

For: Planning Committee South
Date: 28 May 2020

WD/2019/1575/MAO - LAND EAST OF NORTH STREET, LOWER HORSEBRIDGE, HAILSHAM, BN27 4DR

Summary of Proposal

Major Application - Outline application for:-

OUTLINE APPLICATION FOR UP TO 130 RESIDENTIAL UNITS INCLUDING ACCESS (ALL OTHER MATTERS RESERVED)

Received date: 1 October 2019
8/13 week date: 31 December 2019

Parish: Hellingly
Ward: Hellingly
Grid Ref: 557876 111586

Link to website:

<http://planning.wealden.gov.uk/plandisp.aspx?recno=146904>

<https://council.wealden.gov.uk/ieListMeetings.aspx?CommitteeId=660>

Recommendation

Subject to:

- 1) The completion of a legal agreement to secure
 - 35% affordable housing;
 - 5% serviced plots for custom and self-build units;
 - Financial contribution towards off-site provision of youth and adult recreation space;
 - Offsite highways as scheduled in ESCC Highways consultation response;
 - Travel Plan and monitoring fee as scheduled in ESCC Highways consultation response;
 - Traffic Regulation Order and fee as scheduled in ESCC Highways consultation response;
 - Retention of open space in perpetuity with open space to be offered to Hellingly Parish Council with commuted sum for maintenance which will be calculated in accordance with the provisions of the draft SPG Outdoor Playing Space.

Outline planning permission BE GRANTED, subject to the following conditions

1. Permission is granted subject to the subsequent approval by the Local Planning Authority of the detailed particulars of the layout, scale and appearance of the buildings to which this permission relates, and the landscaping of the site before any development is commenced, such matters being reserved from the permission. STD1A

REASON: To meet the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. (a) Application for approval of the matters reserved for subsequent approval must be made to the Local Planning Authority no later than the expiration of three years beginning with the date of the grant of this outline permission; and

(b) the development to which this permission relates must be begun no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. STD3

REASON: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

3. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. AR01

REASON: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the requirements of SPO2, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and paragraph 189 of the National Planning Policy Framework 2019.

4. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 5 to the written satisfaction of the Local Planning Authority. AR03(M)

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, coupled with the requirements of paragraphs 189 - 199 of the National Planning Policy Framework 2019.

5. No work shall be carried out on site for the development hereby approved, until full written details for a Code of Construction Practice has been submitted and approved in writing by the Local Planning Authority. The Code of Construction Practice should detail good practice measures for site working to mitigate potential impacts from construction including protection of retained features and surface water bodies on or adjacent to the site, contractors compound, storage areas for plant, machinery and materials, control of run-off, application of design controls for construction equipment and construction vehicles, vehicle routing and associated signage, off-site contractor parking, wheel washing facilities, sheeting of lorries during transportation of construction materials, provision of water sprays during delivery and dumping of sand and gravel, mixing and batching on wet rather than dry aggregate materials, minimum drop heights to be used for continuous and batch drop activities and waste disposal. The approved Code of Construction Practice shall be implemented throughout the period of work on site. C04 (M)

REASON: In the interests of and for the safety of persons and vehicles on the site and/or adjoining road and to minimise loss of amenity to adjoining properties and minimise potential for environmental impact having regard to Saved Policies EN27 and TR3 of the adopted Wealden Local Plan.

6. During the construction phase of the development, no works shall take place other than within the hours Monday to Friday 0800 to 1800 hours, Saturday 0800 to 1300 and not at all on Sundays or Bank Holidays. All works including the control of dust, shall ensure compliance with guidance found in the following:

British Standard (BS) 5228-1:2009 + A1:2014 - Code of practice for noise and vibration control on construction and open sites.

REASON: To protect residential amenity, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 180 of the National Planning Policy Framework 2019.

7. Prior to the commencement of development, an air quality assessment shall be carried out by a suitably qualified person for the proposed development. The assessment shall be submitted to and approved in writing by the Local Planning Authority.

The assessment should consider the impact of the proposed development on the air quality objectives described in the National Air Quality Strategy with respect to nitrogen dioxide, PM10 and PM2.5 particulates.

For the construction phase, an assessment should be undertaken of the potential for dust nuisance, using the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction.

For a quantitative assessment of the operational phase, detailed modelling using ADMS-Roads to determine the impact of the development on existing air quality is required. This should include assessment of the cumulative impacts from the development itself and other committed developments in the vicinity, on existing air quality.

Where possible, verification of the model output should be made through a comparison of the results of any publically available monitoring data in the study area.

To inform the background concentrations used within the model, the results of local monitoring and the available DEFRA maps should be used. Reductions in background concentrations and emissions in future years should not be used, to reflect the findings of recent research.

The significance of impact should be described with reference to the EPUK/IAQM (May 2015) Land-Use Planning & Development Control: Planning for Air Quality document, and the Air Quality and Emissions Mitigation Guidance for Sussex Authorities (2013).

All mitigation measures deemed necessary shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

REASON: To protect residential amenity and the environment, having regard to Saved Policy EN27 of the adopted Wealden Local Plan, coupled with the requirements of paragraph 180 of the National Planning Policy Framework 2019.

