



## Rother District Council

Report to	-	Planning Committee
Date	-	10 October 2019
Report of the	-	Executive Director
Subject	-	Application RR/2019/604/P
Address	-	Blackfriars – Land at BATTLE
Proposal	-	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.

[View application/correspondence](#)

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**RECOMMENDATION: It be RESOLVED: To GRANT (FULL/OUTLINE PLANNING) DELEGATED SUBJECT TO COMPLETION OF A SECTION 106 AGREEMENT: FOR PROVISION OF AFFORDABLE HOUSING, LANDSCAPE/ECOLOGY WORKS AND MAINTENANCE AND HIGHWAY WORKS**

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**Head of Service: Tim Hickling**

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**Applicant:** RDC, Head of Acquisitions & Transformation  
**Agent:** Robinson Escott Planning  
**Case Officer:** Mrs S. Shepherd  
(Email: [sarah.shepherd@rother.gov.uk](mailto:sarah.shepherd@rother.gov.uk))  
**Parish:** BATTLE  
**Ward Member(s):** Councillor K.P. Dixon

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

**Statutory 13 week date: 17 June 2019**  
**Extension of time agreed to: 31 October 2019**

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

1.1 This application seeks full permission for a new spine road to serve the development of the Blackfriars site, with outline permission sought for the construction of up to 220 dwellings with associated works. A parameters plan identifies the broad development areas and those areas specifically to be retained as open space, woodland and habitat areas. An illustrative master plan has been provided.

1.2 The site has been identified for development for many years and was more recently allocated as a housing site within the Rother District Local Plan 2006 having been found acceptable as part of the local plan inquiry process.

### 1.3 PROPOSAL DETAILS

PROVISION	
No of houses	Up to 220
No of affordable houses	35%
CIL (approx.)	£2,402,400
New Homes Bonus (approx.)	£251,372

1.4 The alignment and proposal presented for the spine road has resulted from careful consideration of the local highway network, the challenging local topography and ecological issues. The proposal is supported by both the local Highway Authority and Highways England. The residential element of the application is in outline only with all matters regarding its layout and design to be considered at a later stage as reserved matters. Officers have identified a number of design issues with the illustrative masterplan that has been submitted with the application, but nevertheless still consider that the site and spine road layout offers capacity to deliver up to 220 dwellings.

1.5 Subject to the imposition of conditions and the prior completion of a legal agreement the development is recommended for approval.

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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. It is noted, however, that the site does not directly adjoin the railway, as there is an area of intervening land in separate private ownership outside the boundary of the application site. Collectively the area has been known for many years as the Blackfriars area.

2.2 The land lies within the High Weald Area of Outstanding Natural Beauty 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.

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## 3.0 PROPOSAL

3.1 The application is essentially in outline with an indicative master plan but proposes full details for the alignment and nature of a central spine road to serve the development. The spine road extends from The Spinney/Hastings

Road in the south, meandering northwards down the western side of the site to meet the corner of Harrier Lane/Marley Lane. Much of the central and eastern side of the site are to remain undeveloped, thereby retaining an extensive ecological habitat area to balance the site, with public access maintained via the existing and improved public footpaths. A smaller area to the north eastern corner and extending down the east side is also indicated for residential development, with access via Harrier Lane.

- 3.2 The area proposed for development constitutes around 6.6 hectares with up to 220 dwellings, resulting in an average density anticipated of 33dph. The main field boundaries are to be retained with minimal disturbance. The spine road includes pinch points through these hedgerows/trees. Each field area is of varying topography and character and hence each development parcel would have varying densities.
- 3.3 The spine road has been the result of extensive survey work and discussions with the local Highway Authority (ESCC), Highways England and those in the ecology sector. Discussions have continued after submission of the application and amendments have been submitted to clarify the impacts and changes to levels. As a result of the ecological concerns, and to limit land take for the road, elements of the spine road, including at the junction with The Spinney, will be raised and will require the use of retaining walls and good landscaping. A central section of the road will be within a cutting. Sections through the road have been provided with indicative conception drawings to illustrate how the embankments and cutting could be incorporated within development.
- 3.4 Existing footpath links are to be improved and links to the railway explored but as this is in outline (with exception of the spine road), no details are provided. Affordable housing is to be provided to policy compliant standards, 35%, although at this stage the actual mix of housing types and tenures has yet to be finalised.
- 3.5 The application is supported by various documents including: parameters plan; indicative master plan; Transport Assessment and Statement; Engineering Appraisal Report; Flood Risk Assessment and SuDS; Walkover Survey and Heritage Statement; Landscape and Visual Assessment; Road Design Layout; various Ecological Appraisals; protected species survey; tree survey; Transport Assessment Addendum; cross sections; Arboricultural Impact Assessment; and Ecological Impact Assessment.

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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 S106. This was never completed.

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## 5.0 POLICIES

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

- DS3: Development Boundaries
- BT2: Land at Blackfriars, which states:  
*"Land at Blackfriars, Battle, as defined on the Proposals Map, is allocated for housing, education and open space purposes, to be brought forward through a comprehensive scheme.*

*Two areas, totalling approximately 7.3 hectares, would be allocated for residential use, providing at least 220 dwellings (40% of which would be affordable<sup>1</sup>). Other land between the two areas for residential development is allocated for a single form entry primary school and to provide a large area of open space. The development will be accessed by a new spine road, from the south from Hastings Road, off The Spinney, and from the north via Harrier Lane off Marley Lane. A Transport Assessment will be required.*

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

5.2 <sup>1</sup> it should be noted that the amount of affordable housing now being sought is 35%. This part of the policy has been superseded by the strategic policy revision through the Core Strategy and DaSA.

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

- OSS2: Development boundaries
- OSS3: Location of development
- OSS4: General development consideration
- BA1: Sets out the policy framework for Battle and includes the requirement that proposals for development and change in Battle will (i) maintain the essential physical form, local distinctiveness, character and setting of the town, particularly in and adjacent to the Conservation Area, and (iii) provide 475-500 net additional dwellings in Battle over the Plan period 2011-2028, by developing new housing via opportunities both within the development boundary, and modest peripheral expansion opportunities that respects the setting of Battle within the High Weald AONB and supports community facilities
- LHN1: Seeks to achieve mixed and balanced communities and states that (i) housing developments should be of a size, type and mix which reflect both current and projected housing needs

- LHN2: covers the provision of affordable housing, 35% in Battle
- EN1: states that the management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (inter alia):
  - (i) The distinctive identified landscape character, ecological features and settlement pattern of the AONB;
  - (v) Open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes;
  - (viii) Other key landscape features across the district, including native hedgerows, copses, field patterns, ancient route-ways, ditches and barrows, and ponds and water courses.
- EN3: sets the design quality standards that all new development will be expected to meet.
- EN5: covers biodiversity and green space.
- TR3: requires new development to minimise the need to travel and support good access to employment, services and community facilities.
- TR4: deals with car parking, which should normally be provided in accordance with the County Highway Authority's parking standards (the level of parking should be assessed using the on-line calculator on the ESCC website).
- SRM2: deals with the effective management of water resources.
- EC1: fostering economic activity and growth, including collaborative working between education, training, business and inward investment agencies.

