

SITE PLAN

FAIRLIGHT

RR/2023/976/P

Land at Bairnsbourne
Sea Road
Fairlight



Rother District Council

Report to - Planning Committee
Date - 16 November 2023
Report of the - Director – Place and Climate Change
Subject - Application RR/2023/976/P
Address - Land at Bairnsbourne, Sea Road,
FAIRLIGHT
Proposal - Erection of single dwelling in the rear garden of existing dwelling Bairnsbourne. Re-submission of application RR/2022/2315/P

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr & Mrs M. Roche
Agent: Hawkins & Hawkins
Case Officer: Miss Katie Edwards
(Email: katie.edwards@rother.gov.uk)

Parish: FAIRLIGHT
Ward Members: Councillors T.O. Grohne and A.S. Mier

Reason for Committee consideration: Call-in by Councillor Mier to consider land stability and drainage matters.

Statutory 8-week date: 26 July 2023
Extension of time agreed to: 23 November 2023

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 This application is a resubmission of refused application RR/2022/2315/P. The amended scheme is considered to have overcome the three reasons for refusal, which related to lack of information regarding drainage and stability; ecology; and lack of parking/turning. It is considered that the stability of the site would not be worsened as concluded in the stability assessment submitted with this application and with conditions there would be no harm from surface water drainage. The proposal would not harm the character or the area, neighbouring amenities or ecology. Parking and turning are provided within the site. As such this application is recommended for approval.

2.0 SITE

- 2.1 The application site forms part of the rear garden area of Bairnsbourne and is located outside but adjacent to the Development Boundary for Fairlight Cove as defined within the Development and Site Allocations (DaSA) Local Plan. The development boundary runs along the south-eastern side of Lower Waites Lane, i.e. the western boundary of the application site. All neighbouring dwellings around Bairnsbourne are also located outside the development boundary.
- 2.2 The site lies 14.7m outside the coastal zone buffer identified within the DaSA and outside but adjacent to the High Weald Area of Outstanding Natural Beauty (AONB). It lies within Fairlight and Pett Level Drainage Area. There are three neighbouring properties to the east that lie within the coastal buffer zone closer to the cliffs, being Bairnsbourne, Grey Winds and Merrie Lands.
- 2.3 There is a stream approximately 3m to the west of the site on the opposite side of Lower Waites Lane. Whilst the site is not within a coastal/river flood zone, the front section of the site lies within a potential surface water flood area. Fairlight is known for drainage issues and stability issues.
- 2.4 Bairnsbourne can be accessed from Sea Road and Lower Waites Lane being a corner plot between the two roads. The trees on the western side of Lower Waites Lane are subject to a Tree Preservation Order.
- 2.5 The site is additionally situated within a red Impact Risk Zone under the NatureSpace Partnership Scheme which means the area provides a 'highly suitable habitat' for Great Crested Newts.
- 2.6 There is a neighbouring property to the south-west (side) of the site which was approved under Planning Ref. RR/2004/2801/P. This land was formerly part of Bairnsbourne.

3.0 PROPOSAL

- 3.1 This application seeks permission for a new dwelling house. The dwelling would be a single storey bungalow with a footprint of 148.7sqm, with 133sqm of internal space.
- 3.2 The resulting property would have 3-bedrooms with a modular design with two lean-to green roofs and a mixture of off-white render and vertical timber cladding.
- 3.3 The property would be accessed via a new driveway off Lower Waites Lane. Following the previous refusal the boundary screening would be retained to the north and west side boundaries.

4.0 HISTORY

- 4.1 RR/2022/2315/P Erection of single bungalow dwelling with associated landscaping and parking – REFUSED.

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
- OSS2: Use of Development Boundaries
- OSS3: Location of Development
- OSS4: General Development Considerations
- RA2: General Strategy for the Countryside
- RA3: Development in the Countryside
- CO6: Community Safety
- EN1: Landscape Stewardship
- EN3: Design Quality
- EN5: Biodiversity and Greenspace
- 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:

- DHG3: Residential Internal Space Standards
- DHG4: Accessible and Adaptable Homes
- DHG7: External Residential Areas
- DHG11: Boundary Treatments
- DHG12: Accesses and Drives
- DEN1: Maintaining Landscape Character
- DEN2: The High Weald AONB
- DEN4: Biodiversity and Green Space
- DEN5: Sustainable Drainage
- DEN6: Land Stability
- DIM2: Development Boundaries
- DRM2: Renewable energy developments

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

5.4 The adopted High Weald AONB Management Plan 2019-2024 and Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area. These are relevant as the proposal would affect the setting of the AONB whilst not being inside the AONB itself.

