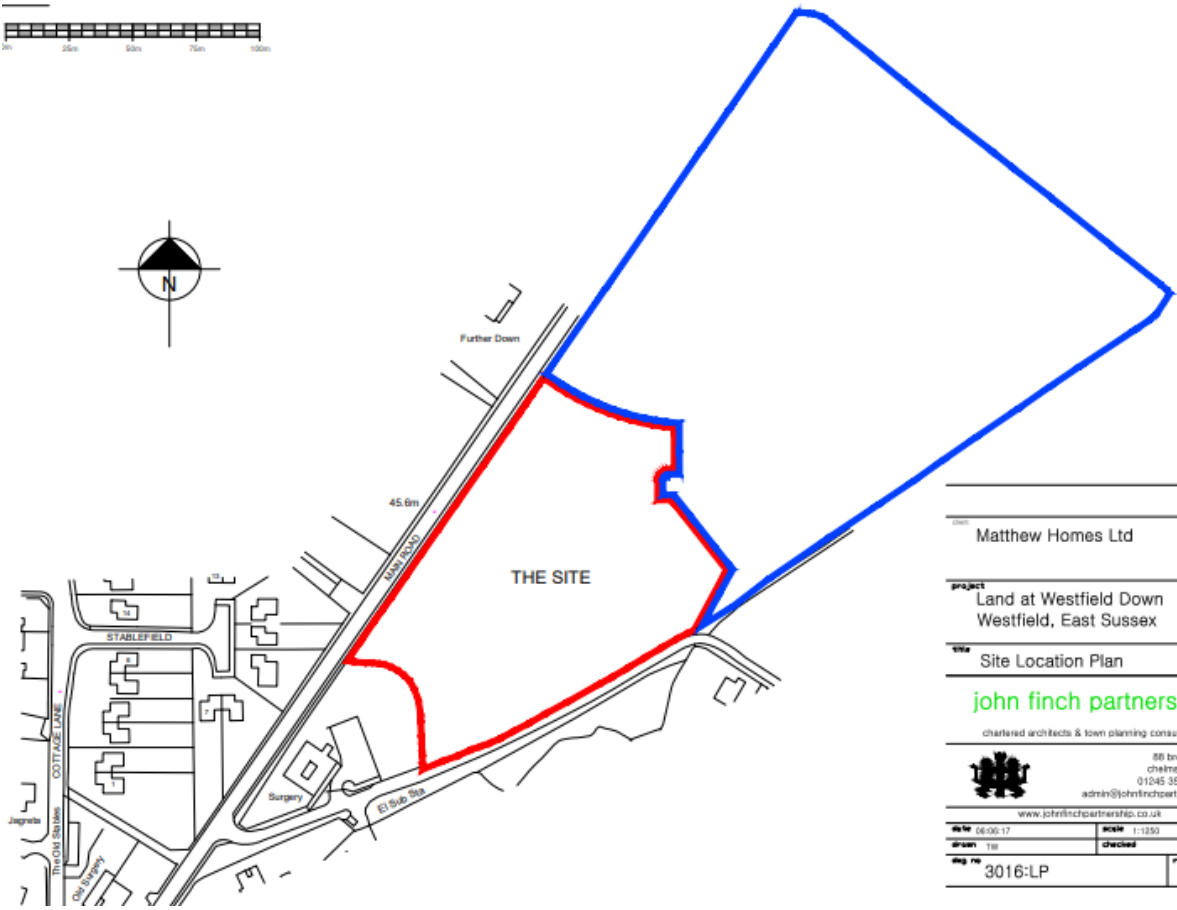
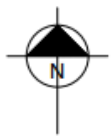


SITE PLAN

WESTFIELD

RR/2023/919/P

Westfield Down – Land at
Main Road
Westfield



client	Matthew Homes Ltd
project	Land at Westfield Down Westfield, East Sussex
title	Site Location Plan
john finch partners chartered architects & town planning consult	
 88 brook chichester 01245 354 admin@johnfinchpartne	
www.johnfinchpartnership.co.uk	
date	06-03-17
drawn	TBR
checked	
stage no	3016:LP