8. Before preparation of any groundworks and foundations of the development hereby approved, a detailed scheme of hard and soft landscaping and a programme for its implementation including the provision for the reinforcement of existing vegetated boundaries of not less than 5m with native tree and shrub planting to provide screening between the development and the site boundaries, equipped children's play space, and amenity space shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall be retained thereafter for those purposes only.

These details shall include full plans and specifications of proposed boundary treatments, proposed finished levels and contours, hard surface finishes, details of any retaining walls, steps, railings, walls, gates or other supporting structures, car parking layouts, other vehicle and pedestrian access and circulation areas, minor artefacts and structures (e.g. street furniture, refuse and other storage units). The information shall also include indications of all existing trees and hedgerows on the land, including those to be retained, together with measures for their protection which shall comply in full with British Standard 5837:2012, "Trees in Relation to Construction" in the course of the development, together with a scheme for the subsequent maintenance of any trees, shrubs and hedges retained on the site and any proposed to be planted as part of the approved landscaping scheme. Soft landscape details shall include planting plans, written specifications, schedules of plants - noting species (which should be indigenous), planting sizes and proposed density.

All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the associated building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping comprised in the approved details of landscaping shall be carried out before the first occupation of the associated building(s), or the completion of the development whichever is the sooner. LA05(M)

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of paragraphs 127 and 170 of the National Planning Policy Framework 2018.

9. Before preparation of ground levels of the development approved by this permission a scheme for the provision and implementation of foul drainage works shall be submitted and approved in writing by the Local Planning Authority. Such works shall be implemented to the reasonable satisfaction of the Local Planning Authority before the associated buildings to which they relate are occupied. Any works required to upgrade the infrastructure sufficiently to provide capacity for the new development shall be undertaken prior to acceptance of the development's foul sewerage. DF02(M)

REASON: To protect water quality and to secure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy CS2 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 163 of the National Planning Policy Framework 2019.

10. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways. Prior to being discharged into any watercourse, surface water sewer or soakaways system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies and silt traps to BS 5911:1982 with an overall capacity compatible with the site being drained and shall be retained thereafter.

REASON: To prevent pollution of the water environment in accordance with Saved Policy CS2 of the adopted Wealden Local Plan, coupled with the requirements of paragraphs 155, 163 and 165 of the National Planning Policy Framework 2019, and the Wealden Design Guide, Chapter 4, Sections 8 and 9.

11. No development shall take place until full details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall be provided in accordance with the approved details before first occupation of the development. DS02

1. The detailed surface water drainage drawings and calculations shall include the following:

- a. Surface water runoff from the proposed development shall be limited to 5 l/s for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) shall be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
- b. The details of the outfall of the proposed attenuation pond and how it connects into the watercourse/sewer/drain shall be submitted as part of a detailed design including cross sections and invert levels.
- c. Details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
- d. Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority. This should also include details of how

the existing overland surface water flows have been intercepted and managed along the site boundaries and adjoining land (including between the site and North Street). This should show that interception swales are located in communally managed land and will not be the responsibility of single householder. A plan showing the easements which will be provided shall be included with the detailed design.

2. Prior to the construction of the outfall, a survey of the condition of the ditch/ordinary watercourses and culverts which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse shall also be included and, if approved by the Local Planning Authority, implemented accordingly.

3. A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

4. Details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

5. Prior to occupation of the development, evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

REASON: In order to secure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy CS2 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 155, 163 and 165 of the National Planning Policy Framework 2019.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a wildlife management plan for the protection of bats, badgers, reptiles and birds including full details of the mitigation and enhancement proposals to protect them from any harm likely to be caused by the development both during construction and operation. All works shall then proceed in accordance with the approved mitigation and enhancement proposals with any amendments agreed in writing by the Local Planning Authority.

REASON: To ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to SPO1, SPO2, WCS12 and WCS14 to the Wealden Core Strategy Local Plan 2013 and paragraphs 118, 127, 170 and 175 of the National Planning Policy Framework 2019.

13. During the construction phase, no works arising from the use of machinery, vehicles or power tools shall take place other than within the hours Monday to

Friday 0800 to 1800 hours, Saturday 0800 to 1300 and not at all on Sundays or Bank Holidays.

REASON: To protect residential amenity, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 180 of the National Planning Policy Framework 2019.

14. The new vehicular access shall be in the position shown on the approved plan and laid out and constructed in accordance with the requirements of the Local Highway Authority. HW09(M)

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 109 of the National Planning Policy Framework 2019

15. No part of the development shall be occupied until a visibility splay of 2.4m by 120m has been provided at the proposed site vehicular access onto North Street in accordance with the approved plans. Once provided the splays are to be cleared of all obstructions exceeding 600 mm in height and kept clear thereafter. HW16

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 109 of the National Planning Policy Framework 2019.

16. The new estate roads shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to subsequent adoption as a maintainable highway and the works phased with the progress of building construction to the approval of the Local Planning Authority. HW05

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 109 of the National Planning Policy Framework 2019.

