

Rother District Council

Report to - Planning Committee
Date - 20 June 2019
Report of the - Executive Director
Subject - Application RR/2018/1644/P
Address - Warren Cottage – Land at
Pett Level Road
PETT
Proposal - Erection of two detached houses together with detached garages and associated works

[View application/correspondence](#)

Recommendation: It be **RESOLVED: TO GRANT (FULL PLANNING)**

Head of Service: Tim Hickling

Applicant: Ms S. Jeffries
Agent: A&M Architectural Partnership LLP
Case Officer: Mr S. Batchelor
(Email: samuel.batchelor@rother.gov.uk)
Parish: PETT
Ward Members: Councillors R.K. Bird and A.S. Mier

Reason for Committee consideration: Head of Service Strategy & Planning referral: This application was originally referred for Committee by a now ex-Councillor prior to the May elections, having regard to the views of the local community. In view of the public interest and the petition of objection submitted consideration by Committee remains appropriate.

Statutory 8 week date: 24 August 2018
Extension of time agreed to: 30 April 2019

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 The proposal is for two new dwellings on a part of the garden of Warren Cottage. The site remains within the adopted 2006 Local Plan Development Boundary. Although in the current proposals contained in the Development and Site Allocations Local Plan (currently at examination) Pett Level is set to lose its specific development boundary, considering the suitability of the site on its own merits, and also having regard to the Council's shortfall in the five year supply of housing land generally, the recommendation is to support the

application. The report and recommendation specifically addresses the potential impact on neighbouring residents and on the character of the area, highway access to the site, drainage and the impact on preserved trees. These and other matters including drainage are covered by the recommended conditions.

1.2 PROPOSAL DETAILS

PROVISION	
No. of houses	2
Community Infrastructure Levy (approx.)	£55,823.73
New Homes Bonus (approx.)	£13,368

2.0 SITE

- 2.1 The application site lies within the Cliff End area of Pett Level and comprises a substantial part of the garden of Warren Cottage (formerly known as Dolphin Door). Warren Cottage is set behind the frontage development on Pett Level Road and at a higher level as the land rises southwards at this point. The gardens of properties in Cliff End Lane to the west back on to the site.
- 2.2 Warren Cottage, which is shown to be retained with a significantly reduced garden area, is a detached two storey property and one of several in the locality with a thatched roof. While there is some boundary planting much of the garden is currently in grassed and rather unkempt state. A number of trees along the access to the site and on adjoin land are covered by a recent Tree Preservation Order.
- 2.3 There is currently a rough access to Warren Cottage from the highway (C92) between the private drive giving access to The Thatch to the rear and Greenbanks on the road frontage. Footpath 27 runs along the rear boundary of the site.
- 2.4 Just to the northeast of the application site, beyond the private access road leading to The Thatch, is a new development of houses on the former rear garden of Pine Trees.

3.0 PROPOSAL

- 3.1 The proposal is for the erection of two chalet style houses, one with rendered walls under a slate roof and the second of similar design but with more brickwork. The designs of the two houses, which have been amended since first submitted, incorporate dormer windows as well as including front bays taking, overall, more of an Edwardian flavour. The revised designs retain the same footprint and height as originally proposed though the upstairs bulk is increased.
- 3.2 The two new plots would occupy a significant area of the existing garden of Warren Cottage to its south east side. Each dwelling will be served by a detached double garage and a further single garage is shown to serve the existing dwelling. The dwellings themselves would involve altering the levels of the site such that they would both be cut into the slope towards the rear of

the site (Plot 1 facing gardens of properties in Cliff End lane more so) with some increase in levels towards the centre of the site

- 3.3 Access for all three dwellings will be provided by an improved raised driveway on the line of the current access between the private lane and the property Greenbank. This will involve the use of 'no-dig' and permeable paving. The improvement of the access will involve works to the roadside bank, and the safeguarding of new visibility splays to the C92.
- 3.4 The application is accompanied by a number of reports relating to arboriculture, ecology and the drainage arrangements.
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4.0 HISTORY

- 4.1 RR/95/275/P Chalet bungalow and detached garage. GRANTED
- RR/2018/1639/P Erection of three detached houses together with garages WITHDRAWN
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5.0 POLICIES

