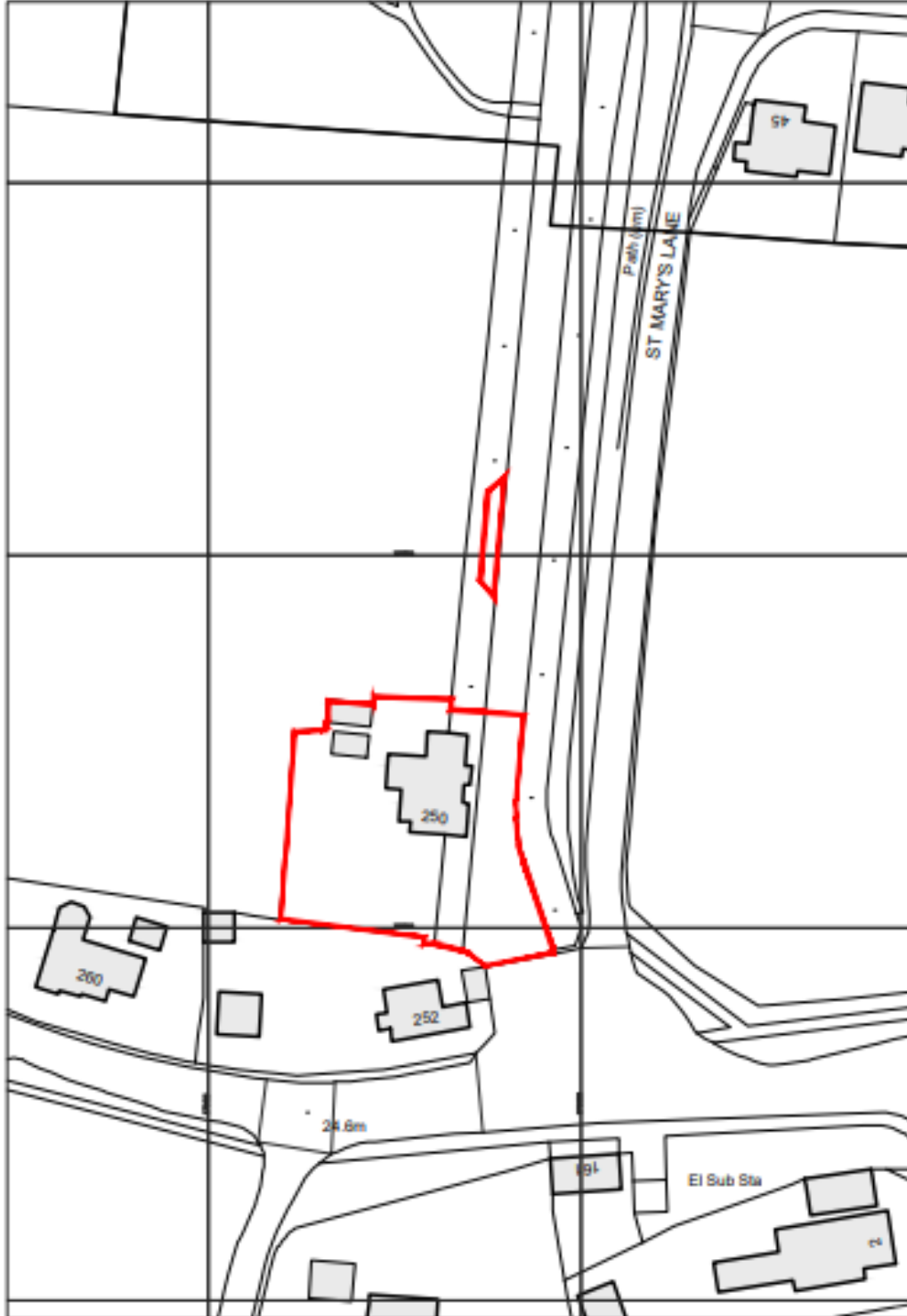


SITE PLAN

BEXHILL

RR/2022/1233/P

Cemetery Lodge,
250 Turkey Road



Rother District Council

Report to	-	Planning Committee
Date	-	16 March 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/1233/P
Address	-	250 Turkey Road, Cemetery Lodge, Bexhill, TN39 5HT
Proposal	-	Conversion and extension to the existing building to provide 6 No. flats with associated car parking and landscaping.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Bexhill Community Land Trust
Agent: MH Architects Limited
Case Officer: Mr Sam Koper
(Email: sam.koper@rother.gov.uk)

Parish: BEXHILL ST STEPHENS
Ward Members: Councillors A.K. Jeeawon and R.B. Thomas

Reason for Committee consideration: Director – Place and Climate Change
referral: The application site is located on land owned by Rother District Council.