17. No development hereby approved shall commence until details setting out the methodology and timetable for the on-going surveying and monitoring of the condition of North Street and the immediate highway network to demonstrate the condition of the roads prior to the commencement of works, during construction works and following completion of the development has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Should the Local Planning Authority consider, in consultation with the Local Highway Authority, that remedial measures are necessary as a result of considering the final monitoring report, they shall give written notice to the developers. Within one month of receiving such written notice from the Local Planning Authority, the developers shall submit a scheme of construction works for the necessary improvements to meet the Local Highways Authority's reasonable requirements and a programme for the implementation of the improvements shall be submitted and approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details and programme of works to the satisfaction of the Local Highway Authority.

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 109 of the National Planning Policy Framework 2019.

18. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level and directional and has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall show predicted light levels at neighbouring residential properties. The artificial lighting to the development shall conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E2 contained within Table 2 of the Institute of Lighting Professional's Guidance for the Reduction of Obtrusive Lighting 2012 and comply with the guidance contained in the Bat Conservation Trust's guidance "Bats and Lighting in the UK" May 2009.

The scheme shall be implemented in accordance with the approved details and retained thereafter. EL02

REASON: To preserve the rural and residential amenities of the locality having regard to Saved Policies EN27 and EN29 of the adopted Wealden Local Plan, coupled with the requirements of paragraphs 127 and 170 of the National Planning Policy Framework 2019 and the Wealden Design Guide, Chapter 3, Section 18; Chapter 8, Section 7.

19. No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, topped, lopped or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the Local Planning Authority:-

(i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.

(ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.

(iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.

(iv). No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.

(v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.

(vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'. TP02

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN12 and EN14 of the adopted Wealden Local Plan 1998, coupled with paragraphs 18, 127 and 170 of the National Planning Policy Framework 2019 and the Wealden Design Guide, Chapter 3, Section 6.

20. This planning decision relates solely to the information contained within the application form, the following plan(s) and (where appropriate) documents:

Ref. Date Stamped. STN4

To be completed post committee

REASON: For the avoidance of doubt.

The local planning authority's reasons for its decision to grant planning permission are set out in the officer's report which can be viewed on the Council's website at www.planning.wealden.gov.uk

NOTE: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

NOTE 1: The developer is required to contact the Council as Street Naming & Numbering Authority, in writing, enclosing a site layout plan and the commencement of work on site, to agree a scheme of house/street naming and numbering, and for the allocation of postcodes. Please contact the NLPG Officer, IT Department, at the above address. STN8

NOTE 2: The applicant is advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a

user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads. STN13

NOTE 3: The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. NCN1

NOTE 4: A formal application for connection to the public sewerage system is required in order to serve this development. For further advice, please contact:

Southern Water
Sparrowgrove House
Sparrowgrove
Otterbourne
Hampshire
SO21 2SW
Tel 0330 3030119
www.southernwater.co.uk

NOTE 5: The applicant is advised of the need to consult East Sussex Fire Service regarding the provision and location of fire hydrants within the development.

Reason for Referral

This application is being referred to this Committee as it falls outside the scheme of delegation.

Executive Summary

The application is for outline planning permission for the construction of up to 130 dwellings with all matters of detail, apart from access, reserved for subsequent approval. This application therefore deals solely with the principle of housing and the means of access.

The current application seeks permission for an additional 20 units over the extant outline planning permission approved under WD/2016/1948/MAO which was granted for 110 units in February 2019.

The application site lies within open countryside as defined by the Local Plan and has therefore been advertised as a 'departure' application.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that determination must be made in accordance with the plan unless material considerations indicate otherwise. The current development plan for the area in which the application site is located comprises the policies of the Wealden Local Plan 1998 which were saved in 2007, the Core Strategy Local Plan which was formally adopted on 19 February 2013 and the Affordable Housing Delivery Local Plan adopted in May 2016.

The Council cannot demonstrate a five-year supply of deliverable housing land and there is a clear need for housing within the housing market area, including a need for affordable housing.

The site is contrary to Saved Policies GD2 and DC17 of the adopted Wealden Local Plan 1998, by virtue of its location outside the development boundary as set out on the proposals map of that plan. These policies, which restrict development in the countryside, were based on an assessment carried out in 1998 of the housing requirements up until 2004. In the absence of a five-year housing land supply the effect of these policies, which seek to restrain new development to land within the settlement boundaries, would be to restrict the supply of housing and prevent local housing needs being met. On this basis the issue of housing delivery is considered to be a significant material consideration in favour of the application that outweighs the policy conflict with GD2 and DC17. On this basis, it is the officer's view that very limited weight should be given to these two policies in the consideration of this application.

The application accords with the three objectives of sustainable development: economic, social and environmental. The development would bring economic benefits, delivering and supporting jobs on and off site. The economic benefits would also include spin-off benefits to other businesses in the area and supporting those local services within the locality. The proposals would help deliver much needed housing including affordable housing to meet housing requirements in the district and locally needed affordable homes thereby meeting the social role. It is considered that subject to appropriate detailed design which would be determined through subsequent reserved matters application(s) and condition discharge that the development could provide an acceptable development. Having regard to Paragraph 109 of the NPPF it is not considered that the development would have an unacceptable impact on highway safety or that the likely residual cumulative impact of development would be 'severe', and therefore there are no reasons in transport terms to justify a refusal. Whilst occupants of neighbouring properties would see the proposed development, detailed design will ensure there is sufficient separation for their living conditions not to be adversely affected by overlooking or overshadowing. Furthermore, reinforcement of existing boundaries with new planting, secured through condition, will protect the amenity of both existing residents and prospective occupiers. Ecological mitigation and enhancements will be provided within the site. The development therefore meets the environmental role.