- 5.1 The site lies within the Development Boundary for Pett Level in the adopted [Rother District Local Plan 2006](#):
- 5.2 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- OSS2: Development Boundaries
 - OSS4: General Development Considerations
 - RA2: General Strategy for the Countryside
 - RA3: Development in the Countryside
 - EN3: Design Quality
 - EN5: Biodiversity and Green Space
 - EN7: Development and Flood Risk
- 5.3 The following policies of the emerging [Development and Site Allocations Local Plan](#) (submitted for examination in January 2019) are relevant to the proposal:
- DHG11: Boundary Treatments
 - DHG12: Accesses and Drives
 - DEN1: Maintaining Landscape Character
 - DEN4: Biodiversity and Green Space
 - DEN5: Sustainable Drainage
 - DIM2: Development Boundaries
- 5.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
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6.0 CONSULTATIONS

6.1 Highway Authority – NO OBJECTION

6.1.1 Objection to the initial plans.

6.1.2 No objection to amended plans in respect of access, visibility or parking, subject to relevant conditions being imposed.

6.2 County Archaeologist – NO OBJECTION

6.2.1 Any risk of damage to archaeology can be mitigated by conditions.

6.3 East Sussex County Council – Lead Local Flood Authority – NO OBJECTION

6.3.1 No objection to the applicant using a combination of Sustainable Drainage Systems (SuDS) features including permeable paving and filter drains, to discharge surface water runoff into a number of soakaways. BGS data indicates that the underlying Wadhurst Clay Formation is likely to be sandstone at this site and may be free draining. The Drainage statement indicates that this has been undertaken, and infiltration rates and half empty times are considered satisfactory for infiltration. The LLFA notes that there is a major overland flow route through the development at the location of the proposed houses. Whilst the drainage strategy does allude to this, further information on how surface water flood risk, including exceedance flows and flowroutes are to be managed will be required to ensure that the proposed drainage system does not present an on-site/off-site flood risk. This information should also address how surface water will be managed during the construction of the site so as not to pose a flood risk to existing properties downslope of the site. Conditions on any permission will require further information to be submitted.

6.4. Natural England – NO OBJECTION

6.4.1 No objection subject to appropriate mitigation being secured having regard to the Dungeness, Romney Marsh and Rye Bay Special Protection Area and Ramsar site and the Hastings Cliffs to Pett Beach and the Dungeness, Romney Marsh and Rye Bay SSSI: such mitigation being related to evidence being submitted and considered in relation to any negative impacts of the proposed package treatment plants.

6.5 Planning Notice

6.5.1 The initial public consultation attracted in excess of 70 individual objections as well as a petition of objection. The objections raised are consistent in theme and re-affirmed in the petition. They may be summarised:

- Overdevelopment
- Access and highways – multiple road safety issues
- Impact on trees and woodland
- Wildlife issues – including adequacy of ecological reports
- Backland development
- Impact of more vehicles on side access to neighbouring property
- Ground instability and drainage issues

- Impact on neighbouring properties, including the proximity of the new dwellings to the site boundaries, overlooking, light pollution and disturbance
- Previous refusal in 2015
- Parish Council, County Archaeologist and Natural England are concerned
- Saxon Way footpath impacted including public views therefrom
- Site cleared in advance of the application being submitted
- Loss of garden
- Accuracy of the plans questioned
- Design approach
- Adequacy of access for HGVs
- Restrictive covenant on land
- Committee site visit requested

6.5.2 Revised plans of the houses, further supporting reports and the detailed access arrangements were re-advertised for public comment earlier this year. Objections from over twenty individual properties were received reiterating the original objections, objecting to the larger house designs, questioning the wildlife reports and the Highway Authority's acceptance of the access arrangements and proposed visibility splays.

6.5.3 Ramblers – If permission is granted then Footpath 27 should not be used for any construction traffic. Hedging should be re-instated adjoining and not fencing.

