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Application No: RR/2019/2723/P

Site Address: Furtherdown - land at rear, Main Road, Westfield TN35
4SL

Development: Outline: Erection of 2 No Detached 3 Bedroom
Residential Dwellings

CONSULTEES:

Parish/Town Council:	<p>Object:</p> <p>The current plan seems an over development of the site. The two houses are not in keeping with the nearby properties at Ferndale Close which will be directly impacted by the properties. The proposed elevations will therefore significantly change the character of this area of Westfield. Councillors questioned the accessibility of the site in relation to emergency vehicle access. The track the houses would be using comes out onto a very dangerous part of the A28 and the actual visual splay you would have doesn't seem significant to enter and exit this track safely.</p>
Highways Authority	No objection subject to conditions:
Planning Notice:	<p>3 representations received from residents. The objections can be summarised as follows:</p> <ul style="list-style-type: none">• Overdevelopment of the site, causes overlooking and is completely out of character with area.• overbearing impact on our property, ruin our outlook and enjoy full view of the rear gardens of three of our neighbours' properties.• The hedging along our boundary line is sparse, mainly deciduous and ineffective as a screen.• Access to the proposed houses via a dirt track is unsuitable for a range of service vehicles including emergency vehicles.• The track would need to be significantly upgraded.• The track and public footpath leading from the A28 (Main Road) and currently serving Furtherdown and Tudor Close Cottage, with footpath extending through to Cottage Lane, is of an unmade surface and with poor visibility on to Main Road.• The surface water discharge is described in the application form to be by soakaway. It is well known that the dense clay subsoils of this area are not supportive or readily accommodating• Site has recently been the subject of significant felling of trees, nonetheless there remains an

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	<p>arboricultural issue to the site and we would expect that an Arboricultural Appraisal should form part of the planning application.</p> <ul style="list-style-type: none">• Harmful to wildlife, no ecology appraisal

Comments:	<p><u>Site:</u></p> <p>The application site is located on the northern edge of the village of Westfield. It is in an area that is primarily residential to the south and open countryside to the north.</p> <p>The site currently forms part of the large rear garden of the dwelling known as Further Down, a 5-bedroom detached house with annex is, set in modest sized grounds.</p> <p>The site sits within the development boundary for Westfield as defined within the Development and site Allocations Local Plan and is within the High Weald Area of Outstanding Natural Beauty (AONB).</p> <p>Westfield Lane itself is a road with predominantly linear residential development on either side. The development here mainly consists of detached bungalows, chalet bungalows & two-storey houses, which vary in size, style, design and external materials and sit within a variety of plot sizes.</p> <p>Grass verges, hedges and trees are present on either side of the public highway, including on the border of the host dwelling where the application site shall be accessed which is by way of an existing access track which comes off Westfield Lane which serves Further Down and Tudor Close Cottage. The lane is therefore semi-rural in character.</p> <p><i>Site History</i></p> <p>None relevant to the site in the past 9 years.</p> <p>Of note is the land opposite at Moorhurst which is allocated for a residential care home and has a historic outline permission granted for a 16-bed care unit under planning permission reference RR/2005/1158/P.</p> <p><u>Proposal:</u></p> <p>This is an outline application therefore it is the principle of the development of this site which is being considered. The proposal is for the erection of two 4-bedroom detached houses to the rear of Further Down, Westfield.</p>
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The proposal has included 2 parking spaces to the front of each dwelling.

Vehicular access to the site is proposed from the existing accessway to Furthermore and Tudor Lodge. The access is to be improved to ensure visibility and safety for all road users, this is to be conditioned following advice from the Highways Authority.

Policy:

The NPPF, (National Planning Policy Framework) is a material consideration with particular reference to the following chapters.

Chapter 2 Achieving Sustainable Development
Chapter 4 Decision Making
Chapter 5 Delivering a Sufficient Supply of Homes
Chapter 14 Meeting the challenge of climate change, flooding, and coastal change

The Development Plan for Rother consists of:

- Rother DC District Local Plan (2006)
- The Rother Core Strategy (September 2014),
- Development & Site Allocations Plan (Dec 2019).
- SPD's- Guidance for Parking at New Residential Development.

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

PC1 - Presumption in favour of sustainable development
OSS2 – Use of Development Boundaries
OSS4- General Development Considerations
EN1 – Landscape Stewardship
EN3 – Design Quality
CO6: Community Safety
TR3 – Access and New Development
TR4 – Car Parking
SRM1: Towards Low Carbon Future
SRM2 - Water Supply and Wastewater Management Policy
LHN1: Achieving Mixed and Balanced Communities
TR3: Access and New Developments
TR4: Car Parking

The following policies of the adopted Development and Site Allocations Local Plan are relevant to the proposal:

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DRM1: Water Efficiency
DRM2: Renewable Energy Developments
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
DEN5: Sustainable Drainage
DEN7: Environmental Pollution
DIM2: Development Boundaries

DEN2: The High Weald Area of Outstanding Natural Beauty
The NPPF, The High Weald AONB Management Plan 2019-2024 and Planning Policy Guidance are also material considerations.