5.4 The following policies of the emerging [Development and Site Allocations Local Plan](#) (submitted for examination in January 2019) are relevant to the proposal:

- DHG1: affordable housing, 35% in Battle
- DHG3: residential internal space standards
- DHG7: external residential areas
- DHG11: boundary treatments
- DEN1: maintaining landscape character
- DFN2: the High Weald AONB
- DEN4: biodiversity and green space
- DEN5: sustainable drainage

5.5 Battle has resolved to undertake a Neighbourhood Plan which is to include design guidelines. However, this remains at an early stage and can be afforded no weight. It does, however, mean that housing allocations for Battle will be made in the Neighbourhood Plan and not in the Council's DaSA document.

5.6 The High Weald AONB Management Plan 2014-2019 is also a material consideration.

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

- Paragraphs 8, 11, 14 core planning principles for sustainable development.
  - Paragraphs 102, 106, 109 and 110 transport and parking.
  - Paragraphs 61 and 62, affordable housing
  - Paragraphs 73 and 74, five-year supply of deliverable housing sites.
  - Paragraph 172, protection of the Area of Outstanding Natural Beauty (AONB).
  - Paragraphs 170 and 175, conservation and enhancement of biodiversity.
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## 6.0 CONSULTATIONS

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

- 6.1.1 This application seeks permission for the construction of a “spine road” between The Spinney (UC6303), connecting to Hastings Road (A2100), and Harrier Lane (UC6330) for access to Marley Lane (C94). The route would be some 830m in length with steep sections given the topography of the site. Preliminary designs for the proposed junctions at each end are also part of this application but there are as yet no detailed designs for the road.
- 6.1.2 While the application is for the road at this time, its purpose is to provide access to the Blackfriars development site, a development of some 200+ dwellings as allocated in the Rother Local Plan. As such and in order to ensure that the proposed Spine Road can accommodate future development the likely operation and design of the road has been assessed assuming development of 244 dwellings, including affordable.
- 6.1.3 While the comments consider the TA (transport assessment) based on 244 dwellings an updated Transport Assessment is expected to accompany any future applications for reserved matters of the site.
- 6.1.4 The assessment by the HA considers crash data, sustainable travel and local services. All of which are acceptable. It is noted that the Spine Road will operate most efficiently if walking and cycling routes along it, around it and to local destinations are improved and/or created and constructed to standard.
- 6.1.5 In respect of the road alignment it is noted that The Spine road will be 830m in length and will connect to Harrier Lane to the north and The Spinney to the south. The road routes back and forth across the western side of the site. Such an alignment is needed to accommodate the varying topography on site. The road will have varying gradients to a maximum of 1 in 10 over approx. 75m Achieving a suitable alignment will require substantial cuttings/banks/retaining walls. It is noted that two sections are to be narrowed to minimise the impact on hedgerows. A priority system is proposed to manage traffic flow. This is acceptable subject to detailed design and road safety audits. Street lighting may be required.
- 6.1.6 The road has been designed as a 20mph road, which is supported as a means of enforcing the (ultimate) residential nature of the site and to encourage walking and cycling as a means of travel. Footways are expected along the length of the road (or suitable alternative provision). Pedestrian crossing points should be provided at intervals along the route and to connect

to the existing highway. The existing public footpaths will need to be accommodated in the road design detail.

- 6.1.7 The junctions at Harrier Lane and the Spinney will both take the form of priority junctions although it is the Spine Road that will take priority in both cases. Falconers Drive (adjoining Harrier Lane) and Starrs Mead (adjoining the Spinney) will be subject to Give Way restrictions.
- 6.1.8 A stage 1 Road Safety Audit (RSA) has been carried out considering the new junctions and route itself. One problem was highlighted relating to the impact of the development on visibility at the existing access to the Methodist Church. The applicant has agreed to re-landscape the embankment and amend the retaining wall to achieve the necessary visibility splays. Further RSAs will be required as the road design progresses.
- 6.1.9 Changes to the junctions of Marley Lane/Harrier Lane and The Spinney/Hastings Road are not proposed as part of this application. It should be borne in mind that further assessment/RSA may lead to the need for further mitigation works. Works in terms of sustainable travel provision are likely and a Travel Plan will be required for any residential etc. development on the site. Details of drainage will be required.

#### Traffic impact

- 6.1.10 There will be a minimal increase in terms of likely traffic generation directly associated with the Spine Road however there is likely to be a redistribution of trips that are already on the network.
- 6.1.11 In order to ensure that the proposed Spine Road can accommodate the future residential development in principle, a development quantum of 244 dwellings has been assumed (100% private dwellings) and is considered to be a robust assessment of the traffic impact of future development given the Local Plan allocation. However please note that if/when the proposal for further development of the site comes forward the traffic impact assessment (along with the rest of the TA) will need to be re written/updated with appropriate information/data.

#### Trip rates:

- 6.1.12 Section 7 of the Transport Assessment sets out the proposed trip rates of those 244 dwellings, based on a TRICS assessment. This is considered acceptable and leads to a daily (12 hour) person trip rate of 9.595 per house and vehicle trip rate of 5.498. It is proposed that 244 units would generate 2341 person trips per day of which 1342 would be vehicle trips leading to 145 vehicle trips in both the am and pm peak hours.

#### Journey choice:

- 6.1.13 The spreadsheet distribution model (based on census journey to work data, Tempro etc) has now been submitted. I note that it is predicted that the local routes will operate within usual design capacity. The traffic impact assessment states that the redistribution effect of the Spine Road will lead to fewer movements at the mini roundabouts at Lower Lake/Upper Lake/Marley Lane and Powdermill Lane/Lower Lake.
- 6.1.14 The redistribution has been calculated based on the number of current traffic movements routing from Marley Lane to Lower Lake (and vice versa) that

could be redistributed onto the Spine Road. The two roundabouts have been assessed for scenarios where there is no spine road and then where 50% and 100% of trips are redistributed onto the Spine Road. There may be some typing errors in section 8 of the TA, but it can be concluded that the Spine Road plus development will lead to a better operation of the two roundabouts when comparing their likely operation in 2028 (taking into account general traffic growth) without the spine road and associated development.

6.1.15 While the highway betterment that may be achieved is to be welcomed it must be borne in mind that to achieve any redistribution of existing trips that the Spine Road will have to be attractive to current travellers (ie a shorter distance and/or journey time). This may conflict with any aims to ensure a slow speed pedestrian friendly residential estate.

Section 38 and Section 278 Legal Agreements with the County Council:

6.1.16 The proposed Spine Road should be secured and implemented under the supervision of this County Council through a relevant Section 38 and Section 278 Legal Agreements. If this route is to integrate into the existing highway network and offer route choice to existing highway users, the road must be adopted as public highway.

