Results and Assessment and the design for the artificial sett shown on Drawing 6381/AMS1 of the EA are supported in principle subject to the findings of further survey and acceptance by Natural England. Full details should be set out in an Ecological Design Strategy (EDS), Ecological Lighting Strategy and the BMS/CEMP.

*Breeding birds*

- 8.13.27 Under Section 1 of the Wildlife and Countryside Act 1981, as amended, wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. Woodland, hedgerow, tree and scrub within the site offer opportunities for nesting birds. To avoid disturbance to nesting birds, any removal of suitable habitat, including Building 1 should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation. This mitigation should be included in the BMS.
- 8.13.28 An online comment (30-05-23) objecting to the application refers to a bird nest in Building 1, with photographs indicating this is likely to be either a swallow or house martin nest. As these species are loyal to their nest sites i.e. return each year, compensation should be provided for the loss of any nests. The

TN01 response confirms that 5 No. wall mounted nest boxes each for swift, swallow and house martin will be located in suitable locations on new units, which will be detailed in the EDS. These should be provided in addition to the recommended quantum of integrated nest boxes (see below). It is agreed that this will provide an enhancement in nesting opportunities for these species.

- 8.13.29 The recommendation in the EA (EE6) to provide bird boxes in suitable retained trees is supported, but buildings must also be targeted for installation. Integral boxes are preferred over external boxes for reasons of security, longevity, reduced maintenance, reduced predation and thermal stability. BS42021: 2022 Integral nest boxes – selection and installation for new developments, recommends a ratio of one box per dwelling within a development. It is therefore recommended that at least 89 boxes are installed, with a specification provided as part of the EDS and including information on target species and box number, type, location, installation and maintenance. The provision of artificial swallow/house martin nests is in addition to this quantum.

#### *Reptiles*

- 8.13.30 Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Mosaics of grassland/bracken/scrub, hedgerow and woodland edge habitat provides suitable reptile habitat. A reptile survey was undertaken April to September 2022 and recorded a low population of slow worm (peak count 3) recorded evenly across site and one juvenile common lizard. As a relatively small area of suitable reptile habitat is being impacted and only very low numbers are present, the precautionary approach and mitigation measures (MM8) in the EA are supported. This will include a destructive search of suitable reptile habitat carried out under ecological supervision during the active period for reptiles. Full details of reptile mitigation including details of where any captured animals will be moved to and how the process will work alongside the timing of other protected species mitigation, should be provided in the BMS.

#### *Invertebrates*

- 8.13.31 It was considered unlikely that development proposals would result in significant harm to any protected, rare or notable invertebrate populations and no specific mitigation is required, which is supported.
- 8.13.32 The recommendation in the EA (EE7) to create habitat piles is supported and a specification should be provided in the EDS. It is recommended that all log piles should be constructed from hardwood with a minimum diameter of 150mm and ideally sourced from on-site arboricultural work.
- 8.13.33 The recommendation in the EA (EE8) to provide insect (bee) nesting bricks is supported and details should be provided in the EDS. These bricks should be provided at a ratio of one per dwelling, installed in proximity to ground level planting that provides good quality foraging habitat.

#### *Other species*

- 8.13.34 The site is considered suitable for other mammals such as hedgehog and polecat. Both are Species of Principal Importance for conservation (SPI) under Section 41 of the NERC Act, with populations of hedgehog having suffered significant declines in recent years. Mitigation for other protected

species and mitigation measures put in place during construction are considered sufficient to safeguard these species, should they be present. The recommendation in the EA (EE4 and EE5) to provide hedgehog nest sites and hedgehog holes in fencing are supported and details should be provided in the EDS.

8.13.35 In addition to the above, the site offers opportunities which will help the Council address its duties and responsibilities to provide measurable Biodiversity Net Gain (BNG) under national and local planning policy. Compensatory habitat and enhancement measures outlined in the ecology and landscape documents include:

- Retention of tree belt through south central part of site (central open space), buffered by amenity grassland and tree planting.
- Three attenuation basins in south west corner and three basins in central open space planted with Emorsgate EM8 Wetland Meadow Mixture and marginal plants (four native species).
- Mixed native hedgerow along upper north boundary, west boundary to screen acoustic barrier and at southern end of central open space (seven native species).
- Climber (one species of recognised wildlife value) to be trained onto fan trellis systems.
- Wildflower grassland Emorsgate EW1 Special Purpose Shade-tolerant Woodland Mixture under trees canopies.
- Wildflower grassland Emorsgate EM2 Standard General Purpose Meadow Mixture adjacent to scrub/boundary planting.
- Amenity grass Emorsgate EL1 Flowering Lawn Mixture in areas of public open space and adjacent to boundary plantings.
- Hard wearing amenity turf Rolawn Medallion Turf or similar in/around residential area.
- Native shrub planting (eight native species).
- Ornamental shrub/herbaceous perennial/grass planting (15 non-native species, c. 50% being of recognised wildlife value).
- Ornamental hedge (garden privet).
- 103 trees (12 native, three non-native).

8.13.36 The entirety of the BNG provision is on site, which is welcomed. The County Ecologist estimates that the development would be delivering between +5 and +10% BNG. In this situation, as BNG is not mandatory until January 2024, and the Council do not have a policy requiring minimum 10% BNG, the estimated net gain in biodiversity is acceptable. A Landscape and Ecological Management Plan (LEMP) will be required to ensure maintenance of retained and newly created habitat for biodiversity in the long term.

8.13.37 Turning to the impact of the proposed development on the Pevensy Levels designated sites of importance for biodiversity, with regard to the European sites (i.e. the Ramsar 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 appropriate mitigation measures in the form of a Construction Environmental Management Plan (CEMP) and a comprehensive foul and surface water drainage strategy (including a minimum of two stages of treatment for surface water) – both of which can be secured by condition – adverse effects on the integrity of the designated sites will not occur during the construction and operational phases of the

development. Natural England agrees with this conclusion. Turning to the Pevensey Levels SSSI, Natural England have raised no concerns over the impact of the proposed development on this designated site.

8.13.38 In summary, provided the recommended mitigation, compensation and enhancement measures are implemented – secured by conditions – the proposed development can be supported from an ecological perspective.

#### 8.14 Below-ground archaeology

8.14.1 The application site is not situated within an Archaeological Notification Area. However, the County Archaeologist has advised that the proposed development is of archaeological interest due to its location in a landscape with evidence of past human activity from the prehistoric period onwards.

8.14.2 The application is supported by an Archaeological Desk-Based Assessment which has reviewed the available archaeological data within 1km of the site, concluding that the site has a low-moderate potential for archaeological deposits of later prehistoric and Romano-British date and a low potential for all other periods. The County Archaeologist generally concurs with this assessment.

8.14.3 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works, which can be secured by condition. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss.

#### 8.15 Contamination

8.15.1 The site is largely undeveloped with a low-key equestrian use but is adjacent to the Ashdown Brickworks and Quarry. The Council's Environmental Health Service has reviewed the GGP5 database of potentially contaminated sites, and this indicates nothing within 250m of the application site. However, given the proximity of the Brickworks, a condition for a contaminated watching brief has been recommended. This would ensure that any contamination encountered during the works, which has not previously been identified, can be adequately dealt with.

#### 8.16 Air quality

8.16.1 The Council's Environmental Health Service has reviewed the High-level Emissions Mitigation Assessment (as updated for the 89-unit housing scheme), which has calculated the damage costs associated with operational development-generated traffic, identifies standard mitigation measures required to be implemented for a development of this size and nature (as specified by the 'Air Quality and Emissions Mitigation Guidance for Sussex (2021)'), and identifies a number of potentially suitable additional mitigation measures which may be implemented to avoid, minimise and/or offset the impacts of the proposed development.

- 8.16.2 A scheme for protecting future and existing residential occupiers in the vicinity from the effects of nitrogen dioxide (NO<sub>x</sub>) and airborne particulate matter (PM<sub>2.5</sub>) arising from the development and mitigation measures to alleviate the impact of the development equivalent to the calculated damage costs can be secured by condition.
- 8.17 Other matters
- 8.17.1 Local residents are concerned that there is a lack infrastructure and services (e.g. doctors, dentists, school places, water supply etc.) in place to serve the development. This is noted. However, the government has an objective to significantly boost the supply of homes and the infrastructure/service providers are aware of this. The infrastructure and service demands arising from the housing development would need to be met by the relevant providers.
- 8.17.2 Concerns have been raised about the possibility of there being an unexploded WW2 bomb on the site and the possibility of undiscovered prehistoric remains. There is also concern about where the existing horses on the land would be relocated to. None of these matters preclude residential development on the site.
- 8.17.3 There is also concern that development on clay can lead to sinkage and subsidence. However, the site is not known to be at risk from land instability issues and this has not been raised as an issue by the ESCC Minerals and Waste Planning Authority in their consultation response to the planning application. Ultimately, responsibility for securing a safe development rests with the developer and/or landowner.
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## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 The site is located outside of but immediately adjoins the development boundary for Bexhill, as defined in the DaSA. It is surrounded by urban and suburban land uses with the Ashdown Brickworks and Quarry to the west, houses on Turkey Road to the south, and the cemetery and some houses to the north. There is also the DaSA allocation for some 30 dwellings (Policy BEX6) to the east.
- 9.2 Although the site is technically within the countryside, the Council cannot currently demonstrate a five-year supply of housing (it was 2.79 years as of 1 April 2022) and therefore its policies relating to housing supply must be considered out of date.
- 9.3 The presumption in favour of sustainable development contained within the National Planning Policy Framework therefore applies. For decisions this means, under Paragraph 11 (d), granting permission unless:
- (i) the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

- 9.4 The proposed housing scheme does not conflict with any policies that protect areas and assets of particular importance and therefore determination of the proposal falls to be considered against paragraph 11 (d) (ii) of the National Planning Policy Framework.
- 9.5 Paragraph 60 of the National Planning Policy Framework sets out the objective of significantly boosting the supply of housing. Paragraph 74 sets out a requirement for local planning authorities to provide a minimum five-year housing land supply.
- 9.6 The provision of 89 dwellings, including 27 affordable units, would significantly boost the supply of housing, which should be afforded substantial weight. There are also other benefits including some short-term benefits to the construction industry and further economic benefits from the spend of future occupants which can be given moderate weight in favour of the scheme. Furthermore, approximately £1,454,745 would be generated through the Community Infrastructure Levy and New Homes Bonus could be approximately £737,696 over four years.
- 9.7 Against this there would be some harm to the landscape character of the countryside and the landscape setting of the cemetery. However, the site and surrounding area would not be considered valued landscape in the context of the National Planning Policy Framework. Given the site's location on the edge of Bexhill adjacent to the development boundary, and surrounded by other development, it is not considered that the harm to landscape character would constitute significant harm. In relation to the landscape setting of the cemetery, it must be acknowledged that it is not unusual for cemeteries to be adjacent to residential development. Consequently, the harm to the landscape character of the countryside and the landscape setting of the cemetery are given limited weight against the proposal.
- 9.8 There would also be some harm to the living conditions of local residents by reason of disturbance from noise and lighting from the housing development. However, it is not considered that this harm would be so significant as to unreasonably harm the amenities of residents, nor give rise to significant adverse impacts on their health and quality of life. Over time, as residents became more used to the housing development, any disturbance from noise and lighting could become less noticeable and intrusive. As such, the harm to the living conditions of local residents is given limited weight against the proposal.
- 9.9 Further to the above, the proposal fails to provide the policy compliant number of custom/self-build units, which is at least 5% of the total number of dwellings. In this case four units are proposed which equates to some 4.5%. As this is only slightly below the minimum policy requirement it is given limited weight against the proposal.
- 9.10 It is also the case that 14 (16%) of the proposed dwellings would not be provided with outdoor amenity space and 16 (18%) of the dwellings would not meet Part M4(2) "Category 2: Accessible and adaptable dwellings" of the Building Regulations. These deficiencies would not affect a significant number of dwellings overall. As such, they are given moderate weight against the proposal.

- 9.11 Taking all the above into account, overall, the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole. Accordingly, on this occasion other considerations indicate the decision should be taken otherwise than in accordance with the development plan and therefore it is recommended that planning permission is granted.
- 9.12 Members attention is drawn to the determination by the Planning Inspector regarding the outline proposal for up to 210 dwellings at Fryatts Way (RR/2021/1656/P). He found that while the site was unallocated, and fell outside the development boundary, the lack of a five-year housing supply was a significant consideration in granting outline planning permission.

