

SITE PLAN

RR/2023/1290/P

BATTLE

The Meads – Land at,
12 Isherwood,
Battle.



Rother District Council

Report to	-	Planning Committee
Date	-	12 October 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2023/1290/P
Address	-	The Meads - Land at, 12 Isherwood, Battle
Proposal	-	Outline application for proposed residential development of 3 No. dwellings served by existing access (renewal of lapsed planning permission RR/2019/666/P)

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RECOMMENDATION: It be **RESOLVED** to **GRANT (OUTLINE PLANNING)**

Director: Ben Hook

Applicant: Mr and Mrs N. Brabon
Agent: Pump House Designs
Case Officer: Matthew Jenner
(Email: matthew.jenner@rother.gov.uk)

Parish: BATTLE
Ward Members: Councillors S. Burton and K.M. Field

Reason for Committee consideration: Director – Place and Climate Change referral: The application has been called in by Ward Members with regard to overdevelopment and access issues.

Statutory 8 week date: 11 August 2023
Extension of time agreed to: 26 October 2023

1.0 SUMMARY

- 1.1 This is a repeat application for one that was previously granted permission by the Planning Committee in December 2019 and thus now expired. There have been no changes in site or new policy considerations, other than the more recent adoption of the Battle Neighbourhood Plan, which builds on the existing local and national policies previously considered in 2019. As such there is no reason to come to a different conclusion.
- 1.2 The provision of three additional dwellings within this sustainable location would help boost the housing supply to the town, which would bring modest social and economic benefits. There would be no adverse impact on the character and appearance of the locality, including to the landscape and scenic beauty of the Area of Outstanding Natural Beauty (AONB). In addition,

the development would not harm the living conditions of occupants of neighbouring properties or prejudice highway or pedestrian safety.

1.3 PROPOSAL DETAILS

PROVISION	
No of houses	3
No of affordable houses	0
CIL (approx.)	To be calculated at reserved matters stage.
New Homes Bonus (approx.)	£20,052

2.0 SITE

2.1 Isherwood is a private road located to the north side of North Trade Road and contains relatively large detached dwellings built under permissions granted in the 1990s. The site currently forms part of the back garden of a detached two storey dwelling (No. 12 Isherwood). The private road wraps round the front (southwest) and northwest side boundary of the site. Land slopes away steeply to the northeast, meaning that the rear garden of No. 12 Isherwood occupies a significantly higher level than the adjacent road and other Isherwood properties to the north. The site is located within the development boundary for Battle and is within the High Weald AONB.

3.0 PROPOSAL

- 3.1 Outline permission is sought for the erection of three detached dwellings with all matters reserved apart from means of access. The access has already been constructed so this part of the development is retrospective.
- 3.2 Layout, elevation and section plans have been submitted with the application. However, as appearance, layout and scale (as well as landscaping) are reserved matters, the plans shall be treated as indicative only, albeit that they are well advanced in terms of their detail.
- 3.3 The proposal is a renewal of the lapsed permission RR/2019/666/P, which was granted approval by the Planning Committee in 2019 and subsequently expired in December 2022.

4.0 HISTORY

- 4.1 RR/2019/666/P Outline: Proposed residential development of 3 No. dwellings served by existing access (part retrospective). APPROVED CONDITIONAL.

5.0 POLICIES

- 5.1 The following policies of the adopted Rother Local Plan Core Strategy are relevant to the proposal:
- PC1: Presumption in Favour of Sustainable Development

- OSS3: Location of Development
- OSS4: General Development Considerations
- BA1: Policy Framework for Battle
- CO6: Community Safety
- EN1: Landscape Stewardship
- EN3: Design Quality
- TR4: Car parking

5.2 The following policies of the Development and Site Allocations Local Plan are relevant to the proposal:

- DRM1: Water Efficiency
- DHG3: Residential Internal Space Standards
- DGH4: Accessible and Adaptable Homes
- DGH7: External Residential Areas
- DHG11: Boundary Treatments
- DHG12: Accesses and Drives
- DEN1: Maintaining Landscape Character
- DEN2: The High Weald Area of Outstanding Natural beauty (AONB)
- DEN4: Biodiversity and Green Space
- DEN7: Environmental Pollution
- DIM2: Development Boundaries

5.3 The High Weald AONB Management Plan (2019-2024), National Planning Policy Framework and National Planning Policy Guidance (PPG) are also material considerations.

