

## **‘D’ REPORT**

**Application No:** RR/2017/1293/P

**Site Address:** Westfield Down - Land at,  
Main Road,  
Westfield

**Development:** Approval of reserved matters following outline approval RR/2009/322/P - layout, scale, appearance and hard and soft landscaping.

### **CONSULTEES:**

Westfield Parish Council:	The Parish Council is very supportive of this application and the associated development at Westfield Down.
ESCC Highway Authority:	No objection subject to the imposition of conditions.
ESCC Rights of Way Officer:	Suggests a condition if the neighbouring site is not progressed or is delayed and requests a condition if the site access road is not to be offered for adoption.
ESCC Archaeologist:	Recommend for approval in principle subject to the imposition of conditions.
Community and Economy – Affordable Housing:	In summary comments that the overall mix of dwelling types is considered a good mix. Whilst the clustering of tenure mix is limited, the design of the scheme uses parking and garden space to break any concentration of tenure. There is also a good balance of affordable rent and shared ownership tenure mixed across the scheme.
Sussex Police:	In general terms supports the proposals in the application, which will create a single access point into a cul-de-sac, with no through route. This will give residents a sense of ownership and community and will serve to deter trespass. The orientation of the dwellings will allow for overlooking and good natural surveillance of the road and footpath layout, car parking areas and public space. Encourages the applicant to consider all appropriate measures to create a safe and secure environment for residents using

## 'D' REPORT

	the principles of Secured by Design and the seven attributes of safe, sustainable places.
Ramblers:	No comments received.
Planning Notice:	No comments received.

<b>Comments:</b>	<p><b>SITE</b></p> <p>The application site is the south western part of a broadly triangular shaped field on the north eastern side of Westfield village. The site is bordered by the main road – A28 – along its north western side and the access track serving the Doctors surgery and a number of residential properties on the south east side. The north eastern part of the field has been earmarked for recreational use.</p> <p>The site is former grazing land bordered by mature hedges and trees. It slopes down to the south and the field as a whole is crossed or bounded by a number of public rights of way.</p> <p>The majority of the site is located in the development boundary for Westfield, as identified in the Rother District Local Plan 2006. It falls within the High Weald Area of Outstanding Natural Beauty (AONB) and the south western part of the site is situated within an Archaeological Notification Area defining the route of the Hastings to Rochester Roman Road.</p> <p>The site is allocated for housing in the Local Plan 2006.</p> <p><b>PLANNING HISTORY</b></p> <p><u>Related to the application site</u> RR/2009/322/P – Outline: residential development incorporating up to 39 dwellings and formation of new vehicular access – Granted subject to conditions and a Section 106 legal agreement.</p> <p><u>Related to the recreational site to the north-east</u> RR/2007/545/P – Change of use of land to sports and community use – Granted.</p> <p>RR/2010/1111/P – Renewal of extant planning permission RR/2007/545/P for change of use from former agricultural land to sports and community use – Granted.</p> <p>RR/2011/2114/P – Proposed changing rooms and associated parking on land at Westfield Down – Granted.).</p>
------------------	--

## 'D' REPORT

RR/2013/1286/P – Replace extant planning permission RR/2010/1111/P to change of use from former agriculture land to sports and community use – Granted.

RR/2014/2764/P – Renewal of Planning Permission for proposed Changing Rooms and associated parking on land at Westfield Down (previously approved under RR/2011/2114/P) – Granted.

### **PROPOSAL**

This is the reserved matters submission directly related to the grant of the previous outline permission (application reference RR/2009/322/P). The details have been the subject of pre- and post-application negotiations and amended drawings have been submitted.

The details for consideration in this application include layout, design of the dwellings, parking layout, housing mix including affordable housing and hard & soft landscaping.

The outline permission also includes a number of conditions that remain to be discharged prior to commencement of development on site. Condition 9 relates to surface water drainage and this is currently the subject of a separate discharge of condition application. Condition 10 relates to construction of the new access, condition 12 relates to the provision of a construction method statement and condition 15 relates to the provision of a contaminated land assessment.

The only other outstanding outline condition matter yet to be submitted is boundary treatment.

Vehicular access to the site would be via the new access onto the A28, which was granted under the outline planning permission and is yet to be constructed. The access road serving the houses is to be constructed to an adoptable standard and offered for adoption by ESCC.

The dwellings are essentially two-storey – apart from a single-storey bungalow, single-storey garages and a three-storey block of flats – with pitched roofs and gable ends. The broad outline of external materials consists of brick, weatherboard and tile hanging to the elevations and plain tile to the roofs.