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT (PLANNING PERMISSION) DELEGATED SUBJECT TO CONDITIONS AND THE COMPLETION OF A SECTION 106 LEGAL AGREEMENT IN RELATION TO:**

- **AFFORDABLE HOUSING PROVISION**
  - **CUSTOM/SELF-BUILD PROVISION**
  - **PROVISION OF OFF-SITE HIGHWAY WORKS AS REQUIRED BY EAST SUSSEX COUNTY COUNCIL HIGHWAY AUTHORITY**
  - **FINANCIAL CONTRIBUTIONS AS REQUIRED BY EAST SUSSEX COUNTY COUNCIL HIGHWAY AUTHORITY**
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**CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved documents and drawings:
  - SCHEDULE OF ACCOMMODATION, dated 13.03.23
  - Plot by Plot Schedule, dated 13.04.2023
  - Variant Schedule, dated 13.04.2023
  - Drawing No. 062111-BEL-SL-02 (Supporting Planning Layout), Revision B, dated 21.09.23
  - Drawing No. 062111-BEL-SL-03 (Storey Heights Layout), Revision B, dated 21.09.23
  - Drawing No. 062111-BEL-SL-04 (Tenure Layout), Revision B, dated 21.09.23
  - Drawing No. 062111-BEL-SL-05 (Unit Type Layout), Revision B, dated 21.09.23
  - Drawing No. 062111-BEL-SL-06 (Location Plan), Revision A, dated 11.04.23
  - Drawing No. 062111-BEL-SL-SS02 (Street Scene 02), Revision A, dated 13.04.23
  - Drawing No. 062111-BEL-SL-SS03 (Street Scene 03), dated 03.02.2023
  - Drawing No. 062111-BEL-SL-SS04 (Street Scene 04), dated 03.02.2023



- Drawing No. AR-4B-2S-CB-E1 (THE ARKWRIGHT (H) – ELEVATIONS – BRICK), Revision A, dated 06.02.2023
- Drawing No. AR-4B-2S-CT-E1 (THE ARKWRIGHT (H) – ELEVATIONS – TILE), dated 20.01.2023
- Drawing No. AR-4B-2S-P1 (THE ARKWRIGHT – FLOOR PLANS), dated 01.11.2019
- Drawing No. BA-2B-2S-CB-E1 (THE BAKER (H) – ELEVATIONS – BRICK), Revision A, dated 06.02.2023
- Drawing No. BA-2B-2S-P1 (THE BAKER – FLOOR PLANS), dated 19.11.2018
- Drawing No. BM-3B-2S-CW-E2 (THE BLEMMERE (H) – ELEVATIONS – WEATHERBOARD), dated 18.01.2023
- Drawing No. BM-3B-2S-CW-E3 (THE BLEMMERE (H) – ELEVATIONS – WEATHERBOARD), dated 18.01.2023
- Drawing No. BM-3B-2S-P1 (THE BLEMMERE – FLOOR PLANS), Revision C, dated 18.11.21
- Drawing No. CN-2B-2S-CB-E1 (THE COINER (H) – ELEVATIONS – BRICK), Revision A, dated 19.01.23
- Drawing No. CN-2B-2S-CB-E2 (THE COINER (H) – ELEVATIONS – BRICK), dated 25.03.2022
- Drawing No. CN-2B-2S-CT-E2 (THE COINER (H) – ELEVATIONS – TILE), dated 19.01.2023
- Drawing No. CN-2B-2S-P1 (THE COINER – FLOOR PLANS), Revision A, dated 01.11.19
- Drawing No. CT-4B-2S-CB-E2 (THE CARTOGRAPHER (H) – ELEVATIONS – BRICK), dated 25.03.2022
- Drawing No. CT-4B-2S-P1 (THE CARTOGRAPHER – FLOOR PLANS), dated 22.11.2018
- Drawing No. FC-3B-25S-CB-E1 (THE FALCONER – ELEVATIONS – BRICK), dated 03.02.2023
- Drawing No. FC-3B-25S-CT-E1 (THE FALCONER – ELEVATIONS – TILE), dated 02.02.2023
- Drawing No. FC-3B-25S-P1 (THE FALCONER – FLOOR PLANS), dated 07.02.2023
- Drawing No. FM-3B-2S-CT-E1 (THE FRAMER (H) – ELEVATIONS – TILE), Revision A, dated 19.01.23
- Drawing No. FM-3B-2S-P1 (THE FRAMER – FLOOR PLANS), dated 01.11.2019
- Drawing No. HA-3B-2S-CB-E2 (THE HARPER (H) – ELEVATIONS – BRICK), dated 14.02.2019
- Drawing No. HA-3B-2S-CT-E2 (THE HARPER (H) – ELEVATIONS – TILE), dated 19.01.2023
- Drawing No. HA-3B-2S-P1 (THE HARPER – FLOOR PLANS), Revision A, dated 01.11.19
- Drawing No. HI-3B-2S-CB-E1 (THE HILLARD (H) – ELEVATIONS – BRICK), Revision A, dated 19.01.23
- Drawing No. HI-3B-2S-CB-E2 (THE HILLARD (H) – ELEVATIONS – BRICK), dated 25.03.2022
- Drawing No. HI-3B-2S-CT-E1 (THE HILLARD (H) – ELEVATIONS – TILE), dated 19.01.2023
- Drawing No. HI-3B-2S-P1 (THE HILLARD – FLOOR PLANS), Revision A, dated 01.11.19

- Drawing No. PG-4B-2S-CW-E1 (THE PARGETER (H) – ELEVATIONS – WEATHERBOARD), Revision A, dated 20.01.23
- Drawing No. PG-4B-2S-CW-E2 (THE PARGETER (H) – ELEVATIONS – WEATHERBOARD), Revision A, dated 20.01.23
- Drawing No. PG-4B-2S-P1 (THE PARGETER – FLOOR PLANS), Revision A, dated 19.10.22
- Drawing No. PG-4B-2S-P2 (THE PARGETER – FLOOR PLANS), Revision A, dated 09.02.23
- Drawing No. RE-4B-2S-CB-E1 (THE REEDMAKER (H) – ELEVATIONS – BRICK), Revision A, dated 19.01.23
- Drawing No. RE-4B-2S-CB-E2 (THE REEDMAKER (H) – ELEVATIONS – BRICK), dated 25.03.2022
- Drawing No. RE-4B-2S-CT-E1 (THE REEDMAKER (H) – ELEVATIONS – TILE), dated 20.01.2023
- Drawing No. RE-4B-2S-P1 (THE REEDMAKER – FLOOR PLANS), Revision A, dated 01.11.19
- Drawing No. SAIL-2B-2SC-CT-E1 (THE SADDLER II (H) – ELEVATIONS – TILE), dated 20.01.2023
- Drawing No. SAIL-2B-2SC-CT-E2 (THE SADDLER II (H) – ELEVATIONS – TILE), dated 20.01.2023
- Drawing No. SAIL-2B-2SC-P1 (THE SADDLER II – FLOOR PLANS), dated 06.06.2018
- Drawing No. SAIL-2B-2SC-P3 (THE SADDLER II – FLOOR PLANS), dated 13.04.2023
- Drawing No. TI-3B-2S-CB-E1 (THE TILLMAN (H) – ELEVATIONS – BRICK), Revision A, dated 06.02.23
- Drawing No. TI-3B-2S-CB-E3 (THE TILLMAN (H) – ELEVATIONS – BRICK), Revision A, dated 18.04.23
- Drawing No. TI-3B-2S-P1 (THE TILLMAN – FLOOR PLANS), dated 19.11.2018
- Drawing No. TI-3B-2S-P2 (THE TILLMAN – FLOOR PLANS), dated 18.04.2023
- Drawing No. HAA-3S-CT01-E1 (HARWOOD COURT – ELEVATIONS – TILE), dated 31.01.2023
- Drawing No. HAA-CT01-P1 (HARWOOD COURT – FLOOR PLANS), dated 31.01.2023
- Drawing No. HAA-CT01-P2 (HARWOOD COURT – FLOOR PLANS), dated 31.01.2023
- Drawing No. HAA-CT01-P3 (HARWOOD COURT – FLOOR PLANS), dated 31.01.2023
- Drawing No. NOA-3S-CT01-E1 (NORTHCOTE COURT – ELEVATIONS – TILE), dated 31.01.2023
- Drawing No. NOA-CT01-P1 (NORTHCOTE COURT – FLOOR PLANS), dated 31.01.2023
- Drawing No. NOA-CT01-P2 (NORTHCOTE COURT – FLOOR PLANS), dated 31.01.2023
- Drawing No. NOA-CT01-P3 (NORTHCOTE COURT – FLOOR PLANS), dated 31.01.2023
- Drawing No. 062111-SH02 (Cycle Shed 02 Plan & Elevations), dated 03.02.2023
- Drawing No. 062111-SH03 (Cycle Shed 03 Plan & Elevations), dated 03.02.2023

- Drawing No. GAR01-R2-CB (GARAGE 01 PLAN & ELEVATIONS), dated 04.04.2019
- Drawing No. GAR02-R3-CB (GARAGE 02 PLAN & ELEVATIONS), dated 04.04.2019
- Drawing No. 2107150-003 (POTENTIAL SITE ACCESS), Revision D, dated 09.12.22
- Drawing No. 2107150-SK02 (SINGLE DECKER BUS SWEEP PATH ANALYSIS), Revision B, dated 11.07.23
- Drawing No. P18063-004 (POTENTIAL A259/ A269 SIGNALISED JUNCTION MITIGATION), dated 13 JUN 2019
- Drawing No. 7741.PP.2.0 (Planting Plan Overview), Revision C, dated 26.06.2023
- Drawing No. 7741.PP.2.1 (Planting Plan 1 of 4), Revision C, dated 26.06.2023
- Drawing No. 7741.PP.2.2 (Planting Plan 2 of 4), Revision C, dated 26.06.2023
- Drawing No. 7741.PP.2.3 (Planting Plan 3 of 4), Revision C, dated 26.06.2023
- Drawing No. 7741.PP.2.4 (Planting Plan 4 of 4), Revision C, dated 26.06.2023
- Drawing No. 7741.HSP.3.0 (Hard Surface Plan Overview), Revision B, dated 04.04.2023
- Drawing No. 7741.HSP.3.1 (Hard Surface Plan Sheet 1 of 4), Revision B, dated 04.04.2023
- Drawing No. 7741.HSP.3.2 (Hard Surface Plan Sheet 2 of 4), Revision B, dated 04.04.2023
- Drawing No. 7741.HSP.3.3 (Hard Surface Plan Sheet 3 of 4), Revision B, dated 04.04.2023
- Drawing No. 7741.HSP.3.4 (Hard Surface Plan Sheet 4 of 4), Revision B, dated 04.04.2023

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

3. The development hereby permitted shall be carried out in accordance with all ecological measures and/or works detailed within the following documents and as amended by Technical Note 02 (Additional Ecological Information), produced by Aspect Ecology, dated 25/07/23, and Initial Consideration of Consultation response received from East Sussex County Council Ecology Officer (Ref: 6381 TN01 ESCC dv2), produced by Aspect Ecology, dated June 2023:
  - Tree Survey and Impact Assessment (1762-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-Rev0), produced by Keen Consultants, dated August 2022.
  - Drawing No. 1762-KC-XX-YTREE-TTP01RevC (TREE PROTECTION PLAN), dated 10.08.22.
  - Ecological Appraisal (File Reference: 6381 EcoApp vf2 JL/AP), produced by Aspect Ecology, dated January 2023.
  - Confidential Appendix: Badger Survey Results and Assessment (File Reference: 6381 Confidential Appendix JL/AP), produced by Aspect Ecology, dated July 2022.
  - Update Habitat Survey and Biodiversity Net Gain Assessment ((File Reference: 6381 BNG TN dv2/JL/AH), produced by Aspect Ecology, dated May 2023.

