

SITE PLAN

BEXHILL.

RR/2019/454/P

Olivers Printers, Eastwood Road.



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Not To Scale

Rother District Council

Report to - Planning Committee
Date - 20 June 2019
Report of the - Executive Director
Subject - Application RR/2019/454/P
Address - Olivers Printers, Eastwood Road
BEXHILL
Proposal - Variation of Conditions 2, 14, 15 and 17 imposed on RR/2018/2052/P to allow garden levels to be raised and retaining walls constructed around the gardens.

[View application/correspondence](#)

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

Head of Service: Tim Hickling

Applicant: Park Lane Group
Agent: Pump House Designs
Case Officer: Mr M. Worsley
(Email: matthew.worsley@rother.gov.uk)
Parish: BEXHILL
Ward Members: Councillors B.J. Drayson and L.M. Langlands

Reason for Committee consideration: Member referral: Cllr Langlands: concerns relating to overlooking, overdevelopment, parking and surface water drainage.

Statutory 13 week date: 24 May 2019
Extension of time agreed to: 29 June 2019

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 Permission is already in place to provide 14 dwellings on the site. The ground level that the dwellings have been constructed at has also been approved together with access, parking and drainage. Details of contaminated land were required to be agreed with the Council under Condition 3 of planning permission RR/2018/2052/P, which have now been approved. All of these issues cannot be considered as part of this current application.
- 1.2 The proposed variation of conditions is in order to raise the back gardens by around 0.6m and provide taller boundary treatments. It will have an acceptable impact on the character and appearance of the locality and the

living conditions of occupants of neighbouring properties. It will also not increase the risk of surface water flooding as advised by the Lead Local Flood Authority (LLFA).

- 1.3 The proposal complies with Core Strategy policies, together with the various provisions set out within the National Planning Policy Framework and therefore the application can be supported.

2.0 SITE

- 2.1 The application site is located within the town and development boundary of Bexhill behind residential properties fronting Eastwood Road, Little Common Road and Chandler Road. The site is of an irregular shape and measures around 0.27 hectares in area. There is an existing vehicular access between Nos. 14 and 16 Eastwood Road.
- 2.2 The site was last in employment creating use as a print works (Oliver's Printers) with two storey and single storey buildings filling the full width of the north half of the site, whilst the southern part consisted of hardstanding. Permission has been granted in recent years to redevelop the site with 14 dwellings (see section 4.0 of the report). Development has commenced.

3.0 PROPOSAL

- 3.1 Permission is sought to vary Condition 2 of planning permission RR/2018/2052/P in order for the level of the rear gardens serving the approved dwellings to be raised by around 0.6m. It is proposed to raise the garden levels so that less excavated material needs to be taken to landfill and is related to Condition 3 of the permission which deals with contaminated land. A discharge of condition application has been submitted to deal with the contaminated land although this will be discussed in more detail further on in the report.
- 3.2 Alterations to the boundary treatments are also detailed, which have been amended during the course of the application to increase their height.
- 3.3 A variation to Conditions 14, 15 and 17 is sought as the plans proposed to be replaced within this current application were referenced within the conditions.

4.0 HISTORY

- 4.1 RR/2019/139/P Erection of three dwellings (amendment to plots 12 and 13 to include an additional dwelling (Plot 14) and car parking space as a revision to planning permission no. RR/2018/2052/P) – Approved Conditional.
- 4.2 RR/2018/2052/P Demolition of existing building and erection of 13 dwellings comprising 11 x 2 bedroom houses and 2 x 3 bedroom houses together with parking and access – Approved Conditional.

- 4.3 RR/2017/864/P Outline: Proposed residential development for up to 13 dwellings – Approved Conditional.
- 4.4 RR/2016/280/ Outline: Proposed residential development for up to 20 dwellings of either flatted form or a combination of dwelling houses and flats – Withdrawn.
- 4.5 RR/2010/2523/p Replace extant permission RR/2007/2669/P – redevelopment of site with 4 bungalows and associated administration to provide accommodation and support for people with learning difficulties – Approved Conditional.
- 4.6 RR/2007/2669/P Redevelopment of site with 4 bungalows and associated administration to provide accommodation and support for people with learning difficulties – Approved Conditional.
- 4.7 RR/2006/2609/p Redevelopment of site to provide specialist residential accommodation for people in need of care – 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).
 - OSS4 (general development considerations).
 - SRM2 (water supply and wastewater management).
 - EN3 (design quality).
- 5.2 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
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6.0 CONSULTATIONS

6.1 Lead Local Flood Authority – **NO OBJECTION**

6.2 Planning Notice

- 6.2.1 Six objections received (summarised):
- Surface water runoff concerns.
 - Overlooking from proposed gardens.
 - Overdevelopment.
 - Congestion on roads would increase.
 - Schools and doctors are already full to capacity.
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7.0 APPRAISAL

- 7.1 The main issues to consider include the impact of the proposed alterations on the character and appearance of the locality, the living conditions of

occupants of neighbouring properties, surface water drainage and contaminated land.