Rother District Council

Report to - Planning Committee
Date - 12 October 2023
Report of the - Director – Place and Climate Change
Subject - Application RR/2023/919/P
Address - Westfield Down – Land At, Main Road, Westfield
Proposal - Variation of Condition 1 of reserved matters approval RR/2017/1293/P (approved pursuant to outline planning permission RR/2009/322/P) to amend the tenure mix to deliver a 100% affordable housing scheme, and variation of Condition 6 of reserved matters approval to refer to the new site plan

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT VARIATION OF CONDITION 1 OF RESERVED MATTERS APPROVAL RR/2017/1293/P (APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION RR/2009/322/P) TO AMEND THE TENURE MIX TO DELIVER A 100% AFFORDABLE HOUSING SCHEME, AND VARIATION OF CONDITION 6 OF RESERVED MATTERS APPROVAL TO REFER TO THE NEW SITE PLAN - DELEGATED SUBJECT TO COMPLETION OF ASSOCIATED DEED OF VARIATION**

Director: Ben Hook

Applicant: Southern Housing Ltd
Agent: Southern Housing Ltd
Case Officer: Mr E. Corke
(Email: edwin.corke@rother.gov.uk)

Parish: WESTFIELD
Ward Members: Councillors B.J. Coupar and C.R. Maynard

Reason for Committee consideration: Director – Place and Climate Change referral: Implications for housing mix and tenure mix

Statutory 13 week date: 14/07/2023
Extension of time agreed to: 16/10/2023

1.0 INTRODUCTION

1.1 This application was considered by the Planning Committee at the July meeting earlier this year. Members deferred a decision for further legal advice on whether Westfield Parish Council need to be a signatory to the associated Deed of Variation (DoV), and to enable all parties to engage in further discussion regarding the tenure mix.

- 1.2 In relation to whether the Parish Council need to be a signatory to the associated DoV, Rother District Council (RDC) has received Counsel's advice, and based on this, it is the position of RDC that the Parish Council do not need to be a signatory to the DoV. This matter is dealt with in the separate (but related) application (Ref: RR/2022/2935/P) made under Section 106A (modification and discharge of planning obligations) of the Town and County Planning Act 1990.
- 1.3 With regard to the tenure mix, Southern Housing have met with the Parish Council and it remains the case that a 100% affordable housing scheme is proposed with 23 of the dwellings delivered as affordable housing for rent and 16 delivered as shared ownership units.
- 1.4 The report is updated accordingly in respect of the Technical Advice Note and New Homes Bonus.
-

2.0 SUMMARY

- 2.1 This application is made under Section 73 of the Town and County Planning Act 1990 and relates to a development of 39 dwellings which have been constructed but are not yet occupied. The scheme was granted planning permission with 24 market houses and 15 affordable dwellings (8 affordable housing for rent and 7 as shared ownership units), as shown in the approved tenure and site plans and secured in the associated Section 106 Planning Obligation.
- 2.2 The proposed amendment relates to the delivery of a 100% affordable housing scheme with 23 of the dwellings delivered as affordable housing for rent and 16 delivered as shared ownership units. This would be secured by varying Condition 1 of the reserved matters approval (Ref: RR/2017/1293/P), specifically by substituting the current approved tenure and site plans with a new site plan. Condition 6 would also need to be varied as a consequence of amending the site plan (the condition would need to refer to the new site plan in relation to the construction of 2m wide pathways linking the site to the A28 footpath and a Public Right of Way).
- 2.3 A separate (but related) application, RR/2022/2935/P, to modify the associated Section 106 Planning Obligation, primarily to deliver a 100% affordable housing scheme, has also been submitted and is to be considered in tandem with this proposal.
- 2.4 The Council's *Technical Advice Note 2 100% Affordable Housing 2023*, (which is a material consideration in determining the application), identifies a clear need for the provision of more affordable housing in the district and advises that applications for up to 100% affordable housing should be supported in principle. Furthermore, there would be no loss of money raised through the Community Infrastructure Levy (CIL), as the Council was not a CIL charging authority when the outline planning permission for the housing development was granted. New homes bonus could be approximately £315,276 paid over four years.
- 2.5 Against this, the overall balance of 59% affordable housing for rent and 41% shared ownership units does not quite meet the 65/35 split required by

Policy LHN1 (v) of the Rother Local Plan Core Strategy, and nor would there be ‘pepperpotting’ of these separate tenures (there would be two distinct clusters). However, in this case, given the clear need for more affordable housing in the district, the proposed delivery of a 100% affordable housing scheme is given significant weight. On balance, it is recommended that the proposed amendment to the reserved matters approval is supported, and the relevant conditions are varied accordingly. This is subject to modification of the associated Section 106 Planning Obligation to secure the affordable housing.