These have all been submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. Amongst other things, this includes the requirement for a great crested newt licence, badger sett closure licence, further bat surveys where trees T1-T4 are to be removed for health and safety reasons and 200mm gap behind green wall trellis (climbing) systems.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, Policy EN5 (viii & ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii & iii) of the Development and Site Allocations Local Plan.

4. No development hereby permitted shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:
  - a) Include, but not be limited to, the measures set out in paragraph 6.2.2 of the Information to inform a Habitats Regulations Assessment (including an Appropriate Assessment) – File Reference: 1006381-AA HRA.vf AP/AH – produced by Aspect Ecology, dated August 2022.
  - b) Detailed measures to manage flood risk, both on and off the site, during the construction phase.
  - c) Complaints and public consultation procedure.

Thereafter the construction of the development shall be carried out strictly in accordance with the approved CEMP.

Reason: This pre-commencement condition is required in order to protect the Pevensey Levels SAC/RAMSAR/SSSI, and to safeguard the amenities of nearby residents, in accordance with Policies OSS4 (ii) and EN5 (ii) of the Rother Local Plan Core Strategy and Policy DEN4 (ii) of the Development and Site Allocations Local Plan.

5. 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 Pevensey Levels SAC/RAMSAR/SSSI), are protected from any possible effects from unknown land contamination, in accordance with Policies OSS3 (viii), OSS4 (i & ii) and EN5 (ii & ix) of the Rother Local Plan Core Strategy and Policies DEN4 and DEN7 of the Development and Site Allocations Local Plan.

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

- For National Highways:
  - Details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development.
  - Site hours of operation.

- Numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the SRN during highway peak hours such as the use vehicle booking systems etc).
- Measures to ensure that HGV loads are adequately secured.
- Travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries.
- Sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc. from entering the public highway (and means to remove if it occurs).
- For East Sussex County Council Highway Authority:
  - The anticipated number, frequency and types of vehicles used during construction.
  - The method of access and egress and routing of vehicles during construction.
  - The parking of vehicles by site operatives and visitors.
  - The loading and unloading of plant, materials and waste.
  - The storage of plant and materials used in construction of the development.
  - The erection and maintenance of security hoarding.
  - 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).
  - Details of public engagement both prior to and during construction works.

For Rother District Council Environmental Health:

- Noise and dust control measures.

Reason: This pre-commencement condition is required to ensure that the A259 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, and to satisfy the reasonable requirements of road safety and safeguard the amenities of nearby residents, in accordance with Policies OSS4 (ii) and CO6 (ii) of the Rother Local Plan Core Strategy.

7. No development hereby permitted shall take place (including demolition, ground works and vegetation clearance) until a Construction Biodiversity Management Plan (CBMP) has been submitted to and approved in writing by the Local Planning Authority. The CBMP shall include the following details:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including those to Smiths and High Woods Local Wildlife Site, Lowland Deciduous Woodland HPI and adjacent waterbodies in the Brickworks, with the latter requiring the additional use of temporary bunding and silt fencing.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to deliver Tool Box Talks and oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

Thereafter the construction of the development shall be carried out strictly in accordance with the approved CBMP.

Reason: This pre-commencement condition is required to ensure that any adverse environmental impacts of development activities are mitigated, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii) of the Development and Site Allocations Local Plan.

8. No development hereby permitted shall take place (including demolition, ground works and vegetation clearance) until a works method statement and mitigation strategy for the protection of a) invasive plant species (Japanese knotweed), b) great crested newt, c) dormouse, d) badger including monitoring, and e) reptiles has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the following details:
- a) Purpose and objectives for the proposed works.
  - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used).
  - c) Extent and location of proposed works shown on appropriate scale maps and plans.
  - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
  - e) Persons responsible for implementing the works.
  - f) Initial aftercare and long-term maintenance (where relevant).
  - g) Disposal of any wastes arising from the works.

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

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

9. No development hereby permitted shall take place until an Ecological Design Strategy (EDS) addressing – habitat creation and enhancement for the site to provide biodiversity net gain, including profile/margin design for all attenuation basins to accommodate amphibian access, sensitive lighting strategy for bats and badgers (with key habitats remaining completely dark, or with a max. light spill of maximum one lux where this is not possible), artificial badger sett creation, habitat/log piles, hedgehog nest sites and hedgehog hole locations and specification for bat and bird bricks/boxes including 5 No. swift, 5 No. swallow, 5 No. house martin, min. 89 No. bricks (ideally integrated into buildings) for other/generalist bird species and min. 89 No. bee bricks integrated into buildings – has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works.
  - b) Review of site potential and constraints.
  - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
  - d) Extent and location /area of proposed works on appropriate scale maps and plans.
  - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.

- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

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

Reason: This pre-commencement condition is required to ensure that the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity are secured, as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, Policy EN5 (viii & ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii & iii) of the Development and Site Allocations Local Plan.

10. No development hereby permitted shall take place (including demolition, ground works and vegetation clearance) until the Applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

11. 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 in consultation with Southern Water, and the foul water drainage works to serve the development shall be carried out in accordance with the approved details. Occupation of the dwellings shall be phased to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

Reason: This pre-commencement condition is required to ensure the satisfactory drainage of the site, including to avoid flood risk and to prevent water pollution, thereby protecting the Pevensey Levels SAC/RAMSAR/SSSI and safeguarding the amenities of nearby residents, in accordance with Policies OSS4 (ii), SRM2 (i), EN5 (ii) and EN7 of the Rother Local Plan Core Strategy and Policy DEN4 (ii) of the Development and Site Allocations Local Plan.

12. No development hereby permitted shall commence until details of a surface water drainage system have been submitted to and approved in writing by the Local Planning Authority in consultation with the Pevensey and Cuckmere Water Level Management Board and the Lead Local Flood Authority. The surface water drainage system shall incorporate the following:

- a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 36.5 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
- b) Details of a drainage structure (swale or land drain) intercepting overland flows to direct them away from existing properties fronting Turkey Road. The

drainage structure should have an outfall to ensure the surface water can be conveyed downstream without increasing flood risk.

- c) The details of the outfall of the proposed drainage system and how it connects into the sewer shall be submitted as part of a detailed design including cross sections and invert levels.
- d) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- e) The detailed design shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
- f) A maintenance and management plan for the entire surface water drainage system, which ensures the designed system takes into account design standards of those responsible for maintenance. The maintenance and management plan shall cover the following:
  - Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
  - Evidence of how 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 system has been constructed in accordance with the approved details, has been submitted to and approved in writing by the Local Planning Authority. The approved maintenance and management plan for the entire surface water drainage system shall remain in place for the lifetime of the development.

Reason: This pre-commencement condition is required to ensure the satisfactory drainage of the site, including to avoid flood risk and to prevent water pollution, thereby protecting the Pevensey Levels SAC/RAMSAR/SSSI and safeguarding the amenities of nearby residents, in accordance with Policies OSS4 (ii), SRM2 (iii), EN5 (ii) and EN7 (iii) of the Rother Local Plan Core Strategy and Policies DEN4 (ii) & DEN5 of the Development and Site Allocations Local Plan.

13. No development hereby permitted shall commence until full details of the noise mitigation measures to be incorporated in the final layout of the site and the design of the individual properties within it – to confirm that the assumptions and recommendations of the Noise and Vibration Assessment (Report Ref: 2107150-11B), produced by Ardent Consulting Engineers, dated April 2023, remain appropriate or have been adequately modified to achieve the post-mitigation internal and external noise levels predicted in the report – 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.

Reason: This pre-commencement condition is required to ensure the amenities of future occupiers are protected from noise pollution, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DEN7 (i) of the Development and Site Allocations Local Plan.

14. No development hereby permitted shall commence until full details of the proposed acoustic barrier along the western boundary of the site have been



submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

- a) Scaled elevations and sections of the acoustic barrier detailing construction materials and showing the relationship with the new dwellings and adjacent brickworks and quarry.
- b) The required sound insulation category specified by BS EN 1793-2 shall be determined by the addition of 15dB(A) to the maximum insertion loss assumed for the barrier in the predictions for the Noise and Vibration Assessment (Report Ref: 2107150-11B), produced by Ardent Consulting Engineers, dated April 2023.
- c) The acoustic barrier shall be designed to have an acoustic durability of 0.25 dB/year maximum loss and a non-acoustic durability of 20 years to ensure that adequate mitigation is maintained over the longer term.
- d) A maintenance and management plan for the acoustic barrier, which shall cover the following:
  - Clearly state who will be responsible for maintaining the acoustic barrier.
  - Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

The development shall not be occupied until the acoustic barrier has been constructed in accordance with the approved details. The approved maintenance and management plan for the acoustic barrier shall remain in place for the lifetime of the development.

Reason: This pre-commencement condition is required to ensure the amenities of future occupiers are protected from noise and dust pollution, and in the interests of visual amenity, in accordance with Policy OSS4 (i & iii) of the Rother Local Plan Core Strategy and Policy DEN7 (i) of the Development and Site Allocations Local Plan.

15. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Local Planning Authority and be subject to its approval, in consultation with East Sussex County Council Highway Authority.

Reason: This pre-commencement condition is required in the interests of highway safety and for the benefit and convenience of the public at large, in accordance with Policies CO6 (ii), TR2 and TR3 of the Rother Local Plan Core Strategy.

16. No development above slab level shall take place until the following 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:

- Specifications and samples of the materials to be used in the construction of the external surfaces of all buildings.
- 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.

17. No development above slab level shall take place until the following 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:

- Specifications and samples of all hard surface materials shown on the approved Hard Surface Plans.
- The means of enclosure of individual plots, including the design and location of fencing.
- New boundary treatment for No. 306 Turkey Road, including the design and location of fencing.
- Details of all minor structures proposed in the public-realm (including street-furniture, refuse or other storage units, signage).

Reason: To ensure a high-quality public realm and to protect the amenities of neighbouring properties and residents of the new dwellings, in accordance with Policies OSS4 (i, ii & iii) and EN3 of the Rother Local Plan Core Strategy.

18. No development above slab level shall take place until details of a low carbon solution to supplying hot water to the apartments has 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.

Reason: To mitigate and adapt to climate change, including moving to a low carbon future, in accordance with Policy SRM1 (ii) of the Rother Local Plan Core Strategy.

19. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted [or specified phase of development]. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions, together with a plan of management compartments.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

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

20. Construction activities, including piling, associated with the development hereby permitted shall not take place other than between the hours of 08:00 to

18:00 hours on Mondays to Fridays inclusive, 08:00 to 13.00 hours on Saturdays, and not at any time on Sundays, Bank and Public Holidays. Deliveries associated with the development hereby permitted shall not take place other than between the hours of 08:00 to 18:00 hours on Mondays to Fridays inclusive, and not at any time on Saturdays, Sundays, Bank and Public Holidays.

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

21. The development hereby permitted shall not be occupied until the Local Area of Play (LAP) shown on the approved drawings has been provided in accordance with a detailed specification of works for this area, which has been submitted to and approved in writing by the Local Planning Authority. The LAP shall thereafter be retained for that use and shall not be used for any other purpose.

Reason: To secure a necessary community facility and provide local amenity space, in accordance with Policies CO3 (ii & iii) and CO4 (iv) of the Rother Local Plan Core Strategy.

22. No more than 50 of the dwellings hereby permitted shall be occupied until the scheme of works at the Bexhill Leisure Centre (A269)/King Offa Way (A259) junction shown on approved drawing no. P18063-004 (POTENTIAL A259/A269 SIGNALISED JUNCTION MITIGATION), has been fully implemented and opened to all traffic.

Reason: To ensure that the A259 continues to be effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, and to satisfy the reasonable requirements of road safety, in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.

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

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

24. All soft landscaping works shall be undertaken in accordance with the approved Planting Plans prior to first occupation of the dwellings hereby permitted or in accordance with a timetable for implementation which has been submitted to and approved in writing by the Local Planning Authority. 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 a high-quality public realm and to enhance the site for biodiversity, in accordance with Policies OSS4 (iii), EN3 and EN5 (viii & ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii & iii) of the Development and Site Allocations Local Plan.

