

SITE PLAN

BATTLE

RR/2022/1330/P

Blackfriars –  
Land at



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Not to Scale

## Rother District Council

Report to	-	Planning Committee
Date	-	13 October 2022
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/1330/P
Address	-	Blackfriars – Land at, Battle
Proposal	-	Variation of Condition 1 imposed on planning permission RR/2020/2307/P to allow alterations to the elevations and floor plans of the dwellings, alterations to the access and parking for the development and materials. Variation of outline permission RR/2019/604/P to phase construction of the development.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT PLANNING WITH VARIATION OF AND ADDITION TO THE CONDITIONS**

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**Director: Ben Hook**

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**Applicant:** Rother DC Housing Company Ltd  
**Agent:** Robinson Escott Planning  
**Case Officer:** Mrs Sarah Shepherd  
(Email: [sarah.shepherd@rother.gov.uk](mailto:sarah.shepherd@rother.gov.uk))

**Parish:** BATTLE  
**Ward Members:** Councillor K.P. Dixon

**Reason for Committee consideration: Council owned land**

**Statutory 13 week date: 23 August 2022**  
**Extension of time agreed to: 21 October 2022**

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### 1.0 SUMMARY

- 1.1 This application seeks variations to the approved plans and the addition of a condition to clearly identify phasing of the development. Nothing in the application results in any significant material changes to the scheme. The numbers of units remain unaltered and the layout has minor variations resulting from lesser changes to ground levels, variations to boundary details, changes to fenestration details and internal layouts of some units and variation of access to parking courts. The phasing remains construction of the spine road first, then followed by the individual plots (fields) afterwards, starting with the northern most field off Harrier Lane first, followed by the central field and then Plot 3 the top field to the south and adjacent The Spinney last.

1.2 The proposed details have been subject to further refinement during the course of the application. The amendments are considered acceptable and to accord with policy and are recommended for approval.

### 1.3 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

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## 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. Collectively the area has been known for many years as Blackfriars.

2.2 The land lies within the High Weald Area of Outstanding Natural Beauty (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 This application proposes the following amendments:

- Clarification of phasing for the development as illustrated on the Phasing Plan.
- Revisions to levels – with a decrease in changes to the existing site levels.
- Minor changes to fenestration details.
- Changes to some internal layouts and balcony locations.
- Slight repositioning of earth sheltered housing units to improve road relationship and landscaping.

- Revisions to four units on the north boundary (Plot 1) and the terrace along the south boundary, to remove split level design and improve daylight and outlook and improve rear amenity areas.
- Rearrange parking court on north boundary of Plot 1.
- Two new access points created off the spine road – one in Plot 1 and the other in Plot 2, which also allow fewer level changes.

3.2 The submitted Planning Addendum to the Design and Access Statement details the proposed changes, along with the submitted plans.

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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.
- 4.4 RR/2020/2307/P 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. Approved conditional.
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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:
- 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 Rother Local Plan 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 [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
- 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 Practice 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 A number of revised plans have been submitted showing revised building details. The matters of interest to the Highway Authority are the alterations to the internal road layout, i.e. two new junctions onto the spine road to form four short cul-de-sacs. I do not object to this variation of condition application, subject to the following comments and recommendations. The conditions relating to road construction attached to RR/2020/2307 remain applicable to these two new junctions and associated access roads and footways. It should be noted 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 once the detailed design is completed and considered.

6.1.2 New access/pedestrian connections: The provision of a new access at the southern edge of Plot 1 and removing the loop results in Plot 1 being served by two access points and two short access roads. This could result in poorer connections for pedestrians, but I note that footways have been retained albeit that some links are missing. This area of the site would benefit however from a footway connection between the two access roads to ensure a more direct route from the southernmost dwellings towards Marley Lane to access bus stops. I recognise that ground contours may preclude this. The new access does not have a footway connection to the spine road or links to the south. The access road has the effect of creating a desire line south. It remains disappointing that pedestrians have not been fully accommodated within the development.

6.1.3 The second new access is located at the southern end of Plot 2. It is provided to shorten one access road and create two shorter roads. I consider the pedestrian connections to be better here as footways are accessed directly from the dwellings but again little consideration has been given to onward connections from the different areas of the Blackfriars site. The disconnected footway network will mean walking and public transport trips will be limited.

6.1.4 Parking: I note that car parking in the area has been altered slightly as a result of this application. I do not have any concerns in this regard.

6.1.5 Turning areas: The four access roads are not provided with vehicle turning areas. This will prevent their adoption as public highway. I recommend that the Waste Collection Team are consulted to verify that the dwellings can be suitably served by refuse and recycling collection vehicles. Similarly, the roads may not be suitable for emergency vehicles. (Tracking drawings have now been provided).