The main issues for consideration are as follows:

- Principle of Development
- Impact upon Highway Safety
- Character and appearance of area
- Residential Amenity

Principle

The site is set within the defined development boundary for Westfield and therefore falls within the area where there is a presumption that development will be acceptable subject to other Local Plan policies. Such criteria relates to character and appearance of the locality, impact upon neighbouring amenities and highway safety.

Highways

Policy CO6 (ii) of the Core Strategy (CS) requires all development not to prejudice road and/or pedestrian safety. Policy TR3 of the CS requires new development to have adequate, safe access arrangements and Policy TR4 (i) of the CS requires adequate on-site parking to be provided.

DaSA Policy DHG12 requires proposals for new drive and accesses (i) that they are considered acceptable in terms of highway safety, including for pedestrian and cyclist. Paragraph 110 (b) of the NPPF states that development should provide safe and suitable access to the site for all

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users, whilst paragraph 111 of the NPPF provides that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The County Council Highways authority initially objected to the application due to concerns with the extent of visibility provided at the access head of lane to the site.

The applicant submitted further revised plans showing a revised access gradient. The Highways Authority in removing the objections and recommending conditions expressed the following:

“A further amendment has been provided for consultation which overcomes the highway objection to the provision of access improvement. The drawings provided are 6375/3/B and 6375/4. This arrangement provides for an appropriate access gradient, width, radii and driver sightlines of 120m x 2.4m in both directions. An access drain is included to accommodate surface water to prevent flows from the site into the highway, which can be secured as part of a s184 licence agreement. The access width also allows a suitable area for residents to cross the A28 to reach the footway on the southeast side. However, the site remains relatively detached from Westfield. There are bus services available at the football club (northbound) and at the medical surgery (southbound) though services are limited and the footway is narrow to reach these as referred to in the earlier response. A PRoW is directly nearby but does not have all-weather surface, but provides a traffic free route to Cottage Lane. Though not ideal, these links are present and give some travel option aside from the private car. A robust highway objection could not be sustained in this instance on this basis.”

It is noted that the objections to this proposal refers to concerns with the access and highways safety, however in the absence of a statutory objection we can be confident that the technical specifications meets the requirements of the highway authority and that an objection could not be substantiated on these grounds.

Therefore, the application, with the provision of off site parking for 2 vehicles for each dwelling, is considered acceptable in highway terms.

Character and appearance

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Policy OSS4 (ii) states all development should respect and not detract from the character and appearance of the locality.

Policy EN3 states new development will be required to be of high design quality by: (i) contributing positively to the character of the site and surroundings, and (ii) demonstrating robust design solutions.

The proposal utilises a rear garden section of the dwelling known as Furtherdown, and although in outline form, the plans indicate two detached 4 bedroom dwellings in a linear arrangement located at the end of the lane.

Paragraph 124 of the Framework says that planning decisions should support development that makes effective use of land, taking into account, amongst other things, the desirability of maintaining an area's prevailing character and setting (including residential gardens)

The proposal would increase the development down this lane by 2 additional dwellings.

On balance and with sensitive design principles employed, it is considered that the proposal would relate well to the existing pattern of development in the Westfield Lane area and the built form would reflect the established character of the locality. The new dwellings, as indicated in the submitted plans, would have similar plot sizes to the dwellings located to the rear and in the immediate vicinity.

Two storey dwellings of a modest height and scale, reflecting some of the dwellings nearby, is considered to not be unduly intrusive in the street scene.

The objections have alleged that this proposal is an overdevelopment of the site, however this is an outline application (indicative drawing submitted) which looks at the principle of development and as indicated in the plans, the site of the site can accommodate 2 detached dwellings of a modest size and scale which would provide adequate outdoor amenity space.

Therefore, the proposed density of 2 dwellings and the indicated overall massing would not, on balance, lead to an incongruous form of development. The proposal does not adversely affect the existing character and form of the area. The proposal complies to Local and National Policy aims which seek to protect and enhance the character of the area with new development.

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Amenity

Policy OSS4 of the CS and DHG9 of the DaSA, requires among other things that all development does not unreasonably harm the amenities of adjoining properties. In relation to light and outlook, the critical relationship is between the proposed dwelling and the host property.

The application is in outline form therefore overlooking from windows cannot be assessed at this stage, although due to the orientation of the dwellings and the nearest neighbours featuring to the rear, separated by lengths of garden, overlooking does not appear to be an issue. The nearest adjacent neighbour is Tudor Cottage and due to the separation distances and existing screening, any impacts are considered minimal and acceptable. The plans submitted are an indication of what is hoped to be achieved, therefore if and when the reserved matters are submitted then consideration will be given to the detailing of windows etc.

