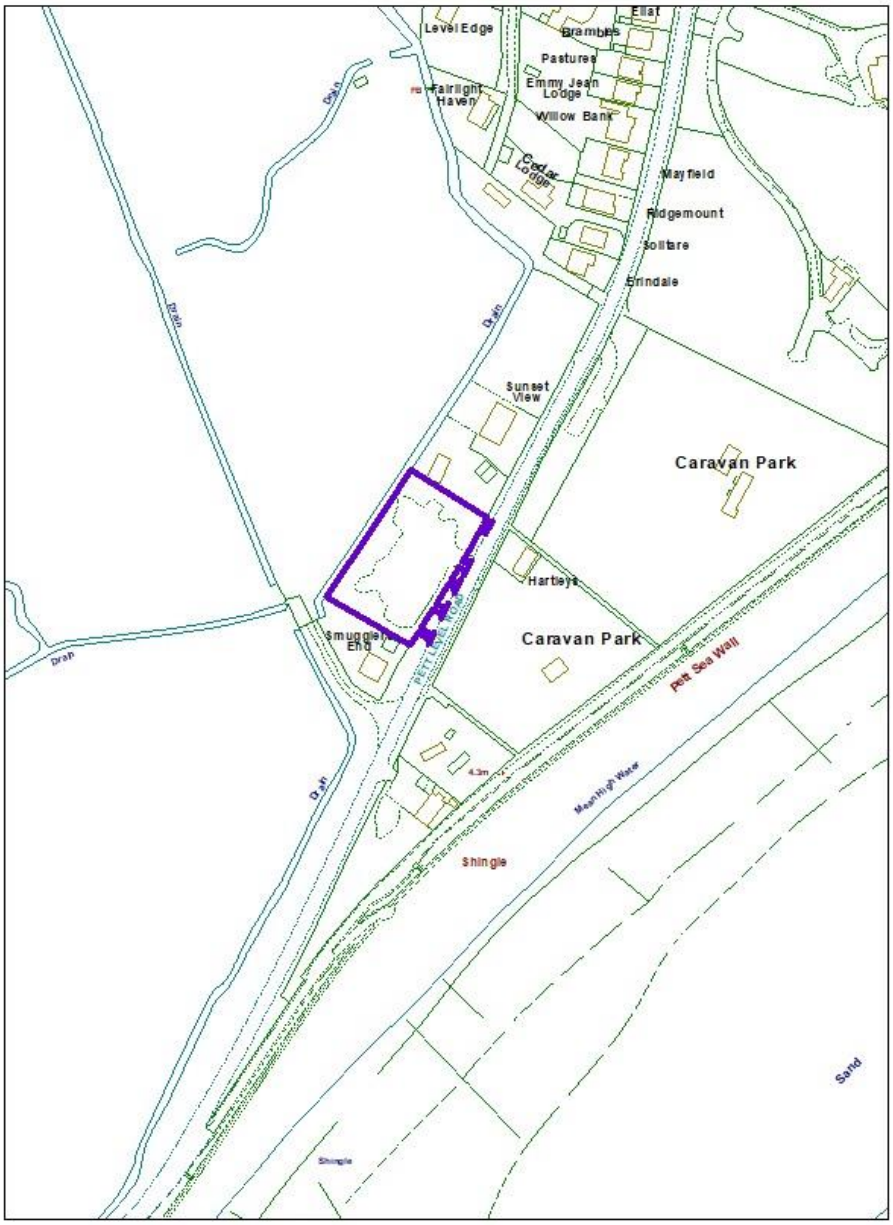
SITE PLAN	ICKLESHAM
RR/2018/2735/P	Sunset View - Land adjacent to, Pett Level Road



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Not To Scale

Rother District Council

Report to	-	Planning Committee
Date	-	15 August 2019
Report of the	-	Executive Director
Subject	-	Application RR/2018/2735/P
Address	-	Sunset View – Land adjacent to Pett Level Road Winchelsea Beach ICKLESHAM
Proposal	-	Erection of five detached dwellings

View application/correspondence

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

Head of Service: Tim Hickling

Applicant: **DHSB Management Ltd**
Agent: **CLM Planning**
Case Officer: **Mr E Corke**
(Email: edwin.corke@rother.gov.uk)
Parish: **ICKLESHAM**
Ward Members: **Councillors Mrs S Hart and P Osborne**

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

Statutory 8 week date: 18 December 2018
Extension of time agreed to: 23 August 2019

This application is included in the Committee site inspection list.

