



## Rother District Council

Report to	-	Planning Committee
Date	-	15 April 2021
Report of the	-	Head of Service – Strategy and Planning
Subject	-	Application RR/2020/2307/P
Address	-	Blackfriars – Land at BATTLE
Proposal	-	Reserved Matters relating to residential development for 200 No. dwellings (outline permission RR/2019/604/P) to include 1, 2, 3 and 4 bedroom units with associated works including parking, access roads, drainage proposals and hard and soft landscaping.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **APPROVE (RESERVED MATTERS, including approval of the Landscape and Ecological Management Plan (discharge of Condition 26)).**

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**Head of Service: Tim Hickling**

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<b>Applicant:</b>	<b>Rother District Council</b>
<b>Agent:</b>	<b>Robinson Escott Planning</b>
<b>Case Officer:</b>	<b>Mrs S. Shepherd</b> (Email: <a href="mailto:sarah.shepherd@rother.gov.uk">sarah.shepherd@rother.gov.uk</a> )
<b>Parish:</b>	<b>BATTLE</b>
<b>Ward Member(s):</b>	<b>Councillor K.P. Dixon</b>

**Reason for Committee consideration: Application submitted by Rother District Council**

**Statutory 13 week date: 19 March 2021**  
**Extension of time agreed to: 23 April 2021**

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### 1.0 SUMMARY

1.1 This is a reserved matters application seeking agreement of the details for the layout, appearance, landscaping and scale of the majority of development at Blackfriars, pursuant to the grant of outline planning permission for “up to 220 dwellings” in December 2020, RR/2019/604/P refers. The main access, a spine road that snakes between The Spinney and Harrier Lane, was agreed at outline stage subject to conditions for which a separate application to discharge is imminent.

- 1.2 The details relate to the three large fields on the western side of the site, within which 200 new dwellings are proposed in a mix of sizes and types including 1 and 2 bed flats with 2, 3 and 4 bed houses. The remaining “up to 20” units would fall to be considered at a later date with regard to the proposed development of a plot in the north east corner of the site, separated by the central woodland/ecological wetland valley area which runs north/south through the site.
- 1.3 The three fields (plots) each have their own character in terms of layout and dwellings. Sustainability and energy efficiency have been promoted as a key design feature of the scheme which aims to be carbon neutral. Ecology mitigation and enhancements were established at outline stage and works have already started on their implementation. Landscaping principles with retention of boundary trees and hedges/habitats enhanced by the use of hedges, trees, public open space/communal areas and connecting gardens throughout the site, continue the mitigation and enhancements sought via the ecology requirements, as well as seeking to maintain the verdant character of the area within the Area of Outstanding Natural Beauty (AONB). Drainage proposals have been the subject of discussion with the Lead Local Flood Authority (LLFA) to arrive at a suitable scheme that includes the worst case scenario in terms of potential flood risk. The scheme also includes provision for space within the site to enable a future connection to the railway station.

#### 1.4 PROPOSAL DETAILS

PROVISION	
No of houses	200
No of affordable houses	70
Other developer contributions 1	Landscape management
Other developer contributions 2	Ecological mitigation and enhancement
Other developer contributions 3	Local Employment and Skills plan
Other developer contributions 4	Off-site highway works
CIL (approx.)	£2,835,706 (11,709sqm)
New Homes Bonus (approx.)	£1,336,800

## 2.0 SITE

- 2.1 The site the subject of this application is sloping rough grassland on the east side of Battle between Harrier Lane and Knights Meadow to the north, Starrs Mead/Hastings Road to the south/east and Harold Terrace, Kingsdale Close and the railway to the west. It is noted, however, that the site does not directly adjoin the railway, as there is an area of intervening land in separate private ownership outside the boundary of the application site. Collectively the area has been known for many years as Blackfriars.
- 2.2 The land lies within the High Weald AONB and is in parts steeply sloping from the high part at Highlands Farm/Starrs Mead northwards down to Harrier Lane. The field boundaries have become very overgrown and contain many trees of mostly deciduous species. There is an area of woodland to the south east corner spreading northwards around a more centralised wetland valley. All contribute to the character and environmental value of the site. Ancient woodland lies outside the site to the north east.

- 2.3 Two public footpaths cross the land which in total extends to about 15 hectares. The Emmanuel Centre and Church is located centrally on the northern edge of the site accessed off Harrier Lane.
- 2.4 It will be noted that the developable part of the site subject of this application relates to the three field parcels down the western side. The parcel of identified developable area to the north east corner, also subject of the outline permission, is excluded from this application.
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### **3.0 PROPOSAL**

- 3.1 Outline permission has already been granted under RR/2019/604/P for the site which has been allocated for housing for many years. The central spine road was also approved in detail as part of the outline application. Members are aware that a large part of the site is not considered suitable for development and is to be retained and enhanced as landscape/ecological areas. This element links with the field boundaries in and around the site, which in turn link further afield to the ancient woodland and countryside to the north east. Those links are to be retained and strengthened as part of the landscape principles for the development.
- 3.2 As well as a landscape strategy for the site, the submitted details include the layout, design, scale and appearance of the dwellings. The layout includes the secondary access roads, parking layout and interconnecting footpaths permeating through the site. The layout has been the subject of much discussion and amendment post-submission to better reflect the principles of the High Weald Housing Design Guide.
- 3.3 The scheme splits the site into three distinct parcels of built development, maintaining the existing field pattern across the site. The northern parcel ('Plot 1') contains 96 dwellings, a mixture of houses flats and maisonettes. The central parcel, plot 2, contains 44 dwellings, all flats and maisonettes, and the southern parcel, plot 3, contains 60 dwellings, again a mixture of houses, flats and maisonettes. Provision for the potential future link to the railway station is contained within a small area of open space towards the north west corner of plot 1.
- 3.4 The Applicant's project engineers have worked extensively on the levels to arrive at a scheme which, for the most part, avoids the need for excessive cuttings or embankments along the spine road or other roads and aims to achieve level thresholds for the majority of properties. Properties are aligned to create a strong street frontage and the layout makes use of the level changes across the site, with buildings stepped where required to follow the ground contours. With exception of the 'earth sheltered dwellings', the dwellings are all of the same modular form and either detached or semi-detached, in a mix of dwelling sizes. All meet and many exceed the Nationally Described Space Standards (Policy DHG3 applies). Variation in appearance of the buildings is provided by the changes in orientation, some being sited with the narrow gable end to the road while others have the longer frontage to the road. All are two-storey, some having dormers to serve accommodation in the roof and some larger units have a projection. Most incorporate solar panels to the roofs. Materials are to comprise a palette of red brick or white render to the ground

floor, with tile hanging or pale weatherboard cladding to the first floor and clay tiles to the roofs.