25. Prior to first occupation of the development hereby permitted, air quality and emissions mitigation measures at least equal in cost to the damage costs calculated in the High-level Emissions Mitigation Assessment (Report Ref – 2107150-R14A), produced by Ardent Consulting Engineers, dated April 2023, shall be implemented in accordance with an air quality and emissions mitigation measures scheme which has been submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that any concentration of air pollutants and emissions is minimised, thereby safeguarding the amenities of the locality, especially for people living and working nearby, in accordance with Policies OSS3 (viii) and OSS4 (ii) of the Rother Local Plan Core Strategy.
26. The development hereby permitted shall not be occupied until the new vehicular access serving the development has been constructed in accordance with approved Drawing No. 2107150-003 (POTENTIAL SITE ACCESS), Revision D, and as amended as part of the s278 agreement and detailed design.  
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.
27. The new vehicular access shall not be used until visibility splays of 2.4m x 82.3m to the east (measured to the centre line of the carriageway) and 2.4m x 92.3m to the west (to the nearside edge of the carriageway) are provided 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.
28. The new estate roads shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with East Sussex County Council Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.  
Reason: in the interests of highway safety and for the benefit and convenience of the public at large, in accordance with Policies CO6 (ii), TR2 and TR3 of the Rother Local Plan Core Strategy.
29. The development hereby permitted shall not be occupied until motor vehicle parking areas have been provided in accordance with the approved drawings or details which have been submitted to and approved in writing by the Local Planning Authority in consultation with East Sussex County Council Highway Authority, and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.  
Reason: To ensure there is adequate parking provision and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies CO6 (ii), TR3 and TR4 (i & iii) of the Rother Local Plan Core Strategy.
30. 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 motor vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies CO6 (ii), TR3 and TR4 (i & iii) of the Rother Local Plan Core Strategy.

31. The development hereby permitted shall not be occupied until Electric Vehicle (EV) charging points have been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with East Sussex County Council Highway Authority. The EV charging points shall thereafter be retained.  
Reason: To meet the objectives of sustainable development, in accordance with Policies PC1 and TR3 (iii) of the Rother Local Plan Core Strategy.
32. The development hereby permitted shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with East Sussex County Council Highway Authority, and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.  
Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with Policies PC1 and TR3 of the Rother Local Plan Core Strategy.
33. The development hereby permitted shall not be occupied until the covered bus shelter and lighting and bus cage and waiting area shown on approved Drawing No. 2107150-SK02 (SINGLE DECKER BUS SWEEP PATH ANALYSIS), Revision B, have been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with East Sussex County Council Highway Authority. The covered bus shelter and lighting and bus cage and waiting area shall thereafter be retained.  
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, SRM1 (vii), TR2 and TR3 of the Rother Local Plan Core Strategy.
34. No part of the development hereby permitted shall be occupied until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with East Sussex County Council Highway Authority. The Travel Plan, once approved, shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority and shall include the following measures:
- The provision of one month's free bus travel for new residents followed by three months discounted travel.
  - Taster provision of shopping deliveries x 5 from a selected retailer to reduce the need for trips to supermarkets and enable deliveries for those who do not have access to a car.
  - Encourage cycling by co-ordinating Dr Bike or similar maintenance schemes and promoting a Cycle Buddy Scheme.
  - Encourage walking, cycling and scootering further through the provision of hi-vis clothing for children. Also, through the possible introduction of walking school bus groups.
- Reason: To encourage and promote sustainable transport, in accordance with Policies PC1, TR2 and TR3 of the Rother Local Plan Core Strategy.
35. The dwellings hereby permitted shall not be occupied until solar PV panels have been provided in accordance with details which have been submitted to and

approved in writing by the Local Planning Authority. The solar PV panels shall thereafter be retained.

Reason: To mitigate and adapt to climate change, including moving to a low carbon future, in accordance with Policy SRM1 (ii) of the Rother Local Plan Core Strategy.

36. The dwellings hereby permitted shall not be occupied until they have been constructed in accordance with the relevant Building Regulations Accessibility Standard (Part M4(1), Part M4(2), Part M4(3)), as detailed on the approved Plot by Plot Schedule.

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 and Policy DHG4 of the Rother Development and Site Allocations Local Plan.

37. 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 and Policy DRM1 of the Development and Site Allocations Local Plan.

#### **NOTES:**

1. This permission is the subject of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
2. 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.
3. ESCC Highway Authority's requirements associated with this development proposal will need to be secured through a Section (106/184/171/278) Legal Agreement between the Applicant and East Sussex County Council. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
4. Section 38 Agreement of the Highways Act, 1980 – Provision of Adoptable Highway. The Applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that any works commenced prior to the Section 38 legal agreement being in place are undertaken at their own risk.

5. In the event that the roads within the site are not offered for adoption, East Sussex County Council Highway Authority would wish to see the roads within the site laid out and constructed to standards at, or at least close to, adoption standards.
6. The Applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found, and these should be sought before development commences.
7. This planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation.
8. The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.
9. 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.
10. The Applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119), Website: <https://www.southernwater.co.uk/> or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk).
11. If the Applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this will have to be designed and constructed to the specification of Southern Water Services Ltd.
12. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

**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.





## Rother District Council

Report to - Planning Committee  
Date - 14 December 2023  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2023/2110/P  
Address - Land at Colley Corner, Collington Lane East, Bexhill,  
TN39 3RJ  
Proposal - Erection of 1 No. dwelling with associated works

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Rother District Council  
**Agent:** Robinson Escott Planning (Neal Thompson)  
**Case Officer:** Mr Michael Vladeanu  
(Email: [Michael.vladeanu@rother.gov.uk](mailto:Michael.vladeanu@rother.gov.uk))

**Parish:** BEXHILL KEWHURST  
**Ward Members:** Councillors B.J. Drayson and A.P. Hayward

**Reason for Committee consideration:** Rother District Council is the Applicant.

**Statutory 8-week date:** 14 December 2023  
**Extension of time agreed to:** 21 December 2023

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### 1.0 SUMMARY

1.1 The proposal is acceptable in terms of scale and design and is in keeping with the character of the locality and would not have any negative impact on neighbouring properties. The new dwelling would provide an adequate level of internal and external space for the future occupant and provide on-site car parking. As such this application is recommended for approval.

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### 2.0 SITE

2.1 Colley Corner is a small block of six flats and one adjoining dwelling situated in the Collington area. The site comprises amenity land which is bound by Nos.111 & 113 Little Common Road to the north, MHA Richmond Care Home to the east, 1-7 Colley Corner and The Clinches to the south and the rear gardens of Wethersfield and No.115 Little Common Road to the west.

- 2.2 The site is located within the development boundary for Bexhill and a Green Zone for Great Crested Newts.
- 

### **3.0 PROPOSAL**

- 3.1 This application seeks permission for the erection of 1 No. dwelling with associated works. The Design and Access Statement submitted with the application states that the dwelling will be for affordable rent tenure (let at the Local Housing Allowance for this particular property) for a specific tenant with acute needs, who is currently living elsewhere in the district in unsuitable accommodation.
- 3.2 The building would be a “Stijl One” dwelling which is a two-storey dwelling manufactured in two sections using standardised offsite manufacture and production. The building will consist of ground floor living area / kitchen and shower room with a first-floor bedroom. The remaining land will be used for garden space.
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### **4.0 HISTORY**

- 4.1 No relevant planning history.
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### **5.0 POLICIES**

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1 (Presumption in Favour of Sustainable Development)
  - OSS3 (Location of Development)
  - OSS4 (General Development Considerations)
  - BX1 (Overall Strategy for Bexhill)
  - BX3 (Development Strategy)
  - SRM2 (Water Supply and Wastewater Management)
  - CO6 (Community Safety)
  - EN3 (Design Quality)
  - EN5 (Biodiversity and Green Space)
  - EN7 (Flood Risk and Development)
  - TR3 (Access and New Development)
  - TR4 (Car Parking)
- 5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal:
- DRM1 (water efficiency)
  - DHG3 (residential internal space standards)
  - DHG4 (accessible and adaptable homes)
  - DHG7 (external residential areas)
  - DHG11 (boundary treatments)
  - DHG12 (accesses and drives)
  - DEN5 (sustainable drainage)
  - DEN7 (environmental pollution)
  - DIM2 (development boundaries)

- 5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.
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## **6.0 CONSULTATIONS**

### **6.1 RDC Waste & Recycling – NO OBJECTION**

#### **6.2 Planning Notice**

- 6.2.1 One letter of support has been received (from one representatives). The reasons are summarised as follows:

Hastings Urban Design Group fully support this planning application. It shows an imaginative use of an underused site to provide an innovative solution to a specific housing need. The use of an eco-friendly, sustainable pre-fabricated unit will allow the need to be met quickly, economically and with ongoing benefits of low running costs. Whilst the selected unit presents an undeniably contemporary appearance, the proposed siting, not visible from the adjacent roads, will ensure it is a discrete addition to an area which already has an eclectic mix of residential buildings. We are pleased to see a good example of a small housing development on such a site. All too often the potential of small, hinterland, sites to contribute to meeting housing targets is overlooked. In addition to supporting this specific application we would welcome the Council bringing forward a policy of positively promoting the development of small-scale housing proposals on sites such as this.

### **6.3 Bexhill-on-Sea Town Council – NO COMMENTS RECEIVED**

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## **7.0 LOCAL FINANCE CONSIDERATIONS**

- 7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £2,517.
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## **8.0 APPRAISAL**

- 8.1 The main issues are determined to be:

- Principle of development
- Impact on the character and appearance of the locality
- Impact on neighbouring properties
- Living conditions for future occupiers
- Highway matters

#### **8.2 Principle of development**

- 8.2.1 Rother DaSA Local Plan Policy DIM2 following Rother Local Plan Core Strategy Policy OSS2 requires new development to be focused within defined settlement boundaries.

- 8.2.2 As the site lies within the development boundary for Bexhill, residential development is supported in principle, subject to the below considerations.
- 8.3 Impact on the character and appearance of the locality
- 8.3.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy states all development should respect and not detract from the character and appearance of the locality.
- 8.3.2 Policy EN3 of the Rother Local Plan Core Strategy states new development should contribute positively to the character of the site and surroundings and demonstrate robust design solutions tested against key design principles.
- 8.3.3 Paragraph 124 of the National Planning Policy Framework states *'planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places.'*
- 8.3.4 Paragraph 130 of the National Planning Policy Framework states *'Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).'*
- 8.3.5 The proposal is regarded as backland development. Whilst this is a neutral phrase, such development is often undesirable as it can lead to harmful impacts on neighbouring properties.
- 8.3.6 The proposed dwelling would be located deep behind 'The Clinches' a two-storey residential property fronting Collington Lane East and as such would not have any impact on the street scene.
- 8.3.7 The scale and bulk of the proposed dwelling is not considered to be excessive and would represent a modest form of backland development that would sit well within its plot. It is not considered to result in a cramped form of development, given the generous size of the existing site.
- 8.3.8 The proposed design of the new dwelling would be of a rather unique architectural style. The materials would be of a predominantly traditional nature. The locality is currently made up of a range of design and scale of residential dwellings, in the form of both houses and flats. Given this, the proposed design of the new dwelling would not result in any harm to the character and appearance of the locality.
- 8.4 Impact on neighbouring properties
- 8.4.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that new development should not unreasonably harm the amenities of adjoining properties.
- 8.4.2 The proposed dwelling would be located to the rear of 'The Clinches' to the south and '111 Orchard Cottage' to the north. The proposed dwelling would

have a window at first floor on the south and north elevation serving a bedroom which would face onto these neighbouring properties. However, given the separation distance of 25m from the rear elevation of 'The Clinches' and 24m from the rear elevation of '111 Orchard Cottage' it is considered that sufficient distance exists between the existing dwellings and the proposed new dwelling, alleviating any potential outlook issues and preserving the privacy and visual amenity of both properties.

8.4.3 With regards to scale and bulk, the proposed dwelling would be of a modest scale, and it would be located in such a way with a good separation distance as to not result in overshadowing or harm to neighbouring amenities with regards to massing.

#### 8.5 Living conditions of future occupiers

8.5.1 Policy OSS4 (i) states that all development should meet the needs of future occupiers, including providing appropriate amenities.

8.5.2 Paragraph 130 of the National Planning Policy Framework states planning policies and decisions should ensure that development create places with a high standard of amenity for existing and future users.

8.5.3 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 garden provision would be sufficient.