6.1.17 The applicant will be required to apply for and enter into these agreements which will be subject to further design checks and assessment. Therefore my initial requirements should not prejudice any further comments that arise from subsequent Road Safety Audits, design revisions or further comments from other ESCC teams as part of the Section 38/278 approval process.

6.1.18 Conditions are recommended including a construction management plan, full design and construction to be to adoptable standard, design details to include the road, pedestrian facilities and cycle routes.

6.2 Highways England – **NO OBJECTION**

6.2.1 Following the submission of additional information, HE advice that the proposals will not materially affect the safety, reliability and/or operation of the SRN (strategic road network), (the tests set out in the DfT Circular 02/2013, particularly paragraphs 9 & 10, and DCLG National Planning Policy Framework, particularly paragraph 109), in the vicinity of the development site.

6.3 County Ecologist – **NO OBJECTION**

6.3.1 The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions.

6.3.2 It is noted that much of the master planning has been an iterative process, informed in part by Ecological Constraints and Opportunities Plans (ECOPs), and that the design has been adapted to avoid and reduce ecological impacts where possible; this is welcomed. The Ecological Impact Assessment (EclA) (The Ecology Consultancy, 16/06/19) is based on a worst case scenario assuming that all habitats within the footprint of the residential zones and the route of the road with embankments at a gradient of 1:3 will be lost during

construction, with all other habitats retained and protected. However, it is noted that groundworks for the road are likely to be built with a higher gradient and that they will be replaced with retaining walls where possible. This will reduce the ecological impacts and is therefore supported.

- 6.3.3 Surveys were carried out in accordance with best practice and are sufficient to inform mitigation, compensation and enhancement at the outline stage. However, it should be noted that further surveys will be required prior to the construction of the road and to inform a full application.
- 6.3.4 With respect to the road, measures to reduce the width of the road (by reducing the road to single lane traffic and offsetting the footpath) and to provide dormouse hop-overs where it breaches wooded boundary features are strongly supported. As stated above, any trees requiring removal for construction of the road should be assessed for their potential to support roosting bats. The removal of any trees which support roosts will require a European Protected Species licence. The road should be unlit, particularly where it crosses wooded boundaries.
- 6.3.5 The proposed development will result in a loss of habitat including broadleaved semi-natural woodland, scattered trees with dense scrub, dense scrub, scattered trees, scattered scrub, species poor semi-improved grassland, semi-improved neutral grassland, tall ruderal and continuous bracken. Compensation for the loss of woodland habitat is primarily proposed through management of the adjacent Great Wood ancient woodland complex. Such management should be secured in the long term (25 years) through a legal agreement/S106.
- 6.3.6 The development will result in the loss of grassland dominated habitats (c. 2.83ha) which provide moderate quality bat foraging habitat as well as habitat for invertebrates. It is noted that the semi-improved neutral grassland to be retained will be enhanced and managed in the long term with an aim to develop good quality lowland meadow. The EclA states that the area of grassland restored or created could be smaller than that lost provided it is appropriately designed and managed to be of higher quality. Ideally, habitats should be replaced on a 1:1 basis. This could potentially be achieved through landscape planting and SuDS within the residential zones, and through the provision of green (biodiverse) roofs. The latter would have additional benefits to biodiversity including reducing run-off and increasing energy efficiency.
- 6.3.7 A 15m buffer to Roughlands Wood ancient woodland is supported. The buffer should be managed as semi-natural habitat and should not include gardens, footpaths or SuDS features. A similar buffer should also be provided to Knight's Wood Meadow. The Arboricultural Impact Assessment (The Ecology Consultancy, 03/06/19) recommends the retention of a belt of trees across the centre of the Friars Wood housing zone to maintain connectivity. This is supported. Tree planting, especially within and around 'Friars Wood' should use locally native species, preferably of local provenance.
- 6.3.8 Proposed measures to reduce recreational pressure on retained and adjacent woodland are supported, as are measures to reduce the impacts of increased predation associated with housing developments.

- 6.3.9 Further comments are made with regard to specific protected species. In summary the proposed mitigation and safeguarding measures set out are acceptable. Conditions are recommended in respect of mitigation, compensation and enhancement measures. In addition the site offers opportunities for enhancement that will help the Council address its duties and responsibilities to achieve a net gain for biodiversity under the NERC Act and National Planning Policy Framework. The enhancements recommended in the EclA (restoration of the on-site pond, wildlife-friendly fencing and the provision of bird boxes) are not considered sufficient. Potential additional measures include the provision of insect and bat boxes, green roofs and walls (including retro-fitting on the Emmanuel Centre), and green fences. It is recommended that housing within the woodland in the north east corner of the site off Harrier Lane is avoided. Management of on-site and off-site habitats should be secured in the long term (25 years), preferably in perpetuity. A management agreement should be sought with the private owner of the portion of Knight's Meadow Woodland to bring the whole woodland parcel into positive management.
- 6.3.10 An overarching ecological design strategy (EDS) should be produced for the whole scheme, with an ecological mitigation strategy for each discrete phase, including the road. An EDS should address the retention and protection of existing habitats, habitat removal and reinstatement, provision for wildlife corridors, linear features and habitat connectivity, and the creation, restoration and enhancement of semi-natural habitats. Habitat creation and improvements must be started before any site clearance to minimise impacts on protected species. The long term management of retained and new habitats should be addressed through a landscape and ecological management plan (LEMP), which again, may require elements for each phase of development.

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

- 6.4.1 Has no objection in principle subject to conditions, noting that full implementation of the supporting landscape masterplan would ensure that the development would be unlikely to have a significant adverse impact on local landscape character and views.
- 6.4.2 It is noted that the access road alignments from Harrier Lane and the Spinney have been adjusted to minimise impacts on significant trees and tree groups. The spine road through the site has been aligned to follow the site contours where possible. The steep gradient across much of the site means that there would be areas of cutting and embankment along the length of the route. This extended footprint of the road and required engineering works could have a considerable impact on existing landscape features and notably trees and hedgerows. It is noted that the design intention is to use retaining walls in place of embankments to minimise the loss of trees. This would also maximise the opportunity to provide frontage development to the road and level development land. The detailed design and materials used for retaining structures would need to be of a high quality to successfully integrate into the setting.
- 6.4.3 The proposed green corridor character of the central spine road is fully supported, especially where this is reinforced with new tree planting. The green gateways into the development at the two key access points will

provide a sense of arrival and the avenue trees lining the access will add to this character. Careful species selection for these avenue trees will be important to the success of these features.