- 3.5 As well as detailed block plans, the submissions include: elevations, floor and sections of the dwelling types; a variety of sections and street scenes; landscape strategy; drainage strategy; tracking plans; Energy and Sustainability Statement; Landscape and Ecology Management Plan; Landscape and Visual Impact Assessment; car port details; illustrative views; Design and Access Statement.

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## 4.0 HISTORY

- 4.1 RR/1999/71/P Outline for Residential Development (Highlands Farm only) – called in by the Secretary of State – Outline Planning Permission Refused 4 October 2000, noting that the grant of planning permission would undermine a comprehensive consideration of all sites according to their merits through the Local Plan process and that development of the site would be premature given the then early stage of the Rother District Local Plan.
- 4.2 RR/2007/1896/P Outline: Erection of up to 250 dwellings; construction of new spine road from The Spinney (Hastings Road) to Harrier Lane; construction of access roads, footpaths, services, foul and surface water drainage infrastructure including two drainage basins; provision of public open space/wildlife eco-park; provision of land for a primary school; children's play area and all ancillary works. Planning Committee resolved to grant planning permission subject to completion of a Section 106. This was never completed.
- 4.3 RR/2019/604/P Outline: Detailed proposals for a spine road to serve residential development, with vehicular access off Harrier Lane and The Spinney, with Master Plan for up to 220 dwellings and associated works. Approved conditional subject to Section 106.

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## 5.0 POLICIES

- 5.1 The following 'saved' policies of the adopted [Rother District Local Plan 2006](#) are relevant to the proposal:

- DS3: Development Boundaries
- BT2: Land at Blackfriars, which states:

*“Land at Blackfriars, Battle, as defined on the Proposals Map, is allocated for housing, education and open space purposes, to be brought forward through a comprehensive scheme.*

*Two areas, totalling approximately 7.3 hectares, would be allocated for residential use, providing at least 220 dwellings (40% of which would be affordable<sup>1</sup>). Other land between the two areas for residential development is*

*allocated for a single form entry primary school and to provide a large area of open space. The development will be accessed by a new spine road, from the south from Hastings Road, off The Spinney, and from the north via Harrier Lane off Marley Lane. A Transport Assessment will be required.*

*Developer contributions will be required towards both primary and secondary school provision and to provide for a children's play area on land adjacent to the housing allocation. In addition, developer contributions will be required to secure the provision of the spine road and other accessibility improvements. The pedestrian link across the railway is subject to further detailed examination of its viability and, if necessary, developer contributions for its provision will be required.*

- 5.2 It should be noted that the amount of affordable housing now being sought is 35%. This part of the policy has been superseded by the strategic policy revision through the Core Strategy and Development and Site Allocations (DaSA).
- 5.3 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- OSS1: Overall spatial development strategy (additional dwellings required)
  - OSS2: Use of development boundaries
  - OSS3: Location of development
  - OSS4: General development considerations
  - BA1: Sets out the policy framework for Battle
  - SRM2: Water supply and wastewater management
  - CO1: Community facilities and services
  - CO3: Improving sports and recreation provision
  - LHN1: Achieving mixed and balanced communities
  - LHN2: Affordable housing
  - EN1: Landscape stewardship
  - EN3: Design quality
  - EN5: Biodiversity and green space
  - EN7: Flood risk and development
  - TR2: Integrated transport
  - TR3: Access and new development
  - TR4: Car parking
- 5.4 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DHG1: Affordable housing, 35% in Battle
  - DHG3: Residential internal space standards
  - DHG4: Accessible and adaptable homes
  - DHG7: External residential areas
  - DHG11: Boundary treatments
  - DHG12: Accesses and drives
  - DEN1: Maintaining landscape character
  - DEN2: The High Weald AONB
  - DEN4: Biodiversity and green space
  - DEN5: Sustainable drainage
- 5.5 The emerging [Battle Neighbourhood Plan](#) includes design guidelines and the following relevant policies:
- HD1: Development Boundaries

- HD2: Site Allocations (includes Blackfriars)
- HD3: Housing mix
- HD4: Quality of design
- HD5: Protection of landscape character
- HD7: Integration of new housing
- IN3: Parking and new development
- IN4: Pedestrian provision and safety
- EN2: Conservation of the natural environment, ecosystems and biodiversity
- EN3: The High Weald AONB and countryside protection

The Plan is currently at examination and its policies, subject to objections, thus carry varying weight. Some weight can be applied in respect of policies HD1, HD4, HD7, IN3, IN4 and EN2. Policies HD2, HD3, HD5 and EN3 are subject to discussion and hence carry little weight. With regard to policy HD2 in respect of Blackfriars, the Inspector has asked if the number of units could be increased. Given the site constraints, and as set at Condition 6 of the outline permission, the Local Planning Authority does not consider the site to be suitable to accommodate more than 220 units. It does, however, mean that housing allocations for Battle will be made in the Neighbourhood Plan and not in the Council's DaSA document.

5.6 The following Council documents are considered relevant to the proposal: Corporate Plan and Housing and Homelessness and Rough Sleeping Strategy.

5.7 The National Planning Policy Framework and Planning Policy Guidance are also material considerations, with particular reference to:

- Paragraphs 8, 11, 14 core planning principles for sustainable development
  - Paragraphs 102, 106, 109 and 110 transport and parking
  - Paragraphs 61 and 62, affordable housing
  - Paragraphs 73 and 74, five-year supply of deliverable housing sites
  - Paragraph 172, protection of the AONB
  - Paragraphs 170 and 175, conservation and enhancement of biodiversity
- Section 12: achieving well-designed places

5.8 The High Weald Management Plan and Housing Design Guide are also material considerations. Relevant objectives of the Management Plan include:

- S2: To protect the historic pattern and character of settlement
- S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design
- G1: To restore the natural function of rivers, water courses and water bodies
- G2: To protect and enhance soils, sandstone outcrops, and other important landform and geological features
- G3: To help secure climatic conditions and rates of change which support continued conservation and enhancement of the High Weald's valued landscape and habitats
- R1: To maintain the historic pattern and features of routeways
- W1: To maintain the existing extent of woodland and particularly ancient woodland

- W2: To enhance the ecological quality and functioning of woodland at a landscape scale
  - FH2: To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands
  - FH3: To enhance the ecological function of field and heath as part of the complex mosaic of High Weald habitats
  - 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
  - OQ4: To protect and promote the perceptual qualities that people value
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## 6.0 CONSULTATIONS

### 6.1 Highway Authority – **NO OBJECTION**

6.1.1 Comment that *the application, in terms of its layout is largely acceptable subject to the comments below and note that although the details provided are suitable for planning purposes if the site is put forward for adoption by the Highway Authority then further small alterations may be required.* Conditions are recommended, which for the most part are already set out in the outline permission.