8.5.4 Policy DHG3 of the DaSA requires new housing development to achieve the Government's nationally described space standards which set-out minimum standards for room-sizes, ceiling heights and built-in storage provision. For a one-bedroom two-storey dwelling with the space to sleep two people, an internal space of 58sqm is required with 1.5sqm of internal storage. The dwelling would have sufficient built in storage but would fail to meet the internal space requirements as the proposed dwelling would only have an internal area of 39sqm. However, it is noted that the dwelling will be for affordable rent tenure (let at the Local Housing Allowance for this particular property) for a specific tenant with acute needs, who is currently living elsewhere in the district in unsuitable accommodation. It is believed that the proposed dwelling will only be occupied by one person and given the high sustainability credentials of the building, the proposed building is expected to significantly enhance the tenant's quality of life. As such, given the bespoke need for this unit and the sustainability benefits of the building it is considered acceptable in this circumstance and will provide a high-quality living environment for the future tenant.

#### 8.6 Highway Matters

8.6.1 Policies CO6 (ii) & TR3 of the Rother Local Plan Core Strategy and policy seek to avoid prejudice to highway safety by ensuring adequate, safe access arrangements.

8.6.2 Policy TR4 (i) of the Rother Local Plan Core Strategy requires the residual needs of the development for off-street parking to be met having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or

amenity impacts of a reliance on parking off-site whether on-street or off-street.

- 8.6.3 The existing access to the site via Colley Corner would not be altered and space would be provided for the parking of one vehicle, which meets the requirement for a one bed dwelling. The parking space would not be too narrow, and the increased use of the access for one additional dwelling would not be harmful to the highway safety.

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## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 The proposal is acceptable in terms of scale and design and is in keeping with the character of the locality and it would not have any negative impact on neighbouring properties. The new dwelling would provide an adequate level of internal and external space for future occupants and provide on-site car parking. Therefore, this application is recommended for approval.

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## **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:  
Site Location Plan, Drawing No. CC LO01Rev A, dated 19 October 2023  
Proposed Floor Plans and Elevations, Drawing No. CC PL01, 03 October 2023  
Proposed Elevations, Drawing No. CC PL01, dated 03 October 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 extension hereby permitted shall be as stated within the application and approved drawings unless an alternative finish is first submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that the development is in character with its surroundings in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
4. Within three months of delivery of the modular building on site, a soft landscaping scheme for the site shall be submitted to and approved by the Local Planning Authority, which shall include:
  - a) indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development;
  - b) planting plans;
  - c) written specifications (including cultivation and other operations associated with plant and grass establishment);

- d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- e) Boundary treatments; and
- f) implementation programme.

Reason: To ensure the creation of a high-quality public realm and landscape setting in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

5. Prior to occupation of the dwelling a scheme for the provision of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority and the dwelling shall not be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

Reason: The details required are integral to the whole development, to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.

6. The development shall not be occupied until the parking area has been provided in accordance with the approved site plan (ref: CC LO01Rev A, dated 19 October 2023) and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

7. The dwelling hereby approved shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwelling(s) 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(s) has been constructed to achieve water consumption of no more than 110 litres per person per day.

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

**NOTE:**

1. The Applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that a condition triggering the optional technical standards for Water Efficiency 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 proactive manner and has imposed planning conditions to enable the grant of planning permission.



<p>SITE PLAN</p> <p>RR/2023/1497/P</p>	<p>WHATLINGTON</p> <p>Riccards – Land adjacent Riccards Lane Whatlington</p>
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## Rother District Council

Report to - Planning Committee  
Date - 14 December 2023  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2023/1497/P  
Address - Riccards - Land Adjacent Riccards Lane, Whatlington  
Proposal - Proposed demolition of existing outbuildings and the erection of 2 x dwellings.

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Mr and Mrs Scott  
**Agent:** Finnis Planning Ltd  
**Case Officer:** Mrs Harriet Beckett  
(Email: [harriet.beckett@rother.gov.uk](mailto:harriet.beckett@rother.gov.uk))

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

**Reason for Committee consideration:** Councillor call in - These two dwellings are for family use and will benefit the Area of Outstanding Natural Beauty by removing unsightly outbuildings.

**Statutory 8-week date:** 30 October 2023  
**Extension of time agreed to:** 23 November 2023 (NOT RESPONDED)

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### 1.0 SUMMARY

- 1.1 The proposed application is for the demolition of existing outbuildings and erection of 2 x dwellings. The main issues for consideration are the principle of development, impact on the character of the site, streetscene and Area of Outstanding Natural Beauty (AONB), standard of residential accommodation, impact on neighbouring amenity, highway safety and ecological considerations.
- 1.2 The proposal by reason of the two dwellings overall height, large footprint, volume and overall scale and mass would represent bulky, visually intrusive and overbearing dwellings that would appear incongruous in their location and siting set within an existing plot, to the east of the existing dwelling. As a result, it would materially harm to 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 As well, the site lies within an unsustainable countryside location where occupiers of the proposed development would be highly reliant on private motor vehicles and would not be able to make the fullest possible use of public transport, walking and cycling to access local services and facilities.

1.4 For the reasons explained above, the application is recommended for refusal.

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## **2.0 SITE**

2.1 The site lies to the southern side of Riccards Lane, on the corner of Riccards Lane and Whatlington Road. It is located outside any development boundary and so lies within the countryside and the High Weald AONB.

2.2 A two storey detached dwellinghouse and a number of detached outbuildings set off east occupies the site, which are partially screened from the road to some extent by hedgerow along the front and side boundaries of the site. The property is set back from the highway of Riccards Lane and set lower than the highway with an existing access to the north of the site.

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## **3.0 PROPOSAL**

3.1 Permission is sought for the demolition of the existing outbuildings and the erection of 2 x dwellings. It would be served by the existing vehicular access and would have their own gardens.

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## **4.0 HISTORY**

4.1 No planning history.

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## **5.0 POLICIES**

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

- PC1 (presumption in favour of sustainable development)
- OSS1 (overall spatial development strategy)
- OSS2 (use of development boundaries)
- OSS3 (location of development)
- OSS4 (general development considerations)
- RA2 (general strategy for the countryside)
- RA3 (development in the countryside)
- CO6 (community safety)
- EN1 (landscape stewardship)
- EN3 (design quality)

- TR3 (access and new development)
  - TR4 (car parking)
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) (DaSA) are relevant to the proposal:
- DRM1 (water efficiency)
  - 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)
  - DEN7 (environmental pollution)
- 5.3 The High Weald Management Plan 2019-2024, National Planning Policy Framework and Planning Practice Guidance are also material considerations.
- 

## 6.0 CONSULTATIONS

### 6.1 RDC Waste & Recycling – **NO OBJECTION**

- 6.1.1 There are no issues here, bins will be presented on the entrance to the drive where it meets Riccards Lane.

### 6.2 Highways England – **NO OBJECTION**

### 6.3 Romney Marshes Area Internal Drainage Board – **NO COMMENT RECEIVED**

### 6.4 County Ecology – **NO OBJECTION (subject to the imposition of conditions)**

### 6.5 Planning Notice

- 6.5.1 One letter of support was received, which has been summarised below:
- This sympathetically adds housing for local families, with family links to the village.

### 6.6 Whatlington Parish Council – **NO OBJECTION**

- 6.6.1 The Parish Council support the application.
- 

## 7.0 APPRAISAL

### 7.1 Main issues

- Principle.
- Location.

- The character and appearance of the locality, including the landscape and scenic beauty of the AONB.
- The effect of the proposal on the amenities of neighbouring properties.
- Highway safety and parking.
- Ecological considerations.
- Other matters.

## 7.2 Principle

- 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. Being outside the development boundary, the proposal is contrary to Policy OSS2 of the Rother Local Plan Core Strategy and Policy DIM2 of the DaSA, which advocate 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.
- 7.2.2 The proposal would erect two market dwellings at Riccards, there is no defined settlement boundary around this area. The proposal is then considered to be contrary to Policy DIM2 of the DaSA and OSS2 of the Rother Local Plan Core Strategy. Policy OSS1 'd' does allow for small scale infill and redevelopment to enable local needs for housing and community facilities to be met.
- 7.2.3 Furthermore, the application is not accompanied with any information on local housing needs or how community facilities would be supported by the proposal. It is therefore considered also contrary to Policy OSS2 of the Rother Local Plan Core Strategy. The proposal is unacceptable in principle.
- 7.2.4 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 dwellings would not necessarily be isolated in physical terms as there are residential properties to the side of them as well as 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 third issue for consideration, sustainable location (see issues section).
- 7.2.5 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.
- 7.2.6 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 73 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 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 dwellings would be sustainably located with regard to access to employment, services and facilities; impact on neighbouring amenities; highway safety and parking provision; impact on biodiversity; and drainage.

### 7.3 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 The site is located a significant distance from any settlement with a development boundary. It is around 1.5km from the village of Sedlescombe and more than 2km from the market town of Battle.

7.3.4 It is noted that there are bus stops positioned along Whatlington Road, however both bus stops are set over 400m approximately in distance, one to north and one positioned to the south of the site. Whatlington Road in this location is a rural road, which can be fairly narrow with no footpaths present. Due to this there would be considerable concern with pedestrian safety if planning to use the nearest available public transport.

7.3.5 Whilst it is acknowledged that the proposed dwellings are described within the application as to be used by family members as an annexe, the proposed development description states 2 x dwellings.

7.3.6 It can be considered that occupants of the proposed development would be heavily reliant on private motor vehicles, the least sustainable mode of transport. The site is not considered to be a sustainable location for new dwellings within this location. The development would not be well located in terms of access to public transport and services and would be contrary to the relevant policy aims to minimise the need to travel and to support the transition to a low carbon future.

- 7.4 Character and Appearance within the locality of the High Weald AONB
- 7.4.1 Policy OSS4 (iii) requires all development to respect and not detract from the character and appearance of the locality.
- 7.4.2 Policy DEN1 of the DaSA is concerned with maintaining landscape character. It states that: The siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics, in accordance with Policy EN1 of the Rother Local Plan Core Strategy.
- 7.4.3 Policy RA3 (iii) lists the exceptional cases of when dwellings are allowed in the countryside including farm workers dwellings, the conversion of traditional farm buildings, one to one replacements and rural exception sites to meet an identified local affordable housing need. Criterion (iv) of Policy RA3 states that extensions to existing buildings and their residential curtilages, and other ancillary development such as outbuildings, fences, enclosures, lighting and signage, should maintain and not compromise the character of the countryside and landscape.
- 7.4.4 Policy EN1 (i) of the Rother Local Plan Core Strategy and DEN2 of the DaSA require development to protect and enhance the landscape and scenic beauty of the AONB which is supported by paragraph 172 of the National Planning Policy Framework.
- 7.4.5 Policy EN3 requires all development to be of a high design quality.
- 7.4.6 The site is located along a lane that is very rural in character with irregular shaped fields and areas of woodland either side, typical of the AONB landscape.
- 7.4.7 The existing buildings present along Riccards Lane are typically consisting of large dwelling set back from the road behind gardens, driveways and parking areas on fairly large plots. The site subject of this application is positioned on the junction corner with the host dwelling positioned close to the road boundary of Whatlington Road. The site appears very open from the street scene and not well screened.
- 7.4.8 The proposal seeks to erect two storey semi-detached dwellings within the plot, one would have three bedrooms and one would have four bedrooms; served by an improved existing access. The proposal includes the use of materials; to the walls brick; to the roof slate tiles.
- 7.4.9 The proposed development intends to set back both dwellings within the plot. It is acknowledged this is to provide parking provisions. While it is appreciated the applicants' intention is to maximise the use of the land, the overall size, design and layout of the proposed dwellings, would create an overbearing nature which within the existing site would not sit comfortably within the character of the plot.
- 7.4.10 A tree report accompanies the application which explains that surveyed on the site were ten individual trees and six groups of trees. The proposed

development would require the removal of two individual trees and two groups of trees. Tree protection measures are also incorporated in the report.

7.4.11 The proposed dwellings would be an addition of two new dwellings within the countryside as such it is far more prominent in the streetscene due to the height, bulk and mass. It would be detrimental to the established character and appearance of the area. This proposal is out of keeping with the site, within the High Weald AONB.

