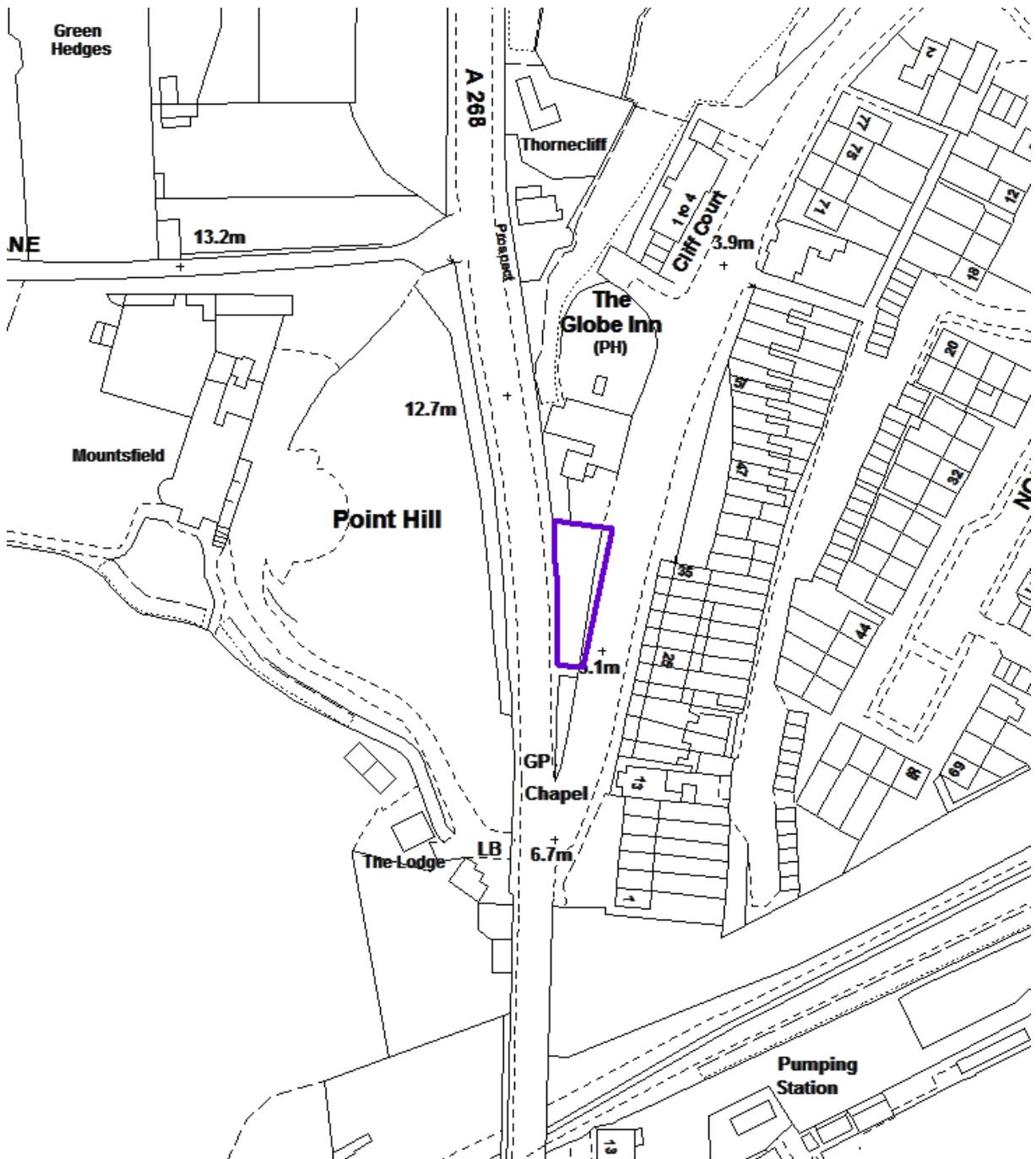


SITE PLAN

RR/2020/493/P

RYE

THE GLOBE – LAND ADJACENT
MILITARY ROAD



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Not to Scale

Rother District Council

Report to - Planning Committee
Date - 11 November 2021
Report of the - Director – Place and Climate Change
Subject - RR/2020/493/P
Address - The Globe
Military Road
Rye
Proposal - Change of use of vacant land with erection of a two-storey detached building comprising a single garage with design studio over.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT FULL PLANNING PERMISSION SUBJECT TO CONDITIONS.**

Director: Ben Hook

Applicant: Mr David Hawkins
Agent: Mr Alan Dickinson
Case Officer: Mark Simmonds
(Email: mark.simmonds@rother.gov.uk)

Parish: RYE & WINCHELSEA

Ward Members: Councillors H.J. Norton and G.F. Stevens

Reason for Committee consideration: Councillor 'Call-In'

Statutory 8-week date: 29 May 2020

Extension of time agreed to: 30 November 2021 (requested 28 10 21)

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 It is recommended that Planning Permission be granted with conditions imposed.

