
Rother District Council Development & Sites Allocation Local Plan

Land adjacent to the Rainbow Trout Public House, Broad Oak.

Statement by Philip Woodhams, B. Sc, MRTPI

On behalf of Bedford Park Developments Ltd

April 2019



1.0 Introduction

- 1.1 This statement has been prepared on behalf of Bedford Park Developments Ltd following a request to the Programme Officer by email on 12th April for the company's objection to be heard at the Examination.
- 1.2 A statement also on behalf of Bedford Park Developments Ltd relating to drainage issues by Mark Naumann of Ambiental is being submitted under separate cover. This statement simply furnishes some brief background information.

2.0 Background

- 2.1 Policy BRO2 of the Rother Development and Site Allocations Local Plan provides the basis for the allocation of the land adjacent to the Rainbow Trout PH, Broad Oak, and sets out the key requirements for the future development of the site accordingly, namely the delivery of 20 dwellings in total and affordable housing to form 40% of the delivered housing.
- 2.2 Bedford Park Developments Ltd. have been promoting the site for inclusion in the Rother Development and Site Allocations Local Plan. The Company and its advisers have been engaged in ongoing dialogue and discussions with Rother District Council in relation to the promotion and future delivery of the site following its allocation in the submitted Rother District Council Development and Site Allocations Local Plan.

3.0 The Planning Application

- 3.1 Bedford Park Developments Ltd have submitted a planning application for part of the allocated site, to deliver 8 dwellings (Council reference : RR/2018/1813/P). The Councils' Planning Officer, acting under delegated powers, has decided to grant planning permission subject to a Section 106 obligation being concluded. The planning application now before the Council is consistent with the key policy requirements referred to above.
- 3.2 A copy of the officer report concluding the Planning Officers' assessment is attached as Appendix A to this statement.
- 3.3 The negotiations regarding the Section 106 obligation are at an advanced stage. So far as the Local Plan Inspectors' key issue is concerned, the statement presented by Mark Naumann sets out the detail of the agreement reached to date regarding the approach to drainage issues.

4.0 Conclusions

- 4.1 Taking into account the officer report and Mark Naumanns' submissions it is submitted that the part of BRO2 subject of the planning application is deliverable and developable, in accordance with paragraph 67 of the National Planning Policy Framework. It is considered that the development of the site is considered to be

- viable when taking into account the policy requirements within the Rother Development and Site Allocations Local Plan.
- 4.2 It is evident, taking into account the officers' report, that there are no provisions of the current and emerging development plan which point to planning permission being withheld and there are no material considerations which indicate that planning permission should be withheld. As evidenced by Mark Naumanns' submission, it is of particular note that the terms of the consent, its conditions and the emerging Section 106 obligation will secure appropriate provision for foul and surface water drainage. In this context the site is deliverable in the near future and such delivery will render an important contribution to the supply of housing in the District, where presently there is an inability to meet the national policy for the supply of housing land for five years.
- 4.3 Within the context of the foregoing it is considered that in relation to the part of BRO2 controlled by Bedford Park Developments Ltd. the objection to BRO2 by Southern Water is not well founded.

Appendix A

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6.2.19.

Application No: RR/2018/1813/P

Site Address: The Rainbow Trout – land adj to,
Chitcombe Road,
Broad Oak,
Brede.

Development: Proposed development of 8 no. dwellings.

CONSULTEES:

Parish Council:	<p>Support.</p> <p><i>"Brede Parish Council supports approval of this application but still has reservations regarding access to the site. Request that a S106 is put in place linking the public house to the development plans. Request that this application is put before the Full Planning Committee."</i></p>
Southern Water:	<p><i>"Our initial investigations indicate that there is insufficient information currently available to confirm if foul and surface water sewer capacity is available to serve the proposed development. Further investigations of the downstream sewerage network is required to confirm the downstream sewerage details to assess capacity."</i></p> <p><i>Alternatively, the development can discharge foul and surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul and surface water system. You will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul and surface water flow will be no greater than the existing contributing flows."</i></p> <p><i>We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."</i></p>
ESCC – Highway Authority:	<p>No objection subject to the imposition of conditions.</p> <p><i>"The applicant has submitted a planning application for the development of 8 residential dwellings adjacent to the Rainbow Trout public house. The Rainbow Trout is</i></p>