3.0 SITE

3.1 The application relates to a development of 39 dwellings in the High Weald Area of Outstanding Natural Beauty (AONB), which have been constructed but are not yet occupied. The development lies to the north-east of the village, on the south-eastern side of the A28 (Main Road). The housing scheme was granted under outline planning permission RR/2009/322/P and the subsequent approval of reserved matters RR/2017/1293/P.

3.2 The site was allocated for housing and recreation purposes in the Rother District Local Plan 2006. In relation to the housing element of the allocation, Policy VL11 of that Plan said proposals will be permitted where:

“(ii) at least 22 dwellings are provided at the southern end of the site, of which 40% are affordable.”

3.3 At the preparation stage of the current Development and Site Allocations (DaSA) Local Plan 2019, the planning permission for 39 houses at Westfield Down had not been implemented. The land was therefore re-allocated for housing and recreation purposes under Policy WES1. In relation to the housing element of the allocation, the policy says proposals will be permitted where:

“(ii) some 39 dwellings are provided within the identified residential area as shown on the Detail Map, of which 40% are affordable.”

4.0 PROPOSAL

Background

4.1 Outline planning permission (with some matters reserved) was granted for the housing development in 2014 and this was subject to a Section 106 Planning Obligation which, amongst other things, secures the provision of 15 affordable housing units (equating to some 38% of the total number of dwellings), and a payment in lieu for 0.6 of a unit to ensure a policy compliant scheme. The affordable units are secured in a 50/50 split between affordable housing for rent and shared ownership units (unless varied by agreement with Rother District Council). The remaining 24 dwellings (equating to some 62% of the total number of dwellings) are defined as “market dwellings(s)” (i.e. any dwelling which is not an affordable housing unit) in the Planning Obligation.

4.2 An approval of reserved matters was subsequently issued in 2018 and the tenure plan approved under Condition 1 shows eight of the affordable units as affordable housing for rent and seven as shared ownership units. The approved site plan also highlights which of the dwellings are affordable units.

Current proposal

4.3 The current application is made under Section 73 (determination of applications to develop land without compliance with conditions previously attached) of the Town and County Planning Act 1990 and seeks to vary Condition 1 of the reserved matters approval to amend the tenure mix to deliver a 100% affordable housing scheme. In this regard, 23 of the units would be delivered as affordable housing for rent with 16 delivered as shared ownership units. There would be no changes to the approved layout and design and nor would there be any changes to the approved mix of 1, 2, 3 and 4-bedroom dwellings (as amended under non-material amendment application RR/2021/110/MA).

4.4 With regard to the 23 units of affordable housing for rent, the proposed new site plan shows that these would be clustered in the central and western areas of the site and the accommodation schedule is as follows:

- 4 x 1-bed flats.
- 2 x 2-bed flats.
- 1 x 2-bed bungalow.
- 5 x 2-bed houses.
- 9 x 3-bed houses.
- 2 x 4-bed houses.

4.5 With regard to the 16 shared ownership units, the new site plan shows that these would be clustered in the north-eastern and south-eastern areas of the site and the accommodation schedule is as follows:

- 4 x 2-bed houses.
- 10 x 3-bed houses.
- 2 x 4-bed houses.

4.6 The proposed amendment to the tenure mix requires the variation of Condition 1 of the reserved matters approval, specifically the substitution of the current approved tenure and site plans with the new site plan. Condition 6 would also need to be varied as a consequence of amending the site plan (the condition would need to refer to the new site plan in relation to the construction of 2m wide pathways linking the site to the A28 footpath and a Public Right of Way). The variation of Condition 6 was not originally included in the description of the proposal for this Section 73 application and has not been publicised. This is because the need to vary the condition has only arisen as a result of the proposed amendment to the tenure mix, which is the main reason for the application. The variation of Condition 6 is essentially non-material in nature and as such no-one has been prejudiced by this element of the proposal not being publicised.