6.6 Parish Council

6.6.1 Pett Parish Council raised the following concerns on the first plans:

- 1) *The access is very narrow with no passing places and no obvious way to widen it. The increased use may be an issue when vehicles are entering or exiting the access road, creating congestion and a collision risk due to the poor visibility at the junction.*
- 2) *Similarly due to the narrowness of the access, construction vehicles will find it difficult to access the site. Please note that there is no available area on the main road for such vehicles to wait safely.*
- 3) *Also due to the narrowness of the access, there must be sufficient space for vehicles of any size including emergency services vehicles to be able to turn around on site rather than having to reverse.*
- 4) *The application makes no reference to sewage though cesspits are shown on the plan. Point 3 thus applies to sewage tankers.*
- 5) *The application fails to mention that a public footpath - Saxon Shore Way (also designated as part of the England Coastal Path) runs along one boundary and therefore the site is visible from the public footpath.*
- 6) *The design takes no account of headlight glare into the existing and proposed properties.*
- 7) *As the land had been cleared shortly before the application (which the council deplures), the ecological survey is necessarily incomplete. There are known to be various protected species in the area: including badgers, bats and slow worms. No permission should be granted without a complete survey having been carried out to cover the presence of any protected species.*

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 £55,823.73.
- 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 £13,368 over four years.
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8.0 APPRAISAL

8.1 Issues for Consideration

8.1.1 The main issues to consider are:

- Policies relating to the development boundary of Pett Level.
- The effect of the proposed development on the rural character of the locality including trees and design.
- Access and visibility.
- The impact on surrounding neighbours.
- Drainage including surface water run-off.
- Ecology.

8.2 Development Boundaries and Policy Position

8.2.1 The Rother District Local Plan 2006 includes this area, including the application site, within the Development Boundary of Pett Level. Although this currently remains the case, and was the position when this application was first submitted in June last year, the more recent 'Development and Site Allocations (DaSA) Local Plan proposed submission' was published in October 2018 with the proposal that in future Pett Level will no longer have a specific development boundary. An objection to the removal of the Development Boundary was made and the Examiner's Report on the DaSA as a whole is currently awaited.

8.2.2 While this emerging policy is acknowledged (notwithstanding that the application was submitted prior to October 2018), because the Council is not currently able to demonstrate a five year supply of deliverable housing sites, those policies relating to the supply of housing (including development boundaries) cannot be afforded full weight in planning decisions.

8.2.3 Specifically the Council's current housing land supply is currently only 3.9 years so the revised development boundaries (Policy DIM2) can in any case only be given *some* weight in determining this application. Paragraph 11(d) of the National Planning Policy Framework is therefore engaged. The site does not lie within a designated protected landscape (such as the High Weald AONB) covered under sub section 'i' and footnote 6 of paragraph 11(d) and in the circumstances, the National Planning Policy Framework requires that planning decisions should apply a presumption in favour of sustainable development which means granting planning permission, '*unless any adverse*

impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole’.

8.3 The effect of the proposed development on the rural character of the locality, including, in particular, trees and design

Character of the area

- 8.3.1 A principal issue in this case is the impact of the proposal for the two houses on the character of this part of Pett Level (Core Strategy Policies OSS4 (iii) and (v) apply, in particular). The hillside around Cliff End generally – extending southwards from Pett Level Road to the sea – is characterised by low density residential development. The dwellings in this wider area are detached. While the character of the area has remained unchanged for some time, there have been a few additions to development in recent years. These include two houses opposite the Chick Hill junction and, more recently, two new houses towards the sea frontage. Closer still to this current application site, there are three new dwellings at Pinetree Hill. An aerial view of the area shows a low density but not a single consistent pattern of development.
- 8.3.2 Although development further back from the road has not occurred in more recent times, this application stands to be dealt with on its merits. While the two new houses will be situated in a ‘back-land’ position this fact does not make them unacceptable as a matter of principle: neither does the fact that siting two houses here will be at a higher density than the immediate neighbours. Such issues were also addressed with the Pinehill application. However, the decision should also have regard to paragraph 122 (d) of the National Planning Policy Framework having regard to the desirability of maintaining an area’s prevailing character and setting including residential gardens, though this will always be a matter of dealing with each site on its own merits.
- 8.3.3 Given the low density of development in the area it retains a strongly verdant and wooded character, with the detached properties nestling in this landscape. Parts of existing dwellings are visible from longer views in the area. From the wider view the chimneys of Warren Cottage are visible at this time of year from the northwest on Footpath 5 (and other private land in this area east of Pett village). The roofs of the two new houses are likely to be viewed from this area, though remaining within the context of the significantly wooded hillside.
- 8.3.4 Unlike the recent Pinehill dwellings the main part of the application site where the new houses would sit is not currently visible from the nearby road, although there are closer public views from the footpath at the rear where there is currently only an untidy low fence and some hedging and trees. Comments have been made about clearance of the garden prior to the application being received but whatever was the case the site retains a verdant character and the main trees remain.
- 8.3.5 Whether the introduction of two further houses will detract from the character locally depends, first on how much change to the access road is needed, secondly, whether the groundworks involved are appreciable and thirdly how those (now protected) trees which are to be retained will continue to maintain the appearance of the local area. Undoubtedly users of the footpath will no

longer view an undeveloped garden but currently other established houses in the area can already be seen by people traversing the footpath.