Statutory 8-week date: 6 July 2022
Extension of time agreed to: 24 March 2023

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 The proposal is for the conversion and extension of the existing building to provide No. 6 flats for affordable rent. The main issues for consideration are; the principle of development, impact on character and appearance, as well as the non-designated heritage asset, impact on the amenity of neighbouring dwellings, living conditions for future occupiers, highways and parking, affordable housing provision and biodiversity and ecology. These issues and have considered and the proposal is considered to be in line with adopted planning policies. The application is recommended for approval.

1.2 PROPOSAL DETAILS

PROVISION	
No of houses	6
No of affordable houses	6
CIL (approx.)	£16,240
New Homes Bonus (approx.)	£48,504

2.0 SITE

- 2.1 The site is a square parcel of land roughly 0.07 hectares in size and is located to the north of Turkey Road and south of the Bexhill Cemetery. The site contains the Cemetery Lodge building which is currently vacant. The site is located within the development boundary for Bexhill. The site is located directly adjacent to allocated land under Policy BEX6 of the Development and Site Allocations Local Plan (DaSA), however, does not part of this allocation.
- 2.2 The existing building is located towards the northern end of the site and set back from the Main Road. It is currently accessed via St Marys Lane to the east with a pedestrian access is located at the front gate directly off Turkey Road.
- 2.3 The existing building is not listed, however, is considered to be a non-designated heritage asset and as such the application is accompanied with a Heritage Statement. The existing building is a two storey Edwardian Lodge, set behind the prominent entrance gate and pillars and surrounded by mature trees and vegetation.
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3.0 PROPOSAL

- 3.1 Permission is sought for the conversion and extension of the existing lodge building to provide 6 No. flats. The main lodge building would be retained, with some of the later added single storey extensions being demolished. The proposed extension would be located to the western side of the lodge and run down to the south. Three residential units are proposed on the ground floor and three on the first floor. All six of the proposed residential units are proposed to be for affordable rent.
- 3.2 The extension would sit at a slightly lower level than the main lodge and comprise two wings of a similar shape and footprint. The proposed materials would be Bexhill red stock brickwork of a slightly paler shade than the existing lodge, also with an expressed header detail at first floor level, a brown zinc cladded roof, aluminium windows and metal guttering.
- 3.3 The site frontage as well as the entrance road leading from the north will be used to provide 9 No. car parking spaces and a formal bin enclosure near the front gate. There is also a proposed cycle storage area to the north of the site.
- 3.4 Accompanying the application is a Heritage Statement, a Tree Survey and Arboricultural Report, a Drainage Plan and Report and a Preliminary

Ecological Appraisal Report. Following discussions with the agents, amended floor plans and elevations have also been submitted.

4.0 HISTORY

- 4.1 RR/2007/3104/P Change of use of part of premises to temporary costume store. APPROVED CONDITIONAL
- 4.2 RR/2006/2044/P Change of use of maisonette area of building to office accommodation. APPROVED CONDITIONAL
- 4.3 B/67/441 Office Extension. APPROVED
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5.0 POLICIES

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

- PC1: Presumption in Favour of Sustainable Development
- OSS1: Overall Spatial Development Strategy
- OSS2: Use of Development Boundaries
- OSS3: Location of Development
- OSS4: General Development Considerations
- BX1: Overall Strategy for Bexhill
- BX3: Development Strategy
- SRM1: Towards a Low Carbon Future
- SRM2: Water Supply and Wastewater Management
- CO6: Community Safety
- LHN1: Achieving Mixed and Balanced Communities
- LHN2 Affordable Housing
- EN1: Landscape Stewardship
- EN2: Stewardship of the Historic Built Environment
- EN3: Design Quality
- EN5 Biodiversity and Green Space
- EN6 Flood Risk Management
- EN7 Flood Risk and Development
- TR3: Access and New Development
- TR4: Car Parking

5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:

- DRM1: Water Efficiency
- DHG1: Affordable Housing
- DHG3: Residential Internal Space Standards
- DHG4: Accessible and Adaptable Homes
- DHG7: External Residential Areas
- DHG11: Boundary Treatments
- DHG12: Access and Drives
- DEN1: Maintaining Landscape Character
- DEN4: Biodiversity and Green Space
- DEN5: Sustainable Drainage

- DIM2: Development Boundaries

5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.

6.0 CONSULTATIONS

6.1 East Sussex County Council Highways – **NO OBJECTION**

6.1.1 This planning application is for the conversion and extension to the existing building to provide 6 No. flats with associated car parking and landscaping. I have no major concerns regarding the proposed development and do not wish to object; however, I recommend that any grant of consent is subject to appropriate highway conditions.

