

## **BTC comments on RDC Officer report to Cabinet January-11, Agenda item 8:**

See: <https://tinyurl.com/y2lprzlz>

(paragraph numbers in this document are the same as used in the RDC appendix 1)

The RDC Officer report was delivered to the RDC Cabinet in two parts. The first included, Officer recommendations, Introduction and Analysis; then followed by comments on General conformity and other 'basic conditions' requirements. Further details under the heading Key Core Strategy policies and housing provisions followed. The Officers report then discussed Key Issues, sub divided into General, Retail and Employment policies, Housing Mix, Matters outside the remit of planning policy, Environmental/Sustainability Implications and finally a Conclusion.

The Officers report on the Neighbourhood Plan Submission concludes it is: "...well structured and well-presented with a strong evidence base. A clear commitment from the Steering Group to represent the views of the parish residents is evident from the development of the Plan after extensive community consultation. We are pleased to see the positive stance towards development and ... can largely be used effectively by a decision maker..."

Whilst the Conclusion is positive the Officers point out that *"... certain of their recommendations at Regulation 14 and beyond have not been taken into account ..."* For instance, they cite in paragraph 20 an issue about Housing Mix, and consider that the current wording *"... could undermine the strength of the Plan."*

The second part is an extensive "Appendix 1", running to 26 paragraphs is titled "Rother District Council Representations". In view of the detail therein and important comments made, BTC have responded to each paragraph, noting a mix of agreement with RDC comments and in some cases adding further detail explaining the reason for not wishing to edit the text and preferring that the Inspector considers both viewpoints equally.

### **Comments on Appendix 1 - Rother District Council Representations**

#### **1. General comments on the Neighbourhood Plan itself**

We believe there are sufficient photographs in the overall documentation.

#### **2. HD1 Development Boundaries**

Noted.

#### **3. HD2 Site Allocations**

We would agree with the reduction in the allocation of dwellings on BA32a from "up to 20" down to "up to 15" as long as this does not impact on the ability to meet the currently published outstanding residual housing targets. However we would still like to see a mix of housing similar to the existing Glengorse development.

#### **4. HD3 Housing mix**

We agree with the amendment to exclude the reference to the sole use of flats for affordable housing.

In view of this we would welcome a careful rewording of this policy by RDC so that it does not contradict policy LHN1 in the Core Strategy.

#### **5. HD4 Quality of Design**

Noted.

## **6. HD5 Protection of Landscape Character**

We are unable to agree with this proposed change because of the HW-AONB policies which apply to all sites. We see no benefit in moving the last sentence

## **7. HD6 Local Connection**

In public consultations local residents have expressed a wish for “local homes for local people”. There was also support for this in the response to AiRS survey question: *“If approved, what benefits should arise from any new development”*, over a third of respondents supported “local homes for local people”.

However, we concede that this is potentially unenforceable and therefore reluctantly agree to the removal of this policy.

## **8. HD7 Integration of New Housing**

Noted.

## **9. HD8 Protection of the Green Gaps between Settlements**

Noted.

## **10. HD9 Town Centre Boundary**

We agree that the term Town Centre should be used consistently instead of ‘main shopping area’. The designated Town Centre boundary is shown in Map 6 of the Regulation 15 Submission.

In order to clarify the last sentence of the policy we propose deleting the reference to Small Scale Dwellings so that the last paragraph reads *“New housing developments will not be supported within the defined Town Centre Boundary. However, those situated behind the High Street frontages will be considered if they conform to Battle CP Design Guidelines and the High Weald Housing Design Guide.”*

We also propose adding the following text to section 5.1.9 Policy Intent, Paragraph 3. Add a second sentence: *“As a result, the conversion of retail to dwellings at ground level will be resisted.”*

(It should be noted that there have been a number of planning applications to convert retail to dwellings at ground floor level.)

