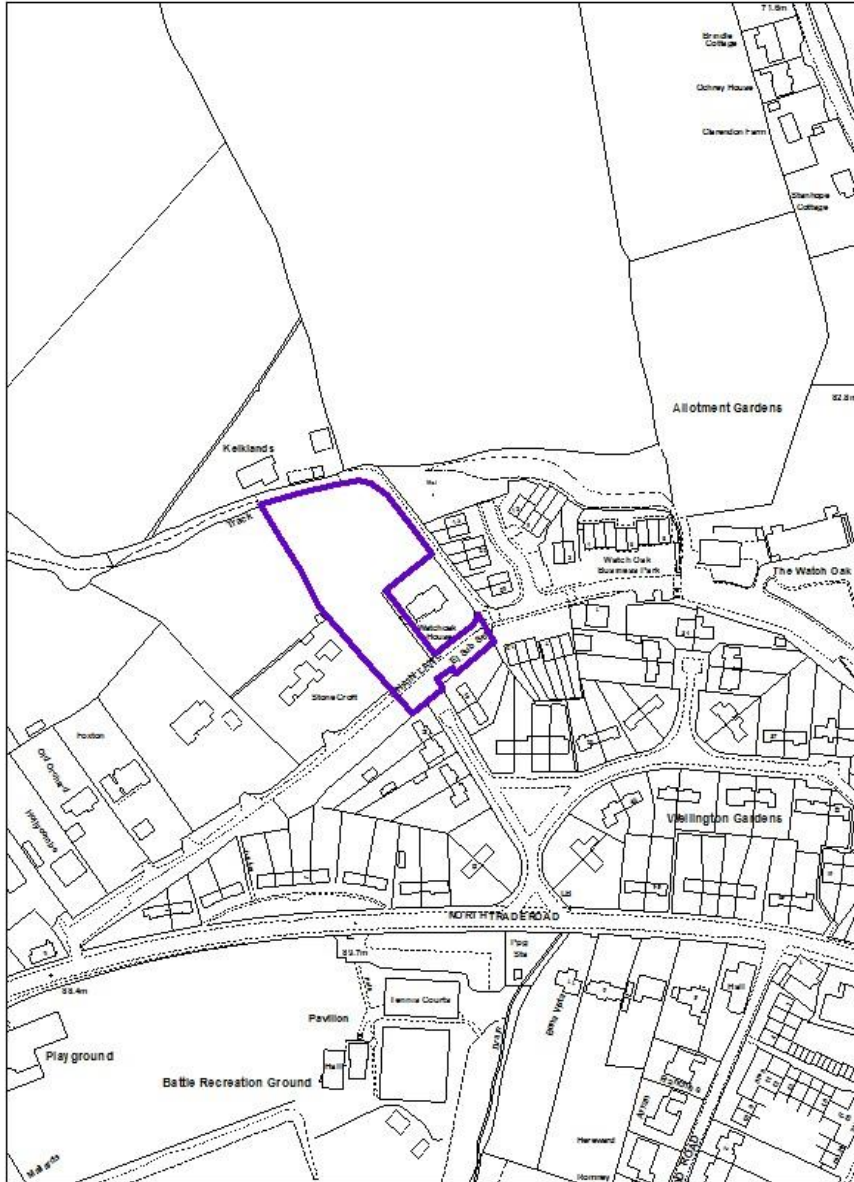


SITE PLAN

BATTLE

RR/2020/500/P

Watch Oak House, Chain Lane.



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Not To Scale

Rother District Council

Report to - Planning Committee
Date - 10 September 2020
Report of the - Executive Director
Subject - Application RR/2020/500/P
Address - Watch Oak House – Land Adjacent, Chain Lane,
BATTLE
Proposal - Approval of reserved matters relating to appearance,
layout, scale and landscaping pursuant to outline
permission RR/2019/158/P for the erection of three
dwellings.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **APPROVE (RESERVED MATTERS)**

Head of Service: Tim Hickling

Applicant: Mr N. James
Agent: Baker Architectural Ltd
Case Officer: Mrs S. Shepherd
(Email: sarah.shepherd@rother.gov.uk)
Parish: BATTLE
Ward Member(s): Councillors Mrs V. Cook and K.M. Field

Reason for Committee consideration: Member referral: Councillor Field – Concerned about the houses being too close to existing neighbours and out of keeping with the area, the buildings being too tall and visible from a far and the design is not sympathetic to neighbouring properties.