6.0 CONSULTATIONS

6.1 [East Sussex County Council \(ESCC\) Highways](#) – **DO NOT WISH TO COMMENT**

6.2 [NatureSpace](#) – **NO OBJECTION**

6.3 [ESCC Lead Local Flood Authority](#) – **DO NOT WISH TO COMMENT**

6.4 Southern Water – **GENERAL COMMENTS:**

6.4.1 Southern Water requires a formal application for a connection to the public foul sewer to be made by the Applicant or developer. And list details required for any surface water drainage scheme.

6.5 Environment Agency – **DO NOT WISH TO COMMENT**

6.6 RDC Waste & Recycling – **NO ISSUES**

6.7 Wealden Building Control – **UNABLE TO COMMENT**

6.7.1 Have to rely on the reports provided by suitably qualified persons who have accepted responsibility for them. In relation to siting of a soakaway, it has been agreed that a safe distance of 100m from the cliff edge is required.

6.8 Fairlight Preservation Trust – **OBJECTION**

6.8.1 Comments summarised:

- Vulnerable location, area has been subject to sever coastal erosion and cliff falls.
- Major drainage and groundwater pooling issues.
- Accompanying stability report is inadequate as it is a desk study and does not accurately reference property 'Grey Winds'. Professional expert advice is still needed.
- Southern water system is already overloaded, Pathfinder Project has places Fairlight as one of only six sites.
- Loss of mature scrubs and trees harming local environment and drainage.
- LEAP Report contains comprehensive exclusions to benefit the Applicant.
- Environmentally sensitive area, namely an Site of Special Scientific Interest.
- No construction management plan provided.

6.9 Public Notice

6.9.1 10 letters of **objection** received from 13 people. The comments are summarised as follows:

- Road to narrow for construction vehicles, any damage is paid for by residents.
- Vehicle access would damage stream, blocking access for properties beyond and causing hazards for walkers of coastal pathway.
- Harmful to properties on cliff edge, whilst outside 50m zone still relevant.
- Geological report does not add any new information, site inspection does not offer confidence as neighbouring property on cliff edge, was excluded from inspection.
- Harmful to wildlife.
- Sewage system has no capacity for further dwelling.
- Concrete is overused and would reduce absorption.
- Weight load pressure would affect water pooling.
- Overdevelopment of plot, tiny garden.
- Faces wrong way, contradicting other properties on lane.
- Only one WC in ensuite.
- No storage inside or outside, storage outside would be an eyesore.

- Blind corner on Lower Waites Lane, accident chances will be exacerbated.
- Out of character with other properties in terms of design.
- Trees would be felled, oak tree has already been felled.
- Bairnsbourne has already been subdivided once.
- Overlooking neighbouring properties due to amount of glazing and garden patio.
- Turning space on driveway is inadequate.
- Adding conditions are not good enough as would not be enforced by Rother District Council.

6.10 Fairlight Parish Council – **OBJECTION**

6.10.1 Comments summarised:

- Close proximity to 50m coastal buffer.
- Immediacy to neighbouring properties and overlooking issues.
- Sewerage structure is overloaded.
- Private access road is narrow and unstable, would not accommodate large construction vehicles, dead end no turning for large vehicles and possible damage to stream.
- Contamination to stream from ground water runoff.
- Inadequate parking space for visitors, no off-road parking without blocking road.
- Construction management plan required.
- Permeable driveway and channel drain would be an issue.
- Soakaway is proposed, not suitable for area.
- Disturbance of wildlife.
- Existing established trees and hedgerow should be maintained.
- Only one toilet within ensuite bedroom.

6.11 Other comments regarding RDC procedures

6.11.1 There has been additional comments regarding the location of the planning notice, however as stated on the notice it is not always possible to display on the application site it has been sited to ensure wider publicity for the proposal. There are also complaints about the speed of displaying the notice and how the notice period was insufficient. Please note that once displayed there are 21 days for comments as with all planning applications and any delay in posting the notice has allowed a longer consultation period.