1.0 SUMMMARY

1.1 The proposal is for the erection of five dwellings in a semi-rural area at the southern end of Winchelsea Beach village. The site is located within the development boundary for Winchelsea Beach, as defined in the Rother District Local Plan 2006. However, the spatial strategy for Winchelsea Beach, as set out in the emerging Development and Site Allocations (DaSA) Local Plan, is that the village will not have any housing allocations and will no longer have a development boundary.

1.2 The application is recommended for a refusal on flood risk grounds and because it would conflict with the Framework (National Planning Policy

Framework) and development plan in terms of the spatial strategy for Winchelsea Beach, the degree of accessibility to employment, essential services and facilities, and the failure to support the transition to a low carbon future. It would also materially harm the semi-rural character and appearance of the area.

1.3 **PROPOSAL DETAILS**

PROVISION	
No of houses	5
Community Infrastructure Levy (CIL) (approx.)	£137,162.45
New Homes Bonus (NHB) (approx.)	£33,420

2.0 SITE

2.1 The application site is a rectangular parcel of land located between two residential properties (Sunset View and Smugglers End) on the north-west side of Pett Level Road (C92), at the southern end of Winchelsea Beach village. It has a 66m long frontage to Pett Level Road and a depth which varies between 39m and 42m. The site contains a number of single-storey buildings, is extensively hard surfaced and is used mainly for the storage of caravans. There is an existing vehicular access from Pett Level Road and a tall cypress hedge on the road frontage.

2.2 The rear north-west boundary of the site is a historic field boundary. Immediately beyond this, abutting the site, is low lying open farmland, which is within the High Weald Area of Outstanding Natural Beauty (AONB), the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), the Dungeness, Romney Marsh and Rye Bay Ramsar site and the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI). The SPA, Ramsar site and SSSI are designated sites of importance for biodiversity. Opposite the site, on the other side of Pett Level Road, is Smugglers End Caravan Park.

2.3 The site is located within the development boundary for Winchelsea Beach, as defined in the Rother District Local Plan 2006. Although this currently remains the case, the emerging (DaSA) Local Plan proposes that in future Winchelsea Beach will no longer have a development boundary. The site is also within Flood Zone 3, which is defined as having a high probability of flooding from the sea in the Planning Practice Guidance (PPG).

3.0 PROPOSAL

3.1 The proposal is for the erection of five detached two-storey dwellings across the site with associated vehicular accesses, car parking, foul and surface water drainage arrangements and landscaping.

3.2 The architectural style of the dwellings is contemporary in its approach. They each incorporate a flat roof and external materials are described as brick (red and brown), white render (smooth and rough) and vertical, horizontal

and terracotta cladding. Plots 1 to 3 are two bedroom houses while Plots 4 and 5 are three bedroom houses. The ground floor of each dwelling is given over largely to garage parking, workshop space and garden storage (to satisfy flood zone requirements). The bedroom and living accommodation is shown to be contained on the first floor. Each dwelling has a rear terrace at first floor level.

3.3 The application is accompanied by a number of reports relating to flood risk, ecology and drainage arrangements.

3.4 Amended plans/additional information have been submitted in response to the initial concerns raised by various statutory consultees. The application has therefore been re-publicised.

4.0 HISTORY

4.1 A/50/347 – Application for permission in principle to the erection of a dwellinghouse – Refused.

4.2 A/54/171 – Outline: erection of bungalow – Refused.

4.3 A/57/117 – Outline: permission to erect three bungalows – Refused.

4.4 A/57/450 – Outline: To erect a dwellinghouse or bungalow – Refused.

4.5 A/60/323 – Outline application: 14 bathing huts on temporary licence agreement for use during 8 months in each year with winter storage area and car parking – Refused.