Due to the sloping nature of the site, ground levels are proposed to be raised, particularly in the eastern and south eastern parts. This necessitates the construction of a stone-filled gabion wall along the south eastern boundary, which starts at a height of 1.2m and rises to 1.8m.

## 'D' REPORT

Boundary planting and trees are to be retained along the main road frontage with additional tree and other planting proposed, particularly above the retaining wall to the south eastern boundary and to the north east, adjacent to the new access road.

39 dwellings are proposed on varying plot sizes. The housing is proposed to be mixed in type (detached, semi-detached and terraced) and size, with 15 of the units to be affordable. The housing mix is as follows:

### Market housing

- 5 no. 2-bed houses;
- 7 no. 3-bed houses;
- 10 no. 4-bed houses; and
- 2 no. 1-bed flats.

### Affordable housing

- 4 no. 2-bed houses (2 for rent and 2 for shared ownership);
- 4 no. 3-bed houses (2 for rent and 2 for shared ownership);
- 2 no. 4-bed houses (1 for rent and 1 for shared ownership);
- 1 no. 2-bed wheelchair compliant bungalow (for rent);
- 2 no. 2-bed flats (for shared ownership); and
- 2 no. 1-bed flats (for rent).

Delivery of the recreational facilities on the adjoining land to the north east is dependent on housing being provided on this site.

### **POLICIES**

The following 'saved' policies of the Rother District Local Plan 2006 are relevant to the proposal:

- Policy DS3 (Proposals within Development Boundaries); and
- Policy VL11 (Land at Westfield Down, Westfield).

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

- Policy PC1 (Presumption in Favour of Sustainable Development);
- Policy OSS2 (Use of Development Boundaries);
- Policy OSS3 (Location of Development);
- Policy OSS4 (General Development Considerations);
- Policy RA1 (Villages);
- Policy RA2 (General Strategy for the Countryside);
- Policy RA3 (Development in the Countryside);
- Policy SRM2 (Water Supply and Wastewater

## 'D' REPORT

- Management);
- Policy CO3 (Improving Sports and Recreation Provision);
  - Policy CO6 (Community Safety);
  - Policy LHN1 (Achieving Mixed and Balanced Communities);
  - Policy LHN2 (Affordable Housing);
  - Policy EN1 (Landscape Stewardship);
  - Policy EN3 (Design Quality);
  - Policy EN5 (Biodiversity and Green Space);
  - Policy EN6 (Flood Risk Management);
  - Policy EN7 (Flood Risk and Development);
  - Policy TR2 (Integrated Transport);
  - Policy TR3 (Access and New Development); and
  - Policy TR4 (Car Parking).

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are also material considerations.

### **ISSUES**

This application is submitted pursuant to the outline permission and thus the principle of allowing housing on the site has already been established for up to a maximum of 39 dwellings. This reserved matters application sets out the detailed layout and design for 39 dwellings on the site with associated parking and landscaping. The main issues for consideration are:

- Design and layout;
- Impact on neighbours to the south-east;
- Housing mix and provision of affordable housing;
- Parking provision;
- General landscaping; and
- Impact on the High Weald AONB.

### **APPRAISAL**

#### Design and layout

The application submissions have been the subject of continuing discussions with particular regard to layout and the design of the proposed properties. Retention of existing boundary planting and trees, with additional landscape screening has been sought. The layout is now considered to respond well to the changing levels within the site while still meeting the required gradients and turning provisions for vehicular traffic including refuse and emergency vehicles. It also includes two pedestrian access points – one onto the A28 and one onto the access track to the south east. The general character and appearance of the individual dwellings, the architectural details proposed and broad outline of materials are considered to be acceptable (subject to a condition

## 'D' REPORT

requiring sample materials to be submitted for approval) and reflect the character and material palette utilised in Westfield and other rural villages in the district.

### Impact on neighbouring properties

As acknowledged at outline stage, the properties most likely to be affected by the development are those to the south east. The closest is Spring Cottage, which is a detached bungalow located on the other side of the access track. The proposed two-storey dwellings and rear gardens along the south east boundary of the site would be at a higher ground level than Spring Cottage because of the sloping nature of the land and the raising of ground levels within the site. The rear elevations of the dwellings on plots 09, 10 and 11 in particular would face towards the side/rear garden of the neighbouring property. However, there would be a minimum separation distance of some 22m from the first floor bedroom windows of these dwellings and the side boundary of Spring Cottage. It is also the case that the side boundary of Spring Cottage is lined with trees. This degree of separation is considered to be suitable and the existing boundary treatment is such that any overlooking from the first floor bedroom windows is not considered to result in unreasonable harm to residential amenity.