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

6.2.1 We are satisfied that the proposed variation of Condition 1 of planning permission RR/2020/2307/P will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10 and MHCLG National Planning Policy Framework 2021 paragraphs 110-113).

6.3 County Landscape Architect – **NO OBJECTION**

6.3.1 The revisions to the earth shelters will provide a more satisfactory gradient to the road for the embankments shown in sections A-A and B-B. It is recommended that the Applicant is required to provide details of the proposed safety barrier between the road and the toe of the embankment.

6.3.2 For the Focus Areas 1 and 2 the proposals to reduce the height and number of retaining walls is welcomed. The preferred Option 3 is supported as this would require lower retaining walls (500mm) and a gentler slope for the lawn. The proposal to use the house wall to replace external retaining structures is also supported.

6.3.3 For Focus Area 3 the changes are generally acceptable however some of the house types 2 would still have very limited garden space. In Section C-C there a tiered retaining structure is illustrated to the parking, which is acceptable. The section is annotated to indicate that there would be a tiered retaining structure to the rear garden however the wall is a single high structure, this needs clarification as the high structure would be quite imposing to the back garden.

6.3.4 The proposals for Focus Area 4 to ease the houses away from the protected trees and improve the open space are supported. In Section B-B the lower retaining structure is welcomed as is the section which removes the high bank with a fence at the top.

6.3.5 It is recommended that the proposed variations to Condition 1 can be supported.

6.4 Lead Local Flood Authority (LLFA) (ESCC) – **NO OBJECTION**

6.4.1 The information provided is satisfactory and enables the LLFA to determine that the proposed development is capable of managing flood risk effectively.

6.5 Southern Water – **NO OBJECTION**

6.5.1 No comments.

6.6 Environment Agency – **NO OBJECTION**

6.6.1 No comments to make.

6.7 Sussex Police – **NO OBJECTION**

6.7.1 Comments that some parking spaces are unobserved, i.e. not visible from the dwellings and the large number of footpaths proposed permeating through the site could aid crime.



## 6.8 County Archaeologist – **NO OBJECTION**

6.8.1 Has no recommendations. Previous conditions still apply.

6.9 High Weald Unit – no comment received.

6.10 Ramblers – **OBJECT** to lack of footpath detail

6.10.1 While not objecting in principle, they are disappointed that public footpath 76 which runs along the boundary between Plots 1 and 2 is not more concisely detailed on these submissions. They request that it is located within the tree zone of Plot 1 only and that it be completed before works commence on Plot 2 and that disruption to its use is minimised. They are concerned that phasing could lengthen the amount of time the footpath may be unusable. They note the footpath closure notice on the ESCC Public Rights of Way website.

6.11 Planning Notice

6.11.1 Seven letters of objection from six persons wishing to continue their objections to the development in principle. The concerns raised are summarised as follows:

- Site already cleared
- What is meant by affordable homes?
- How have levels changed?
- Can it be confirmed that a footpath is to be provided to the station?
- Use of the footway via Kingsdale Close could be challenged
- Why no rainwater recycling or solar panels?
- How can Southern Water have no objections when we don't appear to have enough water to serve existing dwellings without new?
- Traffic will be worse
- Noise already worse as well as dust and dirt
- More drainage issues will arise
- Wildlife is being harmed
- Lack of local infrastructure like doctors and dentist

6.12 Town/Parish Council – **OBJECTION**

6.12.1 Council agrees with the concerns raised by East Sussex Highways in relation to poor footway connections which is contrary to Neighbourhood Plan Policy IN4 Pedestrian Provision and Safety and therefore support a refusal of this application.

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## 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 £3.24m grant offer via the Housing Infrastructure Fund (HIF) from Homes England.
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## 8.0 APPRAISAL

8.1 The principle of development here in respect of constructing a spine road to serve 200 dwellings has already been established and approved via outline permission and approval of reserved matters. The matters for consideration in respect of this application are those set out in the variations proposed, namely:

- Clarification of phasing for the development as illustrated on the Phasing Plan.
- Revisions to levels – with a decrease in overall changes to the existing site levels.
- Minor changes to fenestration details.
- Changes to some internal layouts and balcony locations.
- Slight repositioning of earth sheltered housing units to improve road relationship and landscaping.
- Revisions to four units on the north boundary (Plot 1) to reconfigure ground levels to improve daylight and outlook and improve rear amenity areas (focus area 2).
- Rearrange parking court on north boundary of Plot 1 (focus area 2).
- Changes to rear garden levels on Plot 3 and removal of split level units (focus area 1).
- Two new access points created off the spine road – one in Plot 1 (focus area 3) which also allow fewer level changes and removal of split level units.
- The other in Plot 2 (focus area 4), removes a length of road within the landscape area and providing closer access between parking and dwellings. allotments/community space relocated. Housing on edge of Plot 3 eased away from trees.
- More on plot parking.