Statutory 8 week date: 12 May 2020
Extension of time agreed to: 16 September 2020

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 This is a reserved matters application pursuant to the grant of outline permission, including means of access, approved by Planning Committee in April 2019. The layout is much as the indicative layout submitted with the outline application and again proposes two-storey dwellings as indicated at outline stage. The design has been the subject of amended plans to change elements of the materials, having regard to the High Weald Housing Design Guide. Extensive landscaping is proposed. Boundary trees, including those

subject of the Tree Preservation Order (TPO) are retained. Permeable materials are proposed for the access and hardstandings.

1.2 PROPOSAL DETAILS

PROVISION	
No of houses	3
No of affordable houses	0
Other developer contributions 1	A commuted sum is secured by Section 106 towards off-site affordable housing by reason of the size of the site
CIL (approx.)	£145,502.55
New Homes Bonus (approx.)	£6,684

- 1.3 While local objections have been received, no formal consultees have objections to the proposals, although it is noted that a further response is awaited from the Lead Local Floor Authority (LLFA) and the Forestry Commission (FC) comment that the proposed siting of the dwellings would conflict with their 'restocking notice' (RN). This however, as noted in the previous committee report, is not a reason for refusal and the granting of planning permission does not override the duty to comply with the RN, nor stop the FC from serving an enforcement notice for non-compliance with the RN. The Applicant has questioned the legitimacy of the RN, having the view that the land was part of the garden of the former Chain Bungalow on the site and therefore a licence was not required to remove the trees. This is a private matter for the applicant to resolve.

2.0 SITE

- 2.1 The application site is 'L' shaped and comprises an area of land on the north side of Chain Lane close to the start of it being unsurfaced. To the west of the site are the Watch Oak and other commercial offices and the Optivo housing development, where the road is surfaced and runs eastwards to the A2100. All properties here are two-storey, with rooms in the roof of several of the houses. Watch Oak House, (formerly Chain Bungalow), is a replacement chalet bungalow with two-storey elements dating from around 2001 and occupies a high point in the south east corner of the plot, the application site having once been part of the same ownership. A further unsurfaced track runs northwards along the east side boundary of the site accessing Kelklands to the north. Kelklands is a bungalow with room in the roof set behind trees at a slightly lower ground level but with open views over the valley to the north. The old farm track then continues westwards. The whole track is also the route of public footpath 17.
- 2.2 Chain Lane continues along the southern side of the site in a westwards direction, it remains unsurfaced up to its junction with North Trade Road, (A271). Chain Lane is also the route for public footpath 21a. The whole of Chain Lane itself lies within the development boundary for Battle, which runs along the northern side of the lane and then runs northwards along the rear garden boundaries of the adjacent Optivo housing development. Watch Oak House and Kelklands, as well as Stone Croft, Pipers Meadow and Foxtan to the west of the application site on Chain Lane, all lie outside the development boundary for Battle town. Other dwellings further west of Foxtan lie within the

development boundary. Dwellings along Chain Lane vary in size and design with two-storey and chalet properties.

- 2.3 The application site also includes a section of Chain Lane and land on the southern side of the road, which are in the ownership of the Applicant. The ground levels rise up from the road level into the site, which once contained a number of trees, now removed. Trees around the perimeter of the site remain, with several (inside and outside the site) now protected by a TPO. Levels fall away to the west with the dwelling of Stone Croft set at a slightly lower ground level. Similarly, Kelklands to the north also sits at a slightly lower ground level.
- 2.4 The whole of Battle lies within the High Weald Area of Outstanding Natural Beauty (AONB). As mentioned, there are a number of individual trees around the boundaries of the main site which are the subject of TPO No. 374. The small area of woodland on the southern side of Chain Lane is also covered by a woodland designation under TPO No. 374.

3.0 PROPOSAL

- 3.1 This application is the reserved matters following the grant of outline permission. The access was part of the outline considerations and has already been approved. The reserved matters consider the layout of the development, along with the appearance and scale of dwellings and landscaping for the site. Drainage both foul and surface water is also detailed, with surface water drainage the subject of further discussion with the LLFA to agree the final details. Three dwelling houses are proposed, one to the front narrower part of the site located between Watch Oak House and Stone Croft, with two dwellings to the wider rear area, beyond the rear boundary of Watch Oak House. Parking is indicated for each dwelling with separate visitor parking and a separate turning area. Substantial new planting is proposed in and around the site.
- 3.2 The application is accompanied by: landscaping/tree details and plans; sections through the site comparing with the neighbouring dwellings; amended plans submitted in respect of the design and appearance of the dwellings; amended drainage details. Reference is also made to the previous ecology and tree survey reports which are part of the conditions to the outline permission.