Trees

8.3.6 The wooded nature of the area as a whole is a dominant characteristic to be protected. In this respect the issue of specific tree loss should be carefully addressed.

8.3.7 The significant trees along the eastern side of the site (within and without the application site) are now subject to a Tree Preservation Order confirmed in January. An updated arboricultural report was submitted by the applicant as a result of the prior interim protection order served last year. Thirty three individual trees and five groups of trees both on and off site were originally surveyed (identifying one Grade A, high quality tree). The proposal would result in the removal of six trees: a young oak at the site entrance; a significant willow within the site and on the line of the internal drive; a younger Douglas fir and a silver birch within the site and to the rear on the sites of the new houses. A willow and a thorn will also be lost. The report considers that these trees (which face Fir Tree Studio in Cliff End Lane) do provide an appreciable degree of amenity. Pruning of a beech would also be required. This initial report has now been supplemented by further information following a requirement to increase the width of the access road into the site and other requests from officers that the actual impact of the access on the adjoining trees be properly assessed in relation to the precise impacts on root protection areas.

8.3.8 The initial report (rightly) concedes that many of the activities which occur on construction sites are potentially damaging to trees. These include the location of site huts, parking arrangements, the storage of materials, the storage of rubbish, and the movement and operation of plant. The report accepts that it is important to understand the range of potentially damaging activities that might occur on a particular site, and ensure at an early stage that these possible conflicts are recognised and avoided. Therefore areas for these activities should be identified prior to the commencement of works and agreed with the Local Planning Authority. Any permission should therefore deal with these matters raised in the report by condition. Measures required to protect the trees during and after construction would need to include 'no-dig' measures, temporary ground protection and protective barriers. The most recent information submitted (see paragraph 8.3.7) clarifies matters relating to the construction of the access road.

Ground levels

8.3.9 Also, in terms of assessing any changes to the character of the area, the application involves some alterations to existing ground levels within the site principally working with the slope specifically to provide level areas for the new houses. The changes are localised within the site and will have no wider landscape impact. The nearest facing residents will however experience new outlooks at points around which are also weighed in the decision.

Access

8.3.10 There is already an existing access into the site from Pett Level Road. However the improved access will create a more formal approach into the site. In the context of other accesses along Pett Level Road the change proposed, while clearly an alteration to the streetscape, is not such as to be

unacceptable. The principal issue in considering this application has been the physical construction of the access road in terms of the width available to ensure the County Highway Authority's requirement for a 5m wide access to a point 10m back from the highway, particular as the construction (raising ground levels with a no-dig construction method) impacts on the trees to remain (addressed above at 8.3.7 and 8.3.8).

Design

8.3.11 The design of the two new properties has drawn comment from objectors. Warren Cottage, while not an especially old property, has some distinctive character having a chalet style under a thatched roof; a feature of several dwellings in this area. There is no requirement to mirror the existing design in an area where all properties have their own individual style. Nevertheless the designs proposed do take some reference from the established dwelling being themselves of a chalet style.

8.4 Highway safety - access and visibility

8.4.1 The application has been the subject of discussion with the highway authority following their initial objection on the basis of inadequate information. Revised plans have addressed initial concerns about parking space dimensions and the substandard access shown. The scheme requires the ability to safeguard visibility to the road. There has been some dispute on this matter but it is understood that the required visibility can be achieved within the adopted highway.

8.5 The impact on surrounding neighbours

8.5.1 Understandably concerns and objections have been raised as to how the introduction of the new dwellings will impact on surrounding residents; not least as houses will be located in a currently undeveloped back-land area.

8.5.2 This back-land siting alone is not a reason for objection and notably there are several other 'backland' situations in this area, including Warren Cottage itself. The issue to be addressed is whether any of the new relationships created are considered unreasonable; both the houses themselves and the new residential activity itself. Physically the houses themselves are to be positioned 'side-on' to Fir Tree Studio and Hornbeams in Cliff End Lane and face uphill towards The Thatch.