8.2 The pertinent considerations are whether the proposed variations would have any impacts on the previous considerations in respect of: character and appearance of the area and wider AONB; highways; landscaping; neighbours; other matters.

### Phasing

8.3 The clarification of phasing does not result in any material changes to the proposed development. The phasing seeks to clarify the order in which the site would be developed. Phase 1, the spine road, has commenced. No works have commenced on any housing units. Phasing would see works implemented in the northern field Plot 1 first and then progress southwards through Plot 2 and finally into Plot 3.

### Character and appearance of the area

8.4 The overall design ethos and character of the proposals has not changed. While some details in respect of fenestration are varied, the appearance of

the dwellings remains 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. 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.

- 8.5 The scheme continues to be promoted by the Applicant as having high sustainable objectives, which is to be applauded, seeking to meet the Home Quality Mark (HQM) standards through measures including sustainable construction, energy efficiency and water saving measures. As already approved, solar panels are to be utilised throughout the development, with three Passive house units at the entrance of Plot 1 off Harrier Lane and three earth sheltered units also in Plot 1 on the southern field boundary. These credentials remain unchanged.
- 8.6 The layout remains broadly the same, with the same numbers of units proposed and the spine road remains as approved. The minor internal changes to side roads do not have any wider implications in terms of character or appearance. The changes to levels have been sought to minimise the ground level changes across the site and provide improved garden areas in some instances. Some dwelling types have been swapped to ensure that overlooking from flats is precluded and split level units cut into the land are no longer required.
- 8.7 As such while the changes have potential impacts within the development itself, the proposed changes would not change impacts on the character and appearance of the wider area or the AONB.

#### Highways

- 8.8 It is noted that two recently submitted plans are those also submitted to the Local Highway Authority (HA), at ESCC in respect of their highway agreement under S278. These details relate to the spine road which is to be constructed to ESCC required standards and ready for adoption. Lighting is required along the spine road and this has been developed and designed with the County Ecologist to ensure that ecology is protected. Those details are among conditions already discharged.
- 8.9 The HA do not raise objections to the proposals but have made some comments regarding turning areas particularly for Plot 1 and its new access point and their concern regarding potential for more connective footways within the development. The footway comment is somewhat at odds with the advice of Sussex Police who are concerned that there are too many footways through the site which could create crime issues.
- 8.10 There has always been a concern that connectivity through the site was important and also that it should link to the existing footpaths and roads on the surrounding developments. As such footpath links have been specifically sought throughout the site and also connecting with existing public rights of way, (including footpath 76 that runs through Kingsdale Close). Potential for a footpath link to the train station remains a matter for further investigation and remains the subject of a condition of the permission. While the road within Plot 1 (focus area 3) does not now have a direct footpath link across the

central landscape area between the two cul-de-sacs, it nonetheless retains footways in either direction serving the dwellings with links southwards to Harrier Lane and as such this is not seen as a reason for refusal.

- 8.11 With regard to parking, the correct quantum of parking is provided. Some additional on-plot parking is now provided. The comments of Sussex Police with regard to parking forecourts are noted but having checked the plans and noting the changes in ground levels, all parking does have some form of natural surveillance from surrounding dwellings.
- 8.12 Given that the HA do not raise objections to the variations, and footpaths remain mostly as previously approved, there are no justifiable reasons to refuse the variations on highway grounds.

#### Landscaping

- 8.13 The variations do not change the overarching landscape strategy for the development. Specific landscaping details are the subject of specific conditions and discussions of those specific details remain on-going.
- 8.14 The comments of the County Landscape officer are noted. Focus area 3, House type 2 is flats and hence the garden size considerations are not the same as for a single dwelling house. Each flat has its own patio/balcony and then there is also a garden area. The reference to the rear gardens and a retaining structure refers to the rear of house type 3b, Plots 1.22-1.29. These plots were previously split level with the lower ground floor north facing only. This has been amended with the revised road/access layout. There would be a retaining structure to the rear garden boundary, details to be agreed, but this should be a natural finish to blend with the tree canopy above. The adjacent area to the south is an area of trees/vegetation part of the landscaping and ecology area to be retained as such and not for general public use.

#### Neighbours

- 8.15 The proposed variations in levels and changes to house types/fenestration do not result in external impacts to neighbouring properties around the site. Site boundary levels are to remain as existing.