4.0 HISTORY

- 4.1 RR/2018/1249/P Outline: Erection of six dwellings, access and parking. Withdrawn.
- 4.2 RR/2019/158/P Outline: Erection of three dwellings, access and parking. Approved conditional and with S106 regarding payment of monies towards affordable housing.
-

5.0 POLICIES

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

- OSS4: General development consideration.
- 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 landscapes and landscape features; including (inter alia):
 - (i) The distinctive identified landscape character, ecological features and settlement pattern of the AONB.
 - (v) Open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes.
 - (viii) Other key landscape features across the district, including native hedgerows, copses, field patterns, ancient route-ways, ditches and barrows, and ponds and water courses.
- EN3: sets the design quality standards that all new development will be expected to meet.
- EN5: covers biodiversity and green space.
- TR4: deals with car parking, which should normally be provided in accordance with the County Highway Authority's parking standards (the level of parking should be assessed using the on-line calculator on the East Sussex County Council [ESCC] website).
- SRM2: deals with the effective management of water resources.

5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal

- DHG3: residential internal space standards
- DHG7: external residential areas
- DHG11: boundary treatments
- DEN1: maintaining landscape character
- DEN2: the High Weald AONB
- DEN4: biodiversity and green space
- DEN5: sustainable drainage

5.3 The following policies of the emerging Battle [Neighbourhood Plan](#) are relevant to the proposal But as yet it is in the early stages and the policies can be afforded little weight:

- HD4: quality of design
- HD5: integration and protection of landscaping
- HD7: integration of new housing
- IN1: traffic mitigation
- IN2: Maintain and improve existing infrastructure
- IN3: parking and new development
- EN2: natural environment
- EN3: conservation of the environment, ecosystems and biodiversity
- EN4: countryside protection

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

- Paragraph 117 - promoting an effective use of land.
- Paragraph 122 - achieving appropriate densities
- Paragraphs 124, 127, 130 and 131 – requiring good design
- Paragraph 170 - the requirement to contribute to and enhance the natural local environment
- Paragraph 172, protection of the AONB
- Paragraphs 170 and 175, conservation and enhancement of biodiversity

5.5 The High Weald AONB Management Plan 2014-2019 and the High Weald Housing Design Guide (HWHDG) are also a material consideration.

6.0 CONSULTATIONS

6.1 Highway Authority: **NO OBJECTION**

6.1.1 *Site Access*: The site will be served via new access off Chain Lane. The submitted plan indicates that the access will have a width of approximately 6.5m narrowing down to 5.5m further into the site. A minimum 4.8m radius will also be provided. The carriageway of Chain Lane will be widened to 4.5m in the vicinity of the site access and I am therefore satisfied that larger vehicles (refuse, emergency etc) can be accommodated.

As the new access is off a privately owned road construction specification will not be condition; however, it is recommended that the access is provided in accordance with ESCC specification. Adequate visibility splays at the junction of the access and Chain Lane should also be provided.

The access layout indicated on the submitted plan is as agreed at outline stage and is therefore considered to be acceptable.

6.1.2 *Proposed Improvements to Chain Lane*: It is proposed that some improvements will be carried out to Chain Lane between the access and estate road to the east. The lane will be widened to a minimum of 3.1m to include the whole of the site frontage. Across the site frontage, it will be widened to 4.5m on the southern side to create a passing place around 20m in length. The existing road surface will be smoothed out and a no dig construction laid over to provide an improved road surface for vehicles and pedestrians.

To the west of the site frontage no works are intended to Chain Lane and it will remain as existing.

It is noted that that the initial stretch of Chain Lane off the estate road to the east of the site access quickly narrows to 3.1m. As indicated at Outline stage, it would be beneficial for the 4.5m width to be maintained further along Chain Lane for approximately 6m from the junction with the estate road. This is to improve the link to the estate road and to provide a passing area where vehicles turning into Chain Lane would have good forward visibility up to the site access. It is accepted that this may not be feasible; however, I would wish to reiterate the need for it to be investigated further.