Whilst the site encompasses land within Flood Zones 1, 2 and 3, the actual residential development is contained completely within Flood Zone 1. The LLFA have advised that the proposal is capable of managing flood risk effectively, subject to conditions.

Concerns about impacts on existing infrastructure and services are not considered to weigh against the proposal. The development will be liable to CIL payments which will provide revenue to the Council's revolving infrastructure fund that can then be utilised to assist in providing additional services for the area.

To conclude, the development accords with all the relevant planning policies in the adopted development plan with the exception of the two policies GD2 and DC17, which for the reasons set out above, are given very limited weight.

Subject to the completion of a legal agreement and the conditions set out in this report, it is recommended that outline planning permission is GRANTED.

1. Statutory Bodies and Residents - Responses

Highway Authority

NO OBJECTION

Summary Position

NO OBJECTION subject to conditions.

First Consultation Response

OBJECTION due to insufficient information.

Executive Summary

The site has extant consents for 32 and 110 dwellings. The highway aspects of these previous proposals have been considered and all matters agreed. The relevant planning permissions are: WD/2016/1948/MAO – outline consent for 110 dwellings WD/2017/1971/MAJ – full consent for 32 dwellings.

Local modelling

The transport assessments that supported the previous application for 110 dwellings included impact assessments for 120 dwellings at two key off-site junctions, the B2104/A271 to the south of the site and the B2104/A267 to the north. The results of the assessment indicated that the proposed development would result in some additional traffic using these junctions; however, the impact would not have a detrimental effect on their functionality and both junctions would continue to operate satisfactorily and well within capacity.

The proposed access into the site onto North Street was also assessed and the results indicated that the junction would operate well within capacity with no issues with queuing traffic.

No future year assessments of the junctions were undertaken; however, given the spare capacity available the assessments were considered to be robust and therefore at the time provided sufficient satisfaction that the junctions would continue to operate within capacity in future year scenarios.

The SWETS model used to assess the impact of the Wealden Local Plan development proposals on the operation of the study area highway network has been updated since the previous applications to develop this site were submitted, and the model now includes the housing land allocations as set out in the Draft Local Plan. Therefore, in order to demonstrate that local junctions can operate satisfactorily in 2028 we would expect local modelling of the site access and the nearby junctions to be carried out as part of the proposal using traffic flows taken from the SWETS model data.

Strategic modelling

This proposal is an outline planning application for the erection of up to 130 dwellings (additional 20). It is acknowledged that the impact of this development alone is unlikely to be severe; but this quantum of development has not been assessed in the SWETS model and therefore the strategic cumulative impacts of the development when considered in conjunction with other LP sites are unknown.

This is particularly important as WDC have confirmed that this is an allocation site and is unable to draw on the windfall allowance in this Middle Super Output Area. We therefore expect WDC to refuse the application and as such there may be no need for further strategic assessment at this time.

Recommendation

As submitted, the application attracts an objection from the Highway Authority as the proposal fails to demonstrate that the development traffic can be mitigated fully. Should the above assessments, if carried out, indicate that the impact of the development could be satisfactorily mitigated through site specific measures, those put forward as part of the proposal and those identified in the Wealden Local Plan Transport Study (WLPTS), the County Council's position is likely to be that the impact of the proposed development is acceptable, subject to appropriate conditions.

Also Policy SWGA 35 -Proposals for development on Land at Lower Horsebridge, indicates that amongst others the following off site infrastructure is required to mitigate the impacts of development:

- Boship Roundabout improvements being delivered.
- Transport improvements relating to affected local roads, as identified in transport studies, will be required before the completion of development at Lower Horsebridge, or at such time as agreed with the Highways Authority, in order to mitigate the impact of development on the local road network. These include:

Hempstead lane roundabout; Introduction of an express bus service between Hailsham – Polegate Eastbourne;
Hailsham – Polegate – Eastbourne Movement and Access Corridor (MAC);
A22 corridor (west of Boship) junction improvements;
Outcomes of MASHH 2 Study; and
Outcomes of A271, A267, A26 and A22 Corridor Studies;

We would therefore also wish for any grant of consent to include a condition preventing any occupancy of the development until confirmation of the full funding arrangements for the delivery of the above improvement works.

Planning Status

Policy SWGA 34 Land to the East of North Street, Lower Horsebridge states that proposals for development on land allocated east of North Street, Lower Horsebridge (LH) will only be permitted where they provide for up to 110 dwellings in total.

The proposal is for the provision of 130 dwellings on the site. However, this is an allocation site and is unable to draw on the windfall allowance in this Middle Super Output Area and we therefore expect WDC to refuse the application. Notwithstanding this I comment as follows:

Access

The development will be served by the previously approved access road junction to North Street. Planning application 2016/1948 was originally submitted for a proposal for 120 dwellings with 2 access road junctions to North Street. This was subsequently amended to 110 dwellings with a single point of access.