8.5.3 While undoubtedly the outlook of the nearest neighbours will change – viewing the new houses from their rear gardens especially – neither new house, nor the garage for Plot 1, is sited unreasonably close to the site boundaries and all existing properties are uphill of the site. Therefore, it is not considered there will be any harm to neighbouring amenities, including in respect of overlooking, outlook and loss of daylight/sunlight.

8.5.4 The closest relationship is that of the proposed new house on Plot 1 with Fir Tree Studio. At its closest the new house here, on a reduced ground level where the house is to be cut into the hillside, will be about 7m with the chalet roof pitched away from the boundary. Dormer windows were introduced on the amended plans, but those facing the side boundary on Plot 1 serve only an ensuite and a bathroom, and not living rooms or bedrooms; thus no direct overlooking should occur. The loss of two trees towards Fir Tree Studio

currently having an appreciable degree of amenity has previously been acknowledged. While this weighs in the decision it is not considered to be over-riding.

- 8.5.5 As to the new activity introduced, the extra houses and the smaller gardens will inevitably intensify activity in what is accepted as being a tranquil area, but in the context of development in this area this is not an over-riding consideration. Furthermore, the development is small (2 units) and it is not considered that a residential use of this scale will generate a significant degree of noise and disturbance to the detriment of others.
- 8.5.6 A further concern raised is the matter of increased use of the improved access track to serve now three dwellings rather than the one existing. This is a common issue with *new* backland development but in this situation access already exists and the additional traffic likely to be generated by three dwellings will not be such as to justify refusal on this reason alone.
- 8.5.7 Comments have been made about the initial house sizes being increased as a result of the amended plans. This has occurred, in so much as the latest roof plans show an increased bulk, though over the same footprint. However the designs are not unacceptable for being altered and will have only limited impact on adjoining residents.

8.6 Drainage

- 8.6.1 Reports now accompanying the application confirm the use of soakaways and permeable areas for the surface water drainage with treatment plant arrangements for the foul water.
- 8.6.2 Specifically the construction of adequate soakaways and permeable paving systems is to ensure that surface water run-off will be entirely managed within the site with no discharge to watercourses or sewers (see LLFA comments at para. 5.4.1 above).
- 8.6.3 If permission is to be granted it is especially important that conditions to secure final details of foul and surface water arrangements to control run-off and to prevent water pollution on any designated sites nearby be imposed.

8.7 Ecology

- 8.7.1 It is acknowledged that impact on habitats and protected species is a significant local concern and in this respect the application is accompanied by reports and surveys undertaken in respect of reptiles and amphibians including great crested newts, bats and badgers – which have also been updated to take into account concerns raised and amendments to the scheme.
- 8.7.2 These reports have been assessed. There are some issues identified but no over-riding objections to developing the site. Conditions are essential if permission is granted to ensure that necessary protection and other measures are undertaken during construction works.

8.8 Other issues raised

- 8.8.1 Points have been raised in relation to land ownership issues particularly with regard to the required visibility splays across land outside the applicant's ownership. It is suggested that such splays (and the need to clear vegetation) affect other private land. However Land Registry plans both for the application site and for The Thatch show both plots falling short of the actual highway with a considerable margin of verge outside these private ownerships. The Council is advised by the County Highway Authority that all visibility can be secured within the adopted highway. Any other encroachment on private land beyond the application site that may take place to develop the site is a private rather than a planning matter: the planning permission does not authorise activity beyond land in the applicant's control.
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9.0 **PLANNING BALANCE AND CONCLUSION**

