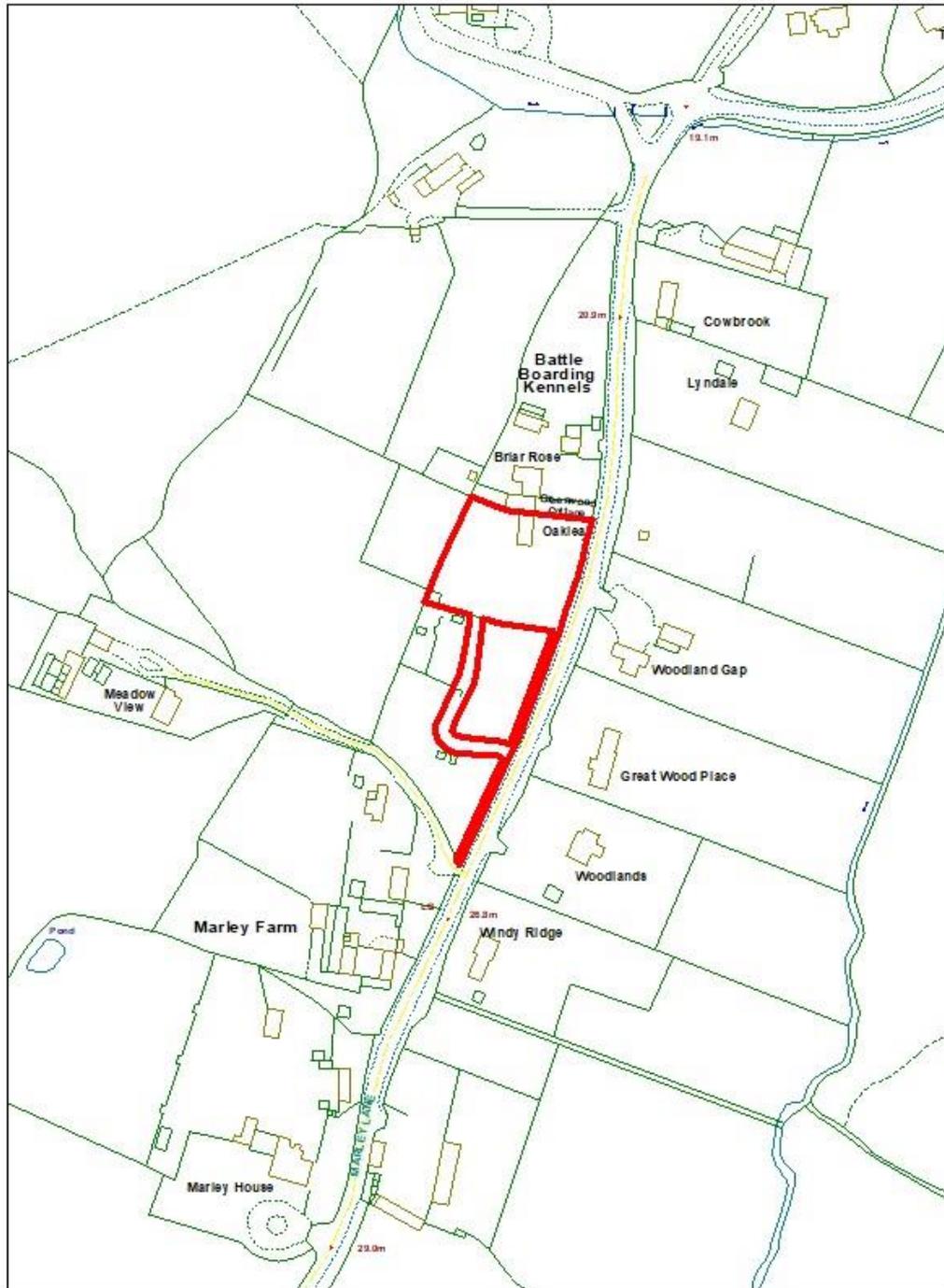


SITE PLAN

BATTLE

RR/2019/853/P

Oaklea - Land adjoining, Marley Lane.



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown

Not To Scale

Rother District Council

Report to - Planning Committee
Date - 18 July 2019
Report of the - Executive Director
Subject - Application RR/2019/853/P
Address - Oaklea – land adjoining,
Marley Lane,
BATTLE
Proposal - Formation of vehicular access and drive to serve Oaklea
[View application/correspondence](#)

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

Head of Service: Tim Hickling

Applicant: Mr A Webster
Agent: Mr C Polito
Case Officer: Mr M Worsley
(Email: matthew.worsley@rother.gov.uk)
Parish: BATTLE
Ward Member: Councillor K Dixon

Reason for Committee consideration: Head of Service – Strategy & Planning referral: The agent is related to a member of staff.