It is now proposed that the development would be served by a single point of access to the north of the site. The access will have a carriageway width of 5.5m with 7.5m kerb radii. This is considered to be appropriate for a development of this type.

The stretch of road serving the site is subject to a 40mph speed limit and with this in mind the visibility splay requirements for a new access are 2.4m x 120m in each direction.

The visibility to the south of the proposed access is restricted by the trees within the highway verge. A splay measuring 2.4m x 120m can be still be achieved to the carriageway centre line; however, the sight line when measured to a point 1m in from the nearside carriageway edge falls significantly below this distance. An appropriate sight line can be achieved to the north of the access providing the sign within the highway verge is relocated.

In order to ensure that appropriate sight lines can be provided either side of the proposed access points it will be necessary to extend the 30mph to the north of the site. Ideally the new speed limit will continue beyond the school to the north

of the site and up to the junction with the A267; however, to determine whether this would be feasible and to assess what ancillary features would be required to support the new limit it will necessary to establish existing vehicle speeds on North Street. Two speed surveys will therefore need to be undertaken in the vicinity of the site frontage and also at a suitable location on the stretch of road approaching the school. This will require further investigations and discussion with the ESCC Road Safety Team. The extension of the speed limit would also require a Traffic Regulation Order (TRO).

2m wide footways will be provided on either side of the site accesses and these will link to the existing pedestrian facilities on North Street. Dropped kerbs and tactile paving are required across the site access in order provide a suitable crossing point for pedestrians.

The access has been subject to a Road Safety Audit. The audit raised some issues; however, I am satisfied that these can be addressed by extending the 30mph speed limit and providing appropriate visibility splays as suggested in the Designers Response.

Overall I have no major concerns regarding the proposed site access; however, this is subject to the above comments and recommendations being taken into account. It should also be noted that the access will require constructing in accordance with the County Councils specification with all works carried out under the appropriate license or legal agreement.

Traffic Generation and Highway Impact

The transport assessment that supported the planning application for 110 dwellings (WD/2016/1948) included impact assessments for 120 dwellings at two key off-site junctions.

The A267/B2104 junction to the south of the site was modelled and the results of the assessment indicate that, without the proposed development, the junction operates within capacity with the highest Ratio of Flow to Capacity (RFC) being 0.600. With the proposed development in place the junction would continue to operate satisfactorily with a maximum RFC of 0.658.

The A271/B2014 junction to the north of the site was also modelled and the results of the assessment indicate that, without the proposed development, the junction operates within capacity with the highest RFC of 0.623. With the proposed development in place the junction would continue to operate satisfactorily with a maximum RFC of 0.649.

The proposed access into the site onto North Street was also assessed and the results indicated that the junction would operate well within capacity with no issues with queuing traffic.

The proposed development is for 130 dwellings. Using the traffic generation rates that previously agreed for the previous applications the development proposal will result in an increase in traffic generation above the previously assessed

development (120 dwellings) of 6 two-way traffic movements in each AM and PM Peak hour.

The Highway Note submitted as part of the proposal argues that 'these minimal increases in traffic activity at peak times will not materially impact on or change the results of the previous capacity assessments at the off-site junctions or the site access road junction. It is likely that background traffic in the vicinity will have increased through the completions of residential developments within the Hailsham area but many of these developments have themselves included transport interventions either directly (as part of the development) or via funding through S106 and CIL contributions towards the package of transport improvements that are tied to the Hailsham development areas.'

In order to enable a consistent approach to the assessment of the development traffic impact of sites allocated in the Wealden Local Plan in the Hailsham and the South Wealden area traffic modelling is required using the SWETS model. This has not been carried out and there is also a lack of detail relating to the proposed access to the site and the development's impact on roads and junctions in the immediate vicinity of the site.

Therefore, in order to demonstrate that local junctions can operate satisfactorily in 2028 we would expect local modelling of the site access and the nearby junctions to be carried out as part of the proposal using traffic flows taken from the SWETS model data.

Also, this quantum of development has not been assessed in the SWETS model and therefore the strategic cumulative impacts of the development when considered in conjunction with other LP sites are unknown. In order to assess this impact the SWETS model would need to be run with the additional traffic from the 20 dwellings added; however, we expect WDC to refuse the application and as such there may be no need for further strategic assessment at this time.

Parking

Car parking would be required in accordance with the East Sussex County Council Parking Standards, should this development be approved. The level of parking required will need to be in accordance with results obtained from the ESCC Parking Calculator which is based on local car ownership levels and includes an allowance for visitor parking.

Based on a development of 130 dwellings with the following mix; 37 x 1 bed flats, 24 x 2 bed houses, 61 x 3 bed houses and 8 x 4 bed houses the level of parking required is 247 spaces (199 allocated and 48 unallocated).

This calculation assumes that at least one parking space is allocated to each flat or two bedroom house and two spaces per dwelling for houses with three bedrooms or more.

Parking spaces would need to meet the required minimum dimensions to be counted towards the overall provision. The minimum sizes are as follows:

Parking Spaces: 2.5m x 5m

Car Ports: 2.8m x 5m

Garages: 3m x 6m or 3m x 7m if cycle storage is included.

It should be noted that garages only count towards 1/3 of a parking spaces regardless of size.