4.7 Further to the above, a separate (but related) application (Ref: RR/2022/2935/P) has been made under Section 106A (modification and discharge of planning obligations) of the Town and County Planning Act 1990. It seeks to modify the Section 106 Planning Obligation, primarily to

deliver a 100% affordable housing scheme, and is to be considered in tandem with this proposal.

5.0 HISTORY

- 5.1 RR/2007/545/P Change of use of land to sports and community use – GRANTED.
- 5.2 RR/2009/322/P Outline: residential development incorporating up to 39 dwellings and formation of new vehicular access – GRANTED.
- 5.3 RR/2010/1111/P Renewal of extant planning permission RR/2007/545/P for change of use from former agricultural land to sports and community use – GRANTED.
- 5.4 RR/2011/2114/P Proposed changing rooms and associated parking on land at Westfield Down – GRANTED.
- 5.5 RR/2011/2114/MA Non material amendment to RR/2011/2114/P – to reduce width of access road; addition of parking bay; parking re-arranged – GRANTED.
- 5.6 RR/2013/1286/P Replace extant planning permission RR/2010/1111/P to change of use from former agriculture land to sports and community use – GRANTED.
- 5.7 RR/2014/2764/P Renewal of Planning Permission for proposed changing rooms and associated parking on land at Westfield Down (previously approved under RR/2011/2114/P) – GRANTED.
- 5.8 RR/2017/1293/P Approval of reserved matters following outline approval RR/2009/322/P - layout, scale, appearance and hard and soft landscaping – GRANTED.
- 5.9 RR/2018/761/P Change of use of the land from agricultural to sports and community use – GRANTED.
- 5.10 RR/2018/766/P Construction of off-site drainage works required in association with the residential development approved under planning ref: RR/2009/322/P – GRANTED.
- 5.11 RR/2019/1067/P Proposed changing rooms and associated parking (previously approved under RR/2011/2114/P and RR/2014/2764/P) – GRANTED.
- 5.12 RR/2021/110/MA Non-material amendment to RR/2017/1293/P to allow removal of garages & replacement with cycle stores and change five 4-bed 7-person units to five 3-bed 6-person units – GRANTED.

- 5.13 RR/2021/1757/P Variation of Condition 2 (approved plans) of planning approval RR/2019/1067/P to allow for revised design of changing rooms building – GRANTED.
- 5.14 RR/2022/2935/P Application to modify a S106 Planning Obligation to allow amendments for the affordable housing and purchasing requirements related to applications RR/2009/322/P, RR/2007/545/P and RR/2011/2114/P – NOT YET DECIDED.
- 5.15 RR/2023/1142/P Changes to ground levels of recreational land (retrospective) and drainage works (part retrospective) – GRANTED.
-

6.0 POLICIES

- 6.1 The following policy of the [Rother Local Plan Core Strategy 2014](#) is relevant to the proposal:
- LHN1 (Achieving Mixed and Balanced Communities)
- 6.2 The following policies of the [Development and Site Allocations Local Plan 2019](#) are relevant to the proposal:
- DHG1 (Affordable Housing)
 - WES1 (Land at Westfield Down, Westfield)
- 6.3 The following documents are also material considerations:
- Council's Technical Advice Note 2 (TAN2) 100% Affordable Housing 2023
 - Hastings Borough Council and Rother District Council Housing and Economic Development Need Assessment (HEDNA) 2020
 - The National Planning Policy Framework
 - The Planning Practice Guidance (PPG)
- 6.4 The Rother District Local Plan 2006 is relevant insofar as the outline planning application was determined having regard to the policies of that Plan; in particular Policy VL11 (Land at Westfield Down, Westfield).
-

7.0 CONSULTATIONS

- 7.1 [Legal Services \(Wealden and Rother District Council\)](#) – **NO COMMENTS RECEIVED** – refer to application RR/2022/2935/P for comments.
- 7.2 [Housing, Enabling & Development Officer \(Rother District Council\)](#) – **NO COMMENTS RECEIVED** – refer to application RR/2022/2935/P for comments.
- 7.3 [Planning Notice](#)
- 7.3.1 Four **OBJECTIONS** have been received. The concerns raised are summarised as follows:
- Premature submission of this application.