#### 6.1.2 Pedestrian/Cycle Access

*For the most part the footways and cycleways are not at the road side but cut across the site taking more direct routes. This does provide shorter walking distances but does make the footways less well overlooked in places. This may be off-putting to some users and discourage their use especially during the hours of darkness. Lighting is therefore likely to be required.*

*The topography of the site may also make the footway quite steep. The detailed design will need to carefully consider the gradients of the footway to ensure they are suitable for all users.*

*A walking and cycling audit needs to be completed prior to the commencement of the development as secured at the outline stage. This should specifically consider the routes through the site as well as links to schools, shops, public transport with any recommendations implemented.*

#### 6.1.3 Vehicle Parking

*A total of 311 car parking space are proposed for the development. I am satisfied that this number of spaces is acceptable as it is very close to the level suggested by the East Sussex County Council (ESCC) Parking Standards.*

*The suggested layout of some of the parking does however cause some concern.*

*Car parking should be designed with security in mind. Therefore, parking for each dwelling is often best located on plot, preferably at the front or side of the dwelling where it can be easily overlooked by the owner. Parking provided off plot should be provided as close as is practicable to the property it will be serving and should be overlooked to encourage its use.*

*It is noted that some courtyard parking is proposed. When this is used, especially at the rear of properties it can be off putting to drivers and may not be used to its full capacity. This can result in additional on-street parking and should therefore be avoided. It is imperative that parking courtyards where they are used are overlooked and/or secured.*

*It would appear that some of the parking areas are not well overlooked. Other security features would therefore be required to encourage their use such as lighting, etc or the design amended to make them better overlooked.*

*If the courtyard parking is not fully utilised, then overspill parking may take place on street closer to the owners dwelling. This could cause access and/or safety issues. If the roads are put forward for adoption then the need for waiting restrictions (double yellow lines) will need to be considered through the Section 38 agreement process if problematic on street parking does occur.*

#### 6.1.4 Cycle Parking

*Safe and secure cycle storage facilities are equally important at new development as cycling has the potential to replace short car journeys.*

*The level of cycle parking provided should be in accordance with ESCC guidance. The stated level of cycle parking does not meet the required level. Each house will need two spaces and each flat will need one space if storage is individual or 0.5 spaces per flat if it is communal.*

*It is not clear, but it appears from the plans that the storage will be provided in individual sheds. If this is the case, then the cycle parking provision is most likely adequate, but this should be clarified. If it is below the required level it will need to be increased accordingly.*

#### 6.1.5 Vehicle Accesses

*The proposed access to two of the parking courts adjacent to plots 1.36 & 1.57 appear quite narrow and of insufficient width to accommodate two-way traffic flow. They should be increased in width to ideally 4.5m or an absolute minimum of 4.1m to allow two-way flow.*

*The access at the side of plot 2.11 is partly opposite a traffic calming build out. This could lead to drivers 'cutting the corner' when accessing the parking area when travelling south bound and driving on the wrong side on the road which is clearly a road safety concern. The access and/or build out should be amended to allow unobstructed use of the access.*

#### 6.1.6 Vehicle Turning

*Vehicle tracking has been provided which shows that fire tenders and refuse vehicles can access and turn within all parts of the site that they need to access.*

*Adequate turning for cars is also provided in parking courts etc., except for the area adjacent to plot 3.40. Turning was shown here in an earlier drawing but is now not. A turning head will need to be provided here.*

#### 6.1.7 Planting/Landscaping

*Extensive planting is proposed throughout the development. Some of this would be within visibility splays at junction and for forward visibility.*

*Any shrub or hedge planting within these areas would need to be of a type that does not exceed 600mm in height. Tree planting within visibility splays should be avoided. An occasional tree that is not, or will not become large enough to fully obscure a whole vehicle or a pedestrian, including a child or wheelchair user, is unlikely to have a significant impact on road safety so may be acceptable.*

*There is mention of planting trees within the 500mm verge behind the kerb. This will not be possible even outside of visibility splays. Any vertical obstructions must be a minimum of 450mm back from the edge of the adjacent carriageway, in order to provide adequate clearance from any overhang of passing vehicles.*

#### 6.1.8 Rail Access

*As mentioned in the outline application, Policy BT2 in the Rother Local Plan covers the need for a pedestrian and cycle link to the railway station direct from the development site. As requested, this has been explored as part of this application.*

*Unfortunately, as part of the route is under separate ownership it will not be possible to provide it at this time, but a link will be provided within the site up to the boundary. Under the circumstances this is the best that can be achieved so is acceptable.*

#### 6.2 Highways England – **NO OBJECTION**

6.2.1 Are satisfied that the proposals in this reserved matters application will not materially affect the safety, reliability and/or operation of the Strategic Road Network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and Ministry of Housing Community and Local Government National Planning Policy Framework particularly paragraph 109) in this location and its vicinity. Therefore, we do not offer any objections to this reserved matters application.

#### 6.3 County Ecologist – **NO OBJECTION**

6.3.1 Has reviewed the amended plans, the Landscape and Ecological Management Plan (LEMP) and the Landscape Strategy. The proposed amendments will not make any significant difference to the previously agreed layout. The LEMP and Landscape Strategy are also in line with what has previously been agreed with respect to ecological protection and enhancement.

6.3.2 The conditions attached at outline stage remain pertinent and the Applicant and their ecologist are continuing to work closely with the County Ecologist in respect of on-going ecological protection, mitigation and enhancements.

#### 6.4 County Landscape Architect – **NO OBJECTION**

6.4.1 Concludes that the proposed development can be supported subject to the imposition of conditions which will ensure the successful delivery and implementation of the proposed landscape strategy.

6.4.2 In summary, notes that the access road alignments at Harrier Lane and The Spinney have been adjusted to minimise impacts on significant trees and tree groups. That there is a closer relationship with contours and a green corridor to

the spine road is supported. Rather than small trees too close to dwellings potentially should allow for fewer trees of larger varieties which would have more of an impact.

6.4.3 The landscape strategy and a long-term LEMP seek to create areas of distinct character and would provide a hierarchy of open spaces through the site linked to the retained woodland belts and site green infrastructure which is welcomed.

6.4.4 New footpath links through areas of woodland supported, but care is required to manage and preclude future damage to these areas from open access.

6.4.5 Full implementation of the landscape masterplan would ensure that the development would be unlikely to have a significant adverse impact on local landscape character and views.

6.4.6 Conditions should cover detailed planting schemes, tree and hedge protection during construction, hard landscaping and lighting to minimise adverse impacts on dark skies of the wider AONB.

6.5 Lead Local Flood Authority (ESCC) – **NO OBJECTION**

6.5.1 Initially requested further information. This has been provided as agreed in discussion with the LLFA and the scheme now prepares for the worst case scenario in terms of climate change and flood risk. The final comment of the LLFA is awaited.