#### Other Matters

- 8.16 Other consultees, ecology and drainage, have advised that the variations do not alter their previous comments and the conditions of the previous permissions remain applicable.
- 8.17 With regard to the comments by the Ramblers, there is no change to the route of footpath 76 from that previously approved. It would be retained along the north side of the hedgerow/trees in Plot 1 from Kingsdale Close, in front of the earth sheltered units. Then as previously approved it crosses the spine road in the hedgeline and runs along the south side of the hedge/trees in Plot 2 linking with the existing footpath route that runs northeast down the side of the church and eastwards through the woodland area. At present the surface finish is still a matter under discussion in respect of condition details. In terms

of the footpath and construction, irrespective of phasing, the developer advises that:

*“The entire Blackfriars site area is now a construction zone associated with the spine road and infrastructure works currently being carried out by Breheny, and the reopening of the public footpath across the site would represent a significant H&S hazard to the general public – there is no straightforward way or safe way in which to allow members of the public to walk across the site.”*

*“In practical terms, the footpath needs to remain closed off until Wates have advanced the residential works in the southern part of the site to allow the footpath to be locally realigned and reopened, with crossings across the estate road.”*

- 8.18 As such all the time development work is being undertaken adjacent the footpath, for safety reasons it will remain closed.

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## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 This application for variation and addition of conditions does not change the principle or nature of development for this site. The development remains as previously approved in terms of the spine road, numbers of units and general layout. The variations impact the internal details of the site but do not result in external changes for the wider area.
- 9.2 The introduction of phasing provides clarity in terms of the construction process but does not change the detail of the development.
- 9.3 All previous conditions remain pertinent and are reapplied. While some conditions have been discharged with regard to this part of the application site, the other development parcel of land in the far north east corner of the larger Blackfriars site, to be accessed from Harrier Lane, has yet to be the subject of any reserved matters application. Conditions are varied to reflect the amended drawing numbers and the new condition regarding phasing is added.

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## **RECOMMENDATION: GRANT PLANNING PERMISSION WITH VARIATION OF AND ADDITION TO THE CONDITIONS**

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### **CONDITIONS:**

**The following conditions of outline permission RR/2019/604/P are varied as required and remain extant:**

1. Approval of the details of layout, appearance, landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development commences.  
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
2. Plans and particulars of the reserved matters shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

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

Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

5. Subject to the details required by Condition 1, the development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

Phasing Plan, uploaded 13/09/22

23817A/01, dated March 2019

23817A/02 rev.B, dated March 2019

7500-304 rev.C, dated 15/08/2019

Ecological Impact Assessment by The Ecology Consultancy, dated 16/06/2019

Arboricultural Impact Assessment, by The Ecology Consultancy, dated 03/06/2019

Transport Assessment by GTA Civils dated March 2019 and Addendum dated 15 April 2019

6004/500, dated January 2019

6004/501 rev.B, dated 02.04.2019

Reason: For the avoidance of doubt and in the interests of proper planning.

6. The number of dwellings permitted within the site as defined by this planning permission shall not exceed 220.

Reason: To ensure a properly planned development in accordance with the application and Policy BT2 of the Rother District Local Plan.

7. The new spine road and site access points from The Spinney in the south and Harrier Lane in the north, shall be in the position shown on drawing no. 7500-304 rev. C, dated 15/08/2019 and Drawing Nos. 6004/500, dated January 2019 and 6004/501 rev.B, dated 02.04.2019. The spine road shall be designed and constructed in accordance with details to be agreed under Conditions 8 and 10 of this permission, to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to its subsequent adoption as publicly maintained highway.

Reason: To ensure the safety of persons and vehicles entering and leaving the access points and proceeding along the highway in accordance with Policy TR3 and CO6 of the Rother Local Plan Core Strategy.

8. Prior to the commencement of development on site in respect of the spine road, detailed drawings, including levels, sections and constructional details of

the proposed road and internal connections to it, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. 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. The road shall be constructed in accordance with the approved details.

Reason: A pre-commencement condition is required to ensure that it meets highway standards and in the interests of highway safety and for the benefit and convenience of the public and to present a quality design and place in accordance with Policy BT2 of the Rother District Local Plan 2006 and Policies EN3, TR3 and CO6 of the Rother Local Plan Core Strategy.

9. The street lighting proposed pursuant to Condition 8 shall follow a "lighting design strategy for biodiversity" that itself shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for dormice, bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: A pre-commencement condition is required as many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and would conflict with Policies EN5 of the Rother Local Plan Core Strategy and DEN4 of the Development and Sites Allocations Local Plan.

10. Prior to commencement of development of the spine road, and notwithstanding the footway location details on approved Drawing No. 7500-304 rev.C, dated 15/08/2019, details of pedestrian facilities (footways and crossings) supported by a Road Safety Audit and other documentation as necessary shall be submitted to and agreed by the Local Planning Authority, in consultation with the Highway Authority and shall include facilities along the new road and the connections to it and shall be built and maintained to current standards, unless otherwise agreed. 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 to be located immediately adjacent to the roadway itself, but instead be separated from the vehicular route by grass verges.