6.2 Rother District Council Waste & Recycling – **NO OBJECTION**

6.2.2 There are no issues here, the bin store appears to be in a suitable location and visible from the road.

6.3 County Ecologist – **NO OBJECTION**

6.3.1 *'Provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective. Conditions are recommended for Biodiversity Method Statements for the protection of retained habitats and protected species, an Ecological Design Strategy setting out details of mitigation, compensation and enhancement measures, and a Landscape and Ecological Management Plan to ensure the long-term management of semi-natural habitats for biodiversity.'*

6.4 RDC Housing Enabling & Development Officer – **NO OBJECTION**

6.4.1 Housing Development is fully supportive of the proposed scheme.

6.5 Bexhill Heritage – **NO OBJECTION**

6.5.1 *'Bexhill Heritage is delighted to see this scheme moving forward and looks to a final conclusion in the near future. The importance of the excellent refurbishment scheme, which we have long advocated, cannot be overestimated and the carefully designed extension will not dominate. We have a slight query over the projecting header detail. Is there not a risk that debris, perhaps from adjacent trees could cause damage through staining, deterioration, unwanted growth? With regard to the nearby gates and pillars, though not within the control of the Applicant, we regard them a crucial as part of the history and setting of the Lodge. We ask that the Council ensure their repair and subsequent maintenance.'*

6.6 Planning Notice

6.6.1 22 letters of objection have been received. The concerns raised are summarised as follows:

- negatively impact the setting of the cemetery;

- cause disturbance to those visiting the cemetery;
- further strain caused on local services;
- access does not have suitable visibility;
- area is not suitable for you families to live;
- insufficient parking on site;
- style of new extension is not in keeping with the existing building;
- impact on local landscape and habitats; and
- construction phase would cause disturbance to the area.

6.6.2 10 letters of support have been received. The points raised are summarised as follows:

- removal of existing extension would improve the existing building;
- extension would not be intrusive;
- affordable housing provision is needed;
- makes good use of a currently vacant building;
- good standard of living and amenity;
- would not result in any overlooking;
- impacts on trees and ecology can be mitigated; and
- existing houses are sited closer to the cemetery than the proposed.

6.7 Bexhill-on-Sea Town Council – **NO RESPONSE RECEIVED**

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, but the development could generate approximately £16,240. However, as the proposed development would provide unit for affordable rent, there is a potential extension from CIL subject to the affordable housing meeting the relief criteria set out in Regulation 49 of the Community Infrastructure Levy Regulations 2010.

7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £48,504 over four years.

8.0 APPRAISAL

8.1 The main issues to consider in the determination of the application include:

- Principle of development
- Impact on character and appearance of locality and non-designated heritage asset
- Impact on neighbouring properties
- Living conditions for future occupiers
- Highways and parking
- Affordable housing and housing mix
- Biodiversity and ecology

8.2 Principle of development

8.2.1 Policy DIM2 of the DaSA following Rother Local Plan Core Strategy Policy OSS2 requires new development to be focused within defined settlement boundaries. The development boundary reflects the more built-up areas of the village. As the site lies within the development boundary for Bexhill, residential development is supported in principle, subject to the below considerations.

8.3 Character and appearance / non-designated heritage asset

8.3.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy states all development should respect and not detract from the character and appearance of the locality.

8.3.2 Policy EN2 (iii) of the Rother Local Plan Core Strategy states development affecting the historic built environment, including that both statutorily protected and the non-statutorily protected, will be required to preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic building typologies.

8.3.3 Policy EN3 of the Rother Local Plan Core Strategy states new development should contribute positively to the character of the site and surroundings and demonstrate robust design solutions tested against key design principles.

8.3.4 Policy DEN1 of the DaSA states 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.

8.3.5 The application site is set back from the main road and features mature trees and vegetation along its boundaries. The site is also partially set behind the dwelling at No. 252 Turkey Road, and as such, is not in prominent view from the street. The proposed extension of the lodge would be located on the western side of the main building and would be set on a lower ground level with a lower maximum ridge height.

8.3.6 Representations have expressed concern at the landscape impact. However, the proposed development would not be readily apparent when viewing from the street and would not result in any harm to the character and appearance of the locality.

8.3.7 The submitted Heritage Statement provides a strong and detailed explanation and appraisal of the heritage significance of the existing Edwardian Lodge and the wider cemetery site.

8.3.8 The retention and incorporation of the Edwardian Lodge in the scheme is welcomed (which is considered to be a non-designated heritage asset, due to its historic functional relationship with the cemetery). In this regard, the proposal accords with Policy EN2 of the Rother Local Plan Core strategy, with regard to the preservation of heritage assets.

8.3.9 The removal of mid/late twentieth century single storey additions to the Lodge are considered to enhance the overall appearance of the Lodge, and will better reveal the significance of the building, as well as improving its aesthetic.