7.2 Character and Appearance

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

7.2.2 Policy EN3 of the Core Strategy requires new development to be of high design quality by (i) contributing positively to the character of the site and surroundings, including taking opportunities to improve areas of poor visual character or with poor townscape qualities; and (ii) demonstrating robust design solutions tested against identified key design principles, tailored to a thorough and empathetic understanding of the particular site and context.

7.2.3 Raising the level of the rear gardens by 0.6m will have very little impact on the character of the area. The level of the dwellings and patio areas will remain as previously approved.

7.2.4 In respect of the boundary treatments, a mixture of walls, fences and retaining walls with fences on top are proposed. Trellis is also detailed on top of some of the walls and fences.

7.2.5 Existing walls along the southeast boundary will be retained and repointed, whilst two sections of existing boundary wall on the eastern side of the site will be reduced to 1.8m high. The north and west boundaries will consist of 0.6m high retaining walls with 1.5m high close boarded fences on top, whilst the south/southeast boundary will consist of 1.8m high close boarded fencing with 0.6m high trellis on top. The boundary between the side of plot 14 and the rear of 'The Drive' will be a 1.5m or 2.1m high wall with 0.3m high trellis on top.

7.2.6 In the case of the north and west boundary treatments, these will adjoin rear alleyways. Those on the east, southeast and southwest will adjoin surrounding back gardens to existing residential properties. The gardens serving the dwellings on the southern half of the site (plots 1-6) would be set in from the site boundaries but would still be enclosed by tall boundary treatments. The side boundaries between properties of all of the rear gardens would consist of 1.8m high close boarded fencing. Site frontages and the parking areas would be left open with no boundary treatments proposed.

7.2.7 Whilst some of the boundary treatments are tall, they would all be to the rear of properties and would not form dominant features in the streetscene or wider setting of the town. Walls and close boarded fences are typical features in back gardens in an urban location such as this and would not detract from the character or appearance of the locality.

7.3 Living Conditions

7.3.1 Policy OSS4 of the Core Strategy requires all development to (ii) not unreasonably harm the amenities of adjoining properties.

7.3.2 Raising the level of the rear gardens by 0.6m has the potential to increase overlooking towards neighbouring properties and their gardens. However, the

height and design of boundary treatments has been carefully designed so that occupants of the new dwellings would not have harmful direct views down into neighbouring rear gardens or properties. Whilst some of the boundaries would be up to 2.4m in height, this is not considered to be visually intrusive to the neighbouring properties. It must also be taken into consideration that the redevelopment of the site has involved the removal of tall utilitarian buildings that covered the northern half of the site which were far more visually intrusive to neighbouring properties than the development proposed.

7.3.3 Overall it is considered that harmful levels of direct overlooking would be avoided and the boundary treatments would not be visually intrusive on neighbouring properties.

7.4 Drainage

7.4.1 Policy SRM2 of the Core Strategy seeks to secure effective management of water resources.

7.4.2 The site is not located within a high risk flood zone. However, surface water flood risk is still an important consideration. The LLFA has advised that raising the rear gardens is unlikely to increase flood risk to neighbouring properties and have no objection to the proposal. They have commented that they are aware that the site and surrounding area are at risk of surface water flooding and that groundwater levels are high. However, the applicant has previously addressed their concerns regarding these issues with the development of the site.

7.4.3 On the basis of the specialist advice from the LLFA, it is considered that raising the rear gardens is unlikely to increase the risk of surface water flooding to neighbouring gardens.

7.5 Contaminated Land

7.5.1 It is proposed to raise the garden levels so that less excavated material needs to be taken to landfill. This matter has been dealt with under Condition 3 of the permission (RR/2018/2052/P) which deals with contaminated land. The details have been approved.

7.5.2 The Council's Environmental Health Service supported the discharge of Condition 3 application to deal with contaminated land and commented as follows:

7.5.3 *A Combined Geotechnical and Ground Contamination Risk Assessment has been considered for this application [the discharge of condition application]. This was undertaken by Ashdown Site Investigation Limited, Issue No 3. Dated 7 February 2019. Additionally, the results of testing for Asbestos containing materials, undertaken by a contractor, have been forwarded to Environmental Health for consideration. Five shallow soil samples were taken from across the site and tested for a range of contaminants of concern. Samples have shown slightly elevated levels of Lead and Dibenzo(a,h)anthracene. Additionally, when the floor slab of the previous building was lifted, it was found that there was some asbestos containing materials beneath it. It has been determined that this contamination is widespread beneath the slab but at very low levels (generally*

less than 0.1% per mass). Therefore, due to the presence of elevated Levels of Lead, PAHs and ACMs, the consultants have proposed a remediation scheme for this site to break any potentially significant Source Pathway Receptor Linkages. Briefly, this includes the following:

- Where the slab has been lifted and there will be rear gardens in the North of the site it is proposed that: A sufficient amount of soil will be removed so that on top of the remaining soils, 100mm of crushed stone can be placed, sandwiched between two layers of geo-textile, followed by 600mm of verified clean topsoil/subsoil.
- For the garden areas in the South, the remaining slab shall remain in place and drainage holes drilled within it. The remaining slab will be covered by a high visibility geotextile which will be topped with 600mm verified clean topsoil.
- In other areas such as the bin store areas, the retention of the floor slab covered with paving will break any source-pathway-receptor linkages.
- Where there is some communal soft landscaping, the consultants don't anticipate much gardening by residents. As such, they are recommending 100mm of crushed stone sandwiched between two layers of high visibility geotextile covered with 200mm or greater, verified clean cover soils, or above ground planters with a concrete base and adequate drainage, topped with a layer of high visibility geotextile and suitable depth of clean cover soil.
- Other parts of the site shall be covered in hard standing which will sever the contaminant pathways.
- The water services provider should be contacted about whether standard PE water pipes are acceptable for this site.
- A verification plan has also been produced by the Consultants which should be adhered to.

It can be confirmed that the site investigation and remediation plan are acceptable. A verification report is now required, which will be completed following remediation works. This report will provide evidence to show that the proposed remediation works have been completed. The report will confirm that the site is now safe for its intended use and that all significant contaminant linkages have been severed.

Recommendation

Partial discharge can be recommended: the site investigation is acceptable and site remediation is now required.

7.5.4 The Council's Environmental Health Service is satisfied with the way in which contaminated land will be dealt with and therefore no concerns are raised in this regard.

7.6 Other Issues

7.6.1 Some of the comments made by local residents are not relevant to this variation of condition application as the principle of redeveloping the site with dwellings has already been granted permission. Permission is in place for 14 dwellings and associated parking at the ground level that they have been constructed at, together with drainage, and these issues cannot be considered as part of this application.

8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 The proposed variation of conditions to allow rear gardens to be raised and provide taller boundary treatments will have an acceptable impact on the character and appearance of the locality and the living conditions of occupants of neighbouring properties. It will also not increase the risk of surface water flooding and contaminated land has been satisfactorily dealt with by condition. The proposal complies with Core Strategy policies, together with the various provisions set out within the National Planning Policy Framework and therefore the application can be supported.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

Repeated conditions:

1. The development shall not proceed other than in accordance with Conditions 1, 3 - 13 inclusive, 16, 18, 19 and 20 imposed on planning permission RR/2018/2052/P dated 31 October 2018 which remain in full force and effect. Reason: This permission is granted pursuant to planning permission RR/2018/2052/P. Under Section 73 of the Town and Country Planning Act 1990 the Council has considered the conditions subject to which those previous planning permissions were granted and confirms that the conditions and associated reasons remain pertinent and are re-imposed, apart from as varied by this permission.

Condition 2 imposed on RR/2018/2052/P is amended as follows:

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing No. 2998/VC/LBP dated February 2019
Drawing No. PLG/1512/18 dated October 2018
Drawing No. GEG/1002/3 revision A dated July 2018
Drawing No. GEG/1002/4 revision A dated July 2018
Drawing No. 06780-jmla-TP-00-DR-D-2201-S4-P02 dated July 2018
Drawing No. 06780-jmla-TP-00-DR-D-2202-S4-P02 dated 18/04/19
Drawing No. 06780-jmla-TP-00-DR-D-2207-S4-P02 dated 18/04/19
Drawing No. 06780-jmla-TP-00-DR-D-2208-S4-P02 dated 18/04/19
Drawing No. 06780-jmla-TP-00-DR-D-2240-S4-P05 dated 18/04/19
Drawing No. 06780-jmla-TP-00-DR-D-2241-S4-P02 dated 18/04/19
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.

Condition 14 imposed on RR/2018/2052/P is amended as follows:

14. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plan, Drawing No. PLG/1512/18 dated October 2018. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. Reason: To provide adequate car-parking space for the development in accordance with Policy TR4 (i) of the Rother Local Plan Core Strategy.

Condition 15 imposed on RR/2018/2052/P is amended as follows:

15. No part of the development shall be occupied until cycle parking spaces, in the form of sheds or cycle stores within each of the rear gardens of the dwellings hereby permitted, have been provided in accordance with the approved plan, Drawing No. PLG/1512/18 dated October 2018. The sheds or cycle stores shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

Condition 17 imposed on RR/2018/2052/P is amended as follows:

17. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with the approved plan, Drawing No. PLG/1512/18 dated October 2018. This space shall thereafter be retained at all times for this use and shall not be used for parking vehicles.

Reason: In the interests of road safety in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.

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