We agree with the proposal from RDC to delete the reference to “amalgamation” and add the following text to the Policy Intent, paragraph 3, as a third sentence: *“It is the intention to discourage wherever possible the amalgamation of small adjoined retail outlets into larger ones with a single large frontage, as this will detract from the current street scene.”*

Policy BA1 is already referenced under “RDC policy” section.

## **11. IN1 Traffic Mitigation**

Noted

## **12. IN2 Maintain and Improve Existing Infrastructure**

Below is the Battle Town Council response to the issues raised by RDC at Regulation 14:

*“This policy seeks to ensure that the necessary infrastructure is provided and a locally distinctive approach to development and the impact of development which forms the core of Neighbourhood Planning as set out on Part 6, Chapter 3 and Schedule 9 of the Localism Act 2011”*

We are therefore content with the policy remaining as is, due to its protective nature.

### **13. IN3 Parking and New Development**

Below is the revised entry for this policy in the Regulation 15 Plan following the representation made by RDC at Regulation 14

*“Car Parking should where possible be accommodated within the curtilage of the dwelling in the form of a garage and/or parking space and should be in accordance with East Sussex County Council Parking Standards for Development which seek to provide an appropriate level. Development proposals will be supported only if they include the appropriate level of off street parking consistent with the current East Sussex County Council standards. Developments that reduce the amount of off-street parking currently available will be supported where they make provision for equivalent off-street parking nearby.”*

The above included some minor editorial changes

Therefore we are content with the policy remaining as is because of the local needs with regard to traffic volumes and requirement to follow DG6 of the High Weald Housing Design Guide, which has been adopted by RDC.

### **14. IN4 Pedestrian Provision and Safety**

If necessary to amend, we agree with this small rewording.

### **15. Policy EN1: Local Green Space Designations**

Noted.

### **16. Policy EN2: Conservation of the Natural Environment, Ecosystems and Biodiversity**

Noted.

### **17. Policy EN3: The High Weald AONB and Countryside Protection**

We wish this policy to remain as worded in the Submission document because the suggested amendments undermine the protections afforded by the policy.

### **18. Policy EN4: Historic Environment**

Noted

### **19. EN5 Locally Important Historic Buildings, Other Structures and Other Non-Designated Heritage Assets**

Noted

### **20. ET1 Tourism and Local Economy**

We agree to amend “Bannatyne Spa and Health Club” to “Bannatyne Spa Hotel”

## 21. ET2 Sustaining Local Retail and Encouraging Employment Opportunities

This policy was introduced after Regulation 14 at the behest of RDC and was not a response to the consultation statements made by them.

Employment sites were not allocated because they were not subject to the Regulation 14 public consultation. The steering group had no basis for developing selection criteria and as a result has simply listed site offers and was unable to make any further recommendations.

In the light of the Conclusion in our report 'Battle CP Call for Sites for Retail and Employment 2020', it should be clear that the latest locally derived evidence does not support that viewpoint, which is based on a 14-year-old policy. It is our view that the RDC viewpoint which clings to the 2006 Local Plan has demonstrably been overrun by current circumstances and it is no longer appropriate for the Battle NP to cite the latter for the purpose of determining local Battle employment/retail opportunities.

Following extensive attempts to obtain a response from Jempson's - the supermarket site at the Market Square, we elicited no appetite from them for expansion of their operations or the site they lease. Similarly, for the Rutherford's site off Marley Lane, no suggestions of expansion were forthcoming - indeed we sensed a reduction of operations at that site. Nevertheless, we recognise that RDC's Acquisitions, Transformation and Regeneration department may harbour commercial aspirations for such sites (see also our response in point 10, HD9). We note that RDC state "*The continued 'saving' of the extant Rutherfords policy from the 2006 Local Plan assists to protect the parish from large scale speculative employment land development.*". However, we contend there is sufficient protection in RDC and NPPF policies to prevent speculative development and as a result we do not see a requirement to identify specific sites for development.

BTC contend that the two care home sites still constitute valid employment opportunity and more than meet the requirement for employment space, we note that this view has not been challenged in the Cabinet report.