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	<p>currently closed. A Transport Statement has been prepared as part of the planning submission.</p> <p>ESCC responded to a previous 10-unit version of this scheme in July 2018 [REF:HW/RR/18/626/P]. The response noted safety concerns raised in relation to the site access in the Stage 1 Road Safety Audit and raised issues with parking, pedestrian safety, and refuse collection arrangements, which were addressed by the applicant. Following discussions and alterations to the development, ESCC Highways raised no objection to this scheme, subject to conditions.</p> <p>The current scheme is considered likely to have a lesser impact on the local highway network and I therefore recommend approval subject to conditions based on highway grounds."</p> <p>Suggested conditions relate to: vehicular access; visibility splays; car and cycle parking; turning areas; alterations to layby; and, provision of footway and pedestrian crossing.</p>
ESCC – Lead Local Flood Authority:	<p>The information provided is satisfactory and enables the LLFA to determine that the proposed development is capable of managing flood risk effectively. Although there will be a need for standard conditions which are outlined in this response.</p> <p>"The applicant is proposing to discharge both foul and surface water flows into an on-site private sewer that ultimately discharges into a foul sewer. As this approach has the agreement of Southern Water we have no objection to this in principle. As recognised in our response to a previous application on this site (ref: RR/2018/626/P), we appreciate that the options for discharging runoff from this site are extremely limited. The CCTV survey requested in our previous response has now been provided along with confirmation that Southern Water agrees to the discharge into their sewer."</p>
ESCC – Archaeology:	<p>"Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance."</p>
Head of Housing Services:	<p>"I can confirm that in view of the policy change to onsite provision, we would be prepared to accept two dwellings as shared ownership and one dwelling as affordable rent to support the delivery of this scheme. The Housing Department requirement would be for the affordable rented</p>

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	<i>dwelling to be provided as a two bed property."</i>
Planning Notice:	<p>6 letters of objection have been received, their concerns have been summarised below;</p> <ul style="list-style-type: none"> • No infrastructure in place to support new growth. Local schooling etc. at capacity and will bring no benefit to the existing village. • Proposed access area is a traffic hotspot. • Developers clearly have no interest in revitalizing the pub. • This plan will effectively kill a much loved local pub. • Have held no discussions with the Parish Council or locals, despite their statement confirming they have. • Nearby busy crossroads already see too many accidents. • The existing layby provides extra spaces for customers of the local shop. • Access is so close to the Broad Oak crossroads, which are known to be an accident black spot. • Given proximity to layby visibility from the access road to Chitcombe Road will be very poor. • The pub garden, which they disingenuously describe as 'an underutilized brownfield location' is actually a much-loved and valuable community asset particularly for the villages' children who loved its children's playground. • What is the applicant's long term plan for the pub, more housing. • No attempt yet to re-open the pub. <p>2 letters of support have been received, the points raised have been summarised below;</p> <ul style="list-style-type: none"> • The eight houses are now much better than the previous plan with ten houses. • The village deserves a decent country pub with a restaurant. • If the price of the pub re-opening is a few more houses, then we think on balance this is a good deal. <p>2 letters of general comment have been received, the points raised have been summarised below;</p> <ul style="list-style-type: none"> • Totally agree with the Parish Council; the pub re-development has to be connected to this housing request, then it would have our full support. • Given the trade the pub would have had with the

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	weather this summer if it had opened as stated in January, the developers' commitment to this venture is questionable.
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Comments:Site:

The Rainbow Trout is a public house located to the south side of Chitcombe Road at its junction with the A28. The site has a large curtilage consisting of the pub building, a large car park and overflow car park, and a large garden to its eastern side. The site gently slopes from north to south.

The site is adjoined to the west by a relatively new housing development (Ostlers Field), residential properties to the north on the opposite of Chitcombe Road and an open field to the south.

The public house building falls within the currently defined development boundary for Broad Oak, with the reminder of the site currently falling outside of this boundary. The whole site lies within the High Weald Area of Outstanding Natural Beauty (AONB).

History (relevant):

RR/87/2685 Refurbishment of existing public house with new entrance porch and conservatory and provision of 45 parking spaces – Granted.

RR/88/2226 Single storey extension to provide restaurant – Granted.

RR/93/0694/P Change of use of agricultural land to overspill car park and public house garden – Granted.

RR/2017/477/P Formation of patio to rear of car park – Granted.

RR/2018/626/P Proposed development of 10no. dwellings – Withdrawn.

Proposal:

This application seeks permission to subdivide the existing public house site and erect 8 dwellings. A site measuring some 2010m² will be retained for the public house, car park and pub garden. Whereas an area of some 2450m² will be separated from the public house for the 8 dwellings and associated works including access road, parking

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areas and landscaping to be constructed. This parcel of land current consists of pub garden and overflow car park.