- The previous Section 106 agreement has not even been discussed by the Planning Committee and a decision has not been reached.
- The local community have not been consulted or been involved in this application.
- The mixture of tenure as originally agreed was the best fit for Westfield to enhance the existing community.
- This amendment deprives local families of having an opportunity to purchase outright a newly built home on open market.
- This tenure mix should've been discussed before the development started.
- Westfield was promised that some of these houses would be up for sale for local people to buy not all council houses.
- This has been so badly handled and many people feel it is been back handers and corruption going on.
- More affordable housing for rent required.

7.3.2 Two comments of **SUPPORT** have been received. The comments are summarised as follows:

- Affordable housing is an absolute necessity.
- These types of houses are crucial for people to get on the housing ladder at affordable prices.
- Should be seen as a positive for those homeowners who want to remain in the Westfield village community.
- Desperate for a chance to get a good family home, in our home district where we live and work on a shared ownership scheme.
- The delays are hugely depressing and untenable for so many families just desperate for a chance of a decent home.

7.4 Westfield Parish Council – **OBJECTION**.

7.4.1 The comments submitted by the Westfield Parish Council (WPC) primarily relate to the separate (but related) application to modify the Section 106 Planning Obligation and their concerns are summarised in full in the report for that application. Setting these aside, the WPC's comments are summarised as follows:

- WPC do not and have never supported the 100% affordable housing position.
- The original policy in the DaSA for the site, the planning application and Section 106 all support a 60% open market and 40% affordable homes.
- WPC has received legal counsel who has clearly stated the Parish Council should be signatories to any Section 106 variation. Therefore, it seems unclear how Rother can determine this planning application and for WPC to fully reply until Rother have made their legal position known.
- To try and move the matter forward WPC would support a compromise of 13 affordable rented, 13 shared ownership and 13 open market properties. This would make the site a truly mixed and sustainable site. It would address the significant short fall in the district for open market properties whilst allowing two thirds of the site to be managed for affordable housing units.
- The site should be blind in tenure with properties pepper-potted throughout the site in accordance to Rother's own planning policies.

8.0 LOCAL FINANCE CONSIDERATIONS

- 8.1 The delivery of a 100% affordable housing scheme on this site would not result in the loss of money raised through the Community Infrastructure Levy (CIL), as the Council was not a CIL charging authority when the outline planning permission was granted.
- 8.2 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 £315,276 paid over four years.
-

9.0 APPRAISAL

- 9.1 The main issues relating to the delivery of a 100% affordable housing scheme are determined to be:
- Whether the provision of 100% affordable housing is acceptable in principle.
 - Whether the proposed tenure mix is acceptable.
- 9.2 Principle of 100% affordable housing
- 9.2.1 Westfield Parish Council has stated that they do not and have never supported the 100% affordable housing position. Their preference is for the originally approved split of 60% open market and 40% affordable homes. This position is shared by some local residents.
- 9.2.2 Policy DHG1 (iv)(a) of the DaSA Local Plan says that in rural areas in the High Weald AONB, the Council will expect 40% on-site affordable housing on schemes of six dwellings or more (or 0.2 hectares or more).
- 9.2.3 Policy WES1 of the DaSA Local Plan specifically relates to the Westfield Down site and says proposals will be permitted where:
- “(ii) some 39 dwellings are provided within the identified residential area as shown on the Detail Map, of which 40% are affordable.”*
- 9.2.4 Whether or not the provision of 100% affordable housing on this site is acceptable in relation to original (and subsequent) policy requirement for 40% affordable housing is dealt with in the Council’s *Technical Advice Note 2 100% Affordable Housing 2023*. This document, which is a material consideration in the determination of planning applications, explains how adopted Development Plan policy will be applied in situations where applications for 100% affordable housing are submitted. In summary, planning applications for 100% affordable housing should be supported where they meet the Local Plan’s adopted policies in all other respects and the affordable housing is secured through a Section 106 Legal Agreement.
- 9.2.5 By way of background information, paragraph 24 of this document states:
- “Since 2011, only 516 affordable rented dwellings have been built, which averages 52 dwellings/year (contrasting strongly with the need, identified in the HEDNA 2020, for 295 affordable rent properties to be built each year).*

The long-term average is reflected in the most recent years, with 67 affordable rent dwellings completed in 2020/21 and 50 in 2021/22.