6.6 County Archaeologist – **NO OBJECTION**

6.6.1 Has no further comments, Conditions 16 and 17 of the outline remain pertinent.

6.7 Southern Water – **NO OBJECTION**

6.8 Environment Agency – **NO OBJECTION**

6.9 Sussex Police – **NO OBJECTION**

6.9.1 With regard to the originally submitted plans noted that there was unobserved parking across the whole development. Parking areas should be open to view from dwellings to ensure their use and avoid obstruction by vehicles parked on street with subsequent impacts to emergency vehicles, refuse trucks and neighbours.

6.9.2 Clear boundary demarcation between public and private spaces required and rear boundaries should be robust to deter unobserved access. Side gates should be in public view.

6.9.3 Request careful consideration of permeability to ensure that the security of the development is not compromised by excessive permeability.

6.9.4 Reference the need for lighting of public areas and that consider bollard lighting inappropriate in terms of security.

6.10 High Weald Unit – **COMMENT**

6.10.1 Initially highlighted objectives from the Management Plan and concerns regarding the scheme's lack of response to the High Weald Housing Design Guide, in particular certain aspects of the layout; response to topography, relationship of buildings to the street, definition of public and private space, and the parking strategies. Subsequent discussions and amendments to the scheme have sought to address these concerns. With regard to the amendments the Unit comments:

*My previous representation was not an objection but just made some comments on the design. In particular I raised some concerns about the levels; the distinction between private and public space; the way the PROW across the site was treated; the size of the parking courts and the lack of space for street trees / greenery within the built part of the site.*

*I can see that some improvements have been made to the plans and it may be that many of the detailed matters can be covered by conditions. I am happy to leave this to the judgement of officers.*

#### 6.11 Head of Housing Services – **NO OBJECTION**

6.11.1 Housing Development fully supports this Reserved Matters planning application relating to development of 200 dwellings, contributing a significant supply of new housing to meet a range of need in Battle.

6.11.2 The new dwellings are designed to be highly sustainable (above standard Building Regulations) helping to reducing domestic emissions towards becoming a carbon neutral district and reducing the impact of fuel poverty. This scheme is a leading exemplar of how we can deliver new build housing to meet significant and growing need, without compromising the environment for future generations.

6.11.3 The previous Outline planning application (RR/2019/604/P) secured the onsite planning policy requirement and Nomination rights over provision of 35% affordable housing, totalling 70 affordable homes. The tenure proposed will deliver a mix of affordable rented housing to meet the needs of eligible applicants on the Council's housing register. Additionally, provision of affordable low-cost home ownership options for residents unable to afford to buy on the open market. The affordable housing will be allocated in accordance with the scheme Nomination Agreement and Council's overarching Allocations Policy.

6.11.4 Additionally, the Council is exploring the appetite for some community led involvement through the Sussex Community Housing Hub. This may include, for example, some of the homes (market and/affordable) being acquired by an affiliated group (such as a Community Land Trust or Co-operate housing group) with matters such as allocations being prioritised for residents meeting a particular need and local connection criteria with Battle. Any potential community involvement will be limited by the need for this scheme to progress in accordance with the Homes England programme to secure the Housing Infrastructure Fund required to deliver the scheme.

6.11.5 All of the new homes will achieve (and in most cases exceed) the Nationally Described Space Standards, with private access and some form of private amenity space in the form of gardens or balconies providing decent good quality

homes for our residents. The homes will be highly insulated, reducing the need for additional space heating, helping to reduce energy bills.

6.11.6 The Applicant continues to work closely with Council's Housing Development and Housing Needs team to ensure the final housing mix accords with local need and is deliverable in planning terms, due to the constraints of the site. The table below confirms an indicative mix being finalised with the Council.

- 35% one bedroom
- 41% two bedroom
- 17% three bedroom
- 6% four bedroom

6.11.7 It is recommended that a pre commencement condition be approved to finalise the affordable housing scheme before development starts on site (to include house types, tenure mix, phasing plan and onsite wheelchair adapted accommodation provision). This should be agreed by the Local Planning Authority, in consultation with the Council's Housing Development Officer accordingly.

## 6.12 Planning Notice

6.12.1 40 letters of objection have been received (from 35 representatives, including the Ramblers). The comments are summarised as follows:

- Continue to object to the principle of development on the site.
- New vehicle route will create a rat run.
- Will add to and not ease existing highway issues in Battle.
- Local roads already poorly maintained.
- Increase pollution.
- Commuters parking to avoid the cost of the station car park will not be fair to residents.
- No electric charging points.
- Increased use of DPROW 76 through Kingsdale Close and St Marys Villas (private road) will lead to increased maintenance costs and crime issues.
- DPROW 76 should remain a footpath only and not be ungraded to a cycleway or bridleway and its 'countryside amenity' should be maintained.
- Lack of information on DPROW 76 and any re-routing.
- Lack of information on route to railway station.
- Suggest a fly-over footpath link to the station.
- Should be more direct footpath down the hill.
- Impacts on trees and wildlife.
- Keep it as a nature reserve.
- Loss of woodland.
- Harm to the AONB and nearby ancient woodland.
- Loss of access to public open space.
- Should protect and not build on countryside.
- There should be no footpath through into Knights Garden.
- Lack of local infrastructure, especially schools and doctors.
- Lack of local employment opportunities.
- House design too boxy and out of character.
- Lack of privacy for existing and proposed occupiers.
- Overdevelopment.

- Drainage already an issue.
- Will have negative effect on landscape from Battle Abbey.
- Conflict of interest as Rother is the Applicant and the planning authority.
- Should be subject to scrutiny by the Planning Inspectorate.
- Inadequate consultation.
- Should be public exhibition and consultation done outside lockdown.
- 100% housing association development will require more public funding for the footpath link to the station – so it won't be done.
- Would not be considering this if it were a private developer.
- It will change the character of Battle and the site at North East Bexhill should be used instead to meet the housing numbers.
- Site is not suitable for development.
- There is no budget for this so reject it.
- Houses won't be affordable.
- Why is development only on the western half – spread it out and improve facilities.

6.12.2 Four letters of support have been received. The comments are summarised as follows:

- Battle needs more housing but of the right sort.
- This has been held for many years and should be granted.
- What will be the amount of CIL? And how will it be used?
- Hope they will be used to house local people.

6.12.3 Seven letters of general comment have been received. The comments are summarised as follows:

- Lots of trees and ponds welcome but who will maintain.
- Need more parking.
- Metal chimneys should be black so no glare from them.
- Timber should be painted not untreated.
- Link to station and crossing to Tesco must be built first.
- Hope the local infrastructure is also being improved.
- Need effect surface water run-off scheme.
- Some tree works required for safety reasons.
- Public footpath should remain a 'green' route and cross the road only once.
- Will need signage to clarify routes for cyclists and perhaps some cycle parking in communal open space areas.
- There are no play areas.
- Does this meet long term planning strategy?