The proposed 8 dwellings would be broken down into 2 x 4-bedroom detached dwellings, 4 x 3-bedroom detached dwellings and a pair of 2-bedroom semi-detached dwellings. The 4-bedroom dwellings are located at the south-east corner of the site and have a gross internal floor area of 115sq m. The 3-bedroom dwellings are located at the south-west corner and north-east corner of the site and have gross internal floor areas of 102sq m. The 2-bedroom dwellings are located at the northern part of the site and have a gross internal floor area of 84sq m.

The dwellings would be constructed from facing brickwork to ground floor level, with painted weatherboard to first floor level under a plain clay tile roof.

A new access onto Chitcombe Road is proposed to serve the dwelling, with the existing access retained to continue to serve the public house.

Policy:

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

- DS3 – Use of development boundaries.

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

- OSS1 – Overall spatial development strategy
- OSS2 – Use of development boundaries.
- OSS4 – General development considerations.
- RA1 – Villages.
- RA2 – General strategy for the countryside.
- RA3 – Development in the countryside.
- CO1 – Community facilities and services.
- LHN1 – Achieving mixed and balanced communities.
- LHN2 – Affordable housing.
- EC3 – Existing employment sites.
- EN1 – Landscape stewardship.
- TR3 – Access and new development.
- TR4 – Car parking.

The following policies of the Development and Site Allocation Local Plan proposed submission – October 2018 are relevant and carry weight:

- DCO1 – Retention of sites of social or economic value.
- DHG1 – Affordable housing.
- DHG3 – Residential internal space standards.

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- DHG4 – Accessible and adaptable homes.
- DHG7 – External residential areas.
- DHG12 – Accesses and drives.
- DEN1 – Maintaining landscape character.
- DEN2 – The High Weald Area of Outstanding Natural Beauty (AONB).
- DIM1 – Comprehensive development.
- DIM2 – Development boundaries.
- BRO2 – Land at the Rainbow Trout public house.

The NPPF and Planning Policy Guidance are also material considerations, especially paragraphs 11, 49, 56, 78, 127 and 172 of the NPPF.

Issues for consideration:

The primary issues to be considered concern development outside of the villages currently defined development boundary; current housing supply along with sustainability; impact on the long-term future of the public house; landscape impact; associated highway matters; the relationship with neighbouring properties; scale, design and layout of scheme; affordable housing; and, archaeological impact.

Appraisal:

Principle of development

Policy DS3 of the current Local Plan (2006) states the majority of all new development will take place within the development boundaries of existing towns and villages.

Policy OSS2 states that development boundaries around settlements will continue to differentiate between the areas where most forms of new development would be acceptable and where they would not.

Policy DIM2 of the Development and Site Allocations Local Plan proposed submission – October 2018 (to be given some weight) states that “... *New development shall be focused within defined settlement boundaries, principally on already committed and allocated sites, together with other sites where proposals accord with relevant Local Plan policies. 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.*”

Paragraph 78 of the NPPF states ‘*To promote sustainable development in rural areas, housing should be located*

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where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Based on the housing position of October 2018 it is acknowledged that the Council does not have a five-year supply of deliverable sites at the present time. In such circumstances footnote 7 of paragraph 11 of the NPPF states that relevant policies for the supply of housing cannot be considered up-to-date. This position means only limited weight can be given to the fact that the proposal conflicts with the Local Plan policy relating to development boundaries and the application is to be considered in the context of paragraph 11 of the NPPF. This does not mean that housing schemes which are unacceptable on sound planning grounds must now be allowed; however, it does add weight to the benefits that a potential additional source of housing supply would bring when determining the 'planning balance'.

Footnote 6 of paragraph 11 (d) i. of the NPPF exempts Areas of Outstanding Natural Beauty (AONBs) amongst other designations from what has been described as the 'tilted balance' where in paragraph 11 ii. it requires approval unless, *'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.'*

The Core Strategy development strategy (Policy OSS1) is to plan for at least 5,700 dwellings (net) in the district over the plan period 2011-2028. Policy OSS2 acknowledges that in order to deliver the additional housing required that existing development boundaries will need to be reviewed and extended.

Land to the south of the Rainbow Trout was identified as a preferred site for development (Ref BO17) within the 'Development and Site Allocations Local Plan Options and Preferred Options for Public Consultation', consulted on between December 2016 and February 2017. Subsequently, and following further assessment and discussions relating to the current application, the application site to the east of the public house as well as the land to south has been brought forward into the Council's 'Development and site Allocations Local Plan proposed submission – October 2018' (DaSA). The DaSA was approved by Full Council on 15th October 2018 as the plan it intends to adopt and further a further public

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consultation period it has now been submitted to PINS for examination.