7.4.12 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 proposal is considered contrary to Policies OSS4 and EN3 of the Rother Local Plan Core Strategy as well as DEN2 of the DaSA and Objectives 2 and 3 of the High Weald Management Plan.

## 7.5 Living conditions/Neighbouring Amenities

7.5.1 Policy OSS4 requires development to (i) meet the needs of future occupiers, including providing appropriate amenities and the provision of appropriate means of access for disabled users; and (ii) to not unreasonably harm the amenities of adjoining properties.

7.5.2 Paragraph 130 of the National Planning Policy Framework states that planning policies and decisions should ensure that developments (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

## 7.6 Internal Space Standards

7.6.1 Policy DHG3 of the DaSA requires new housing development to achieve, at least, the Government's nationally described space standards. The proposal provides approximately 396sqm of gross internal floor space. This meets the minimum standards; for a two storey three-bedroom (up to) six person dwelling, which is 102sqm and for a two storey four-bedroom (up to) seven person dwelling, which is 115sqm. The proposed dwellings would provide a good standard of housing for any future occupiers.

### 7.6.2 Outside Amenity Areas

7.6.2.1 Policy DHG7 of the DaSA requires new housing development to (i) achieve adequate private external space (normally 10m in length). The proposal for would provide a private garden area for both plots in excess of the minimum requirement stated in the DaSA.

### 7.6.3 Residential Amenity

7.6.3.1 Paragraph 'ii' of Policy OSS4 states that all development should meet the following criteria "...It does not unreasonably harm the amenities of adjoining properties".

7.6.3.2 There are no nearby residential properties other than the applicant's own house and Oast Meadow within the immediate vicinity.



7.6.3.3 The proposed arrangement would see the two dwellings sit adjacent to the east of the existing dwelling, as such the proposal would create a harmful visual outlook to the existing properties. The fenestration to the rear of the plots would allow for some overlooking over the back gardens of the existing residential properties and whilst some intrusion of the properties would exist it is not at a level to warrant refusal.

7.6.3.4 The proposal is therefore considered to align with Policy OSS4 'ii' of the Rother Local Plan Core Strategy.

## 7.7 Highways and parking provision

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 The proposed scheme would be for one four-bedroom dwelling and one three-bedroom dwelling, and each has car parking space for two cars each as well as considerable turning area/car parking space forward of the dwellings is proposed and this is considered acceptable.

7.7.5 The proposal is therefore considered to align with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.

## 7.8 Ecology and Biodiversity

7.8.1 Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the emerging DaSA requires development to protect and enhance international, national and locally designated sites and avoid harm to biodiversity and habitats.

7.8.2 Paragraph 180 of the National Planning Policy Framework states that permission should be refused if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for. It also states that the development on land within or outside a Site of Special Scientific Interest (SSSI), and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSI.

7.8.3 The application site is within natural habitat; the High Weald AONB and Romney Marsh Area.

7.8.4 Romney Marsh Area Internal Drainage Board have been consulted on the application and we have not received any comments.

7.8.5 East Sussex County Council Ecologist has been consulted on the application and recommends the application for approval in principle subject to the imposition of conditions. The comment reads; the information is satisfactory and enables the Local Planning Authority to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions outlined within the response. See full consultee response available online. The recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.

## 7.9 Waste and Recycling

7.9.1 The waste and recycling strategy proposed is considered to be acceptable.

## 7.10 Other Matters

7.10.1 No information regarding the management of drainage matters has been provided, therefore these details have not been covered in this report.

7.10.2 These details have not been clarified with the Applicant because of the fundamental objection raised in relation to the adverse impact of the proposed dwellings on the character and appearance of the area and on the High Weald AONB.

## 7.11 Community Infrastructure Levy

7.11.1 The proposal is for a type of development that is Community Infrastructure Levy liable.

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## 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 National Planning Policy 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 National Planning Policy 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 provide clear reasons for refusing the application. On top of this, the site lies within an unsustainable countryside location.

- 8.4 For the reasons explained, the proposal is contrary to Development Plan policies and the various provisions contained within the National Planning Policy Framework.
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**RECOMMENDATION: REFUSE (FULL PLANNING)**

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**REASONS FOR REFUSAL:**

1. The proposal by reason of the dwellings' overall height, large footprint, volume and overall scale and mass would represent bulky, visually intrusive and overbearing dwellings that would appear incongruous in its location and siting set within an existing plot, to the east of the existing dwelling. As a result, it would materially harm to the character and appearance of the locality, including the surrounding landscape setting and scenic beauty of the High Weald Area of Outstanding Natural Beauty. The proposal would extend built residential form into the Area of Outstanding Natural Beauty countryside 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 Area of Outstanding Natural Beauty. As such, the proposal is contrary to Policies OSS2, OSS4, RA2, RA3, EN1 and EN3 of the Rother Local Plan Core Strategy (2014) and Policies DIM2 and DEN2 of the Development Site and Allocations Local Plan (2019) and paragraphs 176, 130 and 180 of the National Planning Policy Framework and Objectives 2 and 3 of the High Weald Management Plan.
2. The site lies within an unsustainable countryside location where occupiers of the proposed development would be highly reliant on private motor vehicles and would not be able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development would be contrary to Policies PC1, OSS3 (v) and TR3 of the Rother Local Plan Core Strategy and paragraph 8 of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.

**NOTE:**

1. This decision notice relates to the following set of plans:  
Drawing No. 25 22 110A, Proposed Ground Floor Plans and Elevations dated 23.08.23  
Drawing No. 25 22 111, Proposed First Floor and Roof Plans dated Jan 2023  
Drawing No. 25 22 112A, Proposed Site Plan and Section dated 23 August 2023  
Planning Statement submitted 19 July 2023  
Preliminary Ecological Appraisal and Bat Survey Report dated 22 May 2023  
Tree Survey Arboricultural Impact Assessment & Tree Protection Plan dated February 2023  
Construction & Traffic Management Scheme submitted 19 July 2023

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-

active way with Applicants and looks for solutions to enable the grant of planning permission. However, in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.

SITE PLAN

BEXHILL

RR/2023/1804/P

St. Marys Recreation Ground  
Bexhill



## Rother District Council

Report to	-	Planning Committee
Date	-	14 December 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2023/1804/P
Address	-	St Marys Recreation Ground, Bexhill
Proposal	-	Construction of an electric model race car track, rostrum and siting of a shipping container for storage.

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Mr Andrew Coley  
**Agent:** Mr Andrew Coley  
**Case Officer:** Mrs Harriet Beckett  
(Email: [harriet.beckett@rother.gov.uk](mailto:harriet.beckett@rother.gov.uk))

**Parish:** BEXHILL SIDLEY  
**Ward Members:** Councillors F.H. Chowdhury and S.J. Coleman

**Reason for Committee consideration: Council Owned Land**

**Statutory 8-week date: 16 November 2023**  
**Extension of time agreed to: 21 December 2023**

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### 1.0 SUMMARY

1.1 The proposed electric race car track would complement the existing recreation facility along St. Mary's Lane. It would not detract from the rural character and appearance of the locality, would not adversely impact on the living conditions of occupiers of nearby residential properties and there are no highway safety concerns. The recommendation is to grant permission subject to the imposed conditions.

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### 2.0 SITE

2.1 This application relates to St. Mary's Recreation Ground, a large open space located on the eastern side of St. Mary's Lane. The site is outside the Development Boundary for Bexhill and is within the countryside. It is not within the High Weald Area of Outstanding Natural Beauty (AONB).

- 2.2 The Recreation Ground itself is grassland offering general open amenity space with a hardstanding near the access providing parking facilities for visitors.
- 2.3 The nearest neighbouring property is High Beeches which is located some 77m to the south.
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### **3.0 PROPOSAL**

- 3.1 This application seeks planning permission on a permanent basis for the construction of an electric car racetrack and siting of a shipping container for storage, for the land use of the track for 1066 Racing. 1066 Racing is an off-road radio-controlled car racing club. The Club would race '1/10th scale RC cars'. 1066 Racing is a member of the British Radio Car Association (BRCA), who provide rules, regulations, safety recommendations for venues and crucially Public Liability insurance.
- 3.2 The area of land for the track, rostrum and container would be positioned approximately 53.5m northeast of the hardstanding of St. Mary's Recreation Ground car park, as previously approved.
- 3.3 The elements within the application for the land use of the track for 1066 Racing:
- i. A flat track measuring approximately 40m x 40m of the grass surface within a fenced area (maintained by 1066 Racing).
  - ii. A timber constructed rostrum, raised area for drivers to view/track/control their cars.
  - iii. A shipping container clad in wood providing a secure place to store club equipment, including that to maintain the land.

The application provides details of days/hours of operating, attendance, proposed parking arrangements and a risk assessment document.

#### **3.4 Usage**

- 3.4.1 The proposed usage for club meetings would be a Sunday morning for a maximum of five hours, from 9am until 2pm and on one weekday evening during the summer months, after 5pm until sundown. The track would not be lit, evening meetings would only take place during summer months. The track would remain open at other times for local use (electric only) RC cars, this would be anticipated to be very minimal use. As well as the use on Saturday or Sunday for an all-day event, 9am to 6pm for four times only during the summer months, for bigger events.

#### **3.5 Attendees**

- 3.5.1 There would be between 15 and 25 competitors, potentially 30 at a busy meeting – it should be noted the indoor events attract the most attendees rather than outdoor occasions. It is proposed that 20 vehicles would be at a busy outdoor meeting but often this would be lower.

### 3.6 Parking

- 3.6.1 It is proposed that 20-25 parking spaces of 3m x 5m would be positioned on the grass on three sides of the proposed racetrack. Parking would be authorised under an annual licence issued by Rother District Council (RDC). Access to the parking spaces would be across the grass from the existing hardstanding car park, a club representative would be on hand to oversee the arrival and departure of all vehicles attending.
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## 4.0 HISTORY

- 4.1 RR/2021/2252/P Construction of an electric race car track and siting of a shipping container for storage. APPROVED CONDITIONAL
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## 5.0 POLICIES

- 5.1 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS4: General Development Considerations
  - RA3: Development in the Countryside
  - BX1: Overall strategy for Bexhill
  - EN1: Landscape Stewardship
  - EN3: Design Quality
- 5.2 The following policies of the Development and Site Allocations Local Plan are relevant to the proposal:
- DEN1: Maintaining Landscape Character
- 5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.
- 

## 6.0 CONSULTATIONS

### 6.1 Environmental Health – NO OBJECTION

- 6.1.1 As the Applicant's submitted briefing note explains, there are potential ground gas issues with this site. A previous application (RR/2022/830/P) for a temporary container to be used as a 'portable changing facility' on St Mary's Recreation Ground included the submission of a Remediation Statement prepared by Land Science (their ref: LS 6932, 9 June 2023). That report was prepared for RDC and recommended the provision of a ventilated gap beneath the container and the installation of a hydrocarbon vapour and ground gas membrane. Although the report does not cover the precise location identified for the storage container covered by this current application its recommendations still have some relevance in this case.
- 6.1.2 Provided the use of the proposed container is limited to storage purposes, rather than for a use that is likely to involve people remaining within it for any significant length of time, it should be sufficiently protected from any infiltration



of ground gasses by ensuring that it is raised off the ground, for example on bricks or slabs, and is provided with some permanent passive air vents, top and bottom of the container sides. I am not aware of any complaints having arisen from the current use by 1066 Racing which appears to present no significant noise impacts and has no requirement for artificial lighting; consequently, I have no adverse observations on the proposed use.

## 6.2 Environment Agency – **NO COMMENTS RECEIVED**

## 6.3 Planning Notice

6.3.1 Four letters of objection have been received. The reasons are summarised as follows:

- A shipping container would be an eyesore as well as noise in a residential area.
- Additional traffic level of local traffic and noise pollution from the electric car track.
- Reduces space on the Recreation Ground.
- A container on the site would not want that on our green space.
- Concerns in relation to parking on grass.
- Insufficient parking means overspill onto local residential roads.
- Lack of toilet facilities.