9.2.6 Paragraph 25 says:

“232 shared ownership properties have been built since 2011, an average of only 23 dwellings/year (again contrasting with the HEDNA 2020, which identifies a need for 203 affordable home ownership properties per year). 35 shared ownership dwellings were completed in 2020/21 and 62 dwellings in 2021/22.”

9.2.7 In terms of implementing Local Plan policy, paragraph 36 of TAN2 says:

“More recent evidence within the HEDNA (2020) highlights that the need for affordable housing, and socially rented housing in particular has significantly increased, due to the widening gap between local income levels and the costs of renting or buying housing. The affordable housing need exceeds total housing delivery in Rother. Furthermore, the Council’s Corporate Plan supports the provision of affordable housing which meets demonstrated local needs.”

9.2.8 Paragraph 37 says:

“Where proposals come forward for greater levels of affordable housing than the minimum percentages set out in Policy DHG1 (up to 100%), the applications should be supported in principle. Such proposals would not conflict with Policy DHG1 of the DaSA Local Plan, which sets out minimum (not maximum) percentage requirements for affordable housing...”

9.2.9 The Applicant’s supporting statement comments on the need for affordable housing and concludes that:

“The latest evidence identifies a significant need for new affordable housing across the district. Recent figures indicate that current supply is falling below annual delivery requirements. The issue is of particular concern in rural areas, such as Westfield. There are currently 69 households on the housing register with a local connection to Westfield.”

9.2.10 The Council’s Housing Enabling & Development Officer has commented as follows on the separate (but related) application to modify the Section 106 Planning Obligation with regard to the need for affordable housing:

“As of 24 May 2023, there are 73 households with a local connection to Westfield parish on the council’s housing register. This is an increase on the 69 households quoted in the supporting statement from Southern based on data from January 2023. This represents a 6% increase in five months. These households are mix of 1, 2, 3 and 4 bedroom needs. Many have been on the housing register for five years or more and some for more than 10 years. Given that there are 23 proposed properties for rent on this scheme there should be more than sufficient need from local households for the properties.

This can also be set in the context of increasing need for Affordable Housing across the district with there now being 2,150 households on the Rother

housing register and over 150 households in temporary accommodation. This is further evidenced by the HEDNA (2020) that showed a net affordable housing need per annum of 295. Average affordable housing delivery from 2013 – 2022 was 82.”

9.2.11 The above demonstrates that there is a clear need for more affordable housing in Westfield and the wider district as a whole. As such, the proposal for a 100% affordable housing scheme on this site should be supported in principle.

9.3 Tenure mix

9.3.1 TAN2 says that where 100% affordable housing schemes are proposed, a mix of tenures should be provided, in accordance with criteria regarding mixed and balanced communities. Policy LHN1 (v) of the Rother Local Plan Core Strategy says that in relation to affordable housing, there should be an overall balance of 65% social/affordable rented and 35% intermediate affordable housing.

9.3.2 In this case, 23 of the units would be delivered as affordable housing for rent with 16 delivered as shared ownership units. This includes a mix of 1 & 2-bedroom apartments, a 2-bedroom bungalow and a mix of 2, 3 & 4-bedroom houses for affordable housing for rent, and a mix of 2, 3 & 4-bedroom houses as shared ownership units; all as illustrated in the submitted site plan. This equates to an overall balance of 59% affordable housing for rent and 41% shared ownership units. The Council's Housing Enabling & Development Officer has advised that this split of affordable housing tenures represents a good attempt to keep to the principles of the above policy.