The proposed density of the development is considered to be acceptable and does not lead to an overly overbearing effect on the neighbouring gardens and dwellings to the rear.

On balance, the proposal is considered, for the above reasons, to not unreasonably harm the amenities of the neighbouring properties therefore it is compliant with Local and National Policy in this regard.

Other Matters

The objections raise issues with the trees which border Furtherdown, which are relevant due to the works proposed to the access way as it joins Westfield Lane.

The previous case officer had in-depth discussions with the Councils Tree officer earlier this year and a TPO was placed on the trees in order to protect them from any unacceptable harm due to works to the access lane.

What is important to note is that the TPO was placed on these trees, not to prevent this proposed development but for the following reason:

"A Tree Preservation Order is considered necessary as planned work to improve visibility for vehicles leaving the proposed development site are likely to have a detrimental impact on the condition and longevity of the trees. It is important that the trees are protected so that any proposed

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	<p><i>works must be carefully specified by the developer and can be controlled.”</i></p> <p>The TPO therefore protects the trees and ensures that any proposed works close to the tree’s and their root splay are carefully controlled by the provisions of the Order.</p> <p>The objections are noted from residents, but it is considered that the Council has taken sufficient steps in approving a Tree Preservation Order which shall see to the future protections and preservation of the trees affronting Furtherdown.</p> <p><u>CONCLUSION</u></p> <p>The proposal is for a sustainable residential development, which will have an acceptable impact on the environment and will make a positive contribution to the District’s housing supply. Planning permission should be granted, subject to appropriate conditions.</p> <p>CIL</p> <p>The development would be subject to the Community Infrastructure Levy (CIL).</p>

SCHEME DETAILS:

Dwelling details		
Dwellings	Number	Percentage
Market	2	100%
Affordable		
Self-build		
Total		

Tenure Details / Property Size							
Type	Tenure	1 bed	2 bed	3 bed	4 bed	5+ bed	Total
Market					1		

Access and Space Standards			
Standard	Compliant	Non-compliant	% Compliant
Internal Space			
Access M4(2)			
Access M4(3)			
External Space			

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INTENDED DECISION: Approve Outline Planning Permission (All Matters Reserved)

Conditions

1. Before any part of the development hereby approved is commenced approval of the details of access, siting, design, external appearance and landscaping (hereinafter called "the reserved matter"), shall be obtained from the local planning authority in writing.

Reason: In accordance with the requirements of Part 3, Article 6 of the The Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. Plans and particulars of the reserved matter referred to in condition 1 above shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason: In accordance with the requirements of Part 3, Article 6 of the The Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. Application for approval of the reserved matter shall be made to the local planning authority 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).

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matter to be approved, whichever is the later.

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).

5. Subject to the details required by condition 1, the development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan 6375/LBP/A, 10.12.19;
Visibility splay 6375 / 3 /B, 02-06-21;
Visibility Splay 6375/4, 02/06/21.

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Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306

6. Prior to occupation of the development hereby permitted, the reconstructed access shall be in the position shown on the submitted plans [6375/3/B and 6375/4] and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

7. No part of the development shall be first occupied until visibility splays of 120 metres by 2.4 metres have been provided at the proposed site vehicular access onto Main Road A28 in accordance with the approved plans. Once provided the splays shall thereafter be maintained in perpetuity and kept free of all obstructions over a height of 600mm.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

8. The development shall not be occupied until parking areas have been provided in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

9. 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.

10. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

11. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with details which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be obstructed.

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Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

12.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,

- the anticipated number, frequency and types of vehicles used during construction,
- temporary access provision
- measures to safeguard the public right of way (including temporary diversion of the footpath)
- the method of access, turning, egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- 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), details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

13.No development shall take place on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

Reason: In the interests of highway safety and the amenities of the area

14.No development shall take place until a tree protection plan and/or arboricultural method statement demonstrating how any works in the vicinity of the protected trees, will be carried in particular in regard to the avoidance of any damage to roots within the Root Protection Area.

Reason: to ensure the protection and preservation of the TPO tree's adjacent to the site access.

Notes:

1. *The development is 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. All interested parties are referred to*

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<http://www.rother.gov.uk/CIL> for further information and the charging schedule.

2. Highway Notes The applicant will be required to acquire a Section 184 Licence with East Sussex Highways, for the provision of the reconstructed vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process.
3. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place. The applicant will be required to obtain a permit for any highway works/booking road space in accordance with the requirements of the Traffic Management Act, 2004.
4. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place. Due to the nature of the highway in the vicinity of the site, construction traffic could damage the carriageway/verges/public footpath.
5. The Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development the applicant should contact East Sussex County Council' Transport Development Control team on 01273 482254 to arrange a photographic survey and joint inspection of the local highway network.

NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.