6.3.2 29 letters of support have been received. The reasons are summarised as follows:

- Model citizens.
- No noise, no rubbish left behind and mindful of the Recreation Ground.
- Brilliant facility locally for all the family to enjoy.
- It is great to have an outdoor track, good size and well maintained.
- Provides a space for quality time in the fresh air.
- Great opportunity for people to take part and good to see the grounds being used as well.
- The track provides an inclusive and friendly nature of the sport.
- Cars are quiet and it is fun to watch them race around the track.
- Great activity bringing all ages together.
- Great club full of nice welcoming people who maintain the track area very well.
- Great hobby for kids to get together outside and build relationships and engineering and making skills.
- Electric cars are awesome pieces of kit and make very little noise at all.
- A brilliant addition to St Mary's Recreation Ground activities.
- We can all share the space easily without any problems as the test planning period has proven.
- Just like the cricket and many dog walks who use the field it adds to sense of local community which for all our benefit.
- Fantastic opportunity for the community and a good use of land that is otherwise left empty.

## 6.4 Neighbourhood Services – **SUPPORT**

6.4.1 1066 Racing has used St. Mary's Recreation Ground without issue since securing temporary planning consent. The activity of racing the electric cars is virtually silent. No complaints in relation to noise or any other aspect of the

activity have been received by RDC's Neighbourhood Services whose remit includes the management and maintenance of the Recreation Ground. St. Mary's Recreation Ground has been little used in recent years, except for dog walking. The return of cricket through the admirable efforts of Sidley Cricket Club and the introduction of the car racing facility has increased the value of this open space to the community and attracted a wider range of beneficiaries without detriment to the existing site users. There is plentiful space for all the activities to be safely and comfortably accommodated and no legitimate reason why the operating hours cannot be extended as with other activities at other public parks and open spaces within the district. The proposed container will be sited close to the treeline and will have minimal visual impact. In the longer term at least one of the other existing containers is likely to be removed. It would be useful to have more detail on the proposed 'lean to' roof for the rostrum, not least to see that the potential for unsupervised children and young people to climb on it and potentially come to harm has been considered. It is reasonable to expect this may happen outside of the times the facility is legitimately in use by 1066 Racing. It may be worthwhile considering whether a temporary covering can be used as and when needed and stored, outside of these times, in the container.

## 6.5 Bexhill-on-Sea Town Council – **NO OBJECTION**

6.5.1 It was resolved to support this application.

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## 7.0 **APPRAISAL**

7.1 The main issues for consideration are the provision of the recreation space for an electric car racing use and its effect on the locality and the impacts upon neighbouring and nearby properties.

7.1.1 The provision of the 1066 Racing use to the area of land on the recreation site and its effect on the locality.

7.1.2 The National Planning Policy Framework at Section 8 sets out the planning objective of 'promoting healthy and safe communities. At paragraph 93 it says that to provide the social and recreational facilities and services the community needs, planning decisions should plan positively for the provision and use of shared spaces, community facilities sports venues, open space, and other local services to enhance the sustainability of communities and residential environments. It adds that, decisions should take into account and support the delivery of local strategies to improve health, and social well-being for all sections of the community, and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. In terms of 'open space and recreation', at paragraph 98 it states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change. Paragraph 99 goes on to say that existing open space, sports and recreational land, including playing fields, should not be built on unless specified criteria are met, including: the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or (c) the development is for alternative sports and recreational

provision, the benefits of which clearly outweigh the loss of the current or former use. Section 12. 'achieving well designed places' at paragraph 130 (f) requires that planning decisions should ensure that developments 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.

- 7.1.3 Rother Local Core Strategy Policy BX1(ii): includes within the 'overall strategy for Bexhill' the objective of delivering development of local amenities, including support for community activities and facilities, and improved sports and leisure facilities.
- 7.1.4 Policy EN1 provides protection for the landscape character of the area, whilst Policy EN3 requires all development to be of a high-quality design.
- 7.1.5 St. Mary's Lane is rural in character with scattered residential properties which generally occupy large sites. The lane is lined with hedges and trees. The Recreation Ground is a large open space with trees lining the boundary of the ground, an area of grassland with a small section of fenced hard standing to the southwest providing visitors parking.
- 7.1.6 The application relates to an existing recreation ground and no loss of the area of the Recreation Ground would be proposed under this application. The facilities would not impact on the existing areas on the Recreation Ground. The application does, however, include the loss of an area some 40m x 40m of informal amenity grassland within the Recreation Ground that would be taken up by the development of the space with a track positioned on the grassland and the specific facilities included within the fenced area (a rostrum and shipping container). Consequently, a different kind of recreation experience would be created within those areas, on the operating days/times proposed. The development would be of similar nature to community meetings we would see at the existing recreation ground, including football, cricket matches and as such the nature of the activity would remain similar to a recreation ground. As such it is considered this use would be acceptable to the area within this recreation ground.
- 7.1.7 The area of land where the 1066 racing facilities is positioned approximately 53.5m to the north of the hardstanding area of the Recreation Ground, against the west side boundary. Within this area, the flat track approximately 40m x 40m has a grass surface, the track being laid on top, enclosed within a 1.2m high fence along its boundary. This area includes the addition of a rostrum structure and a shipping container for storage. The rostrum would measure 15m in length with a platform width of 1.5m and platform height of 1.4m and a rail height of 2.5m. The rostrum would also include a proposed lean-to roof on the driver stand, in order to stop the sun from affecting participants eyes. The shipping container would measure 2.4m in width by 6.05m in depth with a height of 2.4m. Materials would consist of timber for the rostrum and green wood clad to the shipping container, with the track to be laid on the grass surface.
- 7.1.8 The structures are positioned next to each other within the area of land, and therefore the land used for the 1066 racing would be read as part of a group of structures and would not read as an encroachment into the countryside. The area of land would be served by the existing access to St. Mary's Recreation Ground. The scale and design of the structures proposed are of a

simple nature, in keeping with the locality and of sympathetic materials as to not have a harmful impact visually or physically on the character and appearance of this rural location.

- 7.1.9 Given the countryside location, it would be essential to put controls in place to ensure that the use would be operating within approved limits. It would therefore be necessary to impose conditions to manage the use and operating times.
- 7.1.10 Overall, it is considered that the proposed permanent land use and relevant structures would be appropriately sited and would be of an acceptable use, scale and design as to not adversely impact the character and locality of the Recreation Ground and surrounding area.

## 7.2. Residential Amenity

- 7.2.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy says that all development should not unreasonably harm the amenities of adjoining properties. With regard to the proposal, the potential for impacts on residential amenity would principally be in terms of any noise impacts and secondly, any significant amounts of intrusive light affecting neighbouring properties as a result of the operation of any proposed lighting. In relation to these matters Policy DEN7 (environmental pollution) of the DaSA Local Plan is relevant. This says that development will only be permitted where it is demonstrated that there will be no significant adverse impacts on health, local amenities or environmental character. There is no proposed lighting within this application. In relation to noise, it says that consideration will also be given to the character of the location and established land uses. The application submission includes details of the proposed electric car to be used and the fact there would be little to no noise as demonstrated within the existing use of the 1066 racing track, Environmental Health has been consulted on the proposals.
- 7.2.2 Regarding the issue of potential noise: the site is within a recreation ground environment. With residential dwellings scattered along St. Mary's Lane, its nearest dwelling being approximately 77m in distance to the site (High Beeches). The existing use of the site is as a recreation ground and therefore neighbouring residents will be aware of existing activity and background noise characteristics associated with the existing uses. These may be more noticeable at times than others, such as when a football/cricket match is being held. With regard to the proposed development the noise of the electric radio-controlled racing cars appears to be little to none. This has been demonstrated following the approval of the temporary previous permission, with use of the track during the summer months of 2023; there have been no noise complaints. Environmental Health have also confirmed in its consultation response that they are not aware of any complaints risen from the current use by 1066 Racing which appears to present no significant noise impacts and has no requirement for artificial lighting with the cars and this has resulted in a no objection to this proposal. The Recreation Ground appears to have been used for both football and cricket in the past with an advertised provision for two junior pitches. As such it is considered there continues to be no adverse impacts on the residential amenities of nearby or neighbouring properties.

- 7.2.3 The area of land would be positioned a significant distance from any neighbouring property and would not directly impact on their amenities. In terms of additional traffic and activity, the proposal is for the use of the land for a maximum of five hours on a Sunday morning, 9am until 2pm and on one weekday evening during summer months only, after 5pm until sundown, as previously permitted. As well as the use on a Saturday or Sunday for an all-day event, 9am to 6pm for up to four times only during the summer months. Within the application there would be the provision of parking spaces surrounding three sides of the fenced area with this in place and the proposed estimated numbers it is considered that it would not generate significant levels of traffic/nor parking issues to St. Mary's Lane.

### **7.3 OTHER ISSUES**

#### **7.3.1 Highway safety and parking**

- 7.3.2 Policy CO6 of the Rother Local Plan Core Strategy facilitates a safe physical environment by (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.

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

- 7.3.4 The site is served by an existing vehicular access. Traffic speeds are generally low along the lane and therefore the operating use proposed should not increase hazards on the highway. There is adequate space on site to park and turn multiple vehicles, specifically the proposed addition of parking spaces surrounding the racetrack on the grassland (on submission and approval of a parking licence) would provide sufficient space for the proposed vehicles attending the meetings regularly.

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## **8.0 PLANNING BALANCE AND CONCLUSION**

- 8.1 The proposal of the provision of a permanent permission for the 1066 Racing area and the structures would not detract from the locality of the Recreation Ground and would not adversely impact on the nearby neighbouring residential properties and would not prejudice highway safety. The proposal complies with Rother Local Plan Core Strategy policies together with the various provisions contained within the National Planning Policy Framework and can therefore be supported and granted full planning subject to the expiry of the re-consultation period currently taking place for the amended plans and details.

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

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

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

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

Location Plan: RC racetrack at St. Mary's Recreation Ground dated 20/09/2023;

Block plan: radio-controlled car track area and parking dated 20/09/2023;

East/North Elevation 'Drivers' Stand / Rostrum submitted 29/08/2023;

Site East/North Elevation submitted 29/08/2023;

Shipping Container Elevations submitted 29/08/2023;

1066 Racing parking/vehicle access and movement plan detail submitted 09/02/2022;

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

3. The use hereby permitted shall only take place on the following days and hours:
  - a) On one weekday evening per week and shall cease before sundown.
  - b) On Sundays only between 9am – 2pm.
  - c) On up to four individual weekend days per year between the 9am to 6pm.

Reason: To safeguard the amenities of the locality in accordance with Policy OSS4 (ii) of the Rother District Local Plan Core Strategy and Policy DEN7 of the Rother Development and Site Allocations Local Plan.

4. The race car track hereby permitted shall only be used by electric remote-control vehicles and shall not be used by petrol or other fuel powered remote control vehicles.

Reason: To protect the living conditions of occupiers of nearby residential properties and to protect the rural character of the locality in accordance with Policies OSS4 (ii) (iii) and RA3 of the Rother Local Plan Core Strategy and Policy DEN7 of the Rother Development and Site Allocations Local Plan.

5. No floodlighting or other external means of illumination of the racetrack 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 of the rural area, in accordance with Policies OSS4 (ii and iii), RA3 (v) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN7 of the Rother Development and Site Allocations Local Plan.

**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 and has imposed planning conditions to enable the grant of planning permission.

SITE PLAN

BATTLE

RR/2023/1630/P

21 Starrs Mead  
Jaysperch  
Battle



## Rother District Council

Report to - Planning Committee  
Date - 14 December 2023  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2023/1630/P  
Address - 21 Starrs Mead, Jaysperch  
BATTLE  
Proposal - Extend veranda and step access to the garden via garage and utility room; lay decking on the original upper level of garden (Retrospective).

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Mr Lee Dean  
**Agent:** -  
**Case Officer:** Oliver Hurst  
(Email: [oliver.hurst@rother.gov.uk](mailto:oliver.hurst@rother.gov.uk))

**Parish:** BATTLE (SOUTH BATTLE & TELHAM)  
**Ward Members:** Councillor Mrs V. Cook

**Reason for Committee consideration:** Councillor call-in with regard to impact on neighbouring amenity.

**Extension of time agreed to: 21 December 2023**

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

1.1 The proposal is retrospective but to be considered on its planning merits and in regard to the relevant policy considerations. It seeks to retain an extension of a raised veranda and decking at the rear of the property. It is considered to be acceptable in principle as it causes no harm to the character and appearance of the locality and wider Area of Outstanding Natural Beauty (AONB). The proposal also does not introduce any new harmful viewpoints that would cause unacceptable impacts on neighbouring amenity.