9.3.3 There is no requirement to provide First Homes (an affordable home ownership product) on this housing scheme, as the development is exclusively for 100% affordable housing. The Written Ministerial Statement on First Homes, made on 24 May 2021, confirms:

“Paragraph 64 of the National Planning Policy Framework [2019] sets out that for major development involving the provision of housing, 10% of all homes on site should be affordable home ownership products, unless one of the exceptions applies. First Homes are an affordable home ownership product. Where specific developments are exempt from delivering affordable home ownership products under paragraph 64 of the Framework, they shall also be exempt from the requirement to deliver First Homes.”

9.3.4 One of the exemptions listed are where the site or proposed development is exclusively for affordable housing. The National Planning Policy Framework has since been updated (most recently in September this year), and the old paragraph 64 has now been renumbered to 65 but the wording is unchanged. This means that sites proposed exclusively for affordable housing (such as this one) are exempt from the requirement to provide First Homes.

9.3.5 Westfield Parish Council is concerned that the current proposed layout of the shared ownership versus the affordable rent does not follow the 'pepper pot' policy for blind tenure as part of Policy DHG1: Affordable Housing in the Rural Areas. In this regard, the site plan shows the dwellings in the north-

eastern and south-eastern areas of the development provided as shared ownership units, with the dwellings in the central and western areas provided as affordable housing for rent. This would result in two distinct clusters of affordable housing tenures, which does not provide for effective ‘pepperpotting’ of these tenures. However, there is no specific policy requirement relating to the ‘pepperpotting’ of different affordable housing tenures on a 100% affordable housing scheme. The pepper potting referenced in Policy DHG1 relates to the pepper potting of affordable housing among market housing. It must also be acknowledged that the proposal would deliver much needed affordable housing in the district in a near policy compliant tenure split.

- 9.3.6 The Parish Council have advised that they would support a compromise of 13 affordable rented, 13 shared ownership and 13 open market properties, arguing that this would make the site a truly mixed and sustainable site and that it would address the significant short fall in the district for open market properties. These comments are noted. However, the mix proposed by the Parish Council is not what the Applicant is applying for. The proposal is to be determined as submitted.

9.4 Conditions

- 9.4.1 The PPG says:

“For the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.”

- 9.4.2 Having regard to the above, the conditions imposed on the original reserved matters approval would be re-imposed (as varied), except for Conditions 2 (materials and finishes) and 3 (retaining wall). These two conditions no longer have effect, as the dwellings and retaining wall to which they relate have been constructed in accordance with the approved details.

10.0 **PLANNING BALANCE AND CONCLUSION**

- 10.1 The proposed amendment relates to the delivery of a 100% affordable housing scheme with 23 of the dwellings delivered as affordable housing for rent and 16 delivered as shared ownership units. The Council’s *Technical Advice Note 2 100% Affordable Housing 2023* identifies a clear need for the provision of more affordable housing in the district and advises that applications for up to 100% affordable housing should be supported in principle. Furthermore, as identified by the Council’s Housing Enabling & Development Officer, “as of 24 May 2023, there are 73 households with a local connection to Westfield parish on the council’s housing register” and in need of affordable housing. It is also noted that there would be no loss of money raised through the Community Infrastructure Levy (CIL), as the Council was not a CIL charging authority when the outline planning permission for the housing development was granted. New homes bonus could be approximately £315,276 paid over four years.

- 10.2 Against this, the overall balance of 59% affordable housing for rent and 41% shared ownership units does not quite meet the 65/35 split required by Policy LHN1 (v) of the Rother Local Plan Core Strategy, and nor would there be 'pepperpotting' of these separate tenures (there would be two distinct clusters). However, pepperpotting is not a requirement for sites where 100% affordable housing is proposed and the 59/41 split is not so far removed from the policy ratio of 65/35. In this case, given the clear need for more affordable housing in the district, the proposed delivery of a 100% affordable housing scheme is given significant weight. On balance, it is recommended that the proposed amendment to the reserved matters approval is supported, and the relevant conditions are varied accordingly. This is subject to modification of the associated Section 106 Planning Obligation to secure the affordable housing, which is recommended for approval in the Committee report for the separate (but related) application to modify the obligation.