- 6.4.4 The proposals to create areas of distinct character will help to give the various elements of new estate a sense of place. This could be reinforced if each area has a unique pallet of tree species for street and amenity trees. Tree planting within gardens should not be relied on as part of the landscape masterplan for the site as residents may not want these and they could be removed in future.
- 6.4.5 There are some areas where back gardens are illustrated as backing on to the woodland areas. This could lead to issues with the houses and gardens being overshadowed by mature trees and pressure for the trees to be lopped or cut down. There is also a risk that residents will put garden arisings over fences and this could lead to invasive alien species, such as Spanish bluebell and rhododendron, spreading into the woodland.
- 6.4.6 The proposals to provide new footpath links through the woodland are fully supported. Some thought would need to go into the long term management of access to the wooded areas as open access to dogs and bikes etc. could lead to damage to the woodland soils and ground flora. Some waymarked paths and possible low level fencing to prevent open access to all of the woodland area is recommended.
- 6.4.7 Conditions should be considered to include:
- a) A detailed landscape planting scheme for the structural tree planting for access roads, street trees and public spaces.
  - b) Protection of trees and hedges to be retained on the site in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction.
  - c) Use of hard landscape materials for paving, walls and fencing which are in keeping with the local vernacular.
  - d) The use of close board fencing to external boundaries should be avoided and substituted with cleft chestnut post and rail fencing with associated native hedging.
  - e) Lighting schemes which would minimise adverse impact on dark night skies of the wider High Weald AONB.

## 6.5 County Rights of Way Officer – **NO OBJECTION**

6.5.1 Advices that access to the public footpaths should be maintained at all times. If any temporary closure or diversion is required during the development it must be subject to an appropriately made order under the Road Traffic Regulation Act 1984 and any works affecting the paths must be agreed with our offices prior to any work commencing.

6.5.2 Based on the development masterplan the two affected paths will be maintained substantially on their existing routes, with the exception of a short length of Footpath 76 which would require a diversion on approach to Harrier Lane under the suggested layout. The developer should discuss the details of any permanent diversion proposal with us prior to submitting any application for the relevant part of the development.

- 6.5.3 It may or may not be appropriate for other path links to be considered for dedication as public rights of way within the wider development. Any such proposal should also be discussed with us prior to the submission of details.
- 6.5.4 Discussions are welcomed on the improvement of the footpaths at an early stage. Support is given for their being retained largely within the green spaces running through the development. However, the nature and intensity of their use will be altered significantly and appropriate improvements to surfaces as well as potentially to other furniture is expected.
- 6.5.5 The impact of the spine road itself is limited to a single crossing required where Footpath 76 meets the road. Where the path intersects the road it would be expected that it is treated for all intents and purposes as part of the road and subject to the relevant section 38 or 278 agreements and Road Safety Assessments.
- 6.6 Lead Local Flood Authority (ESCC) – **NO OBJECTION**
- 6.6.1 Considers that the risk is capable of being mitigated to acceptable levels as outlined and conditions are recommended.
- 6.7 County Archaeologist – **NO OBJECTION**
- 6.7.1 The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response.
- 6.7.2 The proposed development is of archaeological interest due to its location within an area that has been utilised since the Mesolithic period (c. 6000BC) and adjacent to the medieval and post-medieval town of Battle.
- 6.7.3 The application includes an archaeological desk based assessment and walkover survey. This non-intrusive investigation has, unsurprisingly, not identified any unrecorded archaeological remains, but does highlight a potential for buried archaeological remains existing on the site, in particular relating to earlier prehistoric and post-medieval activity.
- 6.7.4 To clarify the archaeological significance of the site the National Planning Policy Framework does require field evaluation, but current site conditions and ecological constraints appear to inhibit this investigation; my recommended planning conditions therefore include the potential for preservation in-situ of significant buried remains identified by post-determination archaeological investigation. The applicant is aware of this potential risk, which may inhibit / restrict the development of this site.
- 6.8 Southern Water – **NO OBJECTION**
- 6.8.1 Public sewers are located within the site, their exact location requires determination and a diversion may be acceptable subject to no loss of hydraulic capacity. Sewers must be protected from construction work and there are restrictions requiring clearance distances for construction work and planting. A deed of easement and decommissioned foul sewer also lie within the site. Consent will be required for any sewer diversion. Initial investigations

indicate that SW can provide foul sewage disposal to service the proposed development. Drainage details must ensure that no groundwater or land drainage is to enter public sewers. Drainage details are required.

## 6.9 Environment Agency – **NO OBJECTION**

6.9.1 Has no objection in relation to the Spine Road subject to conditions and having assumed that the wider residential development will fall under a separate planning application. Conditions required are to include contaminated land and drainage. Any drainage strategy is to include full details for the treatment of surface water from the Spine Road prior to discharge to avoid pollution.

## 6.10 Sussex Police – **NO OBJECTION**

6.10.1 Has no detailed comments at this stage. Development should include appropriate measures for crime prevention and community safety.

## 6.11 High Weald Unit – **NO OBJECTION**

6.11.1 The HW Unit have summarised their comments and state:

*“In summary, it is noted that this is an allocated site and that the principle of development was agreed in the 2006 Rother Local Plan. In the absence of such a policy background I would be objecting to the principle of major development on such a sensitive site in a steep sided valley leading down to a wooded gill. However, in the light of its planning status I have instead identified the main issues which I consider need to be addressed either through this application or a subsequent reserved matters application.”*

6.11.2 *This is an important site for Battle but it is also a very sensitive site for the AONB. It is essential that it is developed in a way that minimises the harm to the AONB and its habitats and maximises the potential to enhance the landscape and achieve biodiversity net gain. It is hoped that the following comments will help to make this project an exemplar that Rother District Council can use to drive up the design standards for other development in the area.”*

6.11.3 The issues highlighted include reference to Section 85 of the Countryside and Rights of Way Act 2000 and paragraph 172 of the National Planning Policy Framework requiring the conservation and enhancement of the AONB, with development that is major in terms of impact on the AONB being refused except in exceptional circumstances. Their comments reference various pertinent objectives of the High Weald Management Plan. They note that *“the significant curvature of the spine road and the amount of cut and fill that will be required emphasise the challenges of developing on such a steep site, and the inevitable changes to the natural landform of the site would normally make such a development unacceptable in terms of its impact on the AONB. Given the planning status of the site the best that can be achieved is to minimise the level changes and ensure that the resulting retaining features are designed to be as unobtrusive as possible. Earth banks and gabions filled with local stone for instance rather than imposing concrete structures.”*

6.11.4 Drainage should be designed to reflect the characteristic ditches, streams and ponds of the High Weald and must avoid affecting the quantity and quality of

water entering the gill. Dwellings should be designed using low-energy building techniques and small scale renewable energy sources.

6.11.5 The High Weald Design Guide should assist in protecting the historic pattern and character of settlement and used to inform layout at reserved matters stage. Community involvement in the management of open spaces and in this case the ancient woodland should be a requirement of the s106.

6.11.6 Historic routeways, woodland, field, hedgerow, archaeology and the ecology of the site require protection against negative impacts with appropriate mitigation and compensation provided. This site has the potential for opportunities to learn and be involved with the enhancement and conservation of the AONB and individuals and the community should be encouraged to be a part of this.