1.2 PROPOSAL DETAILS **delete if not necessary**

PROVISION	
No of houses	1
CIL (approx.)	£7,683

2.0 SITE

- 2.1 The site comprises a triangular shaped area of vacant land next to a steep cliff below Rye Hill (A268) and alongside Military Road. The site is to the south of the Globe Inn and opposite historic listed buildings. The site is within the Rye Conservation Area (RCA) and the area is covered by an Article 4 Direction.
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3.0 PROPOSAL

- 3.1 The proposal is for a change of use of vacant land with erection of a two-storey building comprising a garage with design studio above. The Applicant had recently moved to Landgate, Rye, a house without vehicular access or parking facilities. The Applicant wishes to acquire a domestic garage and electric charging point. The Applicant has stated that the studio would be used by a family member. Within the studio there is a shower room providing WC on the upper floor. The wall would be clad with white featheredged weatherboarding. The roof would be covered with natural slate. Windows and doors would be white painted wood.
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4.0 HISTORY

- 4.1 RR/2019/1306/P Change of Use of Vacant Land with the erection of a 2-storey building comprising a garage with studio above- Refused 31/01/20.
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5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- OSS4: General Development Considerations
 - EN2: Stewardship of the Historic Built Environment
 - EN3: Design Quality
 - RY1: Policy Framework for Rye and Rye Harbour
 - TR4: Car parking
- 5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal:
- DHG12: Access and Drives
 - DEN6: Land stability
- 5.3 The following policies of the adopted [Neighbourhood Plan](#) are relevant to the proposal: Rye Neighbourhood Plan was made on the 8 July 2019, the following policy is relevant to this application:
- E3: Heritage
- 5.4 The National Planning Policy Framework is also a material consideration. The following chapters and paragraphs are relevant:
Chapter 2; Achieving sustainable Development

Paragraph 201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site;
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) (d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 203 of the National Planning Policy Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.5 The following legislation is relevant:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when exercising planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

6.0 CONSULTATIONS

6.1 **Parish/Town Council:** No Comments received.

East Sussex County Council Highways: No Objections subject to conditions: The development is very similar to the previously submitted change of use application RR/2019/1306. This highway response therefore remains as previously submitted and no objection is raised; however, once again it is recommended that any grant of consent includes appropriate highway conditions.

East Sussex County Council Archaeologist: Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason, I have no further recommendations to make in this instance.

Rye Conservation Society: RCS would prefer to see a simpler design approach not an overtly domestic design as the scale of the building does not lend itself to such an approach. We note that ESCC Highways had no objection to the previous application.

Following amended plans RCS continued to state No Objections and added the follow comments;

“In line with its previous comments i.e. No objection subject to neighbours and Conservation Officer, the Committee unanimously voted not to object to the application.

It noted that the previous refusal was solely on design grounds, ESCC Highways having no objections, and felt that the revised design was an improvement. The only question where views varied was on the colour of the cladding. Some members favoured the black in order to set it apart as a workshop from the Globe whilst others felt that white would make it harmonise with the street setting. Another option suggested was the use of a natural cladding such as chestnut which would fade to a silver Finish”.

6.2 Planning Notice

6.2.1 A Neighbour petition with approximately 47 signatures has been received raising the following objections:

- Inappropriate Building within a conservation area.
- Tiny plot of land sold at a knock down price sold for amenity use.
- Two storey appears to be a house in all but name.
- Loss of on street parking in massively congested area.
- Entrance and Exit point a potential danger to other road users.