The proposed improvements to Chain Lane are as agreed at Outline stage and are therefore acceptable; nonetheless, it is acknowledged that a large stretch of Chain Lane will remain in a very poor state of repair. With this in mind any increase in its use would be less than ideal; however, as the road is privately owned an objection on this basis could not be justified whilst further improvements to the surface and alignment of road as part of the proposal could also not be insisted on.

It is noted that the Public Rights of Way: Footpath 17 extends through Chain Lane. The requirements of the ESCC Rights of Way team should also be taken into account. (The Rights of Way team had no objection at outline stage provided that the lane is improved in an easterly direction towards the A2100 and that the public footpath is not diverted).

- 6.1.3 *Internal Layout:* The main access road leading into the site has a 5.5m wide carriageway and this is generally maintained throughout. Tracking drawings have been provided to demonstrate that a larger vehicle is able to turn within the site; however, the type and dimensions of the vehicle used have not been provided. The Rother District Council Waste Management team should therefore be consulted to ensure they are satisfied that the size of refuse vehicle likely to serve the site can be accommodated in a safe and convenient manner.

It is noted that a 6m manoeuvring space has been provided behind all parking spaces.

The layout is generally acceptable to the highway authority; however, it should be noted that although the road is to remain privately owned, I would still wish for it to be constructed at or close to an adoptable standard.

- 6.1.4 *Parking:* The East Sussex Residential Parking Demand Calculator has been designed to calculate the number of parking spaces required at new residential development on a site-specific basis. The calculator predicts levels of car ownership using information relating to the site location (ward), unit type, size and the number of allocated spaces.

The parking demand calculator indicates that 3 x three bed dwellings require seven parking spaces (two allocated per dwelling and one visitor spaces). The submitted plan indicates that a total of nine parking spaces are proposed. The parking provision is therefore acceptable. It is also noted that each parking space meets the minimum dimensions of 2.5m x 5.0m required.

Cycle Parking - Safe, secure and covered cycle parking facilities need to be provided at new developments. The level of cycle parking will need to meet the requirements of the ESCC standards which are one space per unit for one and two bedroom dwellings and two spaces per dwelling with three bedrooms or more.

- 6.1.5 *Construction Traffic Management Plan:* This highway authority is keen to ensure that this development does not have an adverse effect on the existing highway infrastructure and the privately-owned road serving the site. It is therefore necessary for a Construction Traffic Management Plan to be submitted and agreed with ESCC prior to the commencement of works to be secured by a relevant planning condition. This would include a construction

traffic routing agreement, hours of working, wheel washing, and secured compounds for materials storage, machinery and contractor parking.

6.1.6 *Conclusion and Conditions:* My concern regarding the road serving the site (Chain Lane), which is in a poor state of repair, remain as detailed at Outline stage, and although some improvements are proposed any increase in its use is considered less than ideal. However, the road is privately owned and therefore an objection on this basis could not be justified whilst further improvements to the road as part of the proposal could not be insisted on. While some conditions are on the outline permission, additional ones now sought comprise construction details of the new road and prior to occupation the provision of parking, cycle parking and turning areas.

6.2 Pevensey and Cuckmere Water Level Management Board and Lead Local Flood Authority: **OBJECTION INITIALLY**

6.2.1 While concerns have been expressed regarding the proposed surface water drainage details, as requested, infiltration tests have been undertaken and the details for the surface water drainage are under discussion with the Substantial Draining System (SuDS) team. Final comments are awaited but this is already a condition of the outline permission.

6.3 Environment Agency: **NO OBJECTION**

6.3.1 Initially objected to the use of a septic tank but this has now been amended and a connection to the main drains is proposed.

6.4 Southern Water: **NO OBJECTION**

6.4.1 To the proposed connection to mains drainage, which lies to the west side of the site.

6.5 Forestry Commission: **GENERAL COMMENT**

6.5.1 The Forestry Commission investigated a case of alleged illegal felling on the land in February 2017. It appeared that a felling licence ought to have been required for the works undertaken and as such a RN was served on the owner on 22 June 2017. The site was inspected in October 2018 and natural regeneration of the site is currently underway. There is a maintenance period on the land under the RN for 10 years - therefore the Local Planning Authority should be aware that a "do nothing" option in their decision will result in the land returning to woodland. A further inspection is scheduled for autumn 2020. Further clarification has been sought and while the RN does not preclude planning permission being issued, the granting of planning permission does not override the duty to comply with the RN. This is a matter for the Applicant.