4.6 A/60/704 – Outline: dwelling – Refused.

4.7 A/61/1082 – 2 greenhouses and storage shed – Granted.

4.8 A/62/663 – Outline: erection of fifty cat houses – Granted.

4.9 A/62/1051 – Cat houses – Withdrawn.

4.10 A/64/313 – Reception office for cattery – Granted.

4.11 A/64/498 – Caravan – Refused.

4.12 A/65/656 – Site for 4 - 6 caravans – Refused.

4.13 A/67/886 – Caravan – Refused.

4.14 A/67/966 – Outline: two houses – Refused.

4.15 RR/74/0562 – Erection of four dwellings – Refused.

4.16 RR/75/1860 – Temporary parking and storage of up to 6 caravans – Refused.

4.17 RR/77/0933 – Use of land for temporary parking of not more than 6 caravans – Refused.

5.0 POLICIES

5.1 The following 'saved' policy of the adopted Rother District Local Plan 2006 is relevant to the proposal:

- DS3 (Proposals within Development Boundaries).

5.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:

- PC1 (Presumption in Favour of Sustainable Development).
- OSS2 (Use of Development Boundaries).
- OSS3 (Location of Development).
- OSS4 (General Development Considerations).
- RA1 (Villages).
- SRM1 (Towards a Low Carbon Future).
- SRM2 (Water Supply and Wastewater Management).
- CO6 (Community Safety).
- EN1 (Landscape Stewardship).
- EN3 (Design Quality).
- EN5 (Biodiversity and Green Space).
- EN7 (Flood Risk and Development).
- TR3 (Access and New Development).
- TR4 (Car Parking).

5.3 The following policies of the emerging Development and Site Allocations Local Plan (currently under examination with current consultation on main modifications ending on 10 September 2019) are relevant to the proposal:

- DHG3 (Residential Internal Space Standards).
- DHG7 (External Residential Areas).
- DHG11 (Boundary Treatments).
- DHG12 (Accesses and Drives).
- DEN1 (Maintaining Landscape Character).
- DEN2 (The High Weald Area of Outstanding Natural Beauty).
- DEN4 (Biodiversity and Green Space).
- DEN5 (Sustainable Drainage).
- DEN7 (Environmental Pollution).
- DIM2 (Development Boundaries).

5.4 The National Planning Policy Framework, PPG, High Weald AONB Management Plan 2019-2024, and DaSA Local Plan – Options and Preferred Options submission 2016, are also material considerations.

6.0 CONSULTATIONS

6.1 Highway Authority – **NO OBJECTION**

6.1.1 Initially objected due to inadequate on-site parking and turning provision.

6.1.2 No objection to the amended plans/additional information subject to the imposition of conditions in respect of access, car parking and turning space, bicycle parking spaces and a Construction Management Plan.

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

6.2.1 Initially objected as it was unclear from the supporting information how surface water run-off from the development will be managed.

6.2.2 No objection to the amended plans/additional information subject to the imposition of conditions to manage surface water run-off from the development.

6.3 Environment Agency – **NO OBJECTION**

6.3.1 Initially objected because the proposal failed to meet the requirements of the second part of the flood risk Exception Test (i.e. it is demonstrated that the development will be safe for its lifetime).

6.3.2 No objection to the amended plans/additional information provided the Council is satisfied that the development is sequentially acceptable and subject to the imposition of a condition in respect of the minimum finished floor level for all living/sleeping accommodation. An Environmental permit may be required for the package treatment plant.

6.4 Romney Marshes Drainage Board – **NO OBJECTION**

6.4.1 Consent is required to discharge surface water run-off and treated effluent into the adjacent watercourse.

6.5 Natural England – **NO OBJECTION**

6.5.1 No objection subject to appropriate mitigation being secured having regard to the SPA, the Ramsar site and the SSSI – such mitigation being the implementation and management of an appropriate Sustainable Drainage System and the implementation of other mitigation measures for construction and operational phase impacts.

6.5.2 A Habitat Regulations Assessment has been completed.

6.6 Planning Notice

6.6.1 The initial public consultation attracted one letter of **SUPPORT** stating that the proposal can only be an improvement to Winchelsea Beach and that there is clearly a need for some new quality housing in this area.

6.6.2 The initial public consultation attracted two **OBJECTIONS** from two properties raising the following concerns (summarised):

- Overdevelopment.
- Will compound existing electricity supply problem in Winchelsea Beach.
- Will compound existing foul and surface water drainage problems in Winchelsea Beach.
- Will increase traffic on a congested road.
- Detrimental to highway safety.