5.4 The following policies of the Battle Neighbourhood Plan (2021) are relevant to the proposal:

- HD4: Quality of Design
- HD5: Protection of Landscape Character
- HD6: Integration of New Housing
- IN3: Parking and New Development
- IN4: Pedestrian Provision and Safety
- EN3: The High Weald AONB and Countryside Protection

6.0 CONSULTATIONS

6.1 RDC Waste and Recycling – **NO OBJECTION**

6.1.1 There are no issues here, the collection vehicle would not access the driveway so bins will need to be presented at the entrance on Isherwood.

6.2 Planning Notice

6.2.1 12 letters of objection and a petition with 39 signatories have been received. The comments are summarised below:

- Concerns regarding land ownership.
- Construction of an illegal access to the site which does not have consent of Meads (Battle) Ltd Company.
- None of the reserved matters from the previous application have been addressed.

- Proposed development would be overpopulated and overbearing.
- The development proposal impacts on neighbour amenity to the properties along Isherwood and North Trade Road i.e. overlooking and overshadowing.
- Overbearing development with a detrimental impact on the landscape and character of the settlement.
- The proposed development does not reflect the character or setting of the surrounding settlement. The raised site level and large, closely set properties create a bulky and dominant scheme detrimental to the Isherwood street scene.
- Concerns over road safety, low visibility, extra road traffic, visitors parking and emergency access.
- Overdevelopment of the site.
- Drainage and land slippage issues.
- Site unsuitable given topography.
- Road construction and access illegally constructed without permission.
- Since previous approval the applicant has made no progress in developing the site or in addressing reserved matters.
- Contravention of normal planning and design policies.
- Landscaping and visual impact considerations.
- The developments overcrowding and appearance would have an adverse impact on the AONB.
- Concerns over bins being placed on Isherwood.
- Concerns over property values and sales.
- Unclear how development would contribute to upkeep of the private Isherwood Road.
- Noise pollution from building works.

6.3 Battle Town Council – **OBJECTION**

- 6.3.1 Battle Town Council is opposed to this application as it is contrary to Battle Design Guidelines, Policy HD5 - over development and presents insurmountable access issues for vehicles.

7.0 **LOCAL FINANCE CONSIDERATIONS**

- 7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable although this would need to be calculated at reserved matters stage when the scale of the dwellings was finalised.
- 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 £20,052 over four years.

8.0 **APPRAISAL**

- 8.1 The site is located within the development boundary of Battle where the principle of providing new dwellings can be acceptable. The main issues to consider in the determination of this application include:

- The impact of the proposal on the character and appearance of the locality and the AONB.
- The impact of the proposal on neighbouring amenities and the living conditions of future occupiers of the dwellings.
- Highway safety.

8.2 Character and appearance of the locality and the AONB

8.2.1 Isherwood is characterised by large modern detached dwellings which occupy substantial plots. They were constructed around 20 years ago under permissions granted in the 1990s. Properties along North Trade Road are more varied in age and character with examples of bungalows, chalets and two storey dwellings. Plot sizes also vary. Beyond the Isherwood properties to the north of the site is open countryside made up of irregularly shaped fields and pockets of woodland, typical of the AONB landscape.

8.2.2 As before the proposed plot sizes are comparable to others in the vicinity and would not appear cramped within the site. They would therefore not cause harm to the character and appearance of the locality.

8.2.3 The existing access originally involved the removal of trees and earth and the construction of retaining walls. There are other accesses and retaining structures nearby, and Isherwood, although rather leafy in appearance, is generally sub-urban in character. For these reasons it is considered that the construction of the access has not harmed the character of the area.

8.2.4 The site is surrounded by 20th Century housing development. Providing some form of housing development within the existing development would not be harmful to the wider landscape and scenic beauty of the AONB.