Having regard to paragraph 48 of the NPPF varying degrees of weight can be apportioned to the policies of the Submission DaSA dependent on the amount of unresolved objections to them. While in some cases 'significant weight can be given, in the case of BRO2 only 'some weight' can be given to it in light that the policy and site have been changed since Options and Preferred Options stage. However, at paragraph 49 the NPPF warns that in the context of the Framework and in particular the presumption in favour of sustainable development arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where a proposal *is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan.* This is not the case here where the adopted Core Strategy already identifies the need for Broad Oak to accommodate 50 new dwellings and more specifically the development of the northern section of the land identified in BRO2 would not compromise the ability to develop the southern section at a later date.

Given the lack of five year supply of housing sites and the emerging DaSA policy which identifies this site for housing, the contribution that development here would make to housing supply and delivery should be given significant weight in the 'planning balance' to be made.

Sustainability and accessibility

In relative terms the application site is sustainably located as it is close to the day to day shops and services that are found around the Broad Oak crossroads and local bus services to larger settlements/towns. The location of development here is in accordance with the Council's development strategy as set out in policies OSS1, OSS2 and OSS3 of the Core Strategy that seek to direct the required new residential development to, and amend development boundaries to accommodate that growth, in those locations where there is capacity and access to existing infrastructure and services, and any planned or necessary improvements to them and where the landscape impacts of development are minimised.

Impact on the long-term future of the public house

Policy CO1 states the availability of community facilities to meet local needs will be achieved by: (iii) not permitting development proposals that result in the loss of sites or

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premises currently or last used for community purposes.

Policy DCO1 of the DaSA states in accordance with the presumption set in the Local Plan Core Strategy, proposals that involve the loss or diminution of sites of social or economic value, including those last in such use, must demonstrate that there is no reasonable prospect of a continued use, backed by:

(i) evidence of a comprehensive and sustained marketing campaign, which clearly indicates a lack of demand for the existing use (or as an alternative commercial or community facility, where appropriate), based on marketing normally at least 18 months, that offers the land or unit/s for sale, or rental, at a realistic valuation of the site/premises for that use; and

(ii) evidence that clearly demonstrates that the unit is not or is not capable of being financially viable, including alternative commercial or community facilities, where appropriate.

Proposals should not result in the loss of facilities or features which may undermine the viability of its use, including, but not limited to, car parks, gardens and function rooms.

Whilst the public house does fall within the same ownership as the applicant, it does not form part of the development site. It is the intention of the applicant to renovate the public house and re-open it, notwithstanding this; a consideration is whether the development of the part of the existing pub garden will undermine the viability of the public house.

The application relates to the eastern half of the Rainbow Trout site which currently consists of pub garden and overflow car park. The retained area for the pub measures some 39m x 51m, and consists of the public house building, 32 car parking spaces (including 2 disabled spaces) and a new pub garden measuring some 19m x 15m. Whilst the proposal will alter the current service on offer, the retained area is of sufficient size to serve and meet the needs and any future likely needs of this village pub. As such the proposed redevelopment of part of the existing public house site should not undermine the long-term viability of the public house.

The point raised by the Parish Council regarding their request for a S106 is noted; however, paragraph 56 of the NPPF states; *Planning obligations must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*

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c) *fairly and reasonably related in scale and kind to the development.*

Given that the proposal retains the public house, including sufficient external space, the imposition of a S106 to enforce the opening and retention of the public house would not meet the tests outlined above and is therefore not considered reasonable or necessary in this instance.

Landscape impact

Policy EN1 states that the management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive identified landscape character, ecological features and settlement pattern of the High Weald Area of Outstanding Natural Beauty.

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 characteristic, in accordance with Core Strategy Policy EN1.

Policy DEN2 of the DaSA states all development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan. Development within the High Weald AONB should be small-scale, in keeping with the landscape and settlement pattern; major development will be inappropriate except in exceptional circumstances.

Paragraph 172 of the NPPF states that, *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.*

Whilst the site is currently open to the south with the land also falling in this direction, the site itself has residential dwellings to the north, the public house building and Ostlers Field to west and the A28 to the east. Moreover, it is likely that there will be housing development adjoining immediately to the south. In this context the application site is viewed both immediately and in any wider views as part of the established village and in this regard the proposed development will not result in demonstrable harm being caused to the village setting in this location. Moreover, existing boundary vegetation is indicated to be

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retained.