6.11.2 The location plan is on the website and can be seen on Drawing No. 02 rev D. In line with the guidance at paragraph 39-42 of the National Planning Policy Framework pre-application guidance is allowed and available for all applicants.

7.0 **LOCAL FINANCE CONSIDERATIONS**

7.1 If approved, the development would be subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice, which will be issued in conjunction with this decision.

8.0 APPRAISAL

8.1 The main issues for consideration include the principle of development; site stability; drainage and flood risk; character and appearance of area; amenities of neighbours; living conditions for future occupiers; ecology; and highway safety.

8.2 Principle of Development

8.2.1 Policy OSS2 of the Rother Local Plan Core Strategy states that “Development Boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not”.

8.2.2 Policy DIM2 of the DaSA states that “In the countryside (that is, outside of defined settlement development boundaries), development shall be normally limited to that which accords with specific Local Plan policies or that for which a countryside location is demonstrated to be necessary”.

8.2.3 As the site is located outside of the development boundary as defined in the DaSA, the site is in the countryside for policy purposes.

8.2.4 The site is outside of the development boundary in an area that has been deliberately excluded by local Planning Policy due to its sensitive nature and risk or erosion. Due to this it is considered that greater weight should be placed on this location.

8.2.5 However, based on the current housing position it is acknowledged that the Council cannot currently demonstrate a five-year supply of housing land with the appropriate buffer. This means that policy restrictions relating to development boundaries must be viewed at the present time as being ‘out-of-date’. As a consequence, planning applications fall to be considered in the context of paragraph 11 d) of the National Planning Policy Framework, which states, that *in accordance with the presumption in favour of sustainable development, where policies are out of date planning permission should be granted unless:*

- i) *the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or*
- ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

8.2.6 The merits of the application proposal in relation to paragraph 11 are considered below.

8.3 Site Stability

8.3.1 The site lies just over 60m from the cliff edge, Policy DEN6 of the DaSA states that “*development will only be permitted on unstable or potentially unstable land where, (i) the nature of the instability has been properly assessed; and (ii) any remedial measures required to ensure that the development does not add to the instability of the site or surrounding land are environmentally acceptable and are normally implemented prior to the building works*”.

- 8.3.2 Paragraph 11.110 of the DaSA states that *'The development boundary is drawn back from the cliff edge, to protect land that may be at risk of erosion or land instability.'*
- 8.3.3 The Council did not receive any objections from consultations regarding stability. Building Control could not comment on the proposal, however, did state that we have to rely on the report undertaken by a suitably qualified professional. The National Planning Policy Framework states at paragraph 184 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.* The company, LEAP, who produced the report have provided further clarifying comments which can be found in full on the website.
- 8.3.4 The 'Preliminary Land Stability and Cliff Assessment' by LEAP, considers that as long as the proposed development is undertaken taking the general recommendations into account, it will not have an adverse effect on the stability of the existing sea cliff. The report also concludes that in time, as it is, the cliff will eventually fail and retreat however this would not be due to the proposals for the site, but due to the natural regrading of the cliff, wave action and lifespan of the coastal defence.
- 8.3.5 The assessment is primarily a desk-based study. This included looking at the historical maps, historical datasets, the retreating shoreline patterns, existing cliff angles, soil/rock type and distance of proposals from the crest of the cliff, local information, other local published reports and the effect the rock berm has had on the stability of the cliff since installation and likely life span. They also physically looked at the existing site and local topography to establish if any existing and recent movement could be identified. An onsite intrusive investigation was requested, however LEAP stated that this would be very unlikely to change the conclusions and recommendations within their original report.
- 8.3.6 They additionally advised that whilst boreholes could be used, they would not usually be for an assessment of this type. At Fairlight the existing cliff exposure has been very well documented and as such this is not necessary.
- 8.3.7 The final recommendations from the assessment are as follows:
- Care must be taken not to create any stockpiles of material on the northern corner of the site where slope stability remains a potential problem.
 - Site levels should remain at or as close to the existing as possible.
 - All drainage should be directed to off-site drain runs.
 - Care must be taken to avoid any water collecting and introduction of water into the ground should be avoided at all times.
- These can be incorporated within conditions with any approval as well as a Construction Management Plan for agreement prior to any works starting on site.
- 8.3.8 In summary with the absence of any objections from qualified statutory consultees we have no reason to disagree with the conclusions in the assessment.