8.3 Amenities of neighbouring properties and living conditions of future occupiers

8.3.1 As shown by the indicative plans, three dwellings would be able to be positioned on the site in excess of 30m from all of the neighbouring properties apart from Nos. 12 and 13 Isherwood to the southwest of the site. The indicative plans show that the dwelling to the southeast would be approximately 11m from the rear elevation of No. 12 and approximately 17.5m from No. 13.

8.3.2 Even with the site being elevated, a separation of at least 30m together with some vegetation screening should ensure that the proposed development would not result in unacceptable levels of direct overlooking or the buildings appearing overbearing or causing any unacceptable levels of loss of light or overshadowing, to those neighbouring properties positioned more than 30m away.

8.3.3 Whilst a new dwelling could be positioned along the rear boundary of No. 12 Isherwood, a separation of at least 10m would remain which is sufficient for the development to not unacceptably impact on the living conditions of occupiers of No. 12. Specific design issues so as to preclude overlooking and whether the dwelling would appear overbearing could be addressed at reserved matters stage.

- 8.3.4 In respect of No. 13 Isherwood, any new dwellings could be positioned close to 20m away and would be at an oblique angle, which should mean that the occupants living conditions would not be adversely affected.
- 8.3.5 The application site is of an adequate size to provide three family sized dwellings with good sized outdoor amenity spaces, in compliance with the internal and external space standards required by Policies DHG3 and 7 of the Development and Site Allocations Local Plan. In terms of providing acceptable living conditions for future occupiers, there is potential for three dwellings to be constructed on the site.
- 8.4 Highway safety
- 8.4.1 Isherwood is a private road which is capable of accommodating two-way traffic up to the point of the existing site access. To the northeast of the access the road narrows and is only capable of accommodating a single vehicle at a time. Given that the narrow part of Isherwood only serves five private residences, occupiers of the proposed development would have no reason to drive up that section of road. The development would therefore not result in an increase in traffic to the narrow part of the road. The wider section of Isherwood, which the site access adjoins, is lightly trafficked and is capable of accommodating the increased level of traffic created from three dwellings.
- 8.4.2 The access road that has been constructed is over 4.5m in width, which is the minimum for a shared access, meaning that vehicles would be able to pass one another.
- 8.4.3 There would be adequate space on the site for each of the dwellings to have at least two off road parking spaces and an area to turn, meaning that vehicles would be able to leave the site in a forward gear.
- 8.4.4 The access has been constructed at an angle of around 45° with Isherwood and slopes up relatively steeply. These factors mean that turning right out of the access would be awkward although, as explained earlier in the report, vehicles are very unlikely to egress in this direction as it only serves a small number of private residences and is not a through road. Whilst visibility from the access to the northeast is somewhat restricted by an earth bank and vegetation, the road is very lightly trafficked, with the narrow part only serving five dwellings, and where vehicles also travel at low speeds. For these reasons the access that has been constructed is considered not to prejudice road safety.
- 8.4.5 It is appreciated that Isherwood has no pavements. However, the addition of three dwellings would not add significantly to the amount of traffic using the two-way section of Isherwood and with vehicle speeds being low, it is not envisaged that pedestrian safety would be compromised.
- 8.4.6 Construction traffic can potentially be managed by condition in the event that planning permission is granted.
- 8.4.7 Overall it is considered that the development would not have an adverse impact on road or pedestrian safety and adequate on-site parking and turning facilities can be provided.

8.5 Other issues

- 8.5.1 Comments from Waste and Recycling are acknowledged. Details of a waste and recycling store can however be secured at reserved matters stage. The location and design of any storage area would need to be carefully considered.
- 8.5.2 The issues that have been raised by locals regarding land stability and drainage are material planning considerations, as detailed within the PPG. No details relating to these technical matters have been provided with the application. However, in the event that permission was granted details could be secured via a condition so that any necessary remedial/preventative works are carried out.
- 8.5.3 Issues raised by locals relating to property values and the ownership of the private road are not material planning considerations.
- 8.5.4 The issue raised in respect of the access being unauthorised, is a private civil matter. The correct notice has been served on any other owners and Certificate B accompanies the application. The application can therefore not be refused on these grounds, but it is for any developer to ensure separately that they have rights of access to implement any development if permission were to be granted.
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9.0 **PLANNING BALANCE AND CONCLUSION**