Cycle Parking

Safe, secure and covered cycle parking facilities need to be provided at new developments and are equally important as car parking, as cycling has the potential to replace shorter car journeys. The level of cycle parking will need to meet the requirements of the East Sussex County Council standards which are 1 space per unit for one & two bedroom dwellings and 2 spaces per dwelling with three bedrooms or more. If communal storage is provided for flats then 0.5 spaces would be required per unit.

Internal Layout

As an outline application the layout of the site has not been considered in detail as part of this application. Should planning consent be granted then ESCC would require the development to be designed in accordance with the principals of the Manual for Streets to ensure a permeable development that meets the needs of pedestrians, cyclists, service vehicles and cars. Any design submitted will also need to be subject to independent safety audit procedures.

Based on the indicative layout provided I would like to make the following comments and observations:

- Clarification would be required regarding the extent to which the internal layout will be put forward for adoption.
- Tracking drawings are required using appropriate sized refuse vehicles. The guidance provided in the Good Practice Guide for Property Developers – Refuse and Recycling at New Residential Developments within the Wealden and Rother Areas should also be taken into account.
- The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards
- We would not wish to adopt the car parking areas.
- Further information would be required regarding the surfacing, drainage and lighting within the site.
- A minimum width of 5.5m is required for the main 'loop road'.
- A minimum width of 4.8mm is required for the linking roads.
- Confirmation is required as to whether the small loop road surrounding the water attenuation pond is to be one-way.

Road adoption would be secured though a s38 agreement. The extent of the highway adoption would have to be agreed, and would depend on the emerging layout at reserved matters stage. A full safety audit on the internal road layout should also be completed along with agreed lighting and highway drainage

proposals. This element of the proposal can be considered at Reserve Matters stage.

Accessibility

The links for pedestrians between the site and the local shop and bus stops are generally good; however, the stretch of footway on the east side of North Street between the access serving the site and the facilities to the south is narrow and overgrown and requires upgrading as part of the proposal. The improvements required should provide a footway with a minimum width of 1.8m and this should link with the existing pedestrian facilities to the north and south of the site. In order to improve connectivity to the nearby bus stops I would also wish for pedestrian crossing points to be provided on North Street to the south of the site and on Lower Horsebridge Road to the west of the junction with the B2104. The crossing points should consist of dropped kerbs and tactile paving; however, their exact location will require further investigation.

This development is well-located to existing bus routes with service 51 (to Eastbourne, Hailsham, Heathfield and Tunbridge Wells) along Lower Horsebridge Road currently providing a reasonable level of service (half-hourly Mon-Sat daytime and hourly on Sundays).

In addition, service 54 from stops on the A271 offers an hourly service to Eastbourne, Hailsham and Eastbourne. These current service 54 stops do not meet accessibility standards. Ideally the east-bound moved to a new position on the A271, east of the junction with Lower Horsebridge Road, thereby providing service users with a common boarding point for both services 51 and 54 in the direction of Hailsham and Eastbourne. Consideration should be given to moving the westbound bus stop on the A271 too, in conjunction with providing a safe pedestrian crossing point. Apart from accessibility measures for these A271 bus stops, bus shelters and real time information displays should also be provided.

I would also expect this development to make its contribution to the Hailsham - Eastbourne Movement and Access Corridor (MAC). This is a vital in terms of bus priority to ensure reliable sustainable transport options due to the significant increase in traffic volumes and congestions, resulting from new developments in this part of Wealden.

Taking the above observations into account the site is not ideally located from an accessibility perspective; however, with a store/post office, a public houses and adequate bus service in close proximity the proposal could not be refused on accessibility grounds especially as pedestrian links will be improved as part of the development.

Travel Plan

A Travel Plan will be required for this development and this will need to be secured by legal agreement (Sec106). The legal agreement will need to secure the following:

- The agreement of a “measures” approach which; a) specifies targets/outcomes; and, b) identifies specific measures designed to achieve the agreed targets/outcomes and c) identifies the remedies and/or sanctions that shall be applied if the targets/outcomes are not achieved.
- The appointment of a Travel Plan Coordinator to coordinate implementation of the TP and take responsibility for achieving targets including handover arrangements from the developer to a management or residents’ group.
- The completion of the appropriate monitoring reports, including multi-modal travel surveys to be carried out for five years following occupation/operation of the Development based on the standard survey requirement in East Sussex, i.e. a Level 2 TRICS survey (known in this context as SAM: Standard Assessment Methodology).
- 6 months free bus travel to new residents, following by a further period of 12 months discounted travel. This can be arranged by the developer directly with the bus operator.
- The payment of a Travel Plan Audit fee of £6000 (Six thousand pounds).

Construction Traffic

Should consent be granted then careful consideration would need to be given to how the site can be built in a safe manner minimising disruption as much as possible.

Conclusion

As submitted the details provided are insufficient to be acceptable from a highway perspective. With this in mind I object to the development proposal for the following reason:

Insufficient information

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of the impact on the surrounding highway network and would not therefore give rise to increased hazards to highway users.

We also expect WDC to refuse the application; however, if WDC decide to support the proposal and the above assessments, once carried out indicate that the impact of the development could be satisfactorily mitigated, the County Council's position is likely to be that the impact of the proposed development is acceptable, subject to conditions to secure any necessary mitigation works and also the conditions recommended as part of the original planning application for 110 dwellings.