Statutory 8 week date: 3 June 2019
Extension of time agreed to: 31 July 2019

1.0 SUMMARY

- 1.1 The existing property is unoccupied and dilapidated. Permission has recently been granted for a replacement dwelling. The development now proposed is for the provision of an access and driveway to serve the replacement dwelling. The replacement dwelling scheme has no formal vehicular access or on-site parking facilities currently detailed. Occupiers would have to park on the opposite side of a relatively busy lane, which causes some highway and pedestrian safety risks.
- 1.2 The proposed access and driveway are proposed in a similar position to an historic informal agricultural access, which was also utilised by a previous occupier of the existing dwelling to park vehicles.
- 1.3 The proposed access, driveway and off road parking facilities proposed would bring benefits to highway safety and would mean that occupiers of the

dwelling would no longer need to park on the highway verge on the opposite side of the road. The access and driveway are also considered to have an acceptable impact on the character and appearance of the locality, including the landscape and scenic beauty of the AONB, and would not adversely impact on the living conditions of the occupants of neighbouring properties.

2.0 SITE

2.1 The application site lies to the west side of Marley Lane and consists of a dilapidated residential property and its garden, adjoining scrub land and a small paddock. The site is located within the countryside and is within the High Weald Area of Outstanding Natural Beauty (AONB).

3.0 PROPOSAL

3.1 Permission is sought for a vehicular access in a similar position to an existing informal agricultural access, which was also used by a former resident to park vehicles on. The proposal follows on from withdrawn application RR/2019/222/P, where the proposed driveway would have resulted in the unintentional loss of mature oak trees. The revised scheme would not involve the loss of any trees. The access is proposed 3m further north than the one proposed under RR/2019/222/P and the driveway would extend further back into the site in order to avoid trees having to be removed.

3.2 The new access would be provided on the scrubland and would be linked to the residential curtilage by a new driveway which would follow the path of the unmade agricultural driveway and the eastern boundary of the paddock. The access would be surfaced to Highway Authority standards and the driveway would be surfaced with road planings, which, close to any mature trees, would be of a 'no dig' design.

4.0 HISTORY

RR/2019/222/P Formation of vehicular access and drive to serve Oaklea – Withdrawn.

RR/2017/1285/P Demolition of existing dwelling and erection of a replacement dwelling – Approved Conditional.

RR/2016/250/P Demolition of existing dwelling and erection of a replacement dwelling – Approved Conditional.

5.0 POLICIES

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

- OSS4 (General development considerations).
- BA1 (Policy framework for Battle).
- RA2 (General strategy for the countryside).

- RA3 (Development in the countryside).
- CO6 (Community safety).
- EN1 (Landscape stewardship).
- EN3 (Design quality).
- EN5 (Biodiversity and green space).
- TR4 (Car parking).

5.2 The Development and Site Allocations Local Plan (DaSA) has recently been examined by an Inspector. A report on the soundness and legal compliance is awaited. Varying degrees of weight are now afforded to the policies contained within this emerging development plan document. The following policies are relevant:

- DEN1 (maintaining landscape character).
- DEN2 (AONB).
- DEN4 (biodiversity and green space).
- DHG12 (accesses and drives).

5.3 High Weald AONB – Management Plan 2019-2024, together with the National Planning Policy Framework and Planning Policy Guidance are material considerations.

6.0 CONSULTATIONS

6.1 Planning notice

6.1.1 No representation received.

6.2 Town/Parish Council - **NO OBJECTION**

7.0 APPRAISAL

7.1 The main issues to consider include the impact of the proposed development on the character and appearance of the locality, including the landscape and scenic beauty of the AONB, highway safety and the living conditions of occupants of nearby residential properties.

7.2 Character and appearance

7.2.1 Policy OSS4 (iii) requires all development to respect and not detract from the character and appearance of the locality. Policy EN1 (i) provides protection for the landscape and scenic beauty of the AONB. Policy EN3 requires all development to be of a high quality design.