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

6.12.1 Housing Development fully supports this council led planning application to support delivery of housing across the district, to include a policy compliant scheme of 35% affordable housing (policy DHG1 refers) to meet growing housing need in Battle and wider Rother.

6.12.2 A s106 legal agreement will be required to secure the affordable housing provision on this scheme to include the following;

- Total percentage of affordable housing required as a proportion of the whole scheme (35%) applicable to each landholding/site that comes forward for reserved matters.
- A minimum percentage of 65% affordable and/social rented tenure provision.
- Nomination rights confirming 100% nomination rights to the council on all initial lets and 75% of relets thereafter (to include intermediate/other low cost homeownership options where applicable).
- The homes will be required to meet the Nationally Described Space Standards (policy DHG3).
- The homes will be required to comply with Building Regulations M4 (2) Accessible & Adaptable Dwellings, where this is viable to do so. As a minimum the affordable homes should comply with these standards in view of the homes being occupied as long-term lets that need to be adaptable to the changing needs of tenant's overtime.
- A requirement that the homes should aim to achieve higher than environment and energy efficiency standards included under Building Regulations Part L, where possible and viable to do so.
- Up to 5% of the homes to be built to M4 (3) Wheelchair Accessible standards, where a need is identified from the councils Housing Register (policy DHG4) and for any possible requirement to be determined as part of the reserved matters application.
- For the affordable homes to achieve.
- The following broad percentages of the affordable housing mix to be included across the site, as follows.

Property Type	Affordable Rent %	Shared Ownership %
1 Bedroom	15	15
2 Bedroom	35	25

3 Bedroom	30	45
4 Bedroom	20	15
Total	100	100

6.12.3 All other matters to include house types, final housing mix, tenure and peppercotting of affordable dwellings individually or in small clusters will be agreed as part of the reserved matters application process.

6.12.4 Given Rother District Council is the majority landowner of the site, the Housing Development team would encourage a higher provision of affordable tenure to be agreed on this site, to optimise the social return that can be achieved by the council, providing much needed affordable homes for local people. This would however, remain subject to achieving a financially viable and deliverable scheme.

### 6.13 Planning Notice

6.13.1 35 letters of objection have been received including from the Woodland Trust and The Ramblers. The comments are summarised as follows:

- Damage to ancient woodland and veteran trees by the introduction of and increased activity from development/noise and light pollution/invasive plants.
- If permission is to be granted there should be a minimum 30m wide buffer zone to the ancient woodland.
- Inadequate details for the retention of public footpaths and access to those paths at all times, in the road design.
- Increased traffic generally throughout the area worsening existing problems
- Increased traffic in Harrier Lane will lead to further hazards especially when there is parking on the lane from the Emmanuel Centre
- The Spine Road will be a rat-run
- Will get congestion within the site
- Additional traffic in Marley Lane will worsen highway hazards and impact negatively on those that live there
- Should have more road access points into site
- Lack of parking
- Lack of connectivity with surrounding streets and footpaths
- Pedestrian access via Harold Terrace would have to cross privately owned garden land and result in disruption to the quiet cul-de-sac with security, safety and financial risks
- Will also have negative impacts on the amenities of occupiers in St Mary's Villas
- A crossing point is needed on Battle Hill to the Tesco shop
- Should limit development to 100 units to reduce traffic travelling through the town to the schools etc on its west side
- No evidence of direct access to the train station
- Increased water flows from surface water drainage could increase flood risks
- Overdevelopment
- Smaller areas of development should be used
- Development too close to boundaries and neighbouring properties
- Lack of local infrastructure
- Loss of natural habitat and species

- No allocated space for a play park
- Loss of an area greatly enjoyed by dog walkers, families and ramblers
- The town cannot cope with such an influx of people and traffic

6.13.2 14 letters of general comment have been received making the following comments:

- suggesting that a mini-roundabout be utilised at the junction of The Spinney and Hastings Road
- improvements are required to the transport infrastructure
- the road should not be a through road
- layout should preclude overlooking
- travel needs to be mitigated and use of train encouraged
- create direct access to the station
- increased community services are needed including doctors nearby to reduce travel across town
- the wildlife should be protected
- surface water drainage is a problem and requires careful detail to improve the existing situation and not make it worse
- increased parking needs to be provided
- need to include a play area
- need to make sure affordable housing is affordable
- suggest crossings are changed to pelican crossings in the town

6.13.3 1 letter of support making the following comments:

- Blackfriars has been designated for many years
- Failure to approve the proposal will result in less appropriate sites around the town being targeted for development which would further undermine the unique character of Battle

### 6.3 Battle Town Council – **OBJECTION**

6.3.1 The TC make very little comment except to say that '*Serious consideration must be given to enabling direct access from the proposed development to Battle Station in order to maximise connectivity*'.

## 7.0 **LOCAL FINANCE CONSIDERATIONS**

7.1 The proposal is for a type of development that is 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 £2,402,400.00. (143 units based on minimum size for 2 storey 3 bed = 12012sqm. Not included the 77 affordable units in that (35% of 220).)

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 £265,903 over four years, including 35% affordable units.

7.3 Construction of the spine road is the subject of a £3.24 million grant offer via the Housing Infrastructure Fund (HIF) from Homes England.

## 8.0 APPRAISAL

- 8.1 This is a development site identified within the Rother District Local Plan for a minimum of 220 dwellings. Members are advised that the site has been agreed in principle for development through the Local Plan process including a public enquiry. This assessment of the site for development concluded its acceptability and is a material consideration. This application is not considered an opportunity to re-open the debate upon the principle of development.
- 8.2 The development of the site was previously considered in 2007, RR/2007/1896/P refers, prior to the introduction of CIL and adoption of the Core Strategy and pending DaSA. As a result, the policy requirements set out in the 2006 policy BT2, have been updated. The amount of affordable housing to be provided is now 35% of the total provision; there is no requirement to provide a school within the site; contributions are now covered by the CIL payments; a pedestrian link to the railway station remains the subject of further examination with regard to feasibility and viability.
- 8.3 The main issues to be considered with regard to this new application are the alignment and detail of the spine road and its potential impacts on highway matters, the AONB landscape and ecology, drainage, neighbours and future design and layout of the residential development of the wider site.
- 8.4 The Spine Road
- 8.4.1 In accordance with policy requirements, the proposal is to construct a spine road to serve the future development of the site. The alignment of the spine road has been the subject of much discussion and negotiation between officers and the applicant, resulting in amended and additional plans being received. The site is steeply sloping in places with an overall fall of some 40 metres from its highest point at The Spinney (to the south) to its lowest point at Harrier Lane (to the north). There is a requirement for the gradient of the road to be no more than 1:10 at any point. As well as meeting this requirement, regard has also been had to the important ecological features of the site, which has severely restricted the location for breach of the hedgerows between the three parcels of land.
- 8.4.2 In order to meet the gradient requirement, the resultant road will require substantial areas of both embankment and cutting. During consideration of the application, officers raised concerns with the degree of embankment and cutting proposed. The applicant has sought to address these concerns in the amended plan, which has reduced a little the extent of embankment and cutting, as well as providing indicative cross sections with examples of how it may be possible for changes in level to be incorporated into the design of properties, for instance utilising split level units, and be contained within landscaping features. All these matters would be the subject of conditions for the design and construction details of the road and subsequent reserved matters for the housing development, if permission is forthcoming. The embankments and retaining walls are therefore unlikely to be constructed as indicated. Further comment on the implications of the spine road alignment is provided within section 8.8 below, Housing Design & Layout.