- Detrimental to wildlife.
- Detrimental to the Site of Special Scientific Interest.
- Light pollution.
- Question whether there is a need for more houses in Winchelsea Beach.
- Are they to be holiday homes or for local families?
- The site is not readily accessible to employment, services and facilities.
- Winchelsea Beach, Fairlight and Pett level should not have development boundaries.

6.6.3 No comments have been received in relation to the amended plans/additional information.

6.7 Icklesham Parish Council – **OBJECTION**

6.7.1 The Parish Council initially raised the following concerns:

"*Unable to recommend approval due to insufficient information provided on drainage and concerns on surface water run off."*

6.7.2 The Parish Council has commented as follows in relation to the amended plans/additional information:

"Refuse. Object to all non-essential further development on the flood plain."

7.0 LOCAL FINANCE CONSIDERATIONS

7.1 The proposal is for a type of development that is CIL liable. The total amount of CIL money to be received is subject to change, but the development could generate approximately £137,162.45

7.2 The proposal is one that would provide NHB (subject to review by the Government). If NHB were paid it could, assuming a Band D property, be approximately £33,420 over four years.

8.0 APPRAISAL

8.1 Issues for Consideration

8.1.1 The main issues to consider are:

- Policies relating to the development boundary for Winchelsea Beach.
- Whether the site is a suitable location for new dwellings, with reference to access to employment, services and facilities.
- The effect of the proposed development on the character and appearance of the area.
- The effect of the proposed development on the living conditions of neighbours.
- Highway safety and parking provision.
- Flood risk.
- Drainage, including surface water run-off.
- The effect of the proposed development on biodiversity.

8.2 Development boundaries and policy position

8.2.1 The site is located within the development boundary for Winchelsea Beach, as defined in the Rother District Local Plan 2006. Although this currently remains the case, the emerging DaSA Local Plan proposes that in future Winchelsea Beach will no longer have a development boundary. No objections to the removal of the development boundary were made and the Examiner has not proposed any modifications. It is therefore at an advanced stage of preparation, which means that greater weight may be given to it in determining applications.

8.2.2 While this emerging Plan is acknowledged, 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. 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 proposal 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.

8.2.3 The site lies within an area at risk of flooding and abuts designated land (High Weald AONB) & designated sites (SPA, Ramsar site and SSSI), as covered under sub-section (i) and footnote 6 of paragraph 11(d).

8.3 Suitable location

8.3.1 The National Planning Policy Framework promotes sustainable development in rural areas, indicating that housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

8.3.2 Policy OSS3 of the Rother Local Plan Core Strategy addresses the location of development and states that planning applications should be considered in the context of the spatial strategy for the area. The spatial strategy for Winchelsea Beach is set out in the emerging DaSA Local Plan: it is not a village that will have any housing allocations and will no longer have a development boundary. The reasons for this are set out in the DaSA Local Plan – Options and Preferred Options submission 2016. At paragraph 16.37 it says:

"*Given the considerable environmental constraints, particularly flood risk, Winchelsea Beach is not considered an appropriate or sustainable location to retain a development boundary. In accordance with the provisions of the national 'exception test' for flood risk, it is considered that there are other locations within the District where it is more appropriate to promote more intensive development and no overriding sustainability benefits to the community in doing so in Winchelsea Beach."*

8.3.3 For the above reasons the proposal would be at odds with, and harmfully undermine, the spatial strategy for Winchelsea Beach, in conflict with policy OSS3 (i) of the Rother Local Plan Core Strategy.

8.3.4 In addition to the above, 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 (v) the low carbon and renewable energy potentials of the site; and (x) the need for access to employment opportunities. Policy TR3, amongst other things, requires that new development minimises the need to travel and supports good access to employment, services and community facilities.

8.3.5 The application site is located within walking distance of local services and facilities in Winchelsea Beach. However, these are limited (e.g. post office, convenience shop, pub, sports pitch, play area) and there is no primary school. Moreover, the village is neither identified as being a Rural Service Centre nor indeed, a Local Service Village in the Rother Local Plan Core Strategy. The nearest town is Rye, which is some distance away, and so it is likely that future occupiers of the proposed dwellings would be reliant on the private car for access to employment and most services and facilities. This is the least sustainable mode of transport. There is a bus stop located approximately 100m to the north-east of the site, serving Rye and Hastings. However, services are hourly Monday to Saturday with a reduced service on Sunday and no services at night. It is therefore considered that in most instances occupiers of the dwellings would be likely to use the private car over the bus.