### 6.13 Battle Town Council - **NO OBJECTION**

6.13.1 Their general comment raises no objection subject to: due reference to the Battle Design Guidelines and High Weald Design Guide; space and land being made available for connectivity to Battle Railway Station; footpath 76 remaining open as far as possible during construction and reinstated post construction; delivery of 35% affordable housing in accordance with the Allocations Policy.

6.13.2 No change to the comments with regard to the amended plans.

## 7.0 LOCAL FINANCE CONSIDERATIONS

- 7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £2,835,706. [130 units with a floorspace of 11,709sqm. Not included the 70 affordable units of 6,305sqm in that (35% of 200).]
- 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, assuming a Band D property, be approximately £1,336,800 over four years, including 35% affordable units.
- 7.3 Construction of the spine road is the subject of a £3.24 million grant offer via the Housing Infrastructure Fund (HIF) from Homes England.
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## 8.0 APPRAISAL

- 8.1 Outline planning permission was granted in December 2020 subject to conditions and following completion of a Section 106 agreement. The junction and layout of the spine road were not a reserved matter and were considered and approved as part of the outline permission, subject to a number of conditions, including ones regarding that *“the detailed road designs shall include details of ‘events’ along and within the road such as informal squares that the road passes through to be created at key junctions/intersections, such that the street is designed as a social space, incorporating Manual for Streets placemaking.”* (Condition 8) and that *“The footways are to be designed into the landscape and layout of the development and not simply form part of the road itself, i.e. the majority are not be located immediately adjacent to the roadway itself, but instead be separated from the vehicular route by grass verges.”* (Condition 10). These layout matters clearly fall to be incorporated in, and considered as part of, the reserved matters layout.
- 8.2 The principle of development, the suitability of the access and the impact of the development on the local highway network were considered and approved by the outline planning permission. The proposals were supported by both Highways England and the Local Highway Authority, both of which support the reserved matters details.
- 8.3 Officers provided extensive pre-application advice in relation to the layout, scale, appearance and landscaping proposals and that dialogue has continued during the consideration of the reserved matters application. On the initial submitted reserved matters scheme, officers shared many of the layout and character concerns expressed in the High Weald AONB Unit’s response, with regard to response to topography, relationship of buildings to the street, definition of public and private space, and the parking strategies. Following detailed comment and negotiation by officers, additional information has been submitted by the Applicant, included amended drawings seeking to address these matters, discussed in more detail below.

### Layout

- 8.4 The proposed layout has been subject to many constraints not least including the steeply sloping nature of the site, significant ecological matters, drainage,

landscape impacts and general design given the location within historic Battle and the High Weald AONB. With regard to the layout, the site is split into three distinct parcels maintaining the existing field pattern across the site. That pattern is reinforced by retention of the boundary trees and hedges and their enhancement within the landscape strategy.

- 8.5 Plot 1, the northern field (the lowest part of the site), contains 96 dwellings; a mixture of dwelling types, including 3 No. 4-bed dwellings with 'passive house principles' are located at the entrance from Harrier Lane, and 3 No. (2 and 3 bed) 'earth sheltered properties' on the higher ground to the south where the spine road curves round to cut through into plot 2. The earth sheltered units would form their own small community. Their glazed frontages would face south towards the tree/hedgeline with the rear north elevation contained within an embankment along the southern side of the spine road, the embankment itself forming part of the landscaping. Four pairs of two-bedroom split level houses are located to the east side of the spine road from the earth sheltered units cut into the bank here. Other units within this plot comprise a mix of one and two bed flats and maisonettes with two and three bed houses. These buildings have been disposed so as to present a potentially successful tight-knit built frontage to both the main spine street and the smaller 'mews streets' that come off from it. There are two ponds, one to the north side of the spine road adjacent the woodland to Knights Garden and the other centrally located in an area of public open space with allotments, a space which is successfully defined by active frontages of dwellings and permeated by footpaths.
- 8.6 Plot 2 in the central field is the smallest and as at outline was the location for a potentially huge cutting. This has been avoided in the proposed Reserved Matters scheme. The units are now located at a similar level to the road with pairs of buildings set closely together (but not actually terraced) and fanned along the spine road and footpath network, around and within a strongly landscaped setting of public open space, with a clear and open visual connection out to the wider natural area out to the east of the site. Levels continue to fall from south to north but also drop away to the rear of the buildings, with the car parking areas and a pond set at lower levels. The 44 units in this central plot are 2 ½ storey with rooms in the roof space and provide a mix of one and two bed flats/maisonettes. The eaves heights of these 2½ story units has been reduced following negotiations by officers. An area of allotments is provided adjacent the southern hedgeline. The choice of hard landscape materials will be particularly important in this area to reinforce the more natural landscape character envisaged in the illustrative material – tarmac for example will not be appropriate for such large areas of parking in a naturalistic environment, and this will be covered by condition.
- 8.7 Plot 3 comprises the southern field, and contains 60 houses, with areas of public open space to its north east corner and around the pond on its southern boundary adjacent the footpath link to Harold Terrace/Hastings Road, creating a well-defined space here faced with active frontages. The dwellings are predominantly three and four bed houses, with a few one and two bed flats/maisonettes towards the centre, and one 4-bed passive house at its entrance from The Spinney. As in plot 1, the buildings here have been disposed so as to create a strong street frontage, and also to front a 'square' in place of a T-junction along the spine street in the south west of the site, which, subject to detailed design, which can be achieved via condition, helps meet the requirements of the outline permission in this regard.

### Car-parking

- 8.8 The Applicant has amended the car-parking strategy, siting and layout significantly in response to officer comment, to improve both street character and accessibility of parking. Car parking is now a mixture of on-plot, some small, covered parking courts to the rear, some larger open parking courts, and on-street parking 'laybys'. In this way it is considered to better reflect the character of the locality, and provide well-located, easy to use parking spaces. The covered parking courts are intended to comprise a mixture of clay-tile roofed parking barns, and planted timber pergola car ports in some instances, which should ensure these are attractive spaces in their own right. However, the information submitted does not yet indicate the type of parking structure in each location, or detail the soft landscaping within the parking areas, or confirm hard landscaping materials in these areas. The outstanding detail will therefore be covered by condition, including those elements referenced by the Highway Authority. Electric charging points are also proposed for some but not all spaces.

### Boundary Treatments

- 8.9 The front (and side) boundary treatment strategy of any housing scheme is important in defining public/private realm along the street and defining street character, i.e. how individual private front and side curtilages are defined and enclosed with different types of boundary treatments and how this strategy varies across the site to reflect different character. In response to officer's comments, a boundary treatment plan has now been submitted, however, whilst it includes some positive elements, this is not fully comprehensive, and does not fully enclose the fronts and sides of plots, particularly from each other. Additionally, it proposes an extensive variety of frontage boundary treatments, leading to a disjointed street character in some locations of the site. The number and type of boundary treatments require rationalising to fully reflect and represent local character as described in detail in the HW Housing Design Guide and to provide meaningful enclosure with the adjacent public realm hard and soft landscaping proposals. The boundary treatment strategy and detail will therefore need to be refined by condition.