Also Policy SWGA 35 -Proposals for development on Land at Lower Horsebridge, indicates that amongst others the following off site infrastructure is required to mitigate the impacts of development:

- Boship Roundabout improvements being delivered.
- Transport improvements relating to affected local roads, as identified in transport studies, will be required before the completion of development at Lower Horsebridge, or at such time as agreed with the Highways Authority, in order to mitigate the impact of development on the local road network. These include:
 - Hempstead lane roundabout;
 - Introduction of an express bus service between Hailsham – Polegate
 - Eastbourne;
 - Hailsham – Polegate – Eastbourne Movement and Access Corridor (MAC);
 - A22 corridor (west of Boship) junction improvements;
 - Outcomes of MASHH 2 Study; and
 - Outcomes of A271, A267, A26 and A22 Corridor Studies;

We would therefore also wish for any grant of consent to include a condition preventing any occupancy of the development until confirmation of the full funding arrangements for the delivery of the above improvement works.

Second Consultation Response

NO OBJECTION subject to conditions:

Following my objection the highway impact of the development proposal has now been assessed using the data within the SWETS traffic model. As recommended the junctions assessed are as follows:

- Site access junction with B2104 North St
- A267 with B2104
- A271 with B2104

The assessments consider the original 110 dwelling consent and the full 130 dwelling proposal in the modelled forecast year of 2028.

The assessment demonstrates that in all scenarios the tested junctions continue to function well within their theoretical capacity. With this in mind I have no major concerns regarding the developments impact on these junctions from a highway capacity perspective.

My objection is therefore withdrawn; however, due to the accumulative impact of this and other developments in Hailsham we would also wish for any grant of consent to include a condition preventing any occupancy of the development until confirmation of the full funding arrangements for the delivery of the following off site infrastructure to be provided to mitigate the impacts of development:

- Boship Roundabout improvements being delivered.
- Transport improvements relating to affected local roads, as identified in transport studies, will be required before the completion of development at Lower Horsebridge, or at such time as agreed with the Highways

Authority, in order to mitigate the impact of development on the local road network. These include:

- Hempstead lane roundabout;
- Introduction of an express bus service between Hailsham – Polegate - Eastbourne.
- Hailsham – Polegate – Eastbourne Movement and Access Corridor (MAC);
- A22 corridor (west of Boship) junction improvements;
- Outcomes of MASHH 2 Study; and
- Outcomes of A271, A267, A26 and A22 Corridor Studies;

In addition to the above, should the Planning Authority be minded to approve the application then we request that the conditions below are attached to any consent along with a Section 106/278 agreement securing the following items:

In conclusion the off-site works and financial contribution that I wish to secure as part of this development via a S106/278 agreement are:

- The new vehicular access into the site.
- The provision of footways leading into the site on both sides of the new access. Dropped kerbs and tactile paving either side of the site access are also required.
- Upgrading of the footway on the east side of North Street to provide a minimum width of 1.8m and this should link with the existing pedestrian facilities to the north and south of the site.
- The provision of pedestrian crossing points on North Street to the south of the site and on Lower Horsebridge Road to the west of the junction with the B2104. The crossing points should be in the form of dropped kerbs and tactile paving.
- Extension of the 30mph speed limit and the provision of traffic calming features (road markings, coloured surfacing etc.) on the B2104 to reinforce reduced speeds. Details to be agreed with the ESCC Road Safety team.
- Possible relocation of the east-bound bus stop on the A271, east of the junction with Lower Horsebridge Road, thereby providing service users with a common boarding point for both services 51 and 54 in the direction of Hailsham and Eastbourne. Consideration should be given to moving the westbound bus stop on the A271 too, in conjunction with providing a safe pedestrian crossing point. At a minimum the A271 bus stops will require new flags, raised kerbs etc. and upgraded bus shelters. Real time information displays should also be provided.

Financial Contribution

- A Traffic Regulation Order (TRO) will be needed to reduce the speed limit on North Street to 30mph. A fee of £5000 will be required to cover ESCC costs for implementing the TRO.
- A Residential Travel Plan including an audit fee of £6000
- A financial contribution towards the Hailsham-Eastbourne Movement and Access Corridor (MAC). This requires further discussion with the ESCC Passenger Transport team.

These improvements are necessary to ensure the development site complies with government policy for accessible developments by non-car modes of travel.

The offsite works and financial contribution will need to be secured by a Section 106/278 Legal Agreement.

Recommendation:

Subject to the agreement of the points raised above, the completion of a legal agreement for off-site works and the following conditions I do not wish to restrict grant of consent.

1. Prior to commencement of development the new access shall be in the position shown on the submitted plan and laid out and constructed in accordance with the (attached HT407 form/diagram) and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

2. The access shall not be used until appropriate visibility splays are provided in each direction. The splays are to be cleared of all obstructions exceeding 600 mm in height and kept clear thereafter.

Reason: In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

3. The development shall not be occupied until parking area have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

4. The development shall not be occupied until cycle parking area have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.

5. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans/details which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

6. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.