- 8.3.10 The additional accommodation is proposed to be provided by way of a new two storey 'wing' running north/south, in a contemporary architectural style. Representations received on this application have expressed concern at the design of the proposed extension. However, it would sit slightly subservient to the existing building in terms of ridge and eaves height, this new wing has been well envisaged to reflect and respect the scale, proportions and articulation of the existing Edwardian lodge in terms of building width and modulation, addition of gable projections, and contemporary architectural brick detailing. The materials palette has been developed to support this architectural language, and is generally successful following a minor change from yellow stock brick to Bexhill red.
- 8.3.11 The existing stone gate piers and gates to the southern end of the site are not proposed to be removed or altered. These are considered to positively contribute to the overall character of the site and the non-designated heritage asset, and a condition would also be imposed requiring their retention.
- 8.3.12 The location of the additional development is also not considered to prejudice the potential future development of DaSA allocated site BEX6 to the north west of the site.
- 8.3.13 There have been several objections commenting on the impacts of the proposal on the setting of the Bexhill Cemetery. Although the site is located at the southern entrance the cemetery yard, the development site would be located over 100m away from the burial grounds and headstones, separated by dense trees and vegetation.
- 8.3.14 Representations received have expressed concern at the noise and disturbance to the cemetery. The dwellings located to the east of St Mary's Lane are located significantly closer to the cemetery than the application site with their gardens facing west towards the grounds. Given the distance of the proposed development from the cemetery, it is not considered that it would result in any harm to its setting or cause any disturbance to those visiting.
- 8.4 Impact on neighbouring properties
- 8.4.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that new development should not unreasonably harm the amenities of adjoining properties.
- 8.4.2 The main neighbour for consideration in this application is the No. 252 Turkey Road, located directly south of the application site.
- 8.4.3 The proposed extension to the lodge would be located closer to the southern boundary than the existing building. Given the scale of the proposed extension and distance from the boundary and neighbouring dwelling, it is not considered that there would be any harm caused with regards to massing or overshadowing/loss of light.
- 8.4.4 The southern elevation of the extension would be two storey, however would not contain any windows at first floor level. Therefore, it is not considered that the proposal would result in any increased overlooking.

8.5 Living conditions for future occupiers

- 8.5.1 Policy OSS4 (i) of the Rother Local Plan Core Strategy states that all development should meet the needs of future occupiers, including providing appropriate amenities.
- 8.5.2 Policies DHG3 and DHG7 of the DaSA outlines the internal and external space standards that new dwellings should adhere to in order to provide high quality living accommodation.
- 8.5.3 Paragraph 130 of the National Planning Policy Framework states planning policies and decisions should ensure that development create places with a high standard of amenity for existing and future users
- 8.5.4 All six of the proposed units would meet and exceed the internal space standards as set out within the nationally described space standards, which Policy DHG3 adopts.
- 8.5.5 Two of the proposed units on the new wings would benefit from private enclosed gardens to the west, and two of the new units at first floor level would benefit from terraces. The two units within the existing lodge building would not have any external amenity space. This is acceptable considering the limited available space within the site, the communal front garden, as well as the sustainable location of the development.

8.6 Highways and parking

- 8.6.1 Policies TR3 and CO6 (ii) of the Rother Local Plan Core Strategy seek to ensure adequate and safe access arrangements and avoid prejudice to road and/or pedestrian safety.
- 8.6.2 Policy TR4 (i) of the Rother Local Plan Core Strategy requires the residual needs of the development for off-street car 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 Representations received have commented that there would be insufficient on-site parking. The East Sussex County Council Highways Authority have been consulted on this application and have given the following comments;
- 8.6.4 *'Vehicular access to the site is to be via the 'new' access onto St Marys Lane as approved under planning application ref: RR/2018/2801/P. The existing access onto Turkey Road is required to be permanently closed off to vehicles under the 2018 planning consent, however, it will continue to be used by pedestrian and cyclists. I have no major concerns regarding the 6 new flats being served via the access onto St Marys Lane.'*
- 8.6.5 *The proposed flats will be served by eight car parking spaces, and this is acceptable; however, the road layout in the vicinity of the main building is fairly restrictive and as a result residents may have difficulty turning and manoeuvring a larger car into some of the parking spaces. This is less than ideal from a convenience perspective but turning is likely to be achievable*

and there is no risk of the layout causing drivers to reverse out onto the highway.