Highway matters

Policy TR3 states new development should minimise the need to travel and support good access to employment, services and communities facilities, as well as ensure adequate, safe access arrangements...and where it is appropriate through:

- (i) ensuring that new developments in their design and layout prioritises the needs of pedestrians, cyclists and minimise the distance to local public transport nodes;
- (ii) working with the relevant agencies to seek funding for contributions for improvements to local infrastructure needed to facilitate highway capacity and safety and/or public transport accessibility and capacity, where this is necessary to serve the new development; and
- (iii) provision of electric vehicles charging infrastructure.

Policy TR4 states planning permission will be granted for development where the provision for parking accords with the following principles which will be elaborated upon in the form of Supplementary Planning Document. Proposed development shall:

- (i) met 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 off-site whether on-street or off-street;
- (ii) provide for reduced parking provision where a high level of accessibility to jobs, services and facilities exists, or will be provided as a result of the development, including any offsite measures;
- (iii) ensure that the approved parking provision is retained for the future where that would be necessary to prevent harm to the safety or free-flow of the highway;
- (iv) include a number of parking spaces designed and signed for disabled people; and
- (v) provide for commuted payments towards providing and/or managing off-site parking, including on-street parking, where this is justified to meet the needs of the development.

Policy CO6 states a safe physical environment will be facilitated by: (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.

The existing access to the public house is to be retained and a new access to serve the proposed eight dwellings is proposed some 35m from the A28/B2098 junction. The new access will require slight alterations to the existing layby, but the layby will be retained. A Transport

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Statement accompanies the application.

ESCC Highway Authority has been formerly consulted and has no major concerns regarding the proposal and therefore does not wish to raise an objection; however, this is subject to the imposition of conditions on any permission.

Adequate visibility splays can be achieved along Chitcombe Road from the proposed access. In terms of access the Highway Authority concludes that, *"The new site access should be able to achieve a visibility splay of 2.4m x 43m in line with Manual for Street standards if the existing layby is amended in line with the comments set out in the RSA. The detailed design and construction of the layby should be secured through a planning condition or S278 agreement."* In terms of trip generations the Highway Authority conclude that, *"the submitted Transport Assessment indicates a total of four two-way vehicles trips (i.e. two arrivals and two departures) during the AM peak and eight two-way trips during the PM peak. This level of trip generation will not have a significant impact. It is considered that the development is unlikely to generate a significant number of trips onto the public highway network."*

In line with discussions between the applicant and ESCC, the applicant has agreed to provide a footway across the site frontage and a crossing point on the B2089 Chitcombe Road. The provision of this crossing and footway along Chitcombe Road should be secured through a Section 278 agreement with ESCC. On-site, a single footway is provided along the western side of the site access road only; the site access road is not proposed to be adopted, and the site layout is unlikely to encourage high speeds on site, and therefore this internal layout is considered acceptable in this instance.

The car parking and cycle provisions are acceptable as is on-site manoeuvrability. Whilst the concerns raised by some local residents in regard to access and highway issues are noted, based on the highway authority's comments, it is considered that the proposed development is unlikely to give rise to increased hazards to highway users subject to the imposition of conditions.

Impact on adjacent properties

Policy OSS4 (ii) requires that all development should not unreasonably harm the amenities of adjoining properties.

The site is not adjoined immediately by any neighbouring residential properties. The outlook of properties to the

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north side of Chitcombe Road opposite the site will alter; however, the separation distance afforded by the highway will ensure that the proposed development will not cause demonstrable harm to their amenities either physically or by way of loss of privacy.

The relationship between the public house and proposed residential dwellings is noted, however, the separation and orientation is such that it is unlikely to result in any undue conflicts.

Design and layout

The following Rother Local Plan Core Strategy policies are relevant in terms of design and layout:

- RA1, which seeks to protect the locally distinctive character of the villages, with the design of new development expected to include a high quality design response to local context and landscape.
- EN3, which requires new development to be of high design quality by contributing positively to the character of the site, and demonstrating robust design solutions tested against a series of Key Design Principles, tailored to a thorough and empathetic understanding of the particular site and context.

Policies DHG3 (residential internal space standards), DHG4 (accessible and adaptable homes) and DHG7 (external residential areas) of the DaSA are relevant and carry weight.

Paragraph 127 of the NPPF requires development to, amongst other things:

- Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as densities);
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

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- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

In terms of character, the area is one of mixed house types of varying age, size and design. The dwellings propose facing brickwork at ground floor with painted timber weatherboard at first floor level, under a plain clay tile roof; a palette of materials which would not appear out of place in this location. Moreover, the buildings are of a simple design and have added a more contemporary approach where bay windows or dormers are proposed, these provide points of interest. As such the dwellings will not appear at odds or be unacceptable in this village location.