- 8.4.3 The route and alignment of the spine road is set out on amended drawing no. 7500-304 rev.C. Due to the complex topography of the site, even as amended the spine road route and construction still proposes considerable levels changes and earthworks, but nevertheless is considered to represent a best compromise with the minimal embankment and cutting necessary to achieve a gradient compliant full connecting road from the south to the north of the site. The alignment of the spine road and its gradient are considered by the Council's technical advisers to be acceptable in terms of both highway standards and minimising ecological impacts.
- 8.4.4 The amendments in drawing No. 7500-304 rev C reflect the need for the spine road plan to reference design details required as part of any conditions in the event that permission is to be granted. Any spine road to adoptable standards must incorporate pedestrian footways. Notwithstanding the location of the footways indicated on the plan, it is however envisaged and intended that those footways will be designed into the landscape and layout of the development and not simply form part of the road itself, i.e. the majority will not be located immediately adjacent to the roadway itself. Instead, the footways are to meander as part of the landscaping, separated from the vehicular route by grass verges of meaningful width, in accordance with the varying character of the streetscenes through the site, and offering a safe, pleasant and accessible route for pedestrians. The location of the footways will therefore be covered by a condition.
- 8.4.5 Additionally, it is noted that spine road design details need to incorporate key placemaking 'events' along the spine road. Officers have previously highlighted to the applicant that to avoid the highways/vehicular dominance of the spine road, we would expect such events (e.g. informal squares that the road passes through, well defined by buildings, or green open spaces) to be created at key junctions/intersections, such that the street is designed as a social space rather than a purely vehicular engineered approach. Those events should, set a frame to the surrounding development and aid traffic calming. At this stage neither the spine road itself nor the illustrative masterplan is considered to satisfactorily address this point. However, this can be covered by a condition requiring the submission and approval of details pertaining to the road design prior to its construction.
- 8.4.6 In terms of other highway matters, the accompanying transport assessment has considered the potential impacts of the development and it has been concluded that a spine road offers the best solution in terms of mitigating highway impacts outside the site, particularly with regard to Upper Lake, Lower Lake and Battle Hill. Objectors are very concerned with highway impacts and increased traffic in the area generally, requesting additional parking provisions and suggesting other highway works beyond the site. The transport assessment and discussions with the Highway Authorities (ESCC and Highways England) have not identified any requirements for additional highway works beyond the application site.
- 8.4.7 Connectivity is another matter raised by objectors and this is also a matter for policy and future detailed planning of the site. The application notes the need to maintain existing public footpaths through the site and the need to enhance pedestrian and cycle links through the site into the surrounding network. However, this is an outline application and while the need for improved connectivity is acknowledged, including links to the railway station, there are

no details at this stage. Such provisions will be required for inclusion as part of the details at reserved matters stage, having regard to the layout of any development.

## 8.5 AONB Landscape and Ecology

8.5.1 The whole of Battle is located within the High Weald AONB and hence any development anywhere within the parish will have some level of impact on the landscape character and visual appearance of the AONB. As highlighted by the High Weald Unit, national and local policy places special consideration for development within the AONB, which has the highest status of protection with regard to securing the conservation and enhancement of its landscape. The application is accompanied by a Design & Access Statement, Landscape Assessment and Ecological assessments, surveys and mitigation. All these documents consider the potential impacts and outline the considerations and proposals being employed in the alignment of the spine road and to be employed in future design and layout considerations, thereby seeking to ensure that impacts are kept to a minimum.

8.5.2 The application site while being read as part of the surrounding town of Battle, is also an essentially undeveloped steeply sided valley within the High Weald AONB. The site, being set within the valley, is reasonably contained within wider landscape views, although the higher parts to the south east corner have greater views. The south east corner and central area is of most ecological importance along with the boundary tree line around the site. There is thus a requirement for those areas to be retained and enhanced, with additional landscaping throughout any future development to maintain a more rural feel and landscape appearance. Considerable work has been undertaken in assessing the ecology of the site and a comprehensive package of requirements for mitigation, compensation and enhancement has been provided. Technical advisers from the County Council have assessed the details and subject to conditions and the provision of future maintenance and management details note that the proposals are acceptable and are compliant with both local and national policy.

8.5.3 It is acknowledged that development of the site is not without its challenges, but subject to careful layout, design, landscaping and ecological mitigation, compensation and enhancement, as envisaged within the accompanying landscape and ecological appraisals, a suitable development could be achieved. The detail of that development is not however part of this outline application and falls to be considered as reserved matters.

## 8.6 Drainage

8.6.1 Several comments have been received regarding the wetland nature of parts of the site and concerned that development could exacerbate surface water drainage issues. Future development of the site would be required to provide a scheme for both foul and surface water drainage of the site. Such a scheme would be required to ensure that development did not result in increased flood risk addressing any existing issues within the scheme. The Lead Local Flood Authority and Southern Water confirm that suitable drainage can be provided and could be accommodated by the site, subject to conditions.

8.6.2 A drainage scheme is also required for the spine road to ensure that it does not result in any flood risk elsewhere on or adjacent the site and also to ensure that it does not result in any pollution risks to the surrounding area. The details for drainage of the road are to be incorporated within the specific construction design and standards required to comply with highway requirements. Those details can be subject to conditions.

## 8.7 Neighbours

8.7.1 With exception of Roughland Wood to the north east and the intervening field to the railway to the west side, the site is surrounded by residential development. Properties on Harrier Lane and Knights Meadow are separated from the site by the intervening lane and an area of woodland and as such their residential amenities would not be directly impacted by the proposals. Similarly properties in The Spinney and Strand Meadow are separated from the developable areas of the site.

8.7.2 Properties to the south and south west are closer to the developable part of the site and as highlighted by the comments and objections received there is a potential for some impacts from the development. In terms of separation distances between properties, there should not be any direct overlooking or loss of privacy but this would be subject to further scrutiny when considering the design and layout details in the future, although the retention and enhancement of existing boundary trees and hedges should preclude impacts on neighbouring residential amenities.

8.7.3 In policy terms there is a requirement to improve connectivity of the site with its surroundings and hence the indicative master plan includes proposals to provide and improve footpath/cycle links into the surrounding area. This has given rise to objections that such permeability would raise issues of safety and security for neighbouring dwellings. While such concerns will be considered in respect of the details when known, permeability and sustainability that is achieved by the encouragement of walking and cycling is a positive factor that is at the heart of meeting the issues raised by climate change and in seeking to reduce our carbon footprint in accordance with Government guidelines.