7. The new estate roads shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as (a) publicly maintained highway.

Reason: In the interest of highway safety and for this benefit and convenience of the public at large.

8. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road(s), surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

9. No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good

practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

Informative

1. This Authority's requirements associated with this development proposal will need to be secured through a Section (106/184/171/278) Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

2. Section 38 Agreement of the Highways Act, 1980 – Provision of Adoptable Highway.

The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the Sec 38 agreement being in place are undertaken at their own risk.

3. The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed Traffic Regulation Order. The applicant would be responsible for meeting all costs associated with this process which is a minimum of £5000. The applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.

4. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.

Southern Water Services

Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network.

This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water.

Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of

the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any) and to design such works in the most economic manner to satisfy the needs of existing and future customers.

Our assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required)
- Detail design, including land negotiations.
- Construction.

Southern Water hence requests the following condition to be applied:

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

ESCC SUDS and Flood Management

NO OBJECTION

Summary Position

NO OBJECTION

The information provided is satisfactory and enables the PCWLMB and the LLFA to determine that the proposed development is capable of managing flood risk effectively. There will be a need for standard conditions.

First response

OBJECTION due to insufficient information

The applicant has failed to meet the requirements to assess its acceptability in flood risk terms. The PCWLMB and LLFA will respond in 21 days of receipt of the requested information.

The drainage strategy plan shows that a cut off drain will run along the south-western and southern boundary of the application site before going into a pipe and connect to the watercourse bordering the site, which is a designated main river. The ground levels at the application site are higher than those on North Street and Nursery Cottage. Therefore, the cut off drain should extend along the entire western and southern boundary of the application site to ensure that there is no increased flood risk to North Street, Nursery Cottage and other properties as a result of overland surface water flows from the application site.

The indicative masterplan shows that the minimum width of the cut off drain will be 600mm. However, there is no evidence provided to show that this is adequate. The cut off drain should take the form of an under-drained swale like the one shown on the drainage strategy plan. The applicant should provide additional information to show that the drain is adequate and that the indicative masterplan has reserved enough space for the cut off drain/swale. The cut off drain should be located in a communally managed space and not in back gardens, and this should be clearly demonstrated by the additional information.

The supporting hydraulic calculations appear to have taken into account surface water storage with permeable pavements on individual driveways. While we welcome the use of permeable pavement to manage surface water due to their benefits on both storage and water quality, we are concerned that individual driveways are most likely to lose the permeable pavement over time as householders may make changes to their driveways. Consequently, we do not recommend that the storage provision on individual driveways are taken into account in the surface water storage requirements for the application site. As a result, the applicant should provide more information to show that there is enough surface water storage provided without taking into account the permeable pavements on individual driveways.

The masterplan shows that the eastern part of the site will have recreation areas and footpaths. However, there is no information to show whether there will be any accompanying ground level changes. This part of the application site is located within Flood Zone 3 and is also part of the Pevensey and Cuckmere Water Level Management Board's drainage district. Any ground level changes which are within 9m of the non-main river section of the watercourse bordering the site should have a consent from the Board in accordance with its Byelaws. Such a consent should be sought prior to fixing the development layout.

The application site is partly within the Pevensey and Cuckmere Water Level Management Board drainage district and drains surface water runoff into it. Therefore, the applicant should apply for consent to discharge surface water runoff into the Water Level Management Board's district as required by the Board's Byelaw 3, which is the process by which the Board agrees the proposed discharge rates. If a consent is granted, it is likely to be subject to a surface water development contribution in accordance with the Board's charging policy, which is available on its website.

Although the consenting process as set out under the Board's Byelaws is separate from the planning system, the ability to implement a planning permission may be dependent on the granting of these consents. As such we strongly recommend that the application to discharge surface water runoff into the Board's drainage district and other consents is made to the Board prior to fixing the development layout.

Second response

NO OBJECTION

The information provided is satisfactory and enables the PCWLMB and LLFA to determine that the proposed development is capable of managing flood risk effectively. Although there will be a need for standard conditions which are outlined in this response.

Detailed Comments:

There are two sets of hydraulic calculations submitted with the letter dated 2 January 2020 which appear to be from 2017. These have considered a total

impermeable area of 1.747 ha and 1.923 ha: it is not at all clear whether these calculations are intended for the 130 residential dwellings or the 120 units.

No details have been provided on how the overland surface water flows from the site will be intercepted and conveyed away from North Street, which is lower than the application site. This should be provided with any application for reserved matters should planning permission be granted. North Street has experienced flooding in the past with the most recent flooding occurring on 20 December 2019. The development can exacerbate this flooding if measures to manage overland surface water flows from the application site are not incorporated into the development.

The groundwater monitoring established groundwater levels at 0.73m below ground level in June 2016. A borehole monitored by the County Council under its groundwater flooding project at the recreation ground has recorded levels ranging from 0.5m to 1.8m below ground level between February 2018 to April 2019. The submitted Micro Drainage calculations indicate that some of the proposed underdrain swales have a total depth of 1.7m. The proposed attenuation basin has a depth of 1.8m.

As a consequence, the swales and the attenuation pond are most likely to be affected by groundwater, if groundwater impacts are not taken into account in the design, leading to an increase in flood risk. Measures to manage the impacts of