The internal size of the dwellings complies with the Government's internal space standards and subsequently DaSA Policy DHG3. Whilst some of the external garden areas fall below the 10 metres depth as required by DaSA Policy DHG7, given the status of this DaSA policy, the negotiations which have taken place regarding this application and that the garden areas are still considered sufficient; the proposed garden sizes are not necessarily as issue in this instance.

Affordable housing

Policy LHN2 states on housing sites or mixed use developments, the Council will expect the following percentages of affordable housing within the district:

(iv) in the Rural Areas:

- (a) 40% on-site affordable housing on schemes of 5 dwellings or more; or
- (b) a financial contribution, on a sliding scale up to the equivalent of providing 40% affordable housing, in lieu of on-site provision on all residential schemes of less than 5 dwellings.

In normal circumstances, the full affordable housing obligation should be met on-site, and of a comparable design quality to the market units onsite. Affordable units should be 'peppercotted' individually, or in small clusters. In all cases, planning permission will be subject to a legal

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agreement to ensure nomination rights and that affordable housing will remain available.

Policy DHG1 of the DaSA states on housing sites or mixed use developments, the Council will expect the following percentages of affordable housing within the district:

(iv) in the Rural Areas:

- (a) in the High Weald Area of Outstanding Natural Beauty, 40% on-site affordable housing schemes of 6 dwelling or more (or 0.2 hectares or more); or
- (b) elsewhere, 40% on-site affordable housing on schemes of 10 or more dwellings (or 0.3 hectares or more).

In normal circumstances, the full affordable housing obligation should be met on-site, and of a comparable design quality to the market units onsite. Affordable housing units should be 'pepperpotted' individually, or in small clusters. In all cases, planning permission will be subject to a legal agreement to ensure nomination rights and that the affordable housing will remain available.

The Government amended via the national Planning Practice Guidance (PPG) the specific circumstances when affordable housing and tariff-style planning obligations should be sought. This guidance indicates that sites of 5 or less cannot seek affordable housing (either on-site provision or financial contributions). In AONBs Local Authorities can seek financial contributions towards housing sites of 6-10 dwellings. On sites of 11 or more, on-site provision can be sought.

Whilst the above specific circumstances are contrary to adopted Core Strategy Policy LHN2, it was resolved at Cabinet in March 2015 that the Council would operate in accordance with the advice in the PPG, whereby an off-site financial contribution is required for rural housing in Rother, on schemes of 6-10 units, located within the AONB. Therefore, initially it was expected that a financial contribution towards the provision of affordable housing was sought; a commuted sum of £245, 371 was agreed within the applicant. However, this interim approach has been reviewed via the Development and Site Allocations (DaSA) Local Plan, with the approach as set out in Policy DHG1 now being applied. This change in policy position means that the provision of affordable housing, in the case of this application, three dwellings, should be met on site.

The applicant has had discussions with a local registered social landlord (Hastoe) who has identified 2 x 2 bed units and 1 x 3 bed unit as their preferred mix on this site in this location. The applicant has also had discussions with the

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Council's Housing Officer in this regard. The Housing Officer has confirmed that they are happy to support this mix to meet local housing need, and are prepared to accept two dwellings as shared ownership and one dwelling as affordable rent, with the affordable rented dwelling to be provided as a two bed property. The provision of this affordable housing and nomination rights will be secured through a S106 Obligation. The applicant has confirmed that they are willing to enter into a legal agreement.

Archaeological Implications

Policy EN2 states development affecting the historic built environment, including that both statutorily protected and the non-statutorily protected, will be required to: (vi) ensure appropriate archaeological research and investigation of both above and below-ground archaeology, and retention where required.

The site falls within an Archaeological Notification Area which demarks a 15th century (or earlier) settlement. In this respect the application is accompanied by a desk based archaeological assessment, carried out by Chris Butler MCIfA Archaeological Services Ltd, February 2018.

The County Archaeology has been formerly consulted and they conclude that although this application is situated within an Archaeological Notification Area, based on the information supplied, they do not consider that any significant archaeological remains are likely to be affected by these proposals. Given the accompanying report, there is no reason to disagree with their conclusions in this instance.

Drainage

The applicant is proposing to discharge both foul and surface water flows into an on-site private sewer that would then discharge into the public foul sewer. The drainage strategy submitted with the application confirmed this approach and also confirms that Southern Water is agreeable to this in principle. Notwithstanding this, relevant drainage conditions will be imposed upon any consent.