8.3.6 In view of the above, the proposed development would not be in an appropriate location having regard to the accessibility of the site to employment, services and facilities, and would not support the transition to a low carbon future, in conflict with policies OSS3 ((v) and (x)) and TR3 of the Rother Local Plan Core Strategy and the social and environmental objectives of sustainable development, as set out in the National Planning Policy Framework.

8.4 <u>Character and appearance of the area</u>

8.4.1 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.

8.4.2 Policy OSS4 (iii) seeks to ensure that development proposals respect and do not detract from the character and appearance of the locality.

8.4.3 Policy RA1 states the needs of rural villages will be addressed by (i):

"Protection of the locally distinctive character of villages, historic buildings and settings, with the design of any new development being expected to include appropriate high quality response to local context and landscape."

8.4.4 Policy EN1 of the Rother Local Plan Core Strategy and emerging policy DEN1 of the DaSA seek to ensure 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.

8.4.5 Paragraph 122 of the National Planning Policy Framework states that planning decisions should support development that makes effective use of land, taking into account, amongst other things, *"…the desirability of maintaining an area's prevailing character and setting..."*

8.4.6 Additionally, paragraphs 124 & 127 of the National Planning Policy Framework and policy EN3 of the Rother Local Plan Core Strategy require development to be of good design quality, contributing positively to the character of the site and its surroundings.

8.4.7 The site lies at the southern end of Winchelsea Beach village in an area of loose-knit development with several chalet-style dwellings on the north-west side of the road and low profile caravans on the other side. There are mature hedges on both sides of the road, which in combination with the low profile and loose-knit development, means that this section of the village is semi-rural in character and appearance. The neighbouring chalet-style dwellings on either side of the site, in terms of their height and size, are discrete and nestle into the existing landscape.

8.4.8 The character and appearance of the village changes further to the north of the site with a continuous frontage of built development on the north-west side of the road. The dwellings here are generally brick and tile bungalows and chalet bungalows.

8.4.9 The proposed development would result in the removal of a tall hedge on the road frontage and trees to the south-west boundary. Further to this, the proposal would introduce five two-storey dwellings of significant height and bulk onto the site with limited separation between the houses and with individual vehicular accesses onto Pett Level Road. This combination of factors would result in a denser frontage of built development along this section of Pett Level Road, which would be prominent in the street scene and highly visible from the nearby sea wall to the south-east.

8.4.10 Furthermore, while the Local Planning Authority has been generally supportive of contemporary or different design approaches for new buildings, the proposed two-storey dwellings are of considerable size and with their flat rooves would appear overtly box-like. The buildings would appear particularly cumbersome and their size and bulk, together with their prominent and exposed siting, would make them dominant features in the surrounding area and out of character in the street scene. Overall it is considered that the proposed development would have a harmful urbanising effect on the semi-rural character and appearance of the area, in conflict with the above policies. The proposed landscaping between the new vehicular accesses along the road frontage would not provide adequate mitigation against the urbanising effect of the development or the loss of the existing verdant character.

8.4.11 The Planning Statement submitted with the application says that the proposed dwellings would have a similar overall height to the neighbouring properties on either side, and as such would not appear out of scale with the neighbouring buildings. However, this is not considered to be the case. The proposed dwellings would appear out of scale with the neighbouring buildings as a result of their box-like design, which would present a greater

bulk at first floor level than the pitched roofs of the neighbouring chalet-style dwellings.

8.4.12 The site is not within a conservation area or the designated AONB. While the AONB boundary is close to the boundary of the site, the development would not materially affect the setting of the AONB. In this respect, additional landscaping is proposed to the rear north-west boundary of the site, thereby presenting a visually soft edge to the development from the low lying open farmland beyond.

8.5 Living conditions of neighbours

8.5.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy seeks to ensure that development does not unreasonably harm the amenities of adjoining properties.