## 8.8 Housing Design and Layout

8.8.1 The housing part of the application is for outline permission, with layout, scale, appearance and landscaping all reserved matters, to be considered in a future application. Nevertheless, the location of the road itself sets up a framework which would inevitably inform the subsequent housing layout, and an Illustrative Masterplan Vision (Drawing No. 23817A/10) has been submitted with the outline application, along with information in the Design & Access Statement, suggesting how the quantum of residential development in the outline application could be accommodated and distributed across the site.

8.8.2 Whilst the application is clear that this Illustrative Masterplan Vision is to be read as indicative only, there are a number of urban design concerns with it. In view of this information being submitted, it is important that these concerns are commented on, so that the outline application decision, if favourable, contains conditions/advice stating that the Masterplan is not approved, and moreover will not be acceptable.

- 8.8.3 These comments are in addition to the outstanding concerns regarding the nature of the 'events' on the main access road, and the location of pavements/footpaths associated with this road, as discussed in paragraph 8.4.4 and 8.4.5 of this report.

### **Overall Layout Strategy**

- 8.8.4 During the consideration of the scheme, officers have highlighted to the applicants the need for the 'spine road' to be a successful street in urban design terms, (as opposed to being merely a distributor road or through route), based on the principles of Manual for Streets, allowing for development to have a strong presence on the street, level access in the majority of instances, and active frontages, for quality placemaking. The complex topography of the site makes this challenging, though the indicative sections submitted demonstrate how split level buildings could be used to help achieve this.
- 8.8.5 The Illustrative Masterplan is only a 2-dimension plan, though accompanied by a number of indicative sketch elevations in the Design & Access Statement. This makes full assessment of the proposals on such a topographically challenging site difficult. However, while the broad strategy towards site character and place-making is strong in terms of identifying four development 'character areas' set in their existing landscape pockets, there are concerns with how this has been distilled into layout proposals.
- 8.8.6 In particular there is no clear strategy as to how the important, retained landscape infrastructure of trees and hedgerows has been used in creating meaningful public realm within the development areas. Instead much of this green infrastructure simply forms boundaries to private curtilages of plots. The central area is particularly poor, with large 'villa' blocks distributed somewhat randomly across this space, and little response to the landscape context of this pocket. This area offers potential for opening out to some green space, to offer green relief to the spine road and create a stronger sense of place and visual connection with the surrounding natural landscape, and a reduced quantum of built form here, see other comments below.

### **Housing Mix**

- 8.8.7 The housing mix will need to comply with Core Strategy policy LHN1 which sets out that larger developments should provide housing for a range of differing household types. Under the objective of securing balanced, mixed communities, it would be expected that these different household sizes would be spread throughout the site. However, the Masterplan shows a heavy concentration of apartment blocks in the central of the western 3 parcels (block 87-91, block 92-97, block 100-104, block 105-109, block 110-114, and block 115-126). This would be far too high a concentration and would not be acceptable. The density and number of units in this area of the site would need to be significantly reduced in any layout that were to be submitted pursuant to reserved matters. Meanwhile the development in the separate, eastern parcel appears to consist of low density, large plot development, again, failing to demonstrate an acceptable mix of unit sizes in that location.

### **Other Layout Issues**

- 8.8.8 The indicative layout does provide for a potentially generally good basic street network off the spine road, with a hierarchical street range of lanes and mews. However, whilst in some areas the built form appears to define the street

layout well (at least in plan form), there are other areas where the street frontage is less successful. The central parcel on the western side presently displays the poorest approach to built frontage defining the street, with the apartment blocks (discussed above) set at awkward angles to the road here. Meanwhile the southern end of the northern parcel is a particularly poor response to street frontage and topography, with multiple levels, plateaux and retaining walls, demonstrated in the sketch on page 30 of the Design & Access Statement, and would not be acceptable.

- 8.8.9 The relationships of a number of the dwellings with the importantly retained hedgerow and tree infrastructure is unsatisfactory, and greater distances of relief will be required in a number of instances, for both ecological and arboricultural reasons, and to ensure a meaningful role of the hedgerows and trees in the public realm. We would generally expect buildings to be located around at least 10m from root protection zones of trees and hedgerows. Meanwhile rear gardens are expected under DASA policy DHG7 to be at least 10m in length, and the majority of this should be useable amenity space not under the tree canopy.

### **Parking**

- 8.8.10 The parking strategy on the Illustrative Masterplan Vision is not appropriate; much of the parking is provided in large courts, very remote from the residential areas it would serve, and also appears very heavy on forecourt parking, which would not be supported due to impact on streetscene character. Parking in a reserved matters layout will be expected to be provided in a mix of ways, including on-plot driveway parking, small parking courts (depending on the suitability of levels so as to avoid substantial retaining walls) and some on-street parking 'courts' set out as open spaces/squares within a widened section of the internal streets.

### **Built Form**

- 8.8.11 The block sizes on the illustrative masterplan, along with a number of the illustrative elevations in the Design & Access Statement, (e.g. p29) show a number of long blocks which do not respond satisfactorily to the topography of the site, resulting in built-up plateaux to serve multiple units, accessed by long flights of external steps. This is not acceptable form in terms of accessibility or streetscene and place-making character considerations. Instead, buildings will need to be broken up in their massing to step up slopes and offer level access from the street and footway.

### **Summary of Housing Layout and Design**

- 8.8.12 For the interlinked reasons above, the Illustrative Masterplan and supporting information in the Design & Access Statement is unsatisfactory when assessed against a number of the Key Design Principles of Policy EN3 of the Rother Local Plan Core Strategy and does not take the opportunities for good design that runs through the policies of the National Planning Policy Framework. An amended layout strategy, retaining those positive aspects of this scheme, but addressing those as highlighted above, would need to be developed for reserved matters stage. It is possible that such amendments could impact on unit numbers. That said, this is an outline application for 'up to' 220 dwellings and officers are of the view that an appropriate quantum of well-designed development can be achieved.

## 8.9 Other Matters

- 8.9.1 The site lies within an archaeological notification area for Battle but because of the issues regarding ecology it has not been possible to undertake any clearance of vegetation to enable survey work. As such this is required to be the subject of a pre-commencement condition.
- 8.9.2 The historic importance of Battle is acknowledged and while there are many listed buildings and the town centre conservation area located to the west, the site is not attached to that historic core nor is it readily visible from that area. Even views from the top of the Abbey Tower are extremely limited and screened by the undulating and wooded nature of the landscape. As such there are no harmful impacts to the setting of the historic assets of Battle.
- 8.9.3 Objectors reference a lack of local infrastructure such as doctors and school places but this is not raised as an issue by the County Education Authority or the Care Services in their wider discussions with the Council, indeed we are advised that there is no requirement for a school on this site.
- 8.9.4 It will be noted on other large housing schemes, that the Council has sought to engage with developers and local education and training agencies to provide job opportunities and work experience for local people, via a 'local employment and skills plan'. The Council employs a Construction Skills Coordinator, within the Community & Economy Section. Such a plan would be included as a requirement within any S106 and would be considered in accordance with Policy EC1 of the Core Strategy.