Community Infrastructure Levy (CIL):

The proposal is liable for the Community Infrastructure Levy (CIL). Full details of the amount payable will be set out in the CIL Liability Notice which will be issued in conjunction with the decision notice.

Summary:

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The Council cannot currently demonstrate five year supply of deliverable housing sites including a 20% buffer and therefore its policies for land supply cannot be considered to be up to date. Paragraph 11 of the NPPF generally requires that housing development proposals are to be considered in terms of the presumption in favour of sustainable development. In relative terms the application site is sustainably located being close to the day to day shops and services that are found around the Broad Oak crossroads and local bus services to larger settlements/towns. Moreover, the adopted Core Strategy identifies the need for Broad Oak to accommodate 50 new dwellings and more specifically the development of the northern section of the land identified in BRO2 would not compromise the ability to develop the southern section at a later date. Given the lack of five year supply of housing sites and the emerging DaSA policy which identifies this site for housing, the contribution that development here would make to housing supply and delivery should be given significant weight in the 'planning balance' to be made.

Whilst the pub does fall within the same ownership as the applicant, it does not form part of the application site. Whilst the proposal will alter the current service on offer, the retained area is of sufficient size to serve and meet the needs and any future likely needs of this village pub. As such the proposed redevelopment of part of the existing public house site should not undermine the long-term viability of the public house.

The application site is viewed both immediately and in any wider views as part of the established village, being surrounded by existing residential properties and a main road and in this regard the proposed development will not result in demonstrable harm being caused to the village setting in this location.

The Highway Authority are satisfied that adequate visibility can be achieved from the new access, that the development is unlikely to generate significant numbers of trips onto the public highway network, and moreover, car parking and cycle provisions are acceptable as is on-site manoeuvrability. Therefore subject to the imposition of conditions, and all necessary highway improvements and measures the proposed development is unlikely to give rise to increased traffic hazards to highway users.

There is a mix of designs in the vicinity of the site, therefore with the choice of the right materials the simple form and appearance of the dwellings will not appear at

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	<p>odds or unacceptable in this village location. The layout of the development with properties presenting both to Chitcombe Road and the internal road in clearly defined residential curtilages is an appropriate solution.</p> <p>The applicant has had discussions regarding the provision of affordable housing with both a local registered social landlord and the Council's Housing Officer. The conclusions of which are the provision of three on-site affordable housing units, consisting of 2 x 2 bed units and a 1 x 3 bed unit is acceptable to meet local housing needs. The provision of this affordable housing and nomination rights will be secured through a S106 agreement.</p> <p>The planning balance weighs in favour of this proposal and therefore the proposal is recommended for approval subject to the completion of a S106 agreement.</p>
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INTENDED DECISION: GRANT (FULL PLANNING) DELEGATED (COMPLETION OF S106 OBLIGATION RELATING TO PROVISION OF AFFORDABLE HOUSING)

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:

drawing no. 1802-P-201 A, dated 31/01/2019.

drawing nos. 1802-P-204_B, 1802-P-205_B, 1802-P-206_B, 1802-P-207_B, 1802-P-208_B, 1802-P-209_B, 1802-P-210_B, 1802-P-211_B, 1802-P-212_B, 1802-P-213_B, 1802-P-214_B, 1802-P-216_B and 1802-P-217_C.

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.

3. Prior to the commencement of development a Traffic Management Scheme shall be submitted to and approved by the local planning authority in consultation with the Highway Authority. This shall include the routing of delivery vehicles; hours of operation; compounds for contractor parking, plant, machinery and materials. Development thereafter shall be carried out in accordance with the approved details.

Reason: A pre-commencement condition is required in the interests of highway safety and for the benefit and convenience of the public at large. Traffic from the site could have impacts from the initial groundwork stage of the construction works and a pre-commencement conditions is necessary to ensure that measures are

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put in place at the earliest stage to ensure that these are controlled and minimised in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

4. Prior to the commencement of any below ground works details of the proposed means of foul and surface water sewerage disposal shall be submitted to and approved in writing by the local planning authority in consultation with Southern Water. The development shall be completed in accordance with the approved details.

Reason: To ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policy SRM2 of the Rother Local Core Strategy.

5. Prior to the commencement of any below ground works a detailed surface water drainage design should be submitted to and approved in writing by the local planning authority. The design of the drainage system as set out in the Surface Water Drainage Strategy (report reference 3636 SWDS) should be carried forward to the detailed design stage and evidence of this (in the hydraulic calculations), along with the detailed drainage drawings should be included with the submission. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

Reason: A pre-commencement condition is required to ensure that the drainage infrastructure carried out in the initial stages of the development will not increase the risk of flooding, will improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.