6.6 SGN (gas pipelines): **NO OBJECTION**

6.6.1 Plans provided indicate the presence of gas services within the surrounding area but not at the site.

6.7 High Weald AONB Unit: **GENERAL COMMENT**

6.7.1 Outlines the legislative requirements to conserve and enhance the landscape and scenic beauty of the AONB. References the HW Management Plan in respect of the following objectives:

- Objective R1 “To maintain the historic pattern and features of routeways”
- Objective R2 “To enhance the ecological function of routeways”
- Objective OQ3 “To develop and manage access to maximise opportunities for everyone to enjoy, appreciate and understand the character of the AONB while conserving its natural beauty”

6.8 Planning Notice

6.8.1 A petition of objection with 90 complete signatories and a further 80 with no address and 12 letters of objection have been received (from six representatives). The concerns raised are summarised as follows:

- Increased traffic on public footpath and access lane too narrow
- Loss of protected trees
- Loss of community amenity
- Harm to views within the AONB
- Loss of protected species
- Contrary to the FC notice to restock
- Dwellings too large and too many
- Should be single storey
- Add pressure to infrastructure in Battle
- Questioning Southern Water and connection to the foul drain
- Contrary to High Weald policies
- Potential challenge to status of Chain Lane
- Impacts to neighbours from height, overlooking and overshadowing
- Layout should be redesigned
- Additional noise
- Too many solar panels
- Future residents may want different plans
- Inappropriate fencing
- No details for off-site planting
- Paving to Chain Lane is inappropriate to its setting as a historic right of way
- Ground levels unclear
- Design inappropriate

6.8.2 Ramblers Association: **OBJECTION**

6.8.3 Want to see:

- detailed plans with regard to potential re-alignment of the public footpath.
- ‘Pedestrians in Roadway’ signage.
- Confirmation that the public footpath will remain open and fully accessible during and after development.

6.8.4 The Applicant has responded to the Ramblers comments and advises that there is no realignment of the footpath and that a footpath/pedestrian sign is

to be erected. The informal woodland path within the verge will provide an additional/alternative path for pedestrians.

6.9 Battle Town Council: **OBJECTION**

6.9.1 Made the following comments in relation to the initial plans:

- The pinch point regarding access to the proposed properties has not been addressed.
- The height of the dwellings will impact on neighbours' privacy and will have a detrimental effect on the AONB by dominating the landscape.
- Plans are not shown in enough detail: materials to be used are not comprehensively detailed; cycle parking is not illustrated; and outbuildings are not provided.
- The Environment Agency recommend waste water drainage, not cesspits.

6.9.2 Following amendments added two further comments that the permeable paving is inappropriate to the lane and that signage should be erected for the safety of pedestrians.

7.0 **LOCAL FINANCE CONSIDERATIONS**

7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The dwelling footprints and floorspace are as the outline. Although the total amount of CIL money to be received is subject to change, including a possible exemption, the development could generate approximately £145,502.55. (599.7sqm of new floorspace).

7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could be approximately £6,684 over four years.

7.3 Other Local Finance Considerations. The Housing Development Officer will not require an onsite contribution of affordable housing on this scheme of three dwellings, in view of this being a small scale development and the difficulties securing a registered provider to deliver this number of dwellings.

7.4 However, in view of the developable area exceeding the policy threshold of 0.3 hectares or more, instead a small in-lieu payment based on 35% of the total housing scheme is required. In this case the financial sum will be equivalent to 1.05 affordable dwellings. This will be calculated in accordance with our adopted policy for small sites contributions in the AONB and has been secured as part of the Section 106 agreement secured with the outline permission.

8.0 **APPRAISAL**

8.1 The principle of developing this site with three dwellings and an access in the position shown on the plans has already been approved. The reserved matters are therefore only to be considered in respect of the details of the proposals. The main issues to be considered include: layout, size and appearance, landscaping, impacts to neighbours, impacts to the AONB, drainage.

8.2 Layout

The proposed layout is much as that submitted at outline stage. Three detached dwellings are proposed with adjacent parking spaces. Separate visitor parking and turning are provided within the site. Each dwelling has its own cycle store. All meet the required highway standards. The density of development is low at 8.5 dwellings per hectare, with plot sizes comparable to Watch Oak House, which is much larger than that of the adjacent housing estates to the east and south. Stone Croft to the west and Kelklands to the north occupy unusually large plots. The surrounding character is therefore diverse with a mixture of sizes and types of dwellings and plots.