NOTE: The RDC report to Cabinet uses the term "convenience store" in para 17. This is used in connection with "a potential Jempsons' expansion"...

We think the use of "convenience store" is very easily misinterpreted by non-local readers who might erroneously associate the traders name with a relatively small shop, open 7 days a week. Whereas Jempson's (note the apostrophe position - used correctly as in their publicity!) is a 'mid-size supermarket' (formerly a Budgens) has somewhat limited opening hours, open Monday to Saturday 6:00 am – 9:00 pm. Conversely the Co-op in the High Street is a 'small supermarket', open every day to 7:00 am - 10:00 pm and is far more akin, in most interpretations, to a "convenience store".

It must also not be forgotten that there are three other "convenience store" locations available to residents in Battle: Tesco Express on Battle Hill, which is open every day between 6:00 am - 11:00 pm; Marley Stores, open every day between 7:00 am – 9:00 pm (except Sundays 8:00 am – 9:00 pm); and Martin's (McColl's), open Monday to Thursday 6:00 am – 6:00 pm (until 7:00 pm on Friday and Saturday and 7:00 am - 2:00 pm on Sunday). Not to forget, within the Civil Parish, the Store/Post Office at Darvel Down, Netherfield, which is open 9:00 am - 5:30 pm Monday to Friday and 9:00 am - 12:30 pm Saturday mornings.

## **22. ET3 Developer Contributions**

Agreed that this policy can be removed.

## **23. ET4 Protection of Community Assets**

Below is the Battle Town Council response to the issues raised by RDC at Regulation 14:

*“The policy is intended to provide protection to the assets which meet the Local Authority’s criteria. It does not purport to apply for any ACVs and makes it clear that the Town Council will still need to apply to RDC for sites to become an ACV. The similar policy was written by our consultant for the Robertsbridge Plan which is now a ‘made’ plan.”*

Notwithstanding the above, it is acknowledged that the process of establishing an Asset of Community Value is not a planning matter but once a property is registered, it is a planning matter and we wish to cover the totality of the processes.

## **24. ET5 Community Leisure and Cultural Facilities**

Below is the Battle Town Council response to the issues raised by RDC at Regulation 14:

*“Agreed to the ideas proposed here, but we think the existing community facilities should be listed in a separate appendix because the policy deals with existing and future so it would be too confusing otherwise. The Community Aspirations highlights additional leisure and cultural facilities. The similar policy was written by our consultant for the Robertsbridge Plan which is now a ‘made’ plan.”*

An additional sentence was added to the Regulation 15 document to address comments from RDC as follows:

*“The continued investment in the community facilities of the Civil Parish, which will include the use of CIL receipts to upgrade and maintain these where appropriate to meet the identified needs of the community will be supported.”*

## **25. Strategic Environmental Assessment**

Noted.

## **26. Battle Civil Parish Design Guidelines**

We are pleased that Rother District Council find the Battle Civil Parish Design Guidelines “thoughtful and well set out”. We can see the benefit of much in the proposed specific comments and we will commission AECOM to make suitable edits that reflect the concerns expressed.

Page 6: We agree with RDC comments and this will be discussed with AECOM as detailed above.

Page 12: We agree with RDC comments and this will be discussed with AECOM as detailed above.

Page 38/39: We agree with RDC comments and this will be discussed with AECOM as detailed above.

Page 42: However, we do not agree with the suggested RDC amendments for the ‘Permeable Pavement’ text and propose that this is strengthened by more reference to the High Weald Housing Design Guide, particularly as the major development in Battle at Blackfriars is on a slope where surface drainage will be an important issue.

Page 43: We agree that these are generic photographs but are examples of what should be achievable in future Battle developments, an example being the reserved matters for a North Trade Road development (RR/2020/2276/P), which includes bin storage areas. There is a need to make reference to DG8 in the High Weald AONB Housing Design Guide.

Page 44: We note your concerns and will discuss this with AECOM.

Page 50: We agree with this comment and will ask AECOM to amend accordingly.