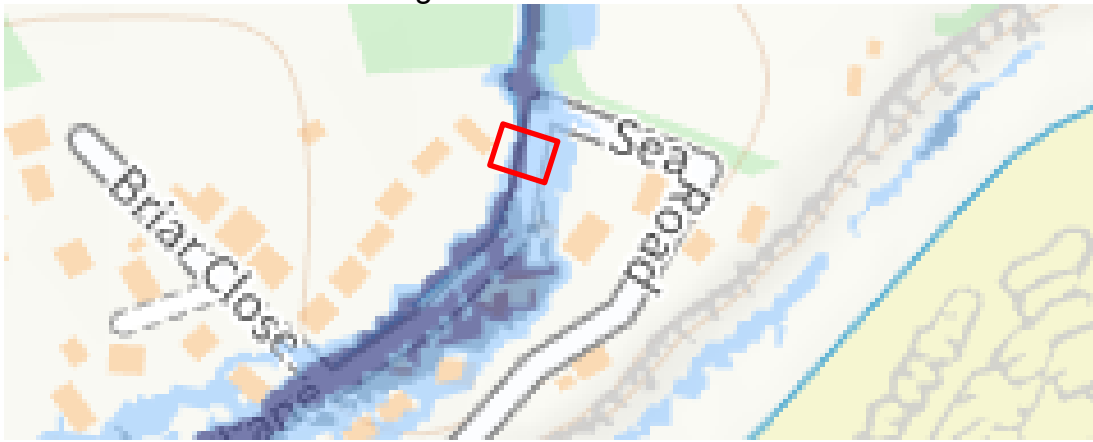
8.4 Drainage and Flood risk

- 8.4.1 Policy DEN5 of the DaSA states that:

'(ii) new development should utilise opportunities to reduce the causes and impacts of all sources of flooding, ensuring flood risks are not increased elsewhere, that flood risks associated with the construction phase of the development are managed, and that surface water run-off is managed as close to its source as possible'. And '(vii) within the Fairlight and Pett Level Drainage Area, surface water run-off from development shall be no more than the greenfield rate, in terms of volume and flow; and at Fairlight Cove, drainage proposals should accord with Policy DEN6 (land stability).'

- 8.4.2 There is a stream approximately 3m west from the front boundary and the site and is within the Fairlight and Pett Level Drainage Area. However, it is noted that the western end of the plot is within a low risk (pale blue) area of surface water flooding. Low risk (as on the Government website) means that this area has a chance of flooding of between 0.1% and 1% each year.

Plan of surface water flooding:



- 8.4.3 Southern Water provided a comment on the proposal. They require a formal application to connect to the public foul sewer. When a Sustainable Drainage System is to be implemented (SuDS) drainage details should be submitted to the Local Planning Authority which, specify the responsibilities of each party for the implementations, include a timetable of implementation and detail management and maintenance plans for the lifetime of the development. There has been concern raised by residents regarding the use of the existing sewer system, however Southern Water have not objected to this proposal.
- 8.4.4 The proposal originally included a soakaway system, however as this would be inappropriate in this area the proposal was amended. The development, following consideration of the ESCC 'SuDS Decision Support Tool for Small Scale Development', now proposes to use an attenuation tank, the details of which would be determined by a specialist prior to development. Additionally, three rainwater harvesting cylinders would be used and a sedum green roof. The channel drain on the driveway would discharge water into the attenuation tank as would the bio-retention gardens. This seems to be sufficient and if approved a pre-commencement condition for full details of the attenuation tank and other matters raised by Southern Water would be required.

8.5 Character and appearance of the locality

- 8.5.1 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, based on a clear understanding of the distinctive local landscape characteristics’.