- 8.2.1 The dwellings are located well within the plot away from the boundaries. As well as retaining the existing boundary trees, some of which are subject to TPO 374, extensive additional planting is proposed, infilling to the boundaries and between the proposed dwellings.

8.3 Size and appearance

The three x 4 bedroom dwellings are all two-storey and of slightly individual designs to suit the prospective purchasers. They have sought guidance from the HWHHDG and incorporate traditional design details and materials. All include some solar panels (only 4) to the roof having regard to the move to reduce carbon emissions and make use of natural energy sources. The dwellings incorporate some gable projections (also present on Watch Oak House), adding relief to the elevations, have exposed rafter feet and chimneys, with a mixture of hipped, barn hipped and gable roofs and with a plinth detail adding interest to the ground floor. A traditional material palette of stock bricks to the ground floor, tile hanging to the first floor and plain clay tiles to the roof is proposed for Plot 1 (front plot), with the tile hanging replaced with Hardi Plank Cladding on Plots 2 and 3. The materials are detailed as: Wienerberger Heathfield Multi Red bricks with plinth of Ibstock Smooth Red and mortar – Natural. Rooftiles Marley clay tile double camber acme, Colour – Antique with terracotta chimney pots. Hardie Plank - Cobblestone and Soft Green. Tile hanging - Marley clay tile double camber acme, Colour - Red smooth.

- 8.3.1 As already noted above, the character of surrounding properties is very diverse with a mixture in designs, sizes and materials being utilised. The presence of first floor accommodation is common, albeit that some is incorporated within the roof space. It is considered inappropriate to say that the design is unsympathetic to neighbouring properties, some of which would be less than ideal when considering the traditional details of the HWHHDG. It is accepted that design is a subjective matter and hence what one person finds attractive another may not. However, this area of Battle cannot be said to be of a homogenous character and as such while these proposals do not copy any neighbouring properties, they do reflect the traditional design elements and materials to be found within the High Weald and which are noted in the HWHHDG.

8.4 Impacts to neighbours

Concerns have been raised with regard to the height of the proposed dwellings and their relationship with neighbours. The only neighbours that could potentially be affected are those located to the east, west and north of the site. Those to the south are set some distance away separated by Chain

Lane and a band of woodland and would not be impacted by the proposed dwellings.

- 8.4.1 As can be seen on site and on the section details provided, the application site is not flat. The levels rise up from Chain Lane to the house on Plot 1 but this proposed dwelling sits at a lower level and extends forward of Watch Oak House, which is located on the highest point of the site in its south east corner. Although two-storey, the ridge of the proposed house is slightly lower than the ridge of the chalet bungalow at Watch Oak House. Similarly, the levels fall to the rear, north of Watch Oak House and hence the dwelling at Plot 2 also sits lower with its first floor corresponding to the ground floor of Watch Oak House and again having a lower ridge height. In respect of distances, there is around 15m at the closest point (including the access road) between the front of Plot 1 and the side of Watch Oak House and around 25m at the closest point between the front of Plot 2 and the rear of Watch Oak House, both with intervening planting to these boundaries. There would be no overlooking from the ground floor rooms which would be screened by the boundary fencing of Watch Oak House. At first floor level, Plot 1 has only one window to its front east-elevation, which is a secondary bedroom window facing the front parking and turning area of Watch Oak House. Plot 2 has four windows at first floor level, two small obscure glazed serving an en-suite and bathroom, one larger atrium which is open to the ground floor and hence would not provide any overlooking and one bedroom window. Given the distance between the properties, siting, change in levels and vegetation (including TPO tree) the proposals are not considered to result in harm to the amenities of Watch Oak House.
- 8.4.2 Stone Croft to the west side of the application site is noted to be set at a lower ground level, with a detached garage/outbuilding to its side. That dwelling is set centrally within its plot with around 25m between its side elevation and the rear of Plot 1, although it is noted that the proposed dwelling sits entirely forward of Stone Croft. In addition, there are some large trees to this boundary, subject of the TPO. While the proposed dwelling does have two pairs of French doors and two other windows at ground floor level, these would be screened by boundary fencing such as to avoid any potential overlooking. At first floor level there is a small obscure glass window to an en-suite, with two other windows serving the landing and a secondary window to a bedroom. While there may be some potential for overlooking from these first floor windows, given the distances between the properties, the siting forward of Stone Croft and the intervening trees, it is considered that any potential overlooking would be minor with no overt loss of privacy and a refusal on this point would not be justified. In view of the orientation, separation distance and boundary screening the proposal would not constitute an overbearing development nor would it be harmful to the outlook of Stone Croft.
- 8.4.3 The dwelling on Plot 3 is situated to the north west corner of the site where the levels continue to fall away to the farm track along the north boundary, with Kelklands situated to the north side of the track and public footpath. It is noted that Kelklands sits at a lower level to the north west of the proposed dwelling and separated by a TPO tree and other vegetation to its own boundary, such that it is not readily visible from the track or application site. Considerable additional planting is proposed in this corner of the application site. The dwelling at Plot 3 is further orientated to the north west rather than directly facing Kelklands. Ground floor windows and bifold doors would be