8.5.2 The proposed dwelling on Plot 1 would be close to the side boundary with the neighbouring property to the south-west, Smugglers End, and is likely to result in the loss of trees along this boundary. While undoubtedly the outlook from this property would change – viewing the new house instead of trees from the rear garden – the dwelling would be orientated to the north-east of the neighbouring garden, outside of the sun's path. It would also be well separated from the neighbouring chalet bungalow itself and the garden space immediately to the rear. As such, it is not considered there would be unreasonable harm in respect of outlook and loss of daylight/sunlight. There is potential for overlooking of the neighbouring rear garden from the rear terrace of the new house, but this could be avoided through the use of a privacy screen, secured by condition.

8.5.3 The proposed dwelling on Plot 5 would be well separated from the neighbouring property to the north-east, Sunset View. Therefore, it is not considered there would be any harm to neighbouring amenity in respect of overlooking, outlook and loss of daylight/sunlight.

8.5.4 The neighbours have not objected to the application.

8.5.5 For the above reasons the proposed development would have an acceptable impact on the living conditions of people living close to the site.

8.6 Highway safety & parking provision

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

8.6.2 Policy TR4 (i) 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 With regard to highway safety, concerns have been raised by local residents about the impact of additional traffic on Pett Level Road and the provision of new vehicular accesses at a point in the road where the speed limit changes

and drivers speed up around this point. However, the Highway Authority has been consulted on the application and has raised no objection subject to the imposition of specified planning conditions.

8.6.4 In terms of car parking, each unit is shown to have a total of three spaces (a ground floor garage and two external parking spaces immediately in front). Space would also be available in the garages for secure bicycle storage. This would satisfy the Highway Authority's on-site parking requirement for this type of development.

8.6.5 For the above reasons there is no objection to the proposal on highway grounds.

8.7 Flood risk

8.7.1 Paragraph 155 of the National Planning Policy Framework states:
"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."

8.7.2 Policy EN7 of the Rother Local Plan Core Strategy is consistent with the advice of the National Planning Policy Framework.

8.7.3 The site is within Flood Zone 3, which is defined as having a high probability of flooding from the sea in the PPG. As such, it is necessary to apply the Sequential Test – which is a risk-based approach to the location of development – and then, if necessary, the Exception Test – which is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available – all as set out in the National Planning Policy Framework. With regard to the Sequential Test, paragraph 158 of the National Planning Policy Framework says:

"The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding."

8.7.4 Although a Flood Risk Assessment has been submitted with the application, it fails to apply the Sequential Test (i.e. it has not been demonstrated that it is not possible for the development to be located in a zone with a lower risk of flooding). This is a significant omission and without it there is uncertainty as to whether development in this area at highest risk of flooding could be avoided and thus adhere to paragraphs 155 and 158 of the National Planning Policy Framework and policy EN7 of the Rother Local Plan Core Strategy.

8.7.5 It is not necessary to apply the Exception Test in this instance, as the Sequential Test has not been passed.

8.7.6 The applicant states that the site is within a development boundary where housing development in principle can take place, and has referred to other development schemes that have been approved in Winchelsea Beach and Pett Level (Application Refs: RR/2018/2204/P and RR/2018/2484/P).

8.7.7 Although it currently remains the case that the site is located within the development boundary for Winchelsea Beach, the lack of a five-year supply of deliverable housing sites means that it can only be given *some* weight in determining this application. Moreover, the spatial strategy for Winchelsea Beach, as set out in the emerging DaSA Local Plan, is that the village will not have any housing allocations and will no longer have a development boundary. It is therefore not necessary for new dwellings to be located in this area.

8.7.8 Turning to the other development schemes, like applications should be considered in a like manner to ensure consistency in decision making within the planning system. The scheme in Winchelsea Beach was for the erection of a single dwelling above a café and was decided in November 2018 at a time when the DaSA Local Plan was at an earlier stage of preparation, when it carried less weight. These are material differences to the current proposal. It is, however, acknowledged that regard was not had to the application of the Sequential Test in determining that application.

8.7.9 The scheme in Pett Level is more recent and was for the erection of two dwellings at the edge of the village. That scheme is materially different to the current proposal, as the dwellings replaced existing dwellings, unlike here where five new dwellings are proposed on a site that is not in residential use.

8.8 <u>Drainage</u>

8.8.1 With regard to surface water drainage the National Planning Policy Framework, policy EN7 of the Rother Local Plan Core Strategy and policy DEN5 of the emerging DaSA Local Plan seek to avoid surface water flooding through the use of appropriate drainage systems.