- 8.6.6 *It should be noted that car parking spaces require minimum dimensions of 5.0m x 2.5m (A minimum additional 0.5m will need to be added to either or both dimensions where the space is adjacent to a wall(s) or fence(s).*
- 8.6.7 *Electric Vehicle Provision – East Sussex County Council encourage developers to include charging facilities for electric vehicles to enable future residents of the site to activate such charging points at a time convenient to them.*
- 8.6.8 *Safe, secure and covered cycle parking facilities are required. The level of cycle parking will need to meet the requirements of the East Sussex County Council standards which are 1 space per unit for one and two-bedroom dwellings or if communal storage is provided, then 0.5 spaces is required per unit.*
- 8.6.9 *It is noted that refuse storage is to be provided near to the pedestrian access onto Turkey Road and this will allow roadside collection, which is presumably the case for the neighbouring dwelling.*
- 8.6.10 *Overall, I have no major concerns regarding the development proposal and do not wish to object; however, I recommend that any consent is subject to imposition of conditions.'*
- 8.6.11 Considering the comments above, the development would not result in any highway safety impacts and would provide an adequate level of car parking and cycle storage secured by conditions.

8.7 Affordable housing and housing mix

- 8.7.1 Policy LHN1 of the Rother Local Plan Core Strategy states that in order to support mixed, balanced and sustainable communities, housing developments should in relation to affordable housing, contribute to an overall balance of 65% social/affordable rented and 35% intermediate affordable housing and (vi) Ensure that affordable housing is integrated with market housing, where practical. Also, it states that developments should be of a size, type and mix which will reflect both current and projected housing needs within the district and locally and specifically in Bexhill, contribute to increased provision of family dwellings, unless site circumstances make this inappropriate.
- 8.7.2 Policy LHN2 of the Rother Local Plan Core Strategy and DHG1 of the DaSA states that on housing sites, the Council will require affordable housing provision. In Bexhill, 30% on-site affordable housing on schemes of 15 or more dwellings (or 0.5 hectares or more) should be provided.
- 8.7.3 The proposal makes use of the non-designated heritage asset that is the Cemetery Lodge itself as the focal point of the scheme. The conversion of the lodge and its supplementation with a new build extension allows this small scheme to deliver six 2-bedroom units. The development area of the site is 0.07ha given a development density of some 85 dwellings per hectare. It is considered that this constitutes an efficient use of space.

- 8.7.4 The proposed development would not trigger the requirements of policies LHN2 or DHG1 to provide affordable housing. Nevertheless, the application proposes the provision of six residential units all of which are to be made available for affordable rent.
- 8.7.5 The Applicant is Bexhill Community Land Trust. Community Land Trusts are democratic, non-profit organisations that own and develop land for the benefit of the community. They typically provide affordable homes, community gardens, civic buildings, pubs, shops, shared workspace, energy schemes and conservation landscapes.
- 8.7.6 The Applicant is a Community Benefit Society registered with the Financial Conduct Authority as a Community Benefit Society pursuant to the Co-Operative and Community Benefit Societies Act 2014. The trust is formed for the benefit of the community with the express purpose of furthering the social, economic and environmental interests of the community.
- 8.7.7 Given the Applicant's constitution, it is considered that a section 106 agreement or planning conditions are not necessary or reasonable to secure the proposed use for affordable rent.
- 8.7.8 Currently there are over 250 two-bedroom need households with a local connection specifically to Bexhill on the Council's housing register. It is the intention of Bexhill Community Land Trust that the units are let to local households in housing need. The six units proposed here represent a small but significant opportunity to tackle specific housing need in Bexhill.
- 8.7.9 Overall, the proposed development would provide much needed houses for affordable rent through the conversion and extension of an existing building, as well as delivering a scheme at an efficient density and would also fulfil a localised need for 2-bedroom units within Bexhill.
- 8.8 Biodiversity and ecology
- 8.8.1 Policies EN5 (viii) of the Rother Local Plan Core Strategy and DEN4 of the DaSA outline how development proposal should greenspace, biodiversity and habitats and species should be protected.
- 8.8.2 The application has been accompanied by a tree survey, arboricultural report, and a preliminary ecological assessment.
- 8.8.3 The proposed development would result in the loss of nine trees within the application site; one of which being due to poor health, the rest due to the location of the proposed extension.
- 8.8.4 The large Oak tree to the southern end of the site, near the entrance gates, which is also subject to a Tree Preservation Order (TPO) is proposed to be retained.
- 8.8.5 The Pine trees located to the north of the site, along the access to the cemetery are also not proposed to be removed, nor will they be affected by the proposed development proposal.