47 Representations received. Summarised as follows:

- Public scrutiny has been absent because no site notice has been in place for this application.
- No details of the application have been notified to local residents by RDC’s regular ‘My Alerts’ email.
- Site notices started to be erected again on 30 April; however, this is pointless unless the notices are actually put up and in place for the required period.
- RDC has failed to notify nearby local residents of application RR/2020/493/P up to and including the My Alerts email for the week commencing 25 May 2020.
- Similar to the previous application for this site, RR/2019/1306/P, which was refused.
- It is a confusing application as there is no planning form on the website.
- Previous planning decision (refusal) for RR/2019/1306/P is an important MPC.

Design

- Inadequate design: Application is contrary to paragraph 195 and 197 of the National Planning Policy Framework and would also conflict with Policies EN2(ii), (iii) and (iv) and EN3 of the Rother Local Plan Core Strategy 2014 which seek to protect historic built environment.

- Adverse effect on Conservation Area and historic nearby Grade II Listed buildings such as Bethel Baptist Chapel and Waterloo Terrace.
- Negative impact on street scene, including loss of sight lines to historic Globe Inn.
- Harm to the area's distinct character and heritage value.
- Overdevelopment of a restricted site.
- Unsustainable development and unnecessary development (standalone garage is an unsustainable use, unnecessary to the Applicant and inappropriate in the Conservation Area).
- Failure to guarantee electric vehicle use at the proposed site means application fails on the grounds of environmental sustainability.
- Design This proposed structure is ugly. There is no other suitable word for it.
- Highway safety: cliff face stability is uncertain and potentially dangerous; Loss of outlook to the detriment of residential amenity.
- Loss of on street parking.
- Application conflicts with Rye Neighbourhood Plan, as the proposal fails to meet the design criteria of the RCA Appraisal (RNP, Policy E3).
- Inappropriate use of plot, which was sold for amenity use only.
- Loss of green space with in a conservation area but the depletion of natural soak away.
- Increased risk of flooding as water from the road above runs from the retaining wall across the carriage way to Waterloo place opposite.
- Next step will be a retrospective application for conversion to a dwelling(s) or holiday let.
- If a garage is so sorely needed then a single storey structure it should be.
- The A268 runs immediately behind and above the site, the digging of foundations could seriously undermine the integrity of the already dilapidated Victorian retaining wall.
- Contrived design to achieve the requirement for a garage and studio above and with the constraints of the site the resultant proposed building would not be a traditional design and would be a jarring feature within the setting of the many listed properties in Military Road and the historic Globe Inn and within the RCA.
- It would adversely affect the setting and special architectural and historic character and interest of the nearby listed buildings and non-designated heritage assets and harm the character of the RCA.
- Military Road is in a conservation area. It is also a historic road edging the Romney Marsh and as is well known it was built to defend Britain from an invasion during the Napoleonic Wars.
- It is a pity to lose a third green open space on the North side of Military Road, for inappropriately designed buildings.

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 £7,683.
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8.0 APPRAISAL

8.1 In addition to considerations set out by other policies, all development should meet the following criteria: (i) It meets the needs of future occupiers, including providing appropriate amenities and the provision of appropriate means of access for disabled users

8.2 The main issues to consider with this application are:

1. Principle
2. Impact on the setting of the Listed Building
3. The effect on the character and appearance of the setting in the town's Conservation area and street scene.
4. Impact on the amenities of neighbouring properties.

8.3 Principle

The previous planning application RR/2019/1306/P was refused on 31/01/2020 for the following reason:

8.4 Having regard to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed works, by virtue of its unsympathetic form and design including: the random wall to window proportions, lack of subdivision of the fenestration, shallow pitched roof on such a tall and narrow building and way in which the gable end is the principal elevation results in a building which fails to address the street and the design of which is wholly out of keeping with the area. As such it would adversely affect the setting and special architectural and historic character and interest of the nearby listed buildings and non-designated heritage assets and harm the character of the RCA. As such it would be contrary to paragraph 195 and 197 of the National Planning Policy Framework, and would also conflict with Policies EN2(ii),(iii) and (iv) and EN3 of the Rother Local Plan Core Strategy 2014 which seek to protect historic built environment.

8.5 The site is a brownfield previously developed site relatively close to the Rye Town Centre. The site is unallocated within the DaSA and is therefore within a sustainable location appropriate for development. The previous application referred to above was not considered to be unacceptable due the proposed uses or of loss of the site, it was on design grounds only. Whilst the site sits within the RCA and has the potential to impact the setting of heritage assets a sensitive design could be supported.