7.2.2 This stretch of Marley Lane is rural in character with hedges and trees lining the verges. However, there are a number of accesses nearby serving residential properties. A similar scheme, to provide a new residential access across a field, has recently been approved at Marley House, which is a short distance south of the application site (RR/2018/1686/P). A new dwelling with vehicular access has also recently been granted at 'Marbat', a short distance north of the site (RR/2019/241/P).

- 7.2.3 The existing access is very informal in character and is effectively a field gate positioned within the hedge line. It is not surfaced and there is no dropped kerb. The access is also currently very overgrown. Formalising the access with a dropped kerb and hardsurfacing would have some impact on the rural character of the lane. However, it would be in close proximity to a number of other residential accesses and should therefore not be out of character with development nearby.
- 7.2.4 It is proposed to remove some of the roadside vegetation to improve visibility splays, including a small number of trees. However, the roadside vegetation is not of a high quality and appears mainly self-seeded. Oak trees and other vegetation would be retained within the site and a new indigenous hedge would be planted behind the visibility splays. These factors would help retain the rural character of the site and locality.
- 7.2.5 The existing agricultural driveway runs close to some mature oak trees. It is proposed to use a 'no dig' surface which in principle should help protect the health of the trees and thus maintain the landscape character of the area. Details of this could be secured by condition.
- 7.2.6 In respect of the section of driveway running along the eastern side of the paddock, it is acknowledged that this would have some impact on the rural character of the area. However, any impact would be very limited, with the driveway proposed to be positioned close to the boundary. The paddock is also very well screened by vegetation meaning that the driveway would not form a prominent feature in the landscape.
- 7.2.7 Overall the proposal would respect and not detract from the character and appearance of the locality and would not adversely affect the landscape and scenic beauty of the AONB.
- 7.3 Highway safety
- 7.3.1 Policy CO6 of the CS states that a safe physical environment will be facilitated by (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.
- 7.3.2 The existing site has no vehicular access or off road parking, save the informal agricultural access. Residents have to park on the highway verge on the opposite side of the road.
- 7.3.3 The Highway Authority advised the following on the previously withdrawn application (RR/2019/222/P):
'...Marley Lane is a classified road [C94] subject to a 60mph speed limit. Design Manual for Roads and Bridges recommends that accesses on roads subject to a 60mph limit require visibility splays measuring 2.4m by 215m. The visibility either side of the proposed access currently falls significantly below this distance; however, the submitted plan indicates that the hedgerow and associated vegetation within the roadside verge will be cut back and removed either side of the access to increase the visibility splays to 2.4m x 97m in each direction. The 2.4m x 97m visibility splays proposed would remain far below the distance generally required for a 60mph road; however, the results of a speed survey undertaken for a nearby development indicate that the 85th

percentile wet weather speeds are approximately 39mph for vehicles travelling both north and southbound. Guidance provided by DMRB indicates that the visibility splay requirement based on the recorded speeds is 2.4m x 97m and therefore the achievable splays are appropriate in this instance. Having reviewed the speed survey report it is noted that the survey was carried out at a distance approximately 130m to the north of the proposed access point. The vehicle speeds were therefore recorded on a stretch of road closer to the sharp bend and therefore the results may be slightly lower than if the survey was carried out close to the site access. This is less than ideal; however, it is acknowledged that vehicle speeds on this stretch of road are unlikely to increase significantly on approach to the access. The visibility splays are therefore considered to be acceptable in this instance for an access serving an existing dwelling, especially when considering that there would be some highway safety benefit in enabling vehicles to park on-site rather than on the highway verge as existing. It should be noted however that any further intensification in use of the access is likely to be resisted unless a new speed survey carried out in close proximity to the access confirms that 85th percentile vehicle speeds remain below 39mph. The proposed access has a 3m width at a point 6m back from the edge of the highway, this is sufficient to allow a single vehicle to access the property. The access layout is therefore considered to be acceptable...'

- 7.3.4 Whilst the revised access would be provided 3m north of the one previously proposed, visibility splays measuring 2.4m x 97m are still proposed and therefore in highway safety terms the two schemes are very similar. On the basis of the Highway Authority's previous advice, the revised proposal would bring benefits to highway safety, allowing residents to park and turn on site as opposed to parking on the busy and hazardous lane, which they currently have to cross over to gain access to parking facilities.