## 8.10 Section 106 Contributions

- 8.10.1 In the event that planning permission is granted this would need to be subject to the satisfactory completion of a Section 106 Planning Obligation. The Community Infrastructure Levy Regulations 2010 provide three tests for Section 106 Planning Obligations. Obligations should be:
- necessary to make the development acceptable in planning term;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.

Any matter included with a Section 106 Agreement must meet all of these tests.

- 8.10.2 In this case the following requirements would be necessary under a section 106 Agreement, being considered to be related to the development, proportionate and necessary:
- **Provision of 35% affordable housing units and nomination rights (including 65% affordable rented),**
  - **Provision of and future management of the landscaping to the site including retention of woodland areas, boundary trees and new planting with public access,**
  - **Ecology mitigation and biodiversity compensation and improvements, and**
  - **Local Employment and Skills Plan**
  - **Highway works including two new vehicular accesses into the site**

## 9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 This application for the development of Blackfriars is pursuant to the policy allocation of the site for residential development. The site was allocated for housing in the 2006 Local Plan following its consideration at the Local Plan public inquiry.
- 9.2 Since adoption of policy BT2 in 2006, further review and updates of policies have taken place with the adoption of the Core Strategy in 2014 and the DaSA, submitted for adoption this year. As such the policy requirements are also updated and it is noted that the amount of affordable housing required is now 35% and that there is no requirement for a school. Financial contributions are in the main replaced by CIL payments.
- 9.3 The proposal for a single spine road is in accordance with policy requirements. This application seeks full permission for the alignment and nature of the spine road itself. Due to the complex topography of the site, even as amended the spine road route and construction still proposes considerable levels changes and earthworks, but nevertheless is considered to represent a best compromise with the minimal embankment and cutting necessary to achieve a gradient compliant full connecting road from the south to the north of the site. The alignment of the spine road and its gradient are considered by the Council's technical advisers to be acceptable in terms of both highway standards and minimising ecological impacts. It is anticipated that construction of the spine road would bring forward development of the site.
- 9.4 The mechanisms for addressing the levels changes, embankments and cuttings within the site, in order to create a successful street in urban design terms, allowing for development to have a strong presence on the street, level access in the majority of instances, and active frontages, would be the subject of conditions for the design and construction details of the road and subsequent reserved matters for the housing development. Meanwhile the appropriate locations of the footways to the spine road, and the 'events' at key junctions/intersections, (e.g. informal squares that the road passes through, well defined by buildings, or green open spaces) would be covered by conditions.
- 9.5 The application is in outline with regard to the residential development proposals of the site. While a parameters plan has been submitted to identify the development areas distinct from those areas to be retained as openspace/landscaping, the submitted master plan is 'illustrative' only, providing an indication of how the quantum of development could be accommodated on the site. A number of issues are raised with regard to the illustrative master plan and hence it is not to form part of any approved plans for the site. Since the outline application is for 'up to' 220 dwellings, however, based on the information provided and scope across the site, officers are of the view that an appropriate quantum of well-designed development can be achieved.
- 9.6 As the application is in outline with exception of the spine road, there are no details at this stage regarding connectivity through the site and into the surrounding area. Proposals for footpath and cycle links, including any connection to the railway station are still to be explored in detail in terms of

their feasibility and viability. Access to the definitive public rights of way will however, be maintained.

- 9.7 Development of the Blackfriars site remains a challenge and as noted by the High Weald Unit and others, a high quality design solution will be required with regard to character and place-making, which must carefully respond to its landscape setting, reflecting the sloping nature of the site and building in landscape and ecological mitigation, compensation and enhancement. Design will need to reflect the local vernacular in terms of street layout, building and plot disposition, built form scale and massing, and use of local materials if it is to successfully respond to and integrate with its historic environment within the AONB.

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**RECOMMENDATION: GRANT (FULL/OUTLINE PLANNING) DELEGATED SUBJECT TO COMPLETION OF A SECTION 106 AGREEMENT: FOR PROVISION OF AFFORDABLE HOUSING, LANDSCAPE/ECOLOGY WORKS AND MAINTENANCE, LOCAL EMPLOYMENT AND SKILLS PLAN AND HIGHWAY WORKS.**

**In the event that the Agreement is not completed by 10 April 2020, that permission be refused for the applicant not entering into an agreement to secure the above, contrary to the relevant policies, unless an extension of time has been agreed by the Head of Service Strategy and Planning (or delegated substitute).**

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**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.  
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. 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:  
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 as advised in Planning Practice Guidance Paragraph: 022 Reference ID:21a-022-20140306.
6. The number of dwellings permitted within the site as defined by this outline 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 drawings 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 (DaSA).

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 and the Lead Local Flood Authority. 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 (DaSA).
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 if 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 (DaSA).

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 (DaSA).

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 AONB. 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 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. 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 streetscene 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).

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.

19. Pursuant to Condition 1, no above ground works shall commence until details of pedestrian and cycle links to the surrounding area including Battle Station, and proposed measures to seek to deliver such links, including programme, have been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details.

Reason: To achieve a well-connected, accessible development in accordance with Policies BT2, EN3, and TR3 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 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) Car-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 hardstandings, 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.

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 Policy EN3 and EN1 of the Rother District Local Plan Core Strategy.

21. 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.
- 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 AONB] in accordance with Policies EN1 and EN3 of the Rother District Local Plan Core Strategy.

22. 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 AONB in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.

23. 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 AONB] in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy

24. 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) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm 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 (DaSA).

25. 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.

26. 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.

27. 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 District Local Plan Core Strategy.

28. The details of layout pursuant to Condition 1 above shall include details for the parking and turning of 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 District Local Plan Core Strategy.

29. 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.

30. Each dwelling shall not be occupied until the boundary treatments that relate to it as approved under Condition 20 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 District Local Plan Core Strategy.

31. 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.

## **NOTES:**

1. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990.

2. 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.
3. For the avoidance of doubt, the applicant is advised that the design and layout of the residential development, and elevational information submitted with the application, namely
  - Drawing No.23817A/10A, Illustrative Masterplan Vision – proposed site layout:
  - Design & Access Statement which includes the illustrative layout, written explanation, elevation sketches and illustrative sketches are not acceptable and are not approved. The site layout, internal circulation arrangements, disposition of development, public realm treatment including car-parking, and internal streetscape and elevational massing and forms of buildings, do not comply with the high quality design required by the National Planning Policy Framework and by the Rother Local Plan Core Strategy.
4. 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.
5. The following public rights of way across the site should be retained and remain accessible at all times: Public Footpaths 76 and 77b.
6. 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.
7. 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.
8. 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).
9. 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).

10. The archaeological written scheme of investigation, ensuing works and production of reports should accord with the relevant portions of the 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.
11. 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 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.