

SITE PLAN

BEXHILL

RR/2023/1527/P

11 Ellerslie Lane
Moleynes Mead
Bexhill



Rother District Council

Report to - Planning Committee
Date - 16 November 2023
Report of the - Director – Place and Climate Change
Subject - Application RR/2023/1527/P
Address - 11 Ellerslie Lane, Moleynes Mead, BEXHILL
Proposal - Variation of Condition 2 imposed on RR/2022/1921/P to allow amendments to the proposed housing mix plan, to remove the affordable housing provision.

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

Director: Ben Hook

Applicant: Court Developments Ltd
Agent: Pump House Designs
Case Officer: Mrs Harriet Beckett
(Email: harriet.beckett@rother.gov.uk)

Parish: BEXHILL
Ward Members: Councillors A. Rathbone Ariel and R.B. Thomas

Reason for Committee consideration: In line with the scheme of delegation.

Statutory 8-week date: 20 October 2023
Extension of time agreed to: 24 November 2023 (No Response)

1.0 SUMMARY

- 1.1 This application proposes the variation of Condition 2 imposed on RR/2022/1921/P to allow the amendments to the proposed housing mix plan, to remove the affordable housing provision.
 - 1.2 The viability assessment provided by the developer, and the subsequent independent assessment by Altair, has confirmed that the provision of affordable housing on site would not be viable. As such it is considered acceptable to remove the affordable housing provision from the previously approved scheme and instead provide an offsite contribution of an agreed sum, to be secured through the Section 106.
 - 1.3 As such the proposal for the removal of affordable housing has been justified and demonstrated to satisfy the policy requirements.
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2.0 SITE

- 2.1 This site is located within a residential area in the northern part of Bexhill. The whole of the application site extends to about 1.25 hectares. The site is surrounded by existing residential development. The eastern side of the application site fronts Ellerslie Lane and has something of a semi-rural character with several mature trees and a roadside verge. The opposite side of the lane contains a ribbon of mainly detached houses. A cul-de-sac, Fryatts Way, extends around the south and west of the site. The southern side of the site abuts the rear gardens of five bungalows/chalet bungalows in Fryatts Way and the western side boundary of the site, which fronts directly onto Fryatts Way, contains a close-boarded fence. Here, fronting the opposite side of Fryatts Way, on its western side, is a ribbon of individual, detached bungalows/chalet bungalows. On the northern boundary of the site there is a detached house, 'Welton', that stands within a fairly large garden plot, side-on to the northern site boundary and separated by a hedge. 'Welton' fronts Ellerslie Lane and has access directly onto the lane.
- 2.2 The application site excludes the detached house which stands on the property and is known as, 'Moleynes Mead'. The dwelling is believed to date back to the mid-1920s. The access to 'Moleynes Mead' is from Ellerslie Lane and this also falls outside the application site. In addition to the house and garden, the property is used in connection with equestrian activity and contains several stables, a manège, and areas of grass-land paddock. Running east/west across the site is a steep bank which separates the house and garden from a bottom paddock. This bank contains a belt of mature trees and there is evidence of a badger sett. A considerable number of individual trees on the site are the subject of a tree preservation order.
- 2.3 The house, Moleynes Mead, is considered to be a non-designated heritage asset.
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3.0 PROPOSAL

- 3.1 The current application relates to a development that was approved for the construction of 26 dwellings together with associated new access roads, parking and external amenity areas. The amendments are to the previously approved housing mix plan, to remove the affordable housing provision.
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4.0 HISTORY

- 4.1 RR/2020/565/P Redevelopment of land to provide 26 dwellings (8 x 4-bed 2 storey homes, 10 x 3-bed 2 storey homes, 4 x 2-bed 2 storey homes, 2 x 3-bed 1 storey homes, 1 x 2-bed maisonette, 1 x 1-bed maisonette) and associated new access roads, parking and external amenity areas. APPROVED CONDITIONAL.
- 4.2 RR/2022/1115/DC Submission of details required by Condition 5 imposed on RR/2020/565/P. COMPLETED.

- 4.3 RR/2022/1302/P Variation of Conditions 3 & 4 imposed on planning permission RR/2020/565/P to allow the demolition phase of development to be permitted prior to the details specified within the conditions being approved. APPROVED CONDITIONAL.
- 4.4 RR/2022/1369/DC Submission of details required by Condition 7 imposed on RR/2020/565/P. COMPLETED.
- 4.5 RR/2022/1514/P Variation of Section 106. UNDECIDED.
- 4.6 RR/2022/1667/DC Submission of details required to satisfy Conditions 3, 14 and 17 imposed on RR/2020/565/P. APP DOC PART (Condition 3 in part, 14 and 17 are approved and discharged.)
- 4.7 RR/2022/1729/DC Submission of details required by Condition 19 imposed on RR/2020/565/P. COMPLETED.
- 4.8 RR/2022/1872/DC Submission of details required by Conditions 4 and 11 imposed on RR/2020/565/P. COMPLETED.
- 4.9 RR/2022/1921/P Variation of Conditions 2, 13 and 15 imposed on RR/2020/565/P to allow changes to approved plans as detailed in schedule of amendments. APPROVED CONDITIONAL.
- 4.10 RR/2022/2478/DC Submission of details required by Conditions 8, 9, and 10 imposed on RR/2020/565/P. COMPLETED.
- 4.11 RR/2023/878/DC Submission of details required by Condition 22 imposed on RR/2020/565/P. COMPLETED.
- 4.12 RR/2023/1035/DC Submission of details required by Condition 16 imposed on RR/2020/565/P. COMPLETED.