With regard to the proposed two-storey dwelling on plot 08, the rear facing bedroom windows are considered to be sufficiently separated by distance and orientation from the front boundary of Spring Cottage to avoid overlooking to the detriment of residential amenity.

As well as planting, fencing is likely to be provided at the ends of the rear gardens of the dwellings along the south east boundary of the site. These measures would prevent harmful overlooking of Spring Cottage from the raised rear gardens of these dwellings.

In addition to the above, the proposed positioning and orientation of the development to the north west of the neighbouring properties on the other side of the access track would make it unlikely that these properties would experience material harm in terms of loss of outlook or loss of light.

### Housing mix and provision of affordable housing

The overall housing mix is considered to be acceptable in this location, containing an overall mix of 1, 2, 3, and 4 bed units. In relation to affordable housing, the proposals as now submitted are in accordance with the provisions of the Section 106 legal agreement, providing 15 units on site split to provide both units for rent and shared ownership.

## 'D' REPORT

The Housing Officer is satisfied with the clustering of the tenure mix and the balance of affordable rent and shared ownership tenure mixed across the scheme.

### Parking provision

63 allocated car parking spaces (not including garages) and 21 visitor spaces are proposed, which would meet the residual needs of the development for off-street parking.

Cycle parking spaces would be provided in either garages or cycle stores, in accordance with the requirements of the Highway Authority.

### General landscaping and impact on the High Weald AONB

The soft landscape proposals include new native hedge and tree planting adjacent to the site boundaries and low ornamental hedge and shrub planting within the housing development itself. Hard surfacing materials consist of black top macadam to the access road and pavements, block paving to the parking areas and paving slab pathways to the dwellings. These hard and soft landscaping details are considered to be acceptable.

Westfield and its environs are wholly within the AONB and thus any new development would have some form of impact on the landscape and scenic beauty of the AONB. In this instance the proposed development generally steps down the sloping site reflecting the existing topography. There would be some local views of the housing scheme from adjacent properties and public rights of way and it would result in the loss of a green field forming part of the rural setting of this part of the village. However, with the retention of the existing mature hedgerow along the A28 boundary, development of recreation facilities to the north east and soft landscape proposals, it is not considered that development here would be unduly prominent in the wider landscape and, as such, its impact on the character of the AONB is considered to be acceptable.

### Other matters

The County Archaeologist and County Footpath Officer have recommended conditions relating to the impact of the scheme on any below-ground archaeology and the alignment of public footpath Westfield 34b respectively. However, these conditions cannot be imposed as they do not directly relate to the reserved matters being considered under this application. In this respect, the PPG states that:

*“Conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted. The only conditions which can be imposed when the reserved matters are*

## 'D' REPORT

	<p><i>approved are conditions which directly relate to those reserved matters.” (Paragraph: 025 Reference ID: 21a-025-20140306).</i></p> <p>The Highway Authority has similarly recommended conditions which cannot be imposed.</p> <p><u>Community Infrastructure Levy (CIL)</u> The proposed development is not liable for CIL.</p> <p><b>SUMMARY</b> The principle of housing development on the site has been accepted and granted outline planning permission in June 2014 following completion of a Section 106 legal agreement. This application is concerned only with the reserved matters details of layout, scale, appearance and hard &amp; soft landscaping.</p> <p>As highlighted at outline stage any development in this edge of village location will fundamentally change the character on the approaches into the village, but the buildings themselves are well-designed and it is also the case that the landscaping proposals will assist in mitigating the visual impact of the development. In addition, the proposed housing scheme would not unreasonably harm the living conditions of neighbouring residents and adequate parking provision would be provided to serve the occupiers of the dwellings.</p> <p>Overall the proposals are considered to provide an appropriate response to the site and its surroundings and can be supported subject to the imposition of appropriate conditions.</p>
--	--

### **INTENDED DECISION: GRANT (RESERVED MATTERS)**

1. The development hereby permitted shall be carried out in accordance with the following approved drawings and document:
  - Drawing no. 11.361/07, dated January 2014, as approved under outline planning permission RR/2009/322/P;
  - Drawing no. 3016:TP Revision A (Tenure Plan), dated 06.03.18 (only the Tenure Plan & Schedule is approved);
  - Drawing no. 3016:01 Revision L (Site Layout), dated 28.09.18;
  - Drawing no. 3016:02 Revision E (Site Sections), dated 16:01:18;
  - Drawing no. 3016:03 Revision A (House types 1), dated 02:08:17;
  - Drawing no. 3016:04 Revision A (House types 2 detached), dated 02:08:17;
  - Drawing no. 3016:05, dated 27:08:17;
  - Drawing no. 3016:06 (House types 3), dated 27:08:17;