### Scale

- 8.10 The scale of development reflects the expectations of the outline permission. Development is contained within the three fields, follows the changing contours throughout the site and utilises two and 2½ storey dwellings reflecting the scale of surrounding development. A number of street scenes have been submitted to show the relationships of buildings to each other and to the topography. However, not all street scenes have yet been submitted – these will be required under Condition 19 of the outline permission to ensure that elevational treatments have been combined to deliver successful streetscenes throughout the site. The site is already surrounded by residential development varying in age from the predominantly Victorian/Edwardian dwellings to the west and mid to later 20<sup>th</sup> century housing to the south, east and north. Development within the site is contained by the existing landscape and natural vegetation, which is retained at the heart of the landscape strategy. The County Landscape Architect has raised no objection.

### Appearance and Building Design

- 8.11 The appearance of the dwellings is generally uniform and vernacular with regard to its massing and modular form, with a distinct character created in plot 2 by the scale, rhythm and materiality of the buildings in this central plot.

Elsewhere, variations to the street scene are to be created by changes in the juxtaposition with the road frontage, boundary treatments, and materials. A simple but traditional palette of materials is to be utilised with localised repetition creating distinctive areas. The ground floor will be a red brick or white render, with tile hanging and varied pale weatherboarding to the first floor under a clay tile roof. Whilst the approach to building design and materials is generally supported, only abstracted information regarding the combinations of materials in the streetscene has been submitted, so the precise schedule of materials, by annotated plan and the full streetscenes referred to in 8.11 above, will need to be covered by condition, to ensure that the combinations create successful streetscenes throughout the site.

#### Sustainable Design

- 8.12 The scheme is promoted by the Applicant as having high sustainable objectives, which is to be applauded, seeking to meet HQM standards through measures including sustainable construction, energy efficiency and water saving measures. The HW Housing Design Guide is clear in both supporting sustainable design and seeking for it to be embedded holistically in the design process with a site-wide green energy approach. With regard to the buildings themselves, we would normally seek a 'fabric first' energy efficiency approach, rather than 'add-on' equipment to buildings. However, it is understood that the financial constraints of this scheme have led to the approach pursued. Most units are to have solar panels fixed to roof slopes, and officers have negotiated amendments to increase the pitch of roof slopes to a minimum of 35 degrees to both improve their solar energy efficiency as well as resulting in a more appropriate building form, which responds to local character and context. The visual impact of 'add-on' solar panels to the important roofscape should be minimised by their being sited on the southern facing roof slopes (or south-eastern/south-western), so not all street-facing frontage would have them. However, the illustrative images submitted appear to show (perhaps erroneously) the siting of solar panels on a number of north-facing roof slopes. Moreover, limited information regarding the detailed appearance of the solar panels has been submitted. It is therefore proposed to cover detailed siting and appearance of the solar panels by condition.
- 8.13 Elsewhere in the site, passive house principles have been applied to units at the entrance off Harrier Lane (plot 1 – 3 No. units) and The Spinney (plot 3). A scheme for 3 No. earth sheltered units is also provided within Plot 1, and these are in fact some of the more architectural interesting buildings within the scheme. Space is included for allotments on Plot 1 and 2 and all dwellings are to be provided with a raised vegetable planter and cycle storage facilities.

#### Summary of Layout and Design

- 8.14 The Applicant has responded positively to the extensive officer comment and requests for amendment, and the proposals are now considered to provide a development of acceptable design and layout quality, subject to the areas requiring refinement through conditions as described above. The layout and design accord with Policies OSS4 and EN3 of the Rother Local Plan Core Strategy, DEN1 and 2 of the DaSA and the design principles of the High Weald Housing Design Guide.

#### Landscape Strategy

- 8.15 Having regard to landscaping, the landscape strategy has evolved to maintain and enhance the ecological importance of the site as well as to mitigate any

impacts on the character and wider views from the AONB. The layout provides for sustainable urban drainage, ecological mitigation and enhancement and an appropriate landscape impact. The intention is for the development to sit within the landscape, respecting and reflecting the sloping and treed nature of the site. The distinctive field boundaries are to remain with planting throughout the development connecting these with the gardens and areas of open space and providing a green highway for species to and from the surrounding countryside to the north east. In this regard and having regard to the High Weald Management Plan and impacts on the AONB, the landscape strategy is considered to be robust. While development, as existing, will be glimpsed from the surrounding area, it will be seen as set within the treed landscape and against the surrounding development. While specific species and planting details have yet to be agreed, the landscape strategy and associated LEMP have been accepted by both the County Ecologist and County Landscape Architect.

- 8.16 Within the built areas of the development, streetscape landscaping and planting has been proposed in both the boundary treatment plan and a Landscape Strategy Document. Whilst the broad strategy proposed is supported, the two documents contain much diagrammatic and illustrative material, and do not always align, and further resolution is required to fully achieve elements of the soft landscaping proposal, including the important tree-line main street, along with ensuring appropriate soft boundary treatments, and avoiding infill areas of ground cover shrubs, as per the HW Design Guide. The soft landscaping proposals will therefore be refined in detail through a condition.
- 8.17 Landscaping as proposed is considered, subject to refinement through condition, to provide a high quality environment as well as green infrastructure, in response to the ecological requirements of the site. Some views of buildings from the wider AONB will be afforded, as is the case for the existing fringes of the town. However, the impacts are local only and as concluded by the County Landscape Architect, full implementation of the landscape masterplan would ensure that the development would be unlikely to have a significant adverse impact on local landscape character and views. The proposals accord with Policies OSS4, EN1 and EN3, of the Rother Local Plan Core Strategy and Policies DEN1, DEN2, DEN4 and DEN5 of the Rother DaSA Local Plan, as well as addressing the guidance of the High Weald Housing Design Guide.

#### *Other Matters*

- 8.18 Ecology is acknowledged to be a particular constraint within this development and the Applicant's ecologist has and continues to work closely with the County Ecologist. The LEMP has been accepted by the County Ecologist. The comments received highlight local concerns regarding ecology and the application proposals seek to retain and enhance the ecological value of the site. Extensive work has been undertaken to identify protected species and habitats and this information has been used to inform the layout and detail of the scheme. As highlighted by the County Landscape Architect, the uncontrolled access that currently exists throughout the site must be controlled moving forward if there is to be an enhancement (biodiversity net gain) resulting from the proposals. Access should be limited to the various footpaths through the whole site to ensure protection of the woodland and other sensitive areas.
- 8.19 In this regard the comments of the Ramblers and High Weald are noted regarding the proposals to re-route the western element of footpath DPROW

76. As existing, the public footpath follows the field boundary between Plots 1 and 2. However, this boundary is of particular habitat importance and contains protected species, including dormice. The Ecologist has thus recommended that the public footpath is re-routed away from the hedgeline. The proposed route is northwards around the earth sheltered houses, across the spine road and through the central open space, continuing eastwards past the pairs of split level houses in the side street before re-joining the public path travelling north eastwards down the boundary with the church and the central open space valley/woodland area. A temporary closure of the public footpath would be required during early construction work. Potential diversion and any closure are matters subject of application to and consideration by, the County Rights of Way Officer.