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## 2.0 SITE

- 2.1 The application site is a detached two storey dwelling situated in the north west side of Starrs Mead. It is within a residential area on a sloping site, with neighbours to the rear north and west side boundaries. The road adjoins to the east side boundary. It lies within the Development Boundary for Battle and the High Weald AONB. The extended veranda is situated within the rear elevation away from the side boundaries. The decking is located within the rear northeast corner of the garden adjacent to the road. The rear garden is bounded by fencing varying in height to reflect the sloping ground levels.
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## 3.0 PROPOSAL

- 3.1 This application is a retrospective application for the extension of the veranda and step access to the garden from the utility room of the dwelling. The application also includes the laying of decking, which in one part exceeds 300mm, on the eastern side of the garden adjacent to the existing conservatory.
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## 4.0 HISTORY

- 4.1 RR/87/1873 Outline application for 13 Dwellings, Garages, parking spaces with estate road. APPEAL ALLOWED.
- 4.2 ENF/349/22/BAT New French doors, balcony and raised patio area created overlooking neighbouring properties.
- 

## 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
  - EN1: Landscape Stewardship
  - EN3: Design Quality
- 5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal:
- DHG9: Extensions, Alterations and Outbuildings
  - DEN1: Maintaining Landscape Character
  - DEN2: The High Weald AONB
- 5.3 The following policies of the adopted Battle Civil Parish Neighbourhood Plan are relevant to the proposal:
- HD4: Quality of Design
- 5.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations along with the High Weald AONB Management Plan.
-

## 6.0 CONSULTATIONS

### 6.1 Planning Notice

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

- Impact on neighbouring amenity.
- Similar works had been undertaken nearby that was refused planning permission.
- Ground levels have been built up.
- Fence on northern boundary of garden tall and requires planning permission.
- Decking orientated for views toward No. 20 and No. 19
- The enlargement of the original access staircase has the potential for leisure use and seating, not the intended use as originally built.
- Screening is unsightly and out of keeping.

### 6.2 Town Council – **NO OBJECTION**

6.2.1 Subject to a minimum 10% biodiversity net gain.

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## 7.0 LOCAL FINANCE CONSIDERATIONS

7.1 The proposal is for a type of development that is not Community Infrastructure Levy liable.

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## 8.0 APPRAISAL

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

- The impact of the proposal on the character and appearance of the locality and AONB.
- The impact of the proposal on neighbouring amenities.

### 8.2 The impact of the proposal on the character and appearance of the locality and AONB

8.2.1 Policy DHG9 of the DaSA states that: ‘extensions, alterations and outbuildings to existing dwellings will be permitted where: (i) they respect and respond positively to the scale, form, proportions, materials, details and the overall design, character and appearance of the dwelling; (ii) they do not detract from the character and appearance of the wider street-scene, settlement or countryside location, as appropriate, in terms of built density, form and scale.’

8.2.2 Rother Local Plan Core Strategy Policy OSS4(iii) states that: ‘development should respect and not detract from the character and appearance of the locality.’

8.2.3 21 Starrs Mead is adjacent to public highways to the south and east of the dwelling. The rear garden of the dwelling subject of this application is not viewable from the front of the dwelling and is only visible from the highway to

the east by viewing through trellis on the fence separating No. 21 from No. 22 Starrs Mead. It is not considered that the proposal would cause harm to the character and appearance of the locality and AONB as views of the proposal are very limited, and it is seen in context with the surrounding dwellings.

8.2.4 The Applicant has erected timber screening to the west side of the small veranda to obscure views and it is affixed to the original railings. The screening is not visible in the street scene and is not considered to be harmful.

8.2.5 It has been noted that the fence on the northern boundary of the site may exceed 2m in height in places and therefore may require planning permission. However, it is not part of this retrospective application and is a separate matter.

### 8.3 The impact of the proposal on neighbouring amenities

8.3.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DHG9 (i) of the DaSA requires development to not unreasonably harm the amenities of adjoining properties in terms of loss of light, massing or overlooking.

8.3.2 The veranda originally served as a means of access to the rear garden from the utility room of the dwelling and consisted of a level area adjacent to the door with steps leading down to the ground level of the garden. The veranda and steps are orientated from east to west, away from the neighbouring dwelling No. 20.

8.3.3 This retrospective application seeks permission to retain an extension to the veranda, which has been built up to the level of the original veranda in place of the existing steps and new steps built on the eastern side. The extended veranda and steps now serve new French doors that have been installed in the kitchen of the dwelling further away from the boundary with No.20. While the veranda has increased in length away from the boundary it remains the same depth of approximately 1.3m. This depth would not ordinarily afford space for seating.

8.3.4 Prior to the erection of screening, the original veranda and associated steps afforded clear views into the garden and kitchen entrance of No. 20 Starrs Mead, which is at a lower ground level to the application site. The original area of the veranda (closest to No. 20) is still in place complete with the original safety railings. The new extension to the veranda has been built further from the boundary, therefore views from the extended veranda are no more harmful than the original views that existed prior to the development.

8.3.5 Views over No. 22 Starrs Mead to the rear of the dwelling are not considered to be exacerbated as views from the original veranda are from a very similar viewpoint.

8.3.6 Comparisons have been drawn between this proposal and the recently refused retrospective application at a neighbouring dwelling, No. 19 Starrs Mead. These proposals are not considered to be comparable as the other application proposed an extension of an existing access to form a large raised terrace. This raised terrace was of a much larger size and was built up to and towered above the adjoining boundary fence of the neighbour, introducing a large seating area and unacceptable levels of overlooking. The extended

veranda in this application is of a much smaller size, unable to accommodate seating as such and built away from the adjoining neighbour, centrally located within the rear garden.

- 8.3.7 Objections have also been raised regarding the use of the extended veranda. Whilst no material change of use has occurred, concerns have been raised regarding the use of the area for seating and recreational purposes. The extended veranda is not considered large enough to use for these purposes and a suitable screening solution would alleviate any overlooking, although overlooking from this area already existed.
- 8.3.8 The decking has been constructed on the eastern side of the garden of the dwelling and is built to the same level as the existing conservatory. The majority of the decking is no greater than 300mm from ground level and has been in part built over existing paving and rockery. There are no immediate neighbours to the east that would be impacted by the proposal. An area of garden at the front of No. 22 Starrs Mead and the side of the dwelling can be viewed from the proposed decking. These views are open to view from the road and thus views from the decking are not considered harmful due to screening from a tall fence with trellis.
- 8.3.9 There are views over the rear of No. 20 Starrs Mead from the proposed decking. These views are not considered to cause unacceptable impacts on neighbouring amenity due to the separation distance between the decking and No. 20 and the majority of the decking being no greater than 300mm from ground level. The decking matches the floor level of the adjacent conservatory, from which views previously existed.
- 8.3.10 Having regard to the extremely limited size of the veranda extension, separation distances from the decking and pre-existing overlooking between the properties, the proposals are not considered to result in overtly harmful overlooking that would justify a refusal of the proposals.

#### 8.4 Other Matters

- 8.4.1 The comments of the Town Council have been noted however 10% Biodiversity net gain is not considered justifiable with regard to this minor householder application.

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## 9.0 **PLANNING BALANCE AND CONCLUSION**

- 9.1 The proposed decking and extension of an existing veranda is not considered to cause unacceptable harm to the character and appearance of the locality and AONB or neighbouring amenity. The proposal is not visible from the street scene and viewpoints introduced from the extended veranda and decking are not considered to be any more harmful than viewpoints that existed prior to the development. Existing ground levels at Starrs Mead slope from east to west, creating a natural presence of overlooking.
- 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)**

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### **CONDITIONS:**

1. The development hereby permitted shall be retained in accordance with the following approved plans and details:  
Location Plan Drawing No. 7778/LBP dated 11.09.23  
Existing Layout Drawing No. 7778/EX/A dated 08/09/23  
Proposed Layout Drawing No. 7778/1/A dated 08.09.23  
Reason: For the avoidance of doubt and in the interests of proper planning.

**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.

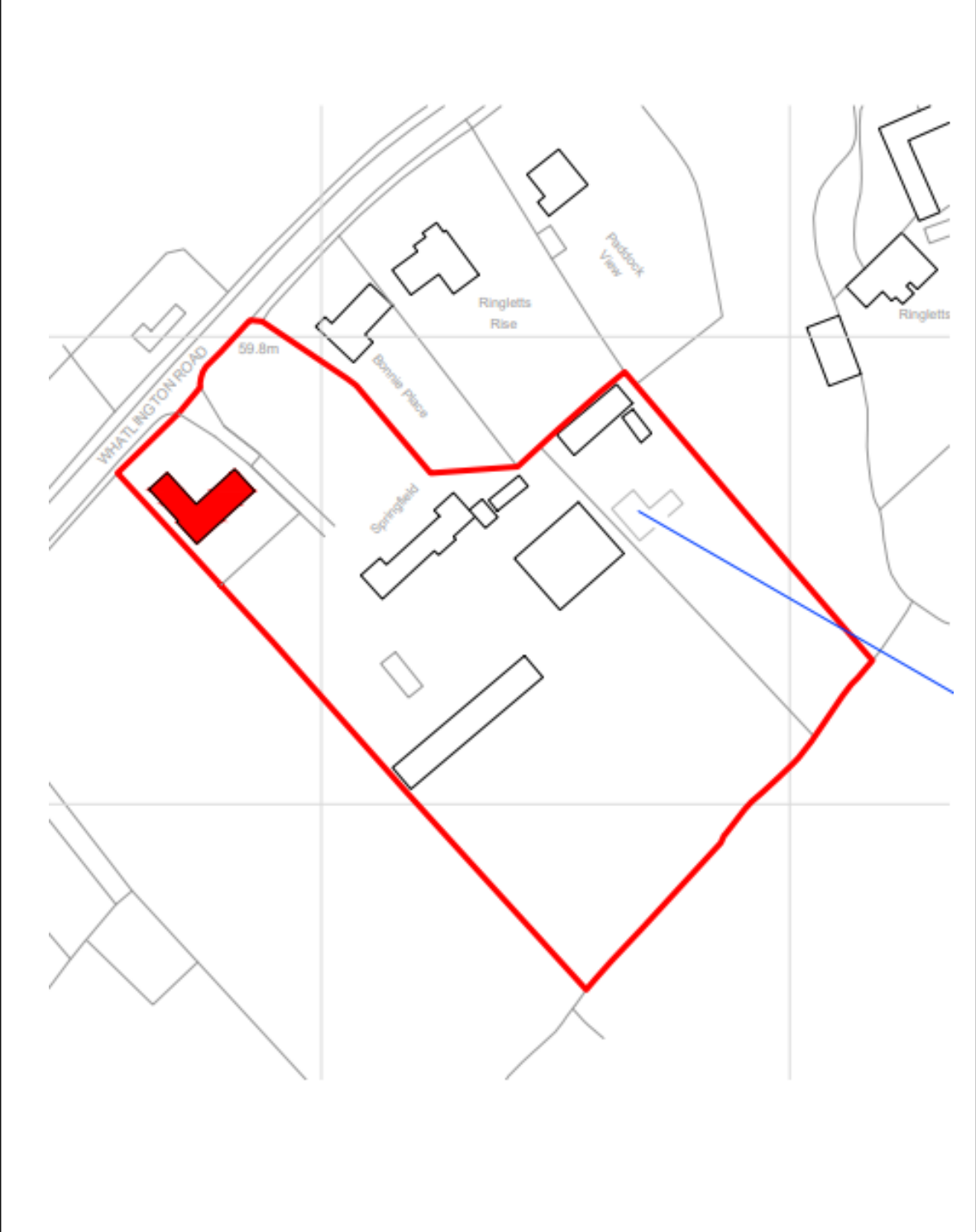
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SITE PLAN

WHATLINGTON

RR/2023/1948/P

Springfield  
Whatlington Road  
Whatlington



## Rother District Council

Report to - Planning Committee  
Date - 14 December 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](#)

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

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**Director: Ben Hook**

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

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This application is included in the Committee site inspection list.



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## **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.
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## **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 ESCC'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.
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## **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.
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## **RECOMMENDATION: REFUSE (FULL PLANNING)**

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### **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.