- 8.8.6 The landscape buffer and retained tree belt as outlined within the allocated site under Policy BEX6 of the DaSA would also not be affected or removed as part of the development.
- 8.8.7 The trees proposed to be removed are predominantly set deep within the site and are not subject to preservation orders. Their removal is not considered to have a detrimental impact on the landscape character of the locality.
- 8.8.8 The accompanying Arboricultural Report outlined protection measures to be followed during the demolition and construction phases, which is considered to be acceptable and will be enforced by a condition.
- 8.8.9 The application has been accompanied by a Preliminary Ecological Appraisal (PEA). A PEA is required to set out the ecological features present or potentially present within the site and the surrounding area, as well as offered recommendations or the protection of any identified habitats and mitigation measures during the development.
- 8.8.10 The County Ecologist has been consulted on this application, and has given detailed comments in response to the PEA and proposed mitigation measures as follows:
- 8.8.11 *'The proposed development site is not designated for its nature conservation interest. An area of ancient woodland lies c. 15m east, with connectivity to the site via hedgerows and tree canopies. Measures should be put in place to prevent harm to the ancient woodland and to maintain connectivity. These measures should be included in Biodiversity Method Statement (BMS) required by condition.*
- 8.8.12 *Habitats on site include scattered trees and a tree-line along the majority of the northern boundary, tall ruderal vegetation and scattered scrub mosaic, ephemeral/short perennial vegetation, introduced shrub, and buildings, bare ground and hard standing. The proposed development will result in the loss of the majority of vegetation on site, with the exception of the tree line along the northern boundary and a mature oak on the southern boundary. These features should be retained and protected in accordance with BS5837:2012. It is also recommended that the northern boundary is enhanced through additional native tree/scrub planting. The proposed landscaping set out in the PEA is considered sufficient to compensate for the loss of habitats on site.*

Badgers:

- 8.8.13 *Badgers are protected under the Protection of Badgers Act 1992. Under the Act, it is an offence inter alia to: wilfully kill, injure or take a badger, or attempt to do so; cruelly ill-treat a badger; or intentionally or recklessly interfere with a badger sett, by a) damaging a sett or any part of one, b) destroying a sett, c) obstructing access to or any entrance to a sett, d) causing a dog to enter a sett, or e) disturbing a badger when it is occupying its sett. Activities that can affect badgers include noise, additional lighting or vibration. Badger sett tunnels can extend for 20 m or more from the entrance holes.*

8.8.14 *The PEA reported no evidence of badgers on-site, with the site being unsuitable for sett building, but offering potential for commuting and foraging. Given the location of high quality badger habitat to the north, east and west, it is likely that badgers commute through and potentially forage within the site. The recommended safeguards set out in the PEA are supported and should be implemented.*

Bats:

8.8.15 *All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species.*

8.8.16 *Bat droppings were recorded on window sills on the southern and eastern elevations of the Lodge proposed for conversion (reported in previous ecological assessment of the site). Bat roost surveys (Bat Survey, Weald Ecology, 30/09/22) confirmed the Lodge as supporting a night roost for at least one soprano pipistrelle, and noted that the access track running north/south to the east of the building was well used by foraging common pipistrelles. Whilst a previous ecological assessment reported the northern outbuilding as offering low bat roost potential, an updated bat roost assessment found the building offered negligible potential, and no bat activity was recorded around either of the outbuildings during the bat surveys.*

8.8.17 *Given the presence of a bat roost within the building proposed for conversion, works will require a European Protected Species licence. Given the low conservation status of the roost, I concur with the recommendation in the PEA that a low impact licence/bat mitigation class licence would be appropriate in this case. The mitigation strategy outlined in the PEA is in line with best practice and is supported. It is noted that no external lighting is proposed. Given the known presence of bats within the site, any external lighting should be designed in accordance with best practice from the Bat Conservation Trust.*

Breeding Birds:

8.8.18 *Habitats on site, including scattered trees, the northern tree line, scattered scrub and buildings, offer potential for breeding birds, and two old nests were recorded in the northwest of the site. Under Section 1 of the Wildlife and Countryside Act 1981, as amended, wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.*

Hazel Dormouse:

- 8.8.19 *The hazel dormouse is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, as amended, making it a European Protected Species. Whilst there is some suitable habitat on site, it is sub-optimal, with the site lacking structural diversity and cover, relatively low species diversity and limited canopy connectivity to off-site trees. However, given the proximity to suitable habitat off-site, the presence of dormice on site cannot be discounted. Given the small area of the site and sub-optimal habitat that would be impacted, surveys are considered disproportionate in this case. The recommendation in the PEA for works to be carried out under Reasonable Avoidance Measures (RAMs) is supported.*
- 8.8.20 *The RAMs set out in the PEA are broadly acceptable, but the following should be noted. The proposed first stage winter clearance would avoid impacts on breeding birds. As hibernation nests can be difficult to recognise and identify, works should be overseen by a suitably qualified and licensed ecologist. The second stage clearance should be coordinated with precautionary clearance for reptiles (see below). Full details should be provided in a BMS.*

Great Crested Newts:

- 8.8.21 *The great crested newt (GCN) is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, as amended, making it a European Protected Species. Whilst there is some suitable terrestrial habitat on site, this is sub-optimal, lacking refuges. There are also no ponds within 500m of the site. As such, GCN are considered likely absent and are not a constraint to development.*