- 8.5.2 Policy EN3 of the Rother Local Plan Core Strategy advises that development must contribute positively to the character of the site and surroundings and Policy OSS4(iii) states that development must respect and not detract from the character and appearance of the locality.
- 8.5.3 Paragraph 130 of the National Planning Policy framework states that development must ‘function well and add to the overall quality of the area’ and is ‘sympathetic to local character and history, including the surrounding built environment and landscape setting’.
- 8.5.4 While not within the High Weald AONB boundary, the site is outside of a development boundary and is therefore in the countryside for policy purposes. Given that the boundary for the High Weald AONB is close to the site (the boundary of which is to the north side of the Sea Road), the impact on views to and from the High Weald AONB would also be a consideration in terms of its setting.
- 8.5.5 The area is semi-rural in character and Lower Waites Lane is a narrow lane lined either side with vegetation. However, the site is adjacent to the development boundary of Fairlight Cove which is a village of a reasonable size and is bordered by other residential properties also located outside the development boundary. The dwellings along the lane are detached, generally set within spacious plots and are set back from the road with long front and rear gardens.
- 8.5.6 Whilst the proposed dwelling would be within a somewhat smaller plot, closer to the roadside and be of a less traditional design, it would not be unacceptable given the built-up nature of this area, where there are many dwellings on a variety of plot sizes, and which vary in design. In addition, the side elevation of Bairnsbourne is close to the boundary with Sea Road, on the same alignment as the proposed dwelling. The proposed dwelling would also be single storey and would be seen in the context of other surrounding residential properties. With retention of boundary planting and the vegetation on the opposite side of the road, it would be screened from wider views and not read as an intrusion into the countryside and would not cause harm to the setting of the AONB. In terms of design the property would face Lower Waites Lane and would be a bungalow, like the majority of the neighbours. Whilst a more contemporary design, the development is not considered to be harmful to the character of the area.
- 8.5.7 Both Sea Road and Lower Waites Lane are characterised by tree and hedge lined lanes. With the previous application there was some concern about the loss of boundary screening, however with this proposal it is clear that the hedgerow would be retained. If the application were to be approved, hard and soft landscaping details would need to be submitted which include retention of the boundary hedges.
- 8.6 Amenities of adjoining properties

- 8.6.1 Policy OSS4 of the Rother Local Plan Core Strategy states that ‘all development should meet the following criteria: (ii) *It does not unreasonably harm the amenities of adjoining properties*’.
- 8.6.2 The closest neighbour to the site would be Bairnsbourne, to the east, with the application property built within their garden. The proposal would result in the loss of garden space for Bairnsbourne, however, the resultant garden space for this property would still provide an adequate level of external amenity space for future occupiers (13m). No. 78 Lower Waites Lane lies to the south of the application site and this land was also formerly part of Bairnsbourne.
- 8.6.3 The application site would be positioned to the north and the north west of the aforementioned properties with a good enough distance between to remove any concern about loss of light to the neighbouring properties. Due to the single storey height and minimum distances of 13m (Bairnsbourne) and 13m (No. 78) to the dwellings closest elevations, it is considered that the proposal would not appear to be unacceptably overbearing or enclosing to these neighbours.
- 8.6.4 There has been some concern raised reference overlooking from the proposal. However due to the proposed property being single storey and not positioned at an elevated terrain height, it is not considered that any additional views towards neighbouring properties would be achieved than already pertains from the existing rear garden of Bairnsbourne. As such the proposal would not introduce a new level of overlooking.
- 8.7 Living conditions for future occupiers
- 8.7.1 Policy DHG3 of the DaSA requires new housing development to achieve the Government’s nationally described space standards. Any proposal for a new dwelling must meet these minimum standards. The proposal would be for a three bed, six person dwelling and would meet the minimum standards.
- 8.7.2 Policy DHG4 of the DaSA states that all dwellings are required to meet M4(2): Category 2 - Accessible and Adaptable dwellings. The Council has adopted the Optional Buildings Regulations for Accessible and Adaptable Homes. If granted there would need to be a condition ensuring that the property complies with these standards.
- 8.7.3 Policy DHG7 (i) of the DaSA requires new housing development to achieve adequate private external space, normally rear gardens with a depth of 10m. The site is confined and as such a rear garden cannot be provided, but external private amenity space would be located to the southern side of the property. The external space would have a depth of 14.8m so would provide external space that would comply with the condition.
- 8.7.4 Policy DHG7 (iii) of the DaSA requires sufficient bin storage to be provided. The proposal includes an area for bin storage adjacent to the lane.
- 8.8 Ecology
- 8.8.1 The site lies within a red impact zone as per the modelled district licence impact map, meaning it is a ‘highly suitable habitat’ for the presence of Great Crested Newts. NatureSpace have been consulted and they have no

objection to the proposal. In this case the site is not within 50m of a pond and in this instance an informative only can be recommended reminding the Applicant of the regulations and should Great Crested Newts be found at any stage of the development works, then all works should cease, and Natural England should be contacted direct for advice.