Reason: A pre-commencement condition is required to ensure that highway standards are maintained, that the public footpath is incorporated and is to remain accessible and in the interests of highway safety and for the benefit

and convenience of the public and to present a quality design and place in accordance with Policy BT2 of the Rother District Local Plan 2006 and Policies EN3, TR3 and CO6 of the Rother Local Plan Core Strategy.

11. No development shall commence on any part of the site until details of the proposed means of foul disposal and a sustainable surface water system relating to that part of the site, including its future maintenance and management, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water, the Lead Local Flood Authority and the local Highway Authority. Surface water must not discharge onto the highway and vice versa. The development shall only be carried out in accordance with the approved details.  
Reason: A pre-commencement condition is required to ensure that the drainage infrastructure carried out in the initial stages of the development will not increase the risk of flooding, will improve and protect water quality, and ensure future maintenance of the sustainable surface water drainage system in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.
12. No development shall take place on any part of the site, including any ground works, vegetation clearance or works of demolition, until a Construction & Environmental Management Plan (CEMP: Biodiversity) for that part of the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
  - a) the anticipated number, frequency and types of vehicles used during construction;
  - b) the method of access and egress and routing of vehicles during construction;
  - c) the parking of vehicles by site operatives and visitors (including location and capacity);
  - d) the loading and unloading of plant, materials and waste;
  - e) the storage of plant and materials used in construction of the development;
  - f) the erection and maintenance of security hoarding;
  - g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
  - h) details of public engagement both prior to and during construction works;
  - i) unless alternative times are specifically agreed in writing construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 08:00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank and Public Holidays;
  - j) measures to manage flood risk, both on and off the site, during the construction phase;
  - k) risk assessment of potentially environmental damaging construction activities and practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - l) identification of “biodiversity protection zones”;
  - m) the location and timing of sensitive works to avoid harm to biodiversity features and the times during construction when specialist ecologists need to be present on site to oversee works;



n) responsible persons and lines of communication and the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and

o) use of protective fences, exclusion barriers and warning signs.

Reason: A pre commencement condition is required from the outset because the works need to be managed in all stages of construction to maintain the safety of all road users and so as not to unreasonably harm the amenities of adjoining properties and in the interests of highway safety, and to enable the Local Planning Authority to properly ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan having regard to Policies OSS4, EN1, EN5, TR3 and CO6 of the Rother Local Plan Core Strategy, and Policies DEN1, 2 and 4 of the Development and Sites Allocations Local Plan.

13. Prior to the commencement of development, an ecological design strategy (EDS) addressing mitigation and compensation for habitats and species, restoration of degraded habitats and enhancements to increase the biodiversity value of the site has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

a) purpose and conservation objectives for the proposed works;

b) review of site potential and constraints;

c) detailed design(s) and/or working method(s) to achieve stated objectives;

d) extent and location/area of proposed works on appropriate scale maps and plans;

e) type and source of materials to be used where appropriate, e.g. native species of local provenance;

f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

g) persons responsible for implementing the works;

h) details of initial aftercare and long-term maintenance;

i) details for monitoring and remedial measures; and

j) details for the disposal of any wastes arising from the works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: A pre-commencement condition is required to enable the Local Planning Authority to properly ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan and to ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, in accordance with the requirements of the National Planning Policy Framework and Policies EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1, 2 and 4 of the Development and Sites Allocations Local Plan.

14. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection, rescue and translocation of protected species has been submitted to and approved in writing by the Local Planning Authority for each phase of development. The content of the method statement shall include the:

a) purpose and objectives for the proposed works;

b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);

- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant); and
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details for each phase of the development and shall be retained in that manner thereafter.

Reason: a pre-commencement condition is required to protect habitats and species identified in the ecological surveys from adverse impacts during construction Policies EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1, 2 and 4 of the Development and Sites Allocations Local Plan.

15. No development shall commence until details for the protection of existing trees and hedgerows on the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with a scheme for protection, which shall include protective fencing. The approved scheme shall be put in place prior to the commencement of any development 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, without the written consent of the Local Planning Authority.

Reason: The site contains trees and hedgerows which contribute to the character of the area and should be conserved to ensure that the development is integrated within the landscape of the High Weald Area of Outstanding Natural Beauty. The commencement of any groundworks could potentially impact on trees and hedgerows and pre-commencement measures therefore need to be put in place to ensure that protected trees/hedgerows remain in situ as agreed and with measures in accordance with the British Standard and to accord with Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy.

16. No development shall commence on any part of the site until the Applicant has secured the implementation of a programme of archaeological works for that part of the site, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

17. Prior to the commencement of development and subsequent to an approved archaeological site investigation a construction method statement to show the preservation in-situ of significant archaeological remains shall be submitted to and approved in writing by the Local Planning Authority and works shall be completed in accordance with the approved details.

Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

### **Reserved Matters Submissions**

18. Prior to commencement of development of Parcel 1, the details of a new access on to Harrier Lane to serve Parcel 1 shall be submitted and agreed with the Highway Authority. The new access shall be subject to a full Road Safety Audit procedures and detailed design, and the submitted details will include but not be limited to adequate visibility splays, pedestrian and cycle facilities, suitable gradient, drainage and construction. The new access will be implemented prior to the first occupation of the any dwelling in Parcel 1.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies CO6, TR2 and TR3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

19. Pursuant to Condition 1, no above ground works shall commence until details of the following have been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details:

- a) 1:200 scale street scene drawings, accurately reflecting site topography, showing proposed buildings in context;
- b) 1:50 drawings of all proposed buildings including details of all fenestration, eaves details, porches, dormers, rooflights, chimneystacks, pipes, vents and utility meters and boxes;
- c) samples of the materials to be used in the construction of all external faces of the buildings;
- d) the proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps); and
- e) details of pedestrian and cycle links to the surrounding area including Battle Station, and proposed measures to seek to deliver such links.

Reason: To ensure a high building appearance and architectural quality, which reflects the character of the town, in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

20. Pursuant to Condition 1, no above ground works shall commence until a walking and cycling audit of the routes to key destinations in Battle from the site, including Battle Station, has been completed and agreed with the Highway Authority and the audit shall include the identification of mitigation measures and improvement schemes needed to increase walking and cycling as a mode of travel, and prior to first occupation of the development the agreed measures/schemes shall be implemented in accordance with the agreed details.

Reason: To achieve a well-connected, accessible development by non-car modes and to meet the objectives of sustainable development, in accordance with Policies BT2, EN3, TR2 and TR3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

21. Pursuant to Condition 1, no above ground works shall commence until an assessment of the impacts of development traffic in Battle High Street and at London Road/North Trade Road/High Street junction shall be completed and agreed with the Highway Authority and the assessment shall identify and include design of mitigation measures, and prior to first occupation of the development the agreed measures shall be implemented.  
Reason: To ensure the traffic impacts of the development are mitigated and the safety of persons and vehicles proceeding along the highway, in accordance with Policies CO6, TR2 and TR3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
22. Pursuant to Condition 1, no above ground works shall commence until the following public realm and hard landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.
- a) proposed finished levels or contours;
  - b) boundary treatments (plot and other) and any other means of enclosure (fences, railings and walls) indicating the locations, type, design, height, and materials of such;
  - c) vehicle and cycle parking layouts;
  - d) design of other vehicle and pedestrian access and circulation areas, (including street widths, pavements and cycleways where relevant, and other strategic public realm);
  - e) hard surfacing materials (including road surfaces, cycleways, footpaths, parking spaces and other areas of hard standings, kerbs and tactile paving);
  - f) a coordinated street furniture strategy (including benches, bollards, bins, planters, and signage) including proposed locations;
  - g) an external lighting strategy, (including type and design of lighting equipment, and non-lighting zones) that accords with the lighting biodiversity strategy and that responds to, and reinforces, the street hierarchies;
  - h) minor artefacts and structures;
  - i) play areas (Local Areas of Equipped Play or Landscape Areas of Play) including full specification and details of play equipment proposed; and
  - l) proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports).
- Reason: To ensure the creation of a high quality public realm, design quality, and landscape setting, in accordance with Policies EN3, EN1, TR2 and TR4 of the Rother Local Plan Core Strategy.
23. No above ground works shall commence until the following soft landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.
- a) indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development;
  - b) design, layout and appearance of structural and amenity green space, including verges;
  - c) planting plans, including landscape and ecological mitigation (buffer planting and green buffers);

- d) written specifications (including cultivation and other operations associated with plant and grass establishment);
- e) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- f) details for implementation.

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 Local Plan Core Strategy.

24. If within a period of 10 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development and the landscape of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.

25. Prior to the occupation of any dwelling, a landscape management plan, including management responsibilities and maintenance schedules for the communal hard and soft landscape/open space areas, including any street furniture and minor artefacts therein, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To ensure a high quality public realm taking account of the characteristics of the locality [and enhancing the landscape character and quality of the High Weald Area of Outstanding Natural Beauty] in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

26. Prior to the occupation of any dwelling, a landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) a SuDs and wetland habitat strategy;
- c) a woodland management plan;
- d) ecological trends and constraints on site that might influence management;
- e) aims and objectives of management;
- f) appropriate management options for achieving aims and objectives;
- g) prescriptions for management actions, together with a plan of management compartments;
- h) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- i) details of the body or organisation responsible for implementation of the plan; and
- j) on-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that

conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: require in order to positively management constantly changing biological communities and to maintain their conservation value, to ensure the long term management of habitats, species and other biodiversity features, in accordance with the requirements of the National Planning Policy Framework and Policies EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1, 2 and 4 of the Development and Sites Allocations Local Plan.