Reptiles:

- 8.8.22 *Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Whilst there is some suitable habitat on site, this is limited in extent and heavily shaded, lacking basking opportunities. The site is well connected to better quality habitat off-site to the west, and as such, the presence of low numbers of reptiles on site cannot be discounted. Given the limited extent of sub-optimal habitats on site, and the small size of the site, additional surveys are considered disproportionate in this case. However, a precautionary approach to site clearance should be taken. The PEA makes some recommendations for this approach, but provides little detail. Vegetation clearance should be undertaken in suitable conditions during the reptiles' active period, in a staged manner, and working from south to north, towards suitable habitat off-site. Works must also be coordinated with RAMs for dormice. It is recommended that the northern boundary is enhanced through additional planting of native species, and that log piles/refuges are provided along this boundary. Full details should be provided in a BMS.*

Other Species:

- 8.8.23 *The site offers suitable habitat for hedgehogs, and hedgehog droppings have been recorded on site. The hedgehog is a Species of Principal*

Importance (SPI) under Section 41 of the NERC Act, with populations having suffered significant declines in recent years. Care should be taken during site clearance, with any animals found moved to suitable retained habitat in the north of the site. Boundaries within the site should be made permeable to hedgehogs (e.g. through the provision of hedgehog gaps in fences, or preferably through the use of boundary hedges) to ensure animals can continue to pass through the site. It is also recommended that a hedgehog dome is provided in a suitable location on site.

8.8.24 *The site is unlikely to support any other protected species. If protected species are encountered, work should stop immediately, and advice should be sought on how to proceed from a suitably qualified ecologist.*

Mitigation Measures and Biodiversity Net Gain:

8.8.25 *In addition to the recommended mitigation and compensation measures discussed above, the site offers potential to provide biodiversity net gain (BNG) as required under the NERC Act, and national and local planning policy. The PEA makes recommendations for mitigation, compensation and enhancement, including the creation of a green roof, planting of 25m species-rich native hedgerow along the southern boundary, flower-rich lawn mix in all grassed areas, use of diverse planting mixes through the site, and the provision of four swift and four bat boxes, and states that these will provide “measurable BNG”. As no metric calculation has been carried out for the proposed development, this cannot be ascertained with certainty. However, provided the recommendations in the PEA and in the above advice are included in the scheme design, it is considered likely that the development will provide BNG.*

8.8.26 *The PEA states that a sedum roof will be provided on the new building(s). Sedum roofs offer minimal biodiversity benefits, as demonstrated by them being classed as habitats of low distinctiveness reaching no more than poor condition in the Defra Biodiversity Metric. The provision of a green roof is supported, but it should be biodiverse. Given the location of the site, a native Weald meadow mix is recommended.*

8.8.27 *The recommended management of the new native species-rich hedgerow and the grassed areas are supported. Long term management of retained, enhanced and newly created habitats should be secured through a Landscape and Ecological Management Plan (LEMP).’*

8.8.28 In summary, the information provided is satisfactory and enables the Council to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of the recommended planning conditions.

9.0 PLANNING BALANCE AND CONCLUSION

9.1 The proposed development is acceptable in principle and would provide 6 new residential units for affordable rent. The proposal would not have a detrimental effect on the character and appearance of the locality, or the non-designated heritage asset and it would not cause harm to neighbouring properties. The proposal would provide a good level of living

accommodation for future occupiers as well as provide adequate car and cycle parking and not result in any highway safety issues. The development would result in an impact on the biodiversity of the site, however it is considered that these impacts can be mitigated through the imposition of conditions. Therefore, this application is recommended for approval.

RECOMMENDATION: GRANT PLANNING PERMISSION

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:
Location Plan, Drawing No. 19-151-001-P02, dated 05/05/22
Existing Site Plan 1, Drawing No. 19-151-002-P02, dated 05/05/22
Existing Site Plan 2, Drawing No. 19-151-003-P02, dated 05/05/22
Existing Plans & Elevations, Drawing No. 19-151-004-P02, dated 05/05/22
Proposed Block Plan, Drawing No. 19-151-005-P03, dated 05/05/22
Proposed Floor Plans, Drawing No. 19-151-007-P04, dated 30/01/2022
Proposed Elevations, Drawing No. 19-151-008-P06, dated 30/01/2022
Proposed Sections, Drawing No. 19-151-009-P03, dated 05/05/22
Tree Survey Plan, Drawing No. West/Cem/22/010, dated Feb 2022
Tree Protection Plan, Drawing No. SAN/RTW/22/011, dated April 2022
Arboricultural Report, prepared by Landvision Landscape Architects, dated April 2022
Drainage Strategy, ref. E8572 RE001 B, dated April 2022
Schematic Drainage Layout ref: E8572 201 P1, dated 06/04/2022
Preliminary Ecological Appraisal, prepared by Ecology Works Ltd, dated December 2022
Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of i) retained habitat and ancient woodland, ii) hazel dormice, iii) reptiles, iv) badgers, and v) breeding birds has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
 - a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) initial aftercare and long-term maintenance (where relevant); and
 - g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and The Conservation of Habitats and Species Regulations 2017, as amended and in accordance with Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