8.6 Key amendments proposed application:

- Gable ends east and west and not facing the street.
- Principal elevation now faces the street.
- Roof shape addresses the street.
- Design of fenestration now.
- East elevation to the street now includes an active frontage ground floor front door and window Use of timber shutters.
- First floor long workshop style window.
- External materials – Weatherboarding – walls.
- Natural Slate – Roof.
- Sandstone rubble plinth 600ml height.
- Street scene improved by timber fence on boundary.

- Garage door and smaller workshop window to side elevation removal of glazing from first scheme.

8.7 **Impact on the setting of the Listed Building incorporating design**

8.7.1 Policy EN2 requires that development will be required to (i) reinforce the special character of the districts settlements including villages, towns and suburbs, through siting form and scale, (iii) preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, and (iv) make reference to the character analysis in Conservation area appraisals.

8.7.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting.

8.7.3 On the other side of Military Road is a terrace of listed properties. The listing description is:

First half of C19, half crescent of 2-storey, terraced houses. One window each. Red brick, slate roofs. Nos 61-67 have brick parapets. All except Nos 65 and 67 have dormer windows. Nos 37-43 protrude slightly beyond the building line. Sash windows have original glazing bars. Doors in recessed archways with semi-circular fanlights which have glazing bars.

A row of eight terraced houses dated 1858. One window each. 2-storeys but Nos 21 and 23 have dormer windows and all eight houses have basements. Red brick but front elevations are rendered white, slate roofs. Sash windows have original glazing bars. Doors in recessed archways with semi-circular fanlights which have glazing bars. Three steps up to front doors with iron balusters and wrought iron handrails.

8.7.4 The proposed building would be situated just over 10m to the south of The Globe Inn which in part was present pre 1840 and is considered a non-designated heritage asset. The proposed building would be seen in close proximity to the listed buildings. The site is narrow and trees have been cleared and pruned back from the site. The Applicant has stated within the Heritage Statement that the site was partly cleared of trees and shrubs by the council prior to auction sale and the remaining self-sown ash trees were removed with Conservation Area Tree Consent with the benefit of the authorisation from the Council. The Council had no objection to removal of trees in 2018, as they were poor specimens and not worthy of protection with a Tree Preservation Order as is reported in the case officer's delegated report under ref RR/2019/1306/P.

8.7.5 The Council has also acknowledged that a building on site may improve the appearance of the site. It is considered that the design of the building addresses the Councils' previous concerns regarding proportions and impact on heritage assets. The appearance takes reference and character from other buildings within the locality which is referred to within the Heritage statement (dated June 2021). As such the proposed building now addresses the street, which any successful and appropriate design must do and relates better to the existing buildings in the street. The proposal is

considered to comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by preserving the setting of the nearby listed buildings.

8.8 Character and appearance

8.8.1 Policies OSS4 (iii) EN2 (i) and EN3 requires that development does not detract from the character and appearance of the wider street-scene, settlement, or countryside location, as appropriate, in terms of built design, density, form and scale. The RCA appraisal describes Military Road as:

8.8.2 On the east side of this road north of the railway the streetscape is composed of collections of small crescents and terraces of petite houses of Georgian character, constructed of brick or render, under slate roofs with dormer windows. This is an ordered architecture, relying on rhythm, repetition, and uniformity to create its special character, punctuated by the originality of the Bethel Chapel, which makes a distinctive contribution to the street-scene. On the west side are few buildings, the street being dominated by the steep, wooded escarpment up to the road above.

8.8.3 The Conservation Area is protected by an Article 4 Direction, which amongst other things, takes away permitted development rights for garages, car-ports, garden sheds, glasshouses, summerhouses, and garden structures such as gazebos, pergolas and arbours.

8.8.4 It is noted that the Rye Conservation Society now do not object to the scheme. The design of the building is no longer contrived and would not erode the character of this part of the conservation area. The building is now of interest fulfils a role of place setting and street scene enhancement. Consequently, the proposal is considered to preserve the character and appearance of the RCA and the setting of the listed 'buildings in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policies.

8.9 Impact on the amenities of neighbouring properties.

8.9.1 Policy OSS4 (ii) requires that development does not unreasonably harm the amenities of adjoining properties in terms of loss of light, massing or overlooking. It is unlikely that the proposal would harm the amenities of the nearby properties due to position of stairs and window openings at first floor not directly overlooking private amenity areas and being located adjacent to a public house.