6. Prior to the commencement of any below ground works detail measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the local planning authority. This may take the form of standalone document or incorporated into any Construction Management Plan for the development. Development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that the development will not increase the risk of flooding and to prevent water pollution in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.

7. During any form of earthwork and/or excavations that are carried out as part of the development, suitable vehicle washing equipment should be provided within the site, to the approval of the local planning authority, to prevent contamination and damage to the adjacent roads.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and to accord with Policies OSS4 (ii) (iii) and TR3 of the Rother Local Plan Core Strategy.

8. Prior to the construction of the dwellings above foundation level, the following details are to be submitted to and approved in writing by the local planning authority and the development thereafter shall be carried out in accordance with the approved details:

a) Product specification and samples of materials to be used in the construction of all external surfaces.

b) drawn details at scale 1:5 of eaves details.

c) drawn details at scale 1:20 of the fenestration details.

Reason: To ensure a high building appearance and architectural quality in

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accordance with Policy EN3 of the Rother District Local Plan Core Strategy.

9. Before any the buildings are occupied for the purposes hereby permitted the hard landscaping details for the site shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a) means of enclosure including 1:200 plan clearly showing proposed locations, and 1:20 scale typical elevation drawings of all proposed boundary fences and other forms of enclosure.

b) hard surfacing materials, including footways, private paths, parking areas, and roads.

c) minor artifacts and structures, including any public lighting.

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

10. Before any of the buildings are occupied for the purposes hereby permitted the soft landscaping details for the site shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a) indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development.

b) planting plans.

c) written specifications (including cultivation and other operations associated with plant and grass establishment).

d) schedules of plants, noting species, plant size and proposed numbers densities where appropriate.

e) implementation programme.

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

11. Prior to the first occupation of any dwelling a maintenance and management plan for the entire drainage system should be submitted to and agreed by the local planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system. The appropriate authority for maintenance needs to be satisfied with the submitted details.

Reason: To ensure that the drainage infrastructure for the development will not increase the risk of flooding, will improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.

12. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: To ensure that the drainage infrastructure for the development will not increase the risk of flooding, will improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.

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13. The new access shall be provided in the position shown on the approved plan drawing no. 1802-P-204_B and all works undertaken shall be executed and completed to the written satisfaction of the local planning authority in consultation with the local highway authority prior to the occupation of the development hereby permitted

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy TR2 of the Rother Local Plan Core Strategy

14. The access shall not be used until visibility splays of 2.4 metres by 43 metres have been provided and are cleared of all obstructions exceeding 600mm in height and thereafter are kept clear.

Reason: To ensure that the proposed development and associated works provides for sufficient visibility and does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policy TR3 of the Rother Local Plan Core Strategy

15. The development shall not be occupied until the parking and turning areas have been provided in accordance with the approved plans and the areas 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.

16. The development shall not be occupied until the cycle parking areas have been provided in accordance with the approved plans or details which have been first submitted to and approved in writing by the local planning authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policies OSS4 (ii) & TR3 of the Rother Local Plan Core Strategy.

17. No part of the development shall be occupied until the existing layby on Chitcombe Road has been altered in line with plans and details first submitted to and approved in writing by the local planning authority in consultation with the Highway Authority.

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

18. No part of the development shall be occupied until the proposed footway along the B2098 Chitcombe Road and pedestrian crossing have been constructed and provided in accordance with plans and details first submitted to and approved in writing by the local planning authority in consultation with the Highway Authority.

Reason: To ensure the safety of persons entering and leaving the development in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

19. If within a period of 5 years from the date of the planting of any tree that tree, or any other tree planted in replacement for it, is removed, uprooted, destroyed or

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dies, [or becomes, in the opinion of the local planning authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives it written consent to any variation.

Reason: To enhance the appearance of the development in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.

20. No units shall be occupied until the developer has first entered into an agreement with the County Council as Highway Authority to secure the off-site highway works in accordance with a timetable to be agreed.

Reason: The development is only acceptable if these measures are agreed and implemented to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy TR3 and CO6 of the Rother Local Plan Core Strategy.

Notes:

1. This permission is the subject of an obligation under section 106 of the Town and Country Planning Act 1990.

2. The developer is reminded of the need to enter into a section 38 and section 278 Agreements with the ESCC Highway Authority.

3. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

4. This development will be subject to the Community Infrastructure Levy (CIL) and all interested parties are referred to www.rother.gov.uk/CIL for further information and the charging schedule.

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.

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