27. Prior to the occupation of any dwelling evidence (including photographs) shall be submitted to the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

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

28. No dwelling or other building shall be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 16 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy EN2 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

29. The details of layout pursuant to Condition 1 above shall include details of the siting and form of bins for the storage and recycling of refuse within the site (internally or externally), and collection points and the approved details shall be implemented before the occupation of each relevant dwelling(s) and thereafter continued, with all bins and containers available for use, maintained and replaced as need be.

Reason: To safeguard the visual amenities of the locality and in the interests of providing a sustainable development in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

30. The details of layout pursuant to Condition 1 above shall include details for the parking and turning of vehicles (including turning of refuse vehicles) in accordance with the East Sussex Residential Parking Demand Calculator and the provision of cycle parking areas, and all those approved areas shall be provided before the occupation of the any dwelling or in accordance with a programme to be agreed in writing by the Local Planning Authority and thereafter retained for those uses only.

Reason: To ensure the provision of adequate on-site parking and turning facilities that do not prejudice the free flow of traffic or conditions of general safety along the highway and in order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with Policies CO6, TR4 and TR3 of the Rother Local Plan Core Strategy.

31. During any forms of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority in consultation with the Highway Authority, to prevent contamination and damage to the adjacent roads.  
Reason: In the interests of highway safety and for the benefit and convenience of the public at large, in accordance with Policies CO6 and OSS4 of the Rother Local Plan Core Strategy.
32. Prior to the occupation of any dwelling, a Travel Plan Statement in association with this development shall be submitted to the Local Planning Authority to ensure that private car trips to and from the site are reduced. The travel plan should include targets for reduced car use and a monitoring programme to ensure these targets are met.  
Reason: In order that the development site is accessible by non- car modes and to meet the objectives of sustainable development and in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy.
33. Each dwelling shall not be occupied until the boundary treatments that relate to it as approved under Condition 22 have been completed in accordance with the approved details.  
Reason: To ensure a high quality public realm taking account of the characteristics of the locality in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.
34. If any part of the development hereby approved, or subsequently approved under the reserved matters, does not commence (or, having commenced, is suspended for more than 12 months) within one year from the date of the planning permission, the approved ecological measures relating to that part of the development secured through the permission shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys for notable habitats and species including badgers, bats, reptiles and breeding birds, commissioned to:  
i) establish if there have been any changes in the presence and/or abundance of protected species; and  
ii) identify any likely ecological impacts that might arise from the changes.  
Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that phase. Works must then be carried out in accordance with the proposed new approved ecological measures and timetable.  
Reason: To ensure the protection and enhancement of wildlife and supporting habitats of nature conservation value in accordance with Policy EN5 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the National Planning Policy Framework.

**NEW CONDITION 35 IS ADDED and states:**

35. The development hereby approved shall be carried out in accordance with the approved phasing contained within the Phasing Plan identifying 4 phases for this element of the outline site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To clarify how the site is to be phased and to assist with the determination of subsequent reserved matters applications and other condition details in regard to provision of infrastructure provisions and environmental mitigation and to cater for the needs and impacts arising from the development in accordance with Policy BA1, EN1 and EN3 Of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

**Conditions 1, 3, 4, 8, 9, 11, 12, 13, 14, 15, 16, 17 & 26 (in relation to this particular part of the site) of outline permission RR/2019/604/P, have had details approved. Works to be completed in accordance with the approved details.**

**No conditions have been discharged as may apply to the land parcel in the far north east corner, unrelated to RDC/Alliance Homes land.**