5.0 POLICIES

- 5.1 The following Bexhill policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- 5.1.1 Policy BX1: 'Overall Strategy for Bexhill', which includes objectives to (i) conserve and enhance the town's distinct and independent character and residential function, supported by local services and jobs as much as possible; and (ix) provide for employment and housing growth, in accordance with Policy BX3, with particular regard to the needs of families, affordable housing for younger people and a range of supported housing options for older households.
- 5.1.2 Policy BX3: 'Development Strategy', indicates that new residential and employment development will contribute to the overall strategy for Bexhill including through (ii) an overall level of housing growth of some 3,100 dwellings between 2011-2028.

- 5.1.3 The following Bexhill policy of the Development and Site Allocations Local Plan is particularly relevant to the proposal:
- BEX7: Land at Moleynes Mead, Fryatts Way, Bexhill
 - DHG1: Affordable Housing
- 5.1.4 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.
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6.0 CONSULTATIONS

6.1 Pevensey & Cuckmere – NO OBJECTION

- 6.1.1 The proposed variation appears to relate to the housing mix and does not seem to have an impact on the proposed impermeable area or the general layout. Therefore, it is unlikely to have an impact on local flood risk. The information is satisfactory and enables the PCWLMB and LLFA to determine that the proposed development is capable of managing flood risk effectively.

6.2 RDC Housing and Enabling Officer – NO OBJECTION

- 6.2.1 It is disappointing to note that provision of on-site affordable housing in line with Policy DHG1 and others is not viable on this scheme. The Applicant has submitted a suitable viability report, and this has been reviewed by a local authority commissioned consultant. Following this review, it was agreed that the provision of on-site affordable housing was not viable on this site at present and as such an amount was set out to be paid as a commuted sum in-lieu of on-site affordable housing. The agreed sum should be index linked and payable prior to occupation of 50% of the development scheme units, that is prior to occupation of the 14th unit. Based on payment being made of the sum set out above at the 50% occupation trigger this application is supported by Housing Development.

6.3 Planning Notice

- 6.3.1 One letter of objection has been received. The concerns raised are summarised as follows:

- Rother DC needs to support locals in finding housing to meet need.

- 6.3.2 Three letters of support have been received.

6.4 Bexhill-on-Sea Town Council – NO COMMENT RECEIVED

7.0 APPRAISAL

- 7.1 The principle of providing the dwellings on this site has been established through the planning approval, approved 6 April 2022.

- 7.1.1 The main issue to consider with this variation of condition application is the assessment of the justification for the removal of an affordable housing provision from the approved scheme.

- 7.1.2 There appears to be no changes to any design aspects, as such its impact on the character and appearance of the locality or impact on neighbouring amenities does not need to be assessed in this case.
- 7.1.3 There also appears to be no changes to the road layout and provision of parking and turning spaces accordingly, as such highway safety does not need to be assessed in this case.
- 7.2 *Justification*
- 7.2.1 The Applicant submitted a Financial Viability Report dated 15 February 2023, which provides their own detailed analysis illustrating that the scheme is non-viable at 31% affordable housing. It also details that the Applicant's report arrives at a position where after all assumptions are made, there would be a deficit, meaning that no affordable housing contribution can viably be provided as part of the application.
- 7.2.2 The viability report was subsequently independently assessed for the Council by Altair. Altair carried out a review of all of the assumptions that sit behind this conclusion and have made a series of amendments to the analysis, due to conclusions drawn upon the accuracy of the Applicants' assumptions. In performing the assessment, the assumptions used within the Applicants' residual land value calculation and how they compare to industry benchmarks along with current economic factors and evidence were considered. These amendments reduce the deficit in the application and a surplus would occur for the delivery of affordable housing.
- 7.2.3 It was therefore recommended within the report that the Council applies the viability review mechanisms at early and late stages of development in line with the National Planning Policy Guidance for Viability document where local policy allows.
- 7.2.4 The following comments were made by the Councils' Housing Enabling and Development Officer:
- It is disappointing to note that provision of on-site affordable housing in line with Policy DHG1 and others is not viable on this scheme. The Applicant has submitted a suitable viability report, and this has been reviewed by a local authority commissioned consultant.*
- Following this review, it was agreed that the provision of on-site affordable housing was not viable on this site at present and as such an amount was set out to be paid as a commuted sum in-lieu of on-site affordable housing. The agreed sum should be index linked and payable prior to occupation of 50% of the development scheme units, that is prior to occupation of the 14th unit.*
- Based on payment being made of the sum set out above at the 50% occupation trigger this application is supported by Housing Development.*
- 7.2.5 In light of the above, it can be considered that the justification provided and independently assessed in relation to the removal of on-site affordable housing provision would be acceptable, subject to securing the commuted sum in-lieu of on-site affordable housing.