- 8.20 A detailed drainage scheme has been submitted. While the Environment Agency and Southern Water had no objections, further work has been undertaken in discussion with the LLFA to produce further evidence and calculations to support the proposals. As now evidenced the scheme is calculated to withstand the highest rates of climate change and flood risk that may be considered. Surface water is to be held on site with a series of attenuation tanks with controlled flow out to preclude flood risk off site. The surface water scheme is to be adopted for maintenance with the foul system. Drainage is to be maintained by Icosa Water, a statutory water and sewerage undertaker licensed by OFWAT to operate across England and Wales.
- 8.21 Some representations consider that there is a conflict of interest as the Council is acting as both Local Planning Authority and applicant. There is no conflict of interest. Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), permits the Local Planning Authority to determine applications by its own council providing that they accord with Regulation 10, which requires that 'those discharging, both officers and committee, are not responsible (wholly or partly) for the management of any land or buildings to which the application relates'. The application is submitted by the Head of Acquisitions, Transformation and Regeneration who is entirely separate from and not under the jurisdiction of Strategy and Planning nor the Planning Committee.
- 8.22 Affordable housing is proposed to be policy compliant, with 35% (70) of the units being affordable, via rental and ownership options. The exact mix and pepperpotting details are still being finalised in discussion with the Housing Development Officer. This is a detailed matter subject of the Section 106 agreement, which requires a phasing plan to be agreed prior to commencement if not submitted at the reserved matters stage. With reference to comments received, local connection is one of the criteria used to assess local housing need and allocation of residents to a site.
- 8.23 A comment has been made with regard to neighbouring amenity and a potential for overlooking of existing and proposed dwellings. The closest relationships are in respect of plot 3, which borders the rear gardens of properties in The Spinney, Hastings Road, Harold Terrace and Kingsdale Close. For the most part the proposed dwellings are located with good separation from surrounding development, by reason of distance, sloping ground levels and boundary trees/hedges. The only potential issue is the relationship between 5 The Spinney and plot 3.51. The house type and position for this plot has now been amended. A smaller three bed house with no projection is to be utilised and has

been moved southwards and at an angle, providing a 10m deep garden. This dwelling would sit 1.5m below the ground level of the rear garden to 5 The Spinney. The boundary detail requires further consideration to preclude occupiers of the Spinney directly looking into the proposed garden and mitigate any overlooking between the two dwellings. As already referenced above at paragraph 8.10, such details have yet to be finalised and are covered by condition.

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## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 This reserved matters submission follows the grant of outline planning permission for the site. The access details were approved as part of the outline permission. This submission proposes 200 dwellings and provides details relating to the reserved matters of scale, layout, appearance and landscaping as well as detailed surface water drainage proposals and a LEMP.
- 9.2 The details of scale, layout, appearance and the principles of the landscape strategy are acceptable and reflect the HW Housing Design Guide, as well as local and national policies. Some elements of detail as highlighted, namely specific materials, car port/pergola details, specific soft and hard landscaping, solar panels and boundary treatments remain outstanding and will require compliance with conditions including a number already set out in the outline permission.
- 9.3 The ecological importance of the site both in terms of constraints and opportunities for enhancement is well documented and subject to compliance with the mitigation measures and programmed improvements, would give rise to an overall enhancement of the area rather than loss. The ecological proposals work in tandem with the landscape strategy for greening the development and providing green pathways through the site linking into the surrounding countryside.
- 9.4 The proposals, while having some local impacts on the landscape of the AONB, will not have any significant wider landscape impacts. As advised by the County Landscape Architect, full implementation of the landscape masterplan would ensure that the development would be unlikely to have a significant adverse impact on local landscape character and views.
- 9.5 The drainage scheme is designed to accommodate the worst case scenario in terms of accommodating surface water run-off and managing water flows to avoid any off-site impacts. Icosa rather than Southern Water are proposed to manage and maintain the scheme. Subject to the final agreement of the LLFA the proposals can satisfactorily control and manage surface water drainage within the site.
- 9.6 The proposals would not harm the residential amenities of existing dwellings in the surrounding area and permeability of the site and surroundings is to be maintained with a space included for potential link to the railway station.
- 9.7 Given the above assessment, the reserved matters are considered acceptable and are recommended for approval.
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**RECOMMENDATION: GRANT (RESERVED MATTERS), including approval of the Landscape and Ecological Management Plan (discharge of Condition 26).**

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**CONDITIONS:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans and details (for clarity, no 'illustrative views' are approved):
  - DR-A-0101 rev.P02, site plan, dated 18/03/21
  - DR-A-0100 rev.P02, site location plan, dated 02/02/21
  - DR-A-0102 rev.P08, proposed site plan, dated 24/03/21
  - Landscape and Ecology Management Plan, Issue 2, dated December 2020
  - DR-A-0106 rev.P09, Plot 1 site plan, dated 11/03/21
  - DR-A-0107 rev.P09, Plot 2 site plan, dated 24/03/21
  - DR-A-0108 rev.P10, Plot 3 site plan, dated 31/03/21
  - DR-A-0110 rev.P02 . type 1a, floor plans, dated 27/01/21
  - DR-A-0111 rev.P03 . type 1a, sections, dated 09/03/21
  - DR-A-0112 rev.P06 . type 1a, elevations, dated 27/01/21
  - DR-A-0115 rev.P03 . type 1b, floor plans, dated 27/01/21
  - DR-A-0116 rev.P02 . type 1b, sections, dated 27/01/21
  - DR-A-0117 rev.P06 . type 1b, elevations, dated 27/01/21
  - DR-A-0120 rev.P01 . type 2, floor plans, dated 05/10/20
  - DR-A-0121 rev.P03 . type 2, sections, dated 11/03/21
  - DR-A-0122 rev.P05 . type 2, elevations, dated 20/11/20
  - DR-A-0130 rev.P01 . type 3a, floor plans, dated 05/10/20
  - DR-A-0131 rev.P02 . type 3a, sections, dated 09/03/21
  - DR-A-0132 rev.P05 . type 3a, elevations, dated 09/03/21
  - DR-A-0135 rev.P01 . type 3b, floor plans, dated 05/10/20
  - DR-A-0136 rev.P02 . type 3b, sections, dated 09/03/21
  - DR-A-0137 rev.P05 . type 3b, elevations, dated 09/03/21
  - DR-A-0140 rev.P02 . type 4, floor plans, dated 09/03/21
  - DR-A-0141 rev.P02 . type 4, sections, dated 09/03/21
  - DR-A-0142 rev.P04 . type 4, elevations, dated 09/03/21
  - DR-A-0150 rev.P01 . type 5, floor plans, dated 05/10/20
  - DR-A-0151 rev.P03 . type 5, sections, dated 11/03/21
  - DR-A-0152 rev.P05 . type 5, elevations, dated 20/11/20
  - DR-A-0160 rev.P03 . type 6, plan/elevation, dated 20/11/20
  - DR-A-0161 rev.P01 . type 6, sections, dated 20/11/20
  - DR-A-0170 rev.P03 . type 7, plan/elevation, dated 20/11/20
  - DR-A-0171 rev.P01 . type 7, sections, dated 20/11/20
  - DR-A-0180 rev.P01 . type 8, plans, dated 05/10/20
  - DR-A-0181 rev.P02 . type 8, sections, dated 09/03/21
  - DR-A-0182 rev.P04 . type 8, elevations, dated 20/11/20
  - DR-A-0190 rev.P02 . type 9a, floor plans, dated 27/01/21
  - DR-A-0191 rev.P02 . type 9a, sections, dated 27/01/21
  - DR-A-0192 rev.P03 . type 9a, elevations, dated 27/01/21
  - DR-A-0195 rev.P02 . type 9b, floor plans, dated 27/01/21
  - DR-A-0196 rev.P02 . type 9b, sections, dated 27/01/21
  - DR-A-0197 rev.P04 . type 9b, elevations, dated 27/01/21
  - DR-A-0208 rev.P03, street scene sections (spine road), dated 12/03/21
  - DR-A-0209 rev.P03, street scene sections (spine road), dated 12/03/21
  - Landscape Strategy, Issue 3, dated March 2021 (in terms of the principles only)
  - DR-A-0212 rev.P02, Communal Areas Plan, dated 24/03/21