screened by fencing and planting. At first floor there is a small obscure glazed en-suite window with secondary side window to a bedroom and another bedroom window. There is around 21m at the closest point between the two dwellings (rear north east corner of Plot 3 and south east corner of Kelklands), increasing to some 35m between the rear south west corner of Plot 3 and the front of Kelklands. In view of the orientation, separation distance and boundary screening the proposal is not considered to give rise to issues of overlooking, nor would it constitute an overbearing development and it would not be harmful to the outlook of Kelklands.

8.5 Landscaping and impacts to the AONB

The key paragraph of the National Planning Policy Framework in this respect is 172 which states:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONB, which have the highest status of protection in relation to these issues.”

8.5.1 The site directly adjoins the development boundary for Battle, as set out in the Rother District Local Plan 2006 and the emerging Battle Neighbourhood Plan. The development boundary to the east and further west protrudes further north than the application site, while generally following the tree line of the adjacent field boundaries. The site has existing housing to all four sides with existing mature trees to its boundaries, many of which are protected by a TPO. The site like the rest of Battle falls within the High Weald AONB and is thus part of that landscape.

8.5.2 As identified at paragraph 8.4.1 above, the existing house on the former plot of Chain Bungalow, now Watch Oak House, sits at the highest point of the site with the levels around it falling away. The proposed dwellings would not therefore be any more visible in the wider landscape than the existing dwellings on and around the site. The proposed dwellings would sit within the changing levels and existing trees of the site. While some views may occur, particularly the roofs, this is no different from any other property around the outskirts of Battle, although it will be noted that Kelklands has no such screening to its north boundary with open views over the fields and valley beyond. As such while there may be some impacts to wider views, the proposals are not considered to be harmful to the wider landscape of the AONB.

8.5.3 Detailed landscaping plans have been prepared utilising native species with the aim of enhancing the site and its biodiversity. Prospective purchasers are aware of the proposals which include many new trees having regard to the RN. While it would take some time for new planting to establish, the site would be much greener than any of the neighbouring sites.

8.6 Drainage

Initial proposals for the use of septic tanks were not supported by the Environment Agency or Southern Water who both referenced the requirements to connect into the public foul sewer which lies to the west of the site. As such amended details for the foul drainage have been submitted and these are supported by the utility companies. The finalised details of any connection is a matter for the utility companies to resolve with the Applicant.

8.6.1 With regards to surface water drainage, the LLFA and Pevensey and Cuckmere Water Level Management Board (PCWLMB) has belatedly raised an objection to the proposed system, because of a lack of supporting data, namely infiltration testing. This has now been undertaken and the further comments and conditions of the LLFA and PCWLMB are awaited. It is noted that soakaways have been used on neighbouring developments. This matter is one that is already the subject of an outline condition and is not a reason for refusal.

8.7 Other Matters

Other matters raised by objectors refer to inappropriate fencing and unsuitable paving in the lane, a challenge to the road status and reference to future owners possibly wanting different design dwellings.

8.7.1 As Members are aware, the Council considers the application details as submitted. If someone bought a plot and wanted a different dwelling design, then that would be the subject of a separate application which would be considered on its merits.

8.7.2 The reference to a potential challenge against the local Highway Authority, ESCC, is not a matter for the district council. The Highway Authority while suggesting conditions have no objection to the reserved matters.

8.7.3 The use of close board fencing is common place within the surrounding area. Watch Oak House itself is surrounded by close board fencing and it would be unreasonable to refuse it for this adjoining development.