## 'D' REPORT

- Drawing no. 3016:07 (House type 4), dated 27:08:17;
- Drawing no. 3016:08 Revision A (House types 5), dated 27:08:17;
- Drawing no. 3016:09 Revision B (M4 (3) Bungalow), dated 06:11:17;
- Drawing no. 3016:10 Revision B (Flat Types 8, 9, 10, 12, 13 & 14), dated 05.03.18;
- Drawing no. 3016:11 (Garage types), dated 28:07:17;
- Drawing no. 3016:12 (Refusal and cycle storage details), dated 28:07:17;
- Drawing no. 17362-5-SK001-E (PROPOSED LEVELS STRATEGY), dated 27.09.2018;
- Drawing no. 17362-5-SK003-E (REFUSE VEHICLE TRACKING), dated 30.05.18;
- Drawing no. MAT19812 11D Sheet 1 (Landscape Proposals), dated 10.09.18;
- Drawing no. MAT19812 11D Sheet 2 (Landscape Proposals), dated 10.09.18; and
- ACD ENVIRONMENTAL SOFT LANDSCAPE SPECIFICATION (Document File Ref: MAT19812 spec), dated June 2017.

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.

2. No development above ground level shall take place until samples of the materials and finishes to be used in the construction of the external surfaces of the dwellings and outbuildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development having regard to the site's location within the High Weald AONB, in accordance with Policies OSS3 (vi), OSS4 (iii) and EN1 (i) of the Rother Local Plan Core Strategy.

3. The retaining wall to the south east boundary of the site shall be constructed of stone-filled gabions.

Reason: To ensure the satisfactory appearance of the development having regard to the site's location within the High Weald AONB, in accordance with Policies OSS3 (vi), OSS4 (iii) and EN1 (i) of the Rother Local Plan Core Strategy.

4. No surface water shall drain onto the public highway.

Reason: To avoid prejudice to road safety, in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.

5. The access shall have maximum gradients of 4% (1 in 25) / 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: To avoid prejudice to road safety, in accordance with Policy CO6 (ii)

## **'D' REPORT**

of the Rother Local Plan Core Strategy.

6. No part of the development shall be occupied until the 2m wide pathways linking the site to the A28 footpath and PROW, as indicated on approved drawing no. 3016:01 Revision L (Site Layout), dated 28.09.18, have been constructed in accordance with construction details first submitted to and approved in writing by the local planning authority.

Reason: To ensure adequate and safe access arrangements for the development, in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

7. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with the approved drawings and the cycle parking spaces shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car, in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

### **NOTES:**

1. The outline planning permission (application reference RR/2009/322/P) to which this reserved matters permission relates, contains conditions which require details to be submitted and approved prior to the commencement of development. All conditions imposed on the outline planning permission as well as the legal agreement attached to it remain in full force and effect.
2. The landowner and/or developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Bank Holidays.
3. The landowner and/or developer is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found and these should be sought before development commences.
4. The landowner and/or developer is advised that a formal connection to the public sewage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development with sufficient capacity within the public sewerage network, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). It should be noted that Southern Water is currently consulting on the New connections charging process as directed by Ofwat. Please refer to Southern Water's website <https://www.southernwater.co.uk/new-connections-charging-consultation> for

## **'D' REPORT**

further details.

5. Any proposed works on or abutting the existing highway will require a Section 184 Licence with ESCC, prior to the commencement of works. Details of construction, surface water drainage, gradients and potential traffic management requirements can all be discussed with ESCC through the Section 184 Licence process. Any temporary access would also be subject to the Section 184 Licence process prior to any commencement of work.
6. The landowner and/or developer is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The applicant and/or developer is requested to contact the Transport Development Control Team on telephone number 01273 482254 to commence this process. The applicant and/or developer is advised that any works commenced prior to the Section 38 legal agreement being in place are undertaken at their own risk.
7. The landowner and/or developer is advised that if the recreational development on the adjoining site to the north-east is not progressed or is delayed, Public Footpath 34b shall remain available on its currently recorded line both during and after the construction period (or and until a new line can be established by means of a properly made Diversion Order under Section 257 of the Town and Country Planning Act 1990 (as amended)).
8. This reserved matters permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 attached to outline planning permission RR/2009/322/P.

**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 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.