RP-A-0001, Energy and Sustainability Statement, dated 14 December 2021  
Reason: For the avoidance of doubt and in the interests of proper planning.

2. No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted to and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the Applicant's expense.  
Reason: In order to ascertain the condition of approach roads prior to any HGV movements and thereby provide a base point to identify any damage resulting from development and requirements subsequent to maintenance works following completion of the development, in the interests of highway safety and the amenities of the area, having regard to Policies CO6, TR3 and OSS4 of the Rother Local Plan Core Strategy.
3. Notwithstanding the information regarding car-parking, car-barns and parking pergolas shown on the layout plans and on Drawing Nos. DR-A-0220 Rev P02 and P03, prior to commencement of development above ground the following information regarding car-ports (barns and pergolas) is 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) Layout drawings for each of the three plots, that indicate locations of the different types of car-ports, i.e. clay-tiled roofed car-barns and of timber parking pergolas, including orientation, direction of access, any required security details and space for soft landscaping (including 'green walls' to the pergolas) and specification thereof.
  - b) Full 1:100 scaled elevational drawings of all car-ports showing them in the combinations/runs in which they are proposed to be deployed in the layout.Reason: To ensure a development of high design quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy, the High Weald Housing Design Guide and the National Planning Policy Framework.
4. Prior to the commencement of development above ground a 1:50 scale layout drawing of the square along the spine road in Plot 3 is 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. The layout drawing shall refine the precise dimensions and design of the square, the hard-surfacing materials proposed within and around it, including kerbing details, any soft landscaping within or around it, and any other artefacts associated with it, e.g. lighting.  
Reason: To ensure the creation of a high quality public realm and high design quality and having regard to the requirements of the outline permission, in accordance with Policy EN3 of the Rother District Local Plan Core Strategy and the National Planning Policy Framework.
5. The information regarding boundary treatments on Drawing No. DR-A-0210 Rev P03 and in the Landscape Strategy document is not fully comprehensive and does not fully enclose the fronts and sides of plots, as well as proposing a too extensive variety of frontage boundary treatments and is not hereby approved. Pursuant to Condition 22 (b) of the outline permission RR/2019/604/P, detailed boundary treatment information remains to be submitted and approved. This information shall include detailed annotated layouts of each of the three plots at scale 1:200, indicating the locations of boundary enclosures to delineate and enclose front and side private curtilages,

to provide meaningful enclosure from the adjacent public realm and from each other, including between driveways. The drawings shall be annotated to show each boundary treatment type, and the number and type of boundary treatments shall be rationalised to fully reflect and represent local character and contribute positively to street character in the development.

Reason: To ensure a development of high design quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy, the High Weald Housing Design Guide and the National Planning Policy Framework.

6. Pursuant to Condition 19 of outline planning permission RR/2019/604/P a detailed schedule of materials, by annotated plan and full streetscenes of all areas of the site at scale 1:200, indicating the combinations of materials to be used on elevations sufficient to be assessed in the streetscene context, along with details of the materials themselves, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a development of high design quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy, the High Weald Housing Design Guide and the National Planning Policy Framework.

7. Prior to commencement of development above ground a layout plan indicating the roof slope locations of solar panels, along with detailed information regarding the size, profile and appearance of the panels, is to be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure a development of high design quality which improves the sustainability and carbon neutral details of the proposals, in accordance with Policy EN3 of the Rother Local Plan Core Strategy, Policy DRM3 of the Development and Site Allocations Local Plan, the High Weald Housing Design Guide and the National Planning Policy Framework.

8. The Landscape Strategy document is largely illustrative and whilst the broad approach is supported, it is not sufficiently refined and resolved at a detailed level. Therefore, details regarding hard and soft landscaping, pursuant to Conditions 22 (d) and (e), 23 and 24 of the outline planning permission RR/2019/604/P, remain to be submitted to and approved by the Local Planning Authority. These details shall include detailed annotated landscape and planting layouts at scale 1:200, also indicating the delivery of the tree-lined avenue to the main spine street, verge treatments, and planting and other materials specifications.

Reason: To ensure the creation of a high-quality public realm and landscape setting that enhances the landscape and scenic quality of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1 and EN3 of the Rother District Local Plan Core Strategy, Policies DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan and the National Planning Policy Framework.

9. Prior to the construction of any of the pedestrian footways and cycle links, detailed drawings, including levels, sections and constructional details of the proposed footways, surface water drainage, outfall disposal, planting and street lighting to be provided, shall be submitted to the Local Planning Authority and be subject to its approval, in consultation with the Highway Authority. Works shall be completed in accordance with the approved details.

Reason: To provide alternative modes of transport and improve permeability of the site, in the interests of pedestrian and highway safety and for the benefit

and convenience of the public at large, in accordance with Policies EN3, TR3 and CO6 of the Rother Local Plan Core Strategy.

**NOTES:**

1. All conditions and notes of the outline planning permission RR/2019/604/P continue to apply to this development.
2. 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.
3. It is noted that a footpath diversion via s257 of the Town and Country Planning Act may be applicable.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy 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.