8.8.2 Comments from neighbours regarding the impact to wildlife have been received, however the land is an existing part of the rear maintained garden for 'Bairnesbourne' and as such would not be as attractive for wildlife as the woodland to the north-west of the site. As such the development is not considered to harm protected species.

8.9 Highway Safety

8.9.1 Policy TR4 of the Rother Local Plan Core Strategy states proposed development shall: *(i) meet the residual needs of the development for off-street parking having taking 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 offsite whether on-street or off-street.*

8.9.2 Policy CO6 of the Rother Local Plan Core Strategy states that a safe physical environmental will be facilitated by: *(ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.*

8.9.3 Policy DHG7 *(ii) of the DaSA states that provision for car parking and safe and secure cycle storage should be made in accordance with the Rother Local Plan Core Strategy Policy TR4 and ESCC's 'Guidance for Parking at New Residential Development'.*

8.9.4 Lower Waites Lane is very narrow, however, it is not considered that the provision of one additional dwelling would have a significant impact on highway safety. Given the narrow nature of the lane, vehicles are also likely to be travelling at slower speeds.

8.9.5 The proposed parking area shows space for two cars and a turning space so that the vehicles can enter and exit in forward gear. Two parking spaces is adequate for a dwelling of this size. ESCC Highways were consulted and did not object or offer any comments on the proposal in terms of issues with safety.

8.9.6 There has been concern raised by neighbours that during works construction vehicles would block access and that the large vehicles could damage the road. These construction issues can be mitigated and conditioned with a Construction Management Plan, which in this instance is appropriate due to the nature of the site access and potential blocking of access, which could impact other road users.

9.0 **PLANNING BALANCE AND CONCLUSION**

9.1 This revised application is considered to have overcome all three of the previous reasons for refusal under RR/2022/2315/P.

- 9.2 It is considered that there would be no harm to the stability or drainage of the area with full details via conditions and compliance with the recommendations within the stability report.
- 9.3 The proposals would not give rise to harm to protected species.
- 9.4 Parking and turning can be provided within the site.
- 9.5 The proposed dwelling would not harm the character of the local area or the neighbouring amenities. With conditions therefore, the application is recommended for approval.
-

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Proposed Site Plans, Drawing No. 01 rev A, dated 27/10/23
Proposed Plans, Drawing No. 02 rev G, dated 27/10/23
Proposed Elevations, Drawing No. 03, received 27/10/23
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place until a scheme for protective fencing to the boundary hedges and trees has been submitted to and approved in writing by the Local Planning Authority. The protective fencing shall be erected prior to the commencement of any ground works and shall be retained for the duration of construction.
Reason: To ensure that tree and hedges are not damaged or otherwise adversely affected by building operations and soil compaction to enhance the appearance of the development in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy and Policies DEN1 and DEN4 of the Development and Site Allocations Local Plan.
4. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
 - a) the anticipated number, frequency and types of vehicles used during construction;
 - b) the method of access and egress and routeing of vehicles during construction;
 - c) the parking of vehicles by site operatives and visitors;
 - d) the loading and unloading of plant, materials and waste;

- e) the storage of plant and materials used in construction of the development;
 - f) the erection and maintenance of security hoarding;
 - g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
 - h) details of public engagement both prior to and during construction works.
- Reason: These details are required prior to commencement of any works to ensure highway safety and to protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

5. No development shall commence until a surface water drainage scheme for the site, including details of the proposed attenuation tank, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: These details are integral to the whole development and are therefore required prior to commencement of works to prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) of the Rother Local Plan Core Strategy, Policy and DEN7 (iii) of the Development and Site Allocations Local Plan and paragraphs 167 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

6. Construction and completion of the works shall be undertaken in accordance with the recommendations outlined on page 19 of the 'Preliminary Land Stability and Cliff Assessment' by LEAP, dated 29 March 2023, including the details to be submitted in respect of the Construction Management Plan and the surface water drainage scheme.