7.4 Living conditions

- 7.4.1 Policy OSS4 (ii) requires all development to not unreasonably harm the amenities of adjoining properties.
- 7.4.2 The properties most likely to be affected by the proposed development are those on the opposite side of the road including 'Great Wood Place' and 'Woodland Gap'.
- 7.4.3 The proposed driveway and parking area would be more than 50m from the neighbouring properties on the opposite side of the road. Whilst the parking area would be provided on higher ground, the separation and intervening vegetation and road are considered sufficient to avoid unacceptable levels of overlooking from occurring. Occupants of the property opposite may see headlights at night. However, this would not be for any prolonged periods of time and would be more than 40m away, meaning lights should not be intrusive.

8.0 PLANNING BALANCE & CONCLUSION

- 8.1 The proposed development would bring benefits to highway safety and would mean that occupiers of the dwelling would no longer need to park on the highway verge on the opposite side of the road. The access and

driveway are also considered to have an acceptable impact on the character and appearance of the locality, including the landscape and scenic beauty of the AONB, and would not adversely impact on the living conditions of the occupants of neighbouring properties. The proposal complies with the Rother Local Plan Core Strategy and DaSA policies, together with the various provisions contained within the National Planning Policy Framework and therefore the application can be supported.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing no. 5002/19/LBP; and
Drawing no. 5002/19/1 dated March 2019.
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 in respect of the 'no dig' section of driveway hereby permitted, as shown on drawing no. 5002/19/1 dated March 2019, shall commence until details of the construction methods to be utilised in the construction of the 'no dig' surface have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
Reason: To protect the condition of the nearby mature oak trees and thus maintain the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty in accordance with policies OSS4 (iii), RA3 (v), EN1 (i) and EN3 of the Rother Local Plan Core Strategy.
4. No development in respect of the 'no dig' section of driveway hereby permitted, as shown on drawing no. 5002/19/1 dated March 2019, shall commence until 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, have been submitted to and approved by the Local Planning Authority and such approved protection measures shall be retained in situ for the duration of construction works.
Reason: To ensure the protection of trees and hedgerows during construction and thus protect the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii), RA3 (v), EN1 (i) and EN3 of the Rother Local Plan Core Strategy.
5. The new access shall be in the position shown on the approved plan, drawing no. 5002/19/1 dated March 2019, and laid out and constructed in accordance with the attached HT407 form/diagram.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policy CO6 (ii) of the Rother Local Plan Core Strategy.

6. Prior to the first use of the development hereby permitted, the driveway, parking area and turning area hereby permitted shall be surfaced with MOT Type 1 base with road planings only, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the locality and the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty in accordance with policies OSS4 (iii), RA3 (v) and EN1 (i) of the Rother Local Plan Core Strategy.

7. The access shall not be used until visibility splays measuring 2.4m by 97m are provided in both directions, in accordance with the approved plan, drawing no. 5002/19/1 dated March 2019, and shall thereafter be maintained and kept clear of all vegetation exceeding 600mm in height.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policy CO6 (ii) of the Rother Local Plan Core Strategy.

8. The access, driveway and parking area hereby permitted shall not be brought into use until planting details for the indigenous hedge to be provided behind the visibility splays have been submitted to and approved by the Local Planning Authority, which shall include:

- a) planting plans;
- b) written specifications (including cultivation and other operations associated with plant establishment);
- c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- d) implementation programme

Reason: To protect the character and appearance of the locality and to maintain the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii), RA3 (v), EN1 (i) and EN3 of the Rother Local Plan Core Strategy.

9. The access and driveway hereby permitted shall not be brought into use until parking and turning facilities have been provided in accordance with the approved plan, drawing no. 5002/19/1 dated March 2019. The parking and turning spaces shall thereafter be retained for these purposes only.

Reason: To provide adequate levels of on-site parking and turning and to protect highway safety in accordance with policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.

10. If within a period of five years from the date of the planting of any hedge that hedge, or any hedge planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another hedge of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect the character and appearance of the locality and to maintain the landscape and scenic beauty of the High Weald Area of

Outstanding Natural Beauty in accordance with Policies OSS4 (iii), RA3 (v), EN1 (i) and EN3 of the Rother Local Plan Core Strategy.

NOTES:

1. The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.
2. 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.
3. 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. Further advice on the requirements of these Acts is available from Natural England, Sussex and Surrey Team, Phoenix House, 33 North Street, Lewes, East Sussex BN7 2PH.
4. The applicant's attention is drawn to the need for a S184 licence for the construction of the access. Please call East Sussex Highways on 0345 60 80 193 for further information.

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.