RECOMMENDATION: GRANT VARIATION OF CONDITION 1 OF RESERVED MATTERS APPROVAL RR/2017/1293/P (APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION RR/2009/322/P) TO AMEND THE TENURE MIX TO DELIVER A 100% AFFORDABLE HOUSING SCHEME, AND VARIATION OF CONDITION 6 OF RESERVED MATTERS APPROVAL TO REFER TO THE NEW SITE PLAN - DELEGATED SUBJECT TO COMPLETION OF ASSOCIATED DEED OF VARIATION

CONDITIONS:

CONDITION 1 OF RESERVED MATTERS APPROVAL RR/2017/1293/P (APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION RR/2009/322/P) IS VARIED AS FOLLOWS:

1. The development hereby permitted shall be carried out in accordance with the following approved drawings and document:
Drawing No. 11.361/07, dated January 2014, as approved under outline planning permission RR/2009/322/P.
Drawing No. 6775/1/E (PROPOSED SITE PLAN), dated 21.04.23.
Drawing No. 3016:02 Revision E (Site Sections), dated 16:01:18.
Drawing No. 3016:03 Revision A (House types 1), dated 02:08:17.
Drawing No. 3016:04 Revision A (House types 2 detached), dated 02:08:17.
Drawing No. 3016:05, dated 27:08:17.
Drawing No. 3016:06 (House types 3), dated 27:08:17.
Drawing No. 6775/T4/C (HOUSE TYPE 4 - 3B6P), dated FEB 21.
Drawing No. 3016:08 Revision A (House types 5), dated 27:08:17.
Drawing No. 3016:09 Revision B (M4 (3) Bungalow), dated 06:11:17.
Drawing No. 3016:10 Revision B (Flat Types 8, 9, 10, 12, 13 & 14), dated 05.03.18.
Drawing No. 3016:12 (Refusal and cycle storage details), dated 28:07:17.
Drawing No. 17362-5-SK001-E (PROPOSED LEVELS STRATEGY), dated 27.09.2018.
Drawing No. 17362-5-SK003-E (REFUSE VEHICLE TRACKING), dated 30.05.18.
Drawing No. MAT19812 11D Sheet 1 (Landscape Proposals), dated 10.09.18.
Drawing No. MAT19812 11D Sheet 2 (Landscape Proposals), dated 10.09.18.

ACD ENVIRONMENTAL SOFT LANDSCAPE SPECIFICATION (Document File Ref: MAT19812 spec), dated June 2017.

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

CONDITION 2 OF RESERVED MATTERS APPROVAL RR/2017/1293/P (APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION RR/2009/322/P) NO LONGER HAS EFFECT AND IS NOT REIMPOSED.

CONDITION 3 OF RESERVED MATTERS APPROVAL RR/2017/1293/P (APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION RR/2009/322/P) NO LONGER HAS EFFECT AND IS NOT REIMPOSED.

CONDITION 4 OF RESERVED MATTERS APPROVAL RR/2017/1293/P (APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION RR/2009/322/P) CONTINUES TO HAVE EFFECT AND IS REIMPOSED:

4. No surface water shall drain onto the public highway.
Reason: To avoid prejudice to road safety, in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.

CONDITION 5 OF RESERVED MATTERS APPROVAL RR/2017/1293/P (APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION RR/2009/322/P) CONTINUES TO HAVE EFFECT AND IS REIMPOSED:

5. The access shall have maximum gradients of 4% (1 in 25) / 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.
Reason: To avoid prejudice to road safety, in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.

CONDITION 6 OF RESERVED MATTERS APPROVAL RR/2017/1293/P (APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION RR/2009/322/P) IS VARIED AS FOLLOWS:

6. No part of the development shall be occupied until the 2m wide pathways linking the site to the A28 footpath and PROW, as indicated on approved Drawing No. 6775/1/E (PROPOSED SITE PLAN), dated 21.04.23, have been constructed in accordance with construction details first submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure adequate and safe access arrangements for the development, in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

CONDITION 7 OF RESERVED MATTERS APPROVAL RR/2017/1293/P (APPROVED PURSUANT TO OUTLINE PLANNING PERMISSION RR/2009/322/P) CONTINUES TO HAVE EFFECT AND IS REIMPOSED:

7. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with the approved drawings and the cycle parking spaces shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
Reason: To provide alternative travel options to the use of the car, in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

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 assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.