8.8.2 The proposed surface water drainage system comprises permeable surfaces to the parking areas and sealed surface water drains for collecting roof water from the dwellings. The collected water would discharge into the dyke at the rear of the site via an attenuation tank with a hydro-brake. East Sussex County Council as the Lead Local Flood Authority has been consulted on the application and has raised no objection to this surface water drainage system subject to the imposition of conditions. The Romney Marshes Drainage Board, whose consent would be required to discharge the water into the dyke, has also raised no objection.

8.8.3 A package treatment plant is proposed for the foul drainage. It is a sealed treatment system, which is approved for discharging into a watercourse, ditch or land drainage bed. There is no objection to this in principle, subject to obtaining consent from the Romney Marshes Drainage Board and any necessary environmental permit from the Environment Agency.

8.8.4 The Parish Council and local residents are concerned that the proposal would compound existing drainage problems in Winchelsea Beach.

However, this would not be the case as there would be no discharge to the existing public sewer, which overflows during and after periods of high rainfall.

8.8.5 In view of the above, the proposed foul and surface water drainage arrangements are considered to be acceptable subject to conditions ensuring implementation and future management to mitigate any potential adverse impacts on protected areas.

8.9 Biodiversity

8.9.1 The National Planning Policy Framework, policy EN5 of the Rother Local Plan Core Strategy and policy DEN4 of the emerging DaSA Local Plan seek to protect and enhance biodiversity.

8.9.2 The Ecological Survey submitted with the application concludes as follows:

"The only protected or notable species within the survey area were house sparrow and starling, so mitigation for these two species will be required. It is also strongly recommended that, to accord with the National Planning Policy Framework objective of minimising impacts of development upon biodiversity, a wildlife enhancement plan should be compiled for the proposed development which incorporates some of the wildlife conservation measures suggested by Gunnell, Murphy and Williams (2013) and others, and should include appropriate shielding of the proposed development from the nearest part of the SSSI. In addition, no potential breeding bird habitat such as scrub or buildings should be cleared between late March to the end of July, unless previously inspected by an ecologist."

8.9.3 Additional plans/information have been submitted in response to Natural England's initial concern that the development could have significant effects on the designated sites (SPA, Ramsar site and SSSI). The plans/information propose mitigation measures in respect of surface water drainage and the construction and operational phase impacts of the development, which are considered to be ecologically sound.

8.9.4 The mitigation and enhancement measures set out in the preceding paragraphs can be secured by planning conditions. Therefore, the proposed development would not adversely affect biodiversity.

8.10 Other matters

8.10.1 A local resident has queried whether the proposed dwellings are to be holiday homes or for local families. The scheme is for market housing with no restriction on the nature of their occupation or who they are occupied by.

8.10.2 A local resident is concerned that the proposal would compound existing electricity supply problems in Winchelsea Beach. However, this is not known to be a problem in the area and so is not a material consideration in determining this application.

9.0 PLANNING BALANCE & CONCLUSION

9.1 The Council cannot currently demonstrate a five-year supply of deliverable housing sites. 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 proposal 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.

9.2 The sites lies within an area at risk of flooding and so in relation to paragraph 11(d) (i) the applicant's failure to apply the Sequential Test is a clear reason for refusing the development.

9.3 Notwithstanding the above, the proposal is also considered in relation to paragraph 11(d) (ii). In terms of adverse impacts, the proposal would conflict with the National Planning Policy Framework and development plan in terms of the spatial strategy for Winchelsea Beach, the degree of accessibility to employment, essential services and facilities, and the failure to support the transition to a low carbon future. It would also materially harm the semi-rural character and appearance of the area. Together, these adverse impacts carry significant weight.

9.4 In terms of benefits, the proposed development would provide five additional dwellings to help boost local supply. It would also provide construction jobs and help to support local services and facilities. These benefits are restricted by the relatively small number of dwellings proposed, but nevertheless carry moderate weight in favour of the proposal.

9.5 Overall it is considered that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole. Furthermore, the scheme conflicts with the development plan as a whole.

9.6 For the above reasons the presumption in favour of sustainable development does not apply to the proposal, which indicates that planning permission should not be granted in this instance.