4. No development shall take place until an Ecological Design Strategy (EDS) addressing mitigation and compensation for the loss of semi-natural habitat, and enhancement measures to provide biodiversity net gain, to include the recommendations in the Preliminary Ecological Appraisal (Ecology Works, December 2022) has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location /area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures;
 - j) details for disposal of any wastes arising from works.
 - k) The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, as amended, paragraphs 174 and 180 of the National Planning Policy Framework, and Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

5. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) details of the body or organisation responsible for implementation of the plan;

h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features and is in accordance with Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

6. No above ground works shall commence until details of the following have been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details:

- a) 1:10 scale drawings of proposed details including fenestration, rooflights, and eaves details;
- b) specifications and samples of the materials to be used in the construction of all external surfaces of the buildings; and
- c) the proposed site levels and finished floor levels of all buildings in relation to existing site levels.

Reason: To ensure a high building appearance and architectural quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

7. No above ground works shall commence until a full schedule of repairs to the Edwardian Lodge, has been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details. The repair schedule shall include:

- a) method statement for the demolition of the mid/late twentieth century additions, and internal alterations, to ensure the protection of the lodge building;
- b) specifications and samples of any materials to be used in any repair/reinstatement work; and
- c) details of any repairs to historic fabric of the lodge, including repointing, brickwork repairs, and timber repairs.

Reason: To ensure the preservation of the non-designated heritage asset, in accordance with Policy EN2 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

8. No above ground works shall commence until the following public realm and hard landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

- a) boundary treatments and any other means of enclosure (fences, railings and walls) indicating the design and materials of such;

- b) hard surfacing materials specification (samples/product literature) (including for road surfaces, paths, parking spaces and other areas of hardstandings); and
- c) street furniture, signage and lighting, where relevant, including proposed locations.

Reason: To ensure the creation of a high quality public realm, design quality, and landscape setting, in accordance with Policies EN3 and EN1 of the Rother Local Plan Core Strategy.

9. No above ground works shall commence until the following soft landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

- a) Planting plans, including schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, and
- b) details for implementation and management.

Reason: To ensure the creation of a high quality design quality and landscape setting, in accordance with Policies EN3 and EN1 of the Rother Local Plan Core Strategy.

10. No dwelling shall be occupied until the foul and surface water drainage works for the whole site have been completed in accordance with the submitted Drainage Strategy (ref: E8572 RE001 B, dated April 2022) and the Schematic Drainage Layout (ref: E8572 201 P1, dated 06/04/2022).

Reason: 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 and Policy DEN5 of the Development and Site Allocations Local Plan.

11. The development shall not be occupied until parking areas have been provided in accordance with the approved plans (ref: 19 151 0005 P03, dated 23/03/2022) 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 ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.

12. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans (ref: 19 151 0005 P03, dated 23/03/2022) and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.

13. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans (ref: 19 151 0005 P03, dated 23/03/2022) and the turning space shall thereafter be retained for that use and shall not be obstructed.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.

14. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).
Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.
15. The existing stone gate piers and gates to the southern end of the cemetery avenue, at the junction of Turkey Road and St Mary's Road, are to be retained in situ.
Reason: To ensure the preservation of the non-designated heritage asset and its setting, in accordance with Policy EN2 of the Rother Local Plan Core Strategy.
16. The development hereby permitted shall be carried out only in accordance with the "Arboricultural Report" prepared by Landvision Landscape Architects, dated April 2022 and the Tree Protection Plan, ref: SAN/RTW/22/011, dated April 2022. No variation shall be made unless details have first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure protection of the trees during construction and to maintain the character and landscape setting in accordance with Policies EN3 and OSS4 (iii) of the Rother Local Plan Core Strategy.
17. The dwelling on plot No. 3 as shown on Drawing No. 19-151-007-P04, dated 30/01/2023, shall not be occupied until it has been constructed in accordance with Part M4(3) (b) (wheelchair accessible dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.
Reason: To ensure that the development contributes towards meeting the district's forecasted increase in the number of people with mobility issues and limiting illnesses in accordance with Policy DHG4 of the Development and Site Allocations Local Plan.
18. The dwelling on plot No. 5 as shown on Drawing No. 19-151-007-P04, dated 30/01/2023 shall not be occupied until it has been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.
Reason: To ensure that an acceptable standard of access is provided to the dwelling(s) in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Development and Site Allocations Local Plan.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.