8.9.2 Car parking: Policy TR4 in relation to car parking requires that: Planning permission will be granted for development where the provision for parking accords with the following principles within the Supplementary Planning Document for parking. Proposed development shall: Meet the residual needs of the development for off-street parking having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.

8.9.3 There is concern from local residents regarding loss of parking spaces and the safety of the development on a busy road and because of the proximity to the junction. However, ESCC Highways has no major concerns regarding the development and advise appropriate highway conditions.

8.10 Other Matters

8.10.1 Concerns are expressed by local residents about the stability of the cliff at the back of the site. It is acknowledged that there have been landslips along the cliff line in Rye and further to the north along Military Road. There is no evidence that there is any instability in this location. The brick wall at the rear of the site is the remnants of the building previously present on this site. The site was previously sold by ESCC with the A268 running above which would be regularly monitored for subsidence by the Highways Authority.

8.10.2 In terms of potential contamination of the site, Paragraph 179. In the National Planning Policy Framework states that: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

9.0 PLANNING BALANCE AND CONCLUSION

9.1 The main issue with this proposal when previously submitted in a 2019 submission was its design. The current submission is considered to be appropriate for the site and its sensitive setting, close to many listed properties on Military Road, the historic Globe Inn and within the RCA. Therefore, the application can be supported.

9.2 The proposal is considered to be a sustainable development conflicting with key policies within the development plan and the strategy for the location of new development and Chapters 2 and 14 of the National Planning Policy Framework.

RECOMMENDATION: GRANT (FULL PLANNING) subject to conditions:

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: drawing no.
Drawing No. 17-93-08 Loc Plan (May 19)
Drawing No. 17-93-03 Layout Plan (Jan 18)
Drawing No. 17-93-08 G (16-07-21)
Drawing No. 17-93-09 B (16-07-21)
Drawing No. 17-93-09 2B (16-07-21)

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), no extensions or garages , as defined within classes A-G of Part 1 of the Schedule 2 of the order, shall be erected on the site otherwise than in accordance with a planning permission granted by the Local Planning Authority.
Reason: In the interests of visual amenity, and to ensure that special regard is paid to the interests of protecting the architectural and historic character of the Listed Buildings and their setting preserve the character of the conservation area in accordance with Policy EN2 of the Rother Local Plan Core Strategy.
4. Before commencement of any building works/alterations or repairs as hereby approved, samples of the bricks, tiles, weatherboarding to be used shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed utilising the approved materials only.
Reason: In the interests of visual amenity, and to ensure that special regard is paid to the interests of protecting the architectural and historic character of the Listed Buildings and their setting preserve the character of the conservation area in accordance with Policy EN2 of the Rother Local Plan Core Strategy.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order) with or without modification), no windows or other openings (other than those expressly authorised by this permission) shall be inserted into the elevations or roof slopes.
Reason: In the interests of visual amenity, and to ensure that special regard is paid to the interests of protecting the architectural and historic character of the Listed Buildings and their setting preserve the character of the conservation area in accordance with Policy EN2 of the Rother Local Plan Core Strategy.
6. Prior to occupation of the development hereby permitted, the new access shall be in the position shown on the submitted plan and laid out and constructed in accordance with the attached HT407 form and all works undertaken shall be executed and completed by the Applicant to the satisfaction of the Local Planning Authority.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
7. The access shall not be used until visibility splays of 2.4m by 33m to the north and 2.0m by 33m to the south of the proposed site vehicular access onto Military Road. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
8. The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be

retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority), shall be carried out until a method statement detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority and the works shall be completed in accordance with the approved method statement.

Reason: To prevent pollution of the water environment in accordance with Policy Paragraphs 118, 170 and 178 of the National Planning Policy Framework and Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

10. No development above ground level shall take place on any part of the site until the soft landscaping details have been submitted to and approved by the Local Planning Authority, which shall include
- a. indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development;
 - b. planting plans;
 - c. written specifications (including cultivation and other operations associated with plant and grass establishment);
 - d. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
 - e. implementation programme.

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

11. No development shall commence until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning authority and none of the dwellings shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

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

12. Details of a scheme for the installation of an electric vehicle recharging point to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority before the unit is first occupied. The recharging point so approved shall be provided before the unit is brought into use.

Reason: To accord with guidance contained in the National Planning Policy Framework.

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.