- 9.1 The provision of three additional dwellings within this sustainable location within the development boundary, would help boost the local housing supply to the town, which would bring modest social and economic benefits. There would be no adverse impact on the character and appearance of the locality, including to the landscape and scenic beauty of the AONB. In addition, the development would not harm the living conditions of occupants of neighbouring properties or prejudice highway or pedestrian safety.
- 9.2 For the reasons explained, the proposal would comply with Core Strategy, Development and Site Allocations Local Plan and Neighbourhood Plan policies and the various provisions contained within the National Planning Policy Framework. The application can therefore be supported.
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RECOMMENDATION: GRANT (OUTLINE PLANNING)

CONDITIONS:

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 on each phase of the development.
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 referred to in Condition 1 above 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. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Block Plan- 7623/LBP, dated 29.03.23
Reason: For the avoidance of doubt and in the interests of proper planning.
6. Pursuant to Condition 1, details shall be submitted of the finished ground floor levels for any building(s) on the site in relation to existing and proposed site levels, the adjacent road and adjacent properties, together with details of levels of all accesses, to include pathways, driveways, steps and ramps. Any development shall subsequently be carried out in accordance with the approved details.
Reason: To protect the character and appearance of the locality and the living conditions of occupants of neighbouring properties in accordance with Policy OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy and Policy DEN1 of the Development and Site Allocations local Plan.
7. The soft landscaping details to be submitted pursuant to Condition 1 shall include the following:
 - a) indications of all existing trees and hedgerows on the land and on adjoining 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;
 - 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.The development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.
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 and Policy DEN1 and DEN2 of the Development and Site Allocations Local Plan.

8. Within the details required under Condition 1, proposals for the siting and form of bins for the storage and recycling of refuse within the site (internally or externally), and a collection point, shall be submitted for the consideration and subsequent approval of the Local Planning Authority. The approved details shall be implemented prior to the occupation of any dwellings and thereafter continued, with all bins and containers available for use, maintained and replaced as need be.

Reason: In the interests of providing sustainable development and protect and safeguard the residential and visual amenities of the locality in accordance with Policy OSS4 (i), (ii) and (iii) of the Rother Local Plan Core Strategy.

9. Within the details required under Condition 1, a scheme for the provision of foul water drainage works and surface water drainage shall be submitted for the consideration and subsequent approval of the Local Planning Authority and none of the dwellings shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

Reason: These details are integral to the whole development and are therefore required as part of the design and layout for the site and prior to commencement of works to prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and Policy DEN5 of the Development and Site Allocations local Plan and paragraphs 167 of the National Planning Policy Framework 2023.

10. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan 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 method of access and egress and routing of vehicles during construction;
- b) the parking of vehicles by site operatives and visitors;
- c) the loading and unloading of plant, materials and waste;
- d) the storage of plant and materials used in construction of the development;
- e) the erection and maintenance of security hoarding;
- f) 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);
- g) details of public engagement both prior to and during construction works; and
- h) details of the management of the public footpaths during construction to allow pedestrian use.

Reason: In the interests of highway safety and the amenities of the area in accordance with Policies OSS4 (ii) and TR3 of the Rother Local Plan Core Strategy.

11. No development in respect of the dwellings or any retaining structures shall take place until details of a full site investigation, including stability report, with a scheme for remedial/preventative works, has been submitted to and approved

in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.

Reason: The application site is within an area of unstable land and in order to safeguard the safety of future occupiers of the land, in accordance with the requirements of Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

12. Prior to the occupation of the development, a landscape management plan, including management responsibilities and maintenance schedules for the site including any communal hard and soft landscape/open space areas, 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 and Policy DEN1 of the Development and Site Allocations local Plan.

13. If within a period of five years from the date of occupation any retained tree, planted 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 and Policy DEN1 of the Development and Site Allocations local Plan.

NOTES:

1. The Applicant/developer is advised that the submitted illustrative layout is not approved.
2. The proposed development will be subject to the CIL at the reserved matters stage.
3. This planning permission does not grant or imply the right to retain the part of the access that has been constructed on land not in the Applicant's ownership. The Applicant will need to seek the consent of the owners of the land not in their ownership to retain and carry out any subsequent maintenance works.

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.