- 9.1 This proposal, while for only two dwellings, has raised a number of issues. It has resulted in amended plans as well as additional consideration of the access to the site and has required further reports on a number of technical matters.
- 9.2 The site falls in an area at Pett Level likely to lose its specific development boundary through the DaSA, although the application was received before publication of the proposed development boundary change and no final decision has been made about the change. Nevertheless the development boundary issue is to be given only *some* weight in any decision in light of the Council's absence of a five year housing land supply.
- 9.3 The low housing supply figure is not over-riding but the National Planning Policy Framework requires that planning decisions should apply a presumption in favour of sustainable development which means granting planning permission, *'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole'*.
- 9.4 The potential adverse impacts are addressed above, in Section 8, in terms of the loss of trees, development of a more secluded garden area, the changes needed on the road frontage necessary to create an adequate access from a technical point of view and the direct effect on the immediate neighbours from the increased access and the buildings themselves. However it is concluded that these impacts are primarily localised and cannot be given such weight as to make the development of this particular site to be unacceptable. The area's prevailing character will be impacted in and around the site but overall the scheme is not especially out of place and the dominant character of detached dwellings in the wooded setting will be maintained.
- 9.5 Other possible adverse impacts of developing the site were identified early in the application process including those relating to the ecology and drainage in particular. These matters are addressed in further reports. Having assessed those reports and taken advice from the relevant local and statutory bodies it seems clear that any potential adverse impacts can be mitigated and such mitigation on these matters can be secured by conditions.
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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 drawings/details:
Drawing No. 4117 – 330 Site Location and Block Plans
Drawing No. 4117 – 331 Topographical Survey
Drawing No. 4117 – 332E Proposed Site Layout Plan
Drawing No. 4117 – 333C Proposed Visibility Splay
Drawing No. 4117 – 340B Plot 1 Proposed Plans, Section and Elevations
Drawing No. 4117 – 341B Plot 2 Proposed Plans, Section and Elevations
Drawing No. 4117 – 343C Indicative Existing Site sections
Drawing No. 4117 – 344E Indicative Proposed Site sections
Drawing No. 4117 – 345B Indicative Existing Access Drive sections
Drawing No. 4117 – 346D Indicative Proposed Access Drive sections
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

3. No development including initial ground works, further site clearance or any other earth moving shall take place or material or machinery brought onto the site shall take place until an arboricultural and site management method statement is produced giving details of how the trees are to be protected during the construction of the new buildings. This statement shall be prepared by a suitably qualified arboriculturalist, and where required input from an engineer, and in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.
The Method Statement should provide details of:
 - a) All protective fencing for the trees.
 - b) The location of site huts or other temporary buildings, parking arrangements, the storage of materials, the storage of rubbish, and the storage and movement and operation of plant.
 - c) Design of any 'no-dig' surfacing drawn up by an appropriately qualified engineer and the true size of the bases of the trees where the access is widened.
 - d) Any pruning work necessary to implement the development.
 - e) Supervision measures for the maintenance of tree protection measures for the duration of the works.
 - f) The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway.All approved measures shall be implemented on site before development commences and retained in situ for the duration of the development.
Reason: A pre-commencement condition is required to ensure that the protected trees subject to a Tree Preservation Order are not damaged or otherwise adversely affected by building operations and to ensure that the

proposed development does not prejudice the health and safety of the tree in accordance with Policy OSS4 (iii) EN1 and EN5 of the Rother Local Plan Core Strategy.

4. No development, including initial ground works, further site clearance or any other earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Protected Reptile Survey and Great Crested Newt Habitat Suitability Survey dated 5 October 2018. All protective fencing and warning signs will be maintained during the full construction period in accordance with the approved details.

Reason: To ensure appropriate development of the site having special regard to the protection of international, national and locally designated sites and the avoidance of harm to biodiversity and habitats, in accordance with Policy EN5 of the Rother Local Plan Core Strategy (2014) and Policy DEN4 of the Development and Site Allocations Local Plan (Proposed Submission October 2018).

5. No development which includes the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures which shall be put in place prior to any relevant works should include:

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: To ensure appropriate development of the site having special regard to the protection of international, national and locally designated sites and the avoidance of harm to biodiversity and habitats, in accordance with Policy EN5 of the Rother Local Plan Core Strategy (2014) and Policy DEN4 of the Development and Site Allocations Local Plan (Proposed Submission October 2018).

6. No development shall commence until a surface water drainage scheme for the site, based on the submitted Surface Water Drainage Statement (EPS Design October 2018) and including evidence in the form of hydrological calculations has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) hydraulic calculations taking into account the connectivity of the different surface water drainage features;
- b) information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely;
- c) a maintenance and management plan for the entire drainage system. The management plan should cover the following:
 - i) Clear details of who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - ii) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

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, SRM2 and EN7 of the Rother Local Plan

Core Strategy (2014), and Policies DEN5 and DRM1 of the Development and Site Allocations Local Plan (Proposed Submission October 2018).