<u>RECOMMENDATION</u>: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The application site is located in the development boundary for Winchelsea Beach, as defined in the Rother District Local Plan 2006. However, Winchelsea Beach is not considered to be an appropriate or sustainable location to retain a development boundary in the emerging Development and Site Allocations Local Plan, which is at an advanced stage of preparation. As such, the proposed development would be at odds with, and harmfully

undermine, the spatial strategy for Winchelsea Beach, in conflict with policy OSS3 (i) of the Rother Local Plan Core Strategy 2014.

2. The application site is located in an area where the degree of accessibility to employment, essential services and facilities by modes of transport other than the private car would be limited. As such, occupiers of the proposed dwellings would be reliant on the private car for transport, which is the least sustainable mode of transport. The site is therefore not a sustainable location for new dwellings and the proposal would not support the transition to a low carbon future, in conflict with policies OSS3 (v & x) and TR3 of the Rother Local Plan Core Strategy 2014, and the social & environmental objectives of sustainable development, as set out in paragraph 8 of the National Planning Policy Framework.

3. The application site is located within Flood Zone 3, which is defined as having a high probability of flooding from the sea in the Planning Practice Guidance. New development should not be permitted here unless – applying the Sequential Test – it has been demonstrated that it is not possible for the development to be located in a zone with a lower risk of flooding. The Flood Risk Assessment submitted with the application has failed to apply the Sequential Test and so there is uncertainty as to whether development in this area at highest risk of flooding could be avoided. As such, the proposal conflicts with policy EN7 of the Rother Local Plan Core Strategy 2014 and paragraphs 155 and 158 of the National Planning Policy Framework, which seek to avoid development in areas at highest risk of flooding.

4. The application site lies at the southern end of Winchelsea Beach village in an area of loose-knit and low profile development with mature hedges on both sides of the road. As such, this section of the village is semi-rural in character and appearance. The proposal would result in the removal of existing hedging and trees and would introduce five two-storey dwellings of significant height and bulk onto the site with limited separation between the houses and with individual vehicular accesses onto Pett Level Road. This combination of factors would result in a denser frontage of built development along this section of Pett Level Road, which would be prominent in the street scene and highly visible from the nearby sea wall to the south-east. In terms of their design, the proposed two-storey dwellings are of considerable size and with their flat roofs would appear overtly box-like. The buildings would appear particularly cumbersome and their size and bulk, together with their prominent and exposed siting, would make them dominant features in the surrounding area, at odds with the adjacent chalet-style dwellings, which are discrete and nestle into the existing landscape. The proposed development would have a harmful urbanising effect on the semi-rural character and appearance of area, in conflict with policies OSS3 (vi), OSS4 (iii), RA1 (i), EN1 (v) & EN3 of the Rother Local Plan Core Strategy 2014, and paragraphs 122 & 127 of the National Planning Policy Framework.

NOTE:

1. This refusal of planning permission relates to the following drawings:
   Drawing No. BA1814.01 (Site Location Plan & Block Plan), dated February 2018.
   Drawing No. BA1814.16PR1 (Proposed plans – HOUSE TYPE A), dated September 2018.

Drawing No. BA1814.17 (Proposed Elevations – HOUSE TYPE A), dated September 2018.
Drawing No. BA1814.18PR1 (Proposed plans – HOUSE TYPE B), dated September 2018.
Drawing No. BA1814.20 (Proposed Elevations – HOUSE TYPE B), dated August 2018.
Drawing No. BA1814.23 (Proposed Street Scene), dated September 2018.
Drawing No. BA1814.24 Revision D (Proposed Block Plan – Showing First Floor Plans), dated June 2019.
Drawing No. BA1814.25 Revision D (Proposed Block Plan – Showing Roof Plans), dated June 2019.
Drawing No. BA1814.26 (Proposed Street Scene), dated October 2018.
Drawing No. BA1814.27 (Proposed Materials Elevations), dated October 2018.
Drawing No. BA1814.28 Revision A (Proposed Block Plan – Leisure Plan), dated Feb 2019.
Drawing No. BA1814.29 Revision A (Proposed Block Plan – Leisure Plan), dated Feb 2019.
Drawing No. BA1814.30 Revision B (Proposed Block Plan – Foul Drainage), dated June 2019.
Drawing No. BA1814.31 Revision B (Proposed Block Plan – Construction Plan), dated June 2019.

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 identifying matters of concern with the proposal, clearly setting out the reasons 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.