7.3 *Condition 2*

- 7.3.1 Given the nature of the amendment, it is such that the proposals are considered acceptable, the independent Financial Viability Assessment by Altair dated May 2023 demonstrated that the scheme could not viably provide any affordable housing in the form of on-site affordable housing contribution but could however provide an offsite contribution of an agreed sum.
- 7.3.2 Therefore, the revised Housing Mix Plan, Drawing No. 7290/VC/15 rev A dated 19 July 2023 which has been submitted corresponding to the removal of on-site affordable housing would be considered acceptable.

7.4 Other Matters

- 7.4.1 A concern has been raised regarding the need to support housing needs. All concerns have been noted, on assessment of the proposal to amend the housing mix plan, to remove on-site affordable housing within this application above, therefore it is considered that the amendments have been justified and can be considered acceptable.

8.0 **PLANNING BALANCE AND CONCLUSION**

- 8.1 The alterations to the housing mix plan to remove affordable housing from the scheme, has been assessed. Overall, the viability assessment provided, and the subsequent independent assessment have confirmed that the provision of affordable housing on site would not be viable. As such it is considered acceptable to remove the affordable housing provision from the previously approved scheme and instead provide an offsite contribution of an agreed sum, to be secured through the Section 106.
- 8.2 For the reasons explained the proposal would comply with the development plan policies together with the various provisions set out in the National Planning Policy Framework and therefore the application can be supported.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITION 2 IS VARIED AS FOLLOWS:

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Proposed Site Layout Plan: Drawing No. 7290/C/L1/C dated June 2022
Proposed Mix plan: Drawing No. 7290/VC/15 rev A dated 19 July 2023
Parking strategy plan: Drawing No. 7290/VC/12 dated November 2022
Fire and access plan: Drawing No. 7290/VC/13 dated November 2022
Proposed Refuse strategy: Drawing No. 7290/VC/14 dated November 2022
Site sections: Drawing No. 7290/VC/20 dated November 2022
Landscaping Plan: Drawing No. 7290/VC/11 dated November 2022
Ecology Plan: Drawing No. 7290/VC/10 dated November 2022

House types:

Plot 1: Drawing No. 7290/C/A1/1/A dated June 2022
Plot 2, 7, 20: Drawing No. 7290/C/A2/1/A dated June 2022
Plot 3, 23: Drawing No. 7290/C/A3/1/A dated June 2022
Plot 4-6: Drawing No. 7290/C/B1/1/A dated June 2022
Plot 8: Drawing No. 7290/C/C1/1/B dated June 2022
Plot 11: Drawing No. 7290/C/C2/1/B dated June 2022
Plot 14: Drawing No. 7290/C/C3/1/B dated June 2022
Plot 24: Drawing No. 7290/C/C4/1/B dated June 2022
Plot 9-10: Drawing No. 7290/C/D1/1/B dated June 2022
Plot 9-10: Drawing No. 7290/C/D1/2/B dated June 2022
Plot 12-13: Drawing No. 7290/C/D2/1/B dated June 2022
Plot 12-13: Drawing No. 7290/C/D2/2/B dated June 2022
Plot 15-17: Drawing No. 7290/C/E1/1/A dated June 2022
Plot 18-19: Drawing No. 7290/C/F1/1/A dated June 2022
Plot 21-22: Drawing No. 7290/C/G1/1/B dated June 2022
Plot 25: Drawing No. 7290/C/H1/1/C dated June 2022
Plot 26: Drawing No. 7290/C/H2/1/C dated June 2022
Garage Type Y1: Drawing No. 7290/C/Y1/1/B dated June 2022
Reason: For the avoidance of doubt and in the interests of proper planning.

REPEATED CONDITIONS:

The development shall not proceed other than in accordance with Conditions 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 inclusive, imposed on planning permission RR/2022/1921/P dated 2 December 2022.

Reason: This permission is granted pursuant to planning permission RR/2022/1921/P Under Section 73 of the Town and Country Planning Act 1990, the Council has considered the conditions subject to which those previous planning permissions were granted and confirms that the conditions and associated reasons remain pertinent and are re-imposed, apart from as varied by this permission.

ADVISORY NOTES:

1. Conditions 4, 5, 7, 8, 9, 10, 11, 14, 16, 17, 19, 22 have been approved.
2. Condition 1 has been complied with.
3. Condition 3 has been complied with in part.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.