**The following conditions of Reserved Matters permission RR/2020/2307/P are varied as required and remain extant:**

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-05100 rev.N, proposed site plan, dated 22/08/22
  - Design & Access Statement Addendum Document rev. E, dated 19/05/22
  - Schedule of Accommodation, dated 25/05/22
  - Landscape and Ecology Management Plan, Issue 2, dated December 2020
  - 10704-GTA-MP-XX-GA-C-1143 rev.P10, external works layout, dated 12/09/22
  - 10704-GTA-MP-XX-GA-C-1149 rev.P2, external works layout, dated 12/09/22
  - EL-A-05101 rev.H type 1a, elevations, dated 23/05/22
  - GA-A-03102 rev.G . type 1a, floor plans, dated 23/05/22
  - GA-A-03104 rev.G. type 1b, floor plans, dated 23/05/22
  - GA-A-05105 rev.H. type 1b, elevations, dated 27/01/21
  - GA-A-03107 rev.H. type 2, floor plans, dated 23/05/22
  - GA-A-05108 rev.J. type 2, elevations, dated 23/05/22
  - GA-A-03110 rev.F. type 3a, floor plans, dated 23/05/22
  - GA-A-05111 rev.F. type 3a, elevations, dated 23/05/22
  - GA-A-03113 rev.D. type 3b, floor plans, dated 23/05/22
  - GA-A-05114 rev.C. type 3b, elevations, dated 23/05/22
  - GA-A-03116 rev.F. type 4, floor plans, dated 23/05/22
  - GA-A-05117 rev.F. type 4, elevations, dated 23/05/22
  - GA-A-03135 rev.C type 4a, floor plans, dated 23/05/22
  - GA-A-05136 rev.C type 4a, elevations, dated 23/05/22
  - GA-A-03119 rev.F . type 5, floor plans, dated 23/05/22
  - GA-A-05120 rev.F. type 5, elevations, dated 23/05/22
  - GA-A-05123 rev.B. type 6, elevations, dated 23/05/22
  - GA-A-03122 rev.F . type 6, floor plans, dated 23/05/22
  - GA-A-05125 rev.B. type 7, elevations, dated 23/05/22
  - GA-A-03124 rev.F . type 7, floor plans, dated 23/05/22
  - GA-A-03126 rev.H. type 8, floor plans, dated 09/08/22
  - GA-A-05127 rev.J. type 8, elevations, dated 09/08/22
  - GA-A-03129 rev.G. type 9a, floor plans, dated 23/05/22
  - GA-A-05130 rev.J. type 9a, elevations, dated 23/05/22



GA-A-03132 rev.G. type 9b, floor plans, dated 23/05/22

GA-A-05133 rev.I. type 9b, elevations, dated 23/05/22

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.

**NEW CONDITIONS 10 AND 11 ARE ADDED and state:**

10. No above ground works shall commence in relation to construction of the Earth Sheltered Housing within Plot 1 until full details for the safety barriers above and behind the dwellings, have been submitted to and approved in writing by the Local Planning Authority. All works shall be completed and thereafter maintained in accordance with the approved details.  
Reason: To ensure a development of high design quality, safety and street scape in accordance with Policy EN3 of the Rother Local Plan Core Strategy, the High Weald Housing Design Guide and the National Planning Policy Framework.
11. No above ground works shall commence in respect of any dwelling unit until full details of the construction and materials for any related retaining walls has been submitted to and approved in writing by the Local Planning Authority. All works shall be completed and thereafter maintained in accordance with the approved details.  
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.

**NOTES:**

1. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990.pl191010 – RR/2019/604/P.
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. This permission includes conditions requiring the submission of details prior to the commencement of development. Following close consideration in the courts, it is now well established that if the permission contains conditions requiring further details to be submitted to the Council or other matters to take place prior to development commencing and these conditions have not been complied with, the development is unlawful and does not have planning permission. You are therefore strongly advised to ensure that all such conditions have been complied with before the development is commenced.
4. For the avoidance of doubt the Applicant is reminded that:

- Parking spaces shall measure at least 2.5m by 5m with an extra 50cm on each dimension where spaces abut walls or fences).
  - Any garages shall measure at least 3m by 6m (internally) and will count as 1/3 of a space of the total parking provision and requirement.
  - Cycle parking shall be covered and secure and in a convenient location for each dwelling.
5. For the avoidance of doubt, the access junctions shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.
  6. The Highway Authority's requirements associated with this development proposal will need to be secured through a Section 278 Legal Agreement between the Applicant and East Sussex County Council.
  7. The following public rights of way across the site should be retained and remain accessible at all times: Public Footpaths 76 and 77b. It is noted that a footpath diversion via s257 of the Town and Country Planning Act may be applicable.
  8. 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.
  9. This planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation. Further advice on the requirements of these Acts is available from Natural England, Sussex and Surrey Team, Phoenix House, 33 North Street, Lewes, East Sussex BN7 2PH.
  10. Any works affecting watercourses require Ordinary Watercourse Consent and the Applicant should contact East Sussex County Council land drainage section at [watercourse.consenting@eastsussex.gov.uk](mailto:watercourse.consenting@eastsussex.gov.uk).
  11. Non-compliance with Japanese Knotweed management and control could render the Applicant liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). pl191010 – RR/2019/604/P.
  12. The archaeological written scheme of investigation, ensuing works and production of reports should accord with the relevant portions of the East Sussex County Council (ESCC) document "Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation in East Sussex" (2008), including Annexe B, and should be undertaken only by a suitably qualified archaeologist. For assistance and advice in seeking compliance with the requirements of the condition, please contact the County Archaeologist at ESCC, Transport & Environment, County Hall, Lewes, BN7 1UE or telephone 01273 481608.

13. The Applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**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.