7. The surface water drainage scheme for the site, based on sustainable drainage principles, shall be wholly implemented in accordance with the approved details at Condition 6 above, prior to occupation of any of the dwellings hereby permitted and thereafter the approved system shall be maintained and managed wholly in accordance with the approved maintenance and management plan (also approved under Condition 6 above).

Reason: The full implementation of the approved scheme and its long term management is to prevent the increased risk of flooding, to improve and protect water quality in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraph 165 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.
8. Prior to the commencement of development detailed measures to manage flood risk, both on and off site, during construction shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out 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, SRM2 and EN7 of the Rother Local Plan Core Strategy (2014), and Policies DEN5 and DRM1 of the Development and Site Allocations Local Plan (Proposed Submission October 2018).
9. No development shall commence until a scheme for the provision of foul drainage works has been submitted to and approved in writing by the Local Planning authority and neither dwelling shall be occupied until the drainage works to serve that dwelling 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.
10. No development shall commence 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 by the applicant and approved by the Local Planning Authority.

Reason: To ensure that the archaeological and historic interest of the site is safeguarded and recorded to comply with Policy EN2 (vi) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
11. Where the Bat Habitat Survey dated 10 October 2018 has identified the potential for roosting bats, no activities that could result in disturbance (including any felling or pruning work) shall be carried out either before detailed survey work is carried out (category 1 trees) or any work is carried out under ecological supervision (category 2 trees) and any work shall cease if any bats are found during such work to ensure that an offence is not committed.

Reason: To ensure appropriate development of the site avoids all harm to protected species biodiversity and habitats, in accordance with Policy EN5 of

the Rother Local Plan Core Strategy (2014) and Policy DEN4 of the Development and Site Allocations Local Plan (Proposed Submission October 2018).

12. No development above ground level of the site shall take place until the hard and soft landscaping details of the site have been submitted to and approved in writing by the Local Planning Authority. All landscaping shall be provided prior to occupation or otherwise to a timescale first agreed in writing by the Local Planning Authority.
Reason: To enhance the appearance of the development in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy (2014) and to provide on-site parking for the development in accordance with Policy TR4 of the Rother Local Plan Core Strategy (2014).
13. No development above ground level of the site shall take place until samples of the roof slates, bricks and render to be used in construction of the dwelling have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the development is in character with its surroundings and to maintain the visual amenities of the locality in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy (2014).
14. No part of the development shall be occupied until such time as the vehicular access serving the development has been reconstructed in accordance with the County Council specification as shown on their Drawing of 1 April 2019 unless otherwise agreed with the Local Planning Authority in consultation with the County Highway Authority. The driveway should be constructed to this standard for at least 5m into the site.
Reason: In the interests of road safety having regard to Policy DHG12 of the Development and Site Allocations Local Plan.
15. No part of the development shall be first occupied until visibility splays of 2.4m by 70m have been provided at the proposed site vehicular access onto C92 in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
Reason: In the interests of road safety having regard to Policy DHG12 of the Development and Site Allocations Local Plan.
16. Neither house shall be occupied until the car parking spaces and vehicle turning space for that house have been constructed within the site in accordance with the approved plans. These arrangements shall thereafter be retained at all times for this use.
Reason: In the interests of providing a satisfactory level of off street parking in accordance with Policy TR4 of the Rother Local Plan Core Strategy (2014).
17. Neither house shall be occupied until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 7 to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any order revoking or re-enacting this Order with or without modification), no extensions, alterations or additions or changes to the roof as defined within classes A, B or C of Part 1 of the Schedule 2 of the Order, shall be carried out to either dwelling otherwise than in accordance with a further planning permission granted by the Local Planning Authority.

Reason: The two dwellings hereby approved are considered acceptable for the site as designed but in view of the proximity of both protected trees and neighbouring property any further changes proposed should be specifically assessed as to their merits having regard to the constraints of the site in accordance with Policy OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy (2014).

19. At the time of construction and prior to the first occupation or use of the dwelling on Plot 1 hereby approved, the dormer windows at roof level, facing southwest towards Fir Tree Studio, as indicated on the approved drawings shall be glazed with obscure glass of obscurity level equivalent to scale 5 on the Pilkington Glass Scale and shall thereafter be retained in that condition.

Reason: To protect the residential amenity and privacy of adjoining residents in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

NOTES

1. If badgers inhabit excavations before development takes place then a Licence from Natural England would be required.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the 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.