- a) Care must be taken not to create any stockpiles of material on the northern corner of the site where slope stability remains a potential problem.
- b) Site levels should remain at or as close to the existing as possible.
- c) All drainage should be directed to off site drain runs as appropriate.
- d) Care must be taken to avoid any water collecting and introduction of water into the ground should be avoided at all times.

Reason: The application site is within an area of unstable land and in order to safeguard the safety of future occupiers of the land, in accordance with the requirements of Policy OSS3 (viii) of the Rother Local Plan Core Strategy and Policy DEN6 of the Development and Site Allocations Local Plan.

7. No development above ground level shall take place until samples or details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in keeping with the character and appearance of the existing building and to maintain the visual amenities of the area having regard to Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy and Policy DEN1 of the adopted Development and Site Allocations Local Plan.

8. No development above ground level on the site shall take place until the hard and soft landscaping details for that part of the site have been submitted to and

approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: To ensure a high quality public realm taking account of the characteristics of the area in accordance with Policies OSS4 (iii), EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.

9. In this condition "retained tree/hedge" means the existing trees and hedging to the roadside boundaries in Lower Waites Lane and Sea Road, which are to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 10 years from the date of the occupation of the building for its permitted use.
- a) No retained tree/hedge shall be cut down, uprooted or destroyed, nor shall any retained tree/hedge be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
 - b) If any retained tree/hedge is removed, uprooted, destroyed or dies, another tree/hedge plant shall be planted at the same place and that tree/hedge plant shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - c) The erection of fencing for the protection of any retained tree/hedge shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
 - d) No fire shall be lit within 10m from the outside of the crown spread of any tree which is to be retained.
 - e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
 - f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

No alterations or variations to the approved works or tree/hedge protection schemes shall be made without prior written consent of the Local Planning Authority.

Reason: To ensure that tree/hedges are not damaged or otherwise adversely affected by building operations and soil compaction to enhance the appearance of the development in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy and Policies DEN1 and DEN4 of the Development and Site Allocations Local Plan.

10. The development shall not be occupied until the parking and turning area have been provided in accordance with the approved plans and the area shall thereafter be retained for that use and shall not be used other than for the parking and turning 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.

11. 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, buildings or structures as defined within classes A, AA, B, D or E of Part 1 of the Schedule 2 of the order, shall be carried out on the site otherwise than in accordance with a planning permission granted by the Local Planning Authority.
Reason: To ensure that the satisfactory appearance of the development and area is maintained, to preserve the natural landscape quality and character of the High Weald Area of Outstanding Natural Beauty and to protect ground stability and drainage, in accordance with Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN6 of the Development and Site Allocations Local Plan.
12. The dwelling hereby permitted shall not be occupied until it has/they have 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 Rother Development and Site Allocations Local Plan.
13. The dwelling hereby approved shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part 3 of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwelling hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwelling has been constructed to achieve water consumption of no more than 110 litres per person per day.
Reason: To ensure that the development is built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2(v) of the Rother Local Plan Core Strategy and Policy DRM1 of the Development and Site Allocations Plan.

NOTES:

1. Rother District Council adopted the Community Infrastructure Levy (CIL) Charging Schedule on 4 April 2016. CIL applies to all applicable planning permissions granted on or after this date. In this case, the development hereby approved is CIL liable. The Applicant/Agent is advised to ensure the appropriate submission of the relevant CIL form(s). Forms and guidance are available on the Councils website: www.rother.gov.uk/planning-and-building-control/planning-policy/community-infrastructure-levy-cil-2/
2. The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under this legislation. Should great crested newts

be found at any stages of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

3. This permission may include condition(s) requiring the submission of details prior to the occupation of development. Following close consideration in the courts, it is now well established that if the permission contains conditions requiring further details to be submitted to the Council or other matters to take place prior to development commencing and these conditions have not been complied with, the development may be unlawful and not have planning permission. You are therefore strongly advised to ensure that all such conditions have been complied with before the development is commenced. A fee is payable for written requests for compliance with conditions; the current fee is £34.00 for each request for householder developments and £116.00 for each request for all other categories of development. The appropriate 1APP form can be downloaded from the Council's Planning website www.rother.gov.uk/planning.
4. The Applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that conditions triggering the optional technical standards for Water Efficiency and Accessibility are attached to this planning permission and that development should be built accordingly. Enforcement action may be taken without further notice if the relevant standards are not achieved.

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.