8.7.4 As identified at paragraph 6.1.2 of the Highway Authority comments, it is expected that Chain Lane will be improved with a 'smooth' surface. In order to seek to comply with this but while still recognising that the use of concrete or tarmac would be undesirable given the more rural aspect of the lane, (unlike the tarmac road in the estate to the east end of Chain Lane), and having identified the need for root protection with minimal dig, the applicant has proposed to use a permeable surface with timber edges and a layer of TerramGeocell topped with Hydropave Sienna permeable paving, colour – Sandstone. Contrary to the suggestion by objectors, the use of pea beach for a road is unacceptable in highway terms as it is not smooth or solid, prone to movement and hence a safety hazard for both pedestrians and vehicles. In addition, it would make traversing with prams, scooters and wheelchairs problematic. The Highway Authority has limited materials that it considers suitable within a highway and blocks is one of the acceptable materials. In this instance the blocks are a buff/pale brown colour and considered acceptable within the lane.

9.0 PLANNING BALANCE AND CONCLUSION

9.1 The principle of developing the site with three dwellings has already been granted outline permission, along with the proposed access.

9.2 The design details and proposed materials are considered to be acceptable and reflect the guidance within the HWHDG. The surrounding area contains a wide mix of housing designs, sizes and finishes and as such the proposals are not considered to be out of keeping.

- 9.3 The proposed dwellings by reason of the changing ground levels, distances between properties, existing screening and design are not considered to result in harm to the residential amenities of surrounding properties.
- 9.4 The details for the road, parking and turning facilities to serve the development comply with highway standards.
- 9.5 The whole of Battle is within the designated AONB. There will be a need to consider adjusting development boundaries in Battle to accommodate further housing need and this may result in the development of green-field land at the edge of the town – within the AONB. The proposed development would introduce built development on a green-field site, but one which is already surrounded by residential properties. As such it is considered that the impact would be limited given the contained nature of the site, the relationship with surrounding development, the fact it is not part of the medieval field pattern and as part of landscape enhancement a substantial amount of native species planting is proposed. It is considered that the proposed development would cause limited harm to the landscape of the AONB with little impact on the setting or character of the town.

RECOMMENDATION: APPROVE (RESERVED MATTERS)

CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing Nos:
BA1785.01 rev. A, dated Feb 2019
BA1785.28 rev. D, dated Jul 2020 (block plan)
BA1785.29 rev. D, dated Jul 2020 (plot one)
BA1785.30 rev. G, dated Jul 2020 (plot two)
BA1785.31 rev. E, dated Jul 2020 (plot three)
BA1785.41 rev. E, dated Jul 2020 (long sections)
BA1785.43 and 45 rev. A, dated Jul 2020 (sections)
BA1785.41 rev. D, dated Jul 2020 (drainage)
Landscape specification written details, dated July 2020.
Planting Plan, WOHCL.PP1, dated July 2020.
BA1785, Project Materials Schedule, plot 1, 2 and 3. Submitted July 2020
Reason: For the avoidance of doubt and in the interests of proper planning.
2. No development shall take place and no equipment, machinery or materials shall be brought onto the site until fencing for the protection of the trees on the boundaries of the site has been provided in accordance with the details of the root protection areas set out on drawing no. WOHCL.PP1, dated July 2020 and in accordance with the recommendations of BS 5837:2012 (Trees in relation to design, demolition and construction) and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, unless otherwise agreed in writing with the local planning authority.

Reason: A pre-commencement condition is necessary in order to protect the health of the boundary trees which contribute positively to the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii), EN1 (i) and EN5 (viii) of the Rother Local Plan Core Strategy.

3. The development shall not be occupied until the parking and turning areas have been provided in accordance with the approved plan, Drawing No. BA1785.28 rev. D, dated Jul 2020 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 (i) of the Rother Local Plan Core Strategy.

4. The development shall not be occupied until the garden sheds/cycle store have been provided in accordance with the approved plan BA1785.28 rev. D, dated Jul 2020 and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles and the storage of domestic items.

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.

5. The materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be in accordance with those set out in BA1785, Project Materials Schedule, Plot 1, 2 and 3, submitted July 2020, unless an alternative finish is otherwise first submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development is in character with its surroundings in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

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 <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
2. The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.
3. The applicant 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. This reserved matters planning permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 attached to outline planning permission RR/2019/158/P.
5. The conditions imposed on the outline planning permission RR/2019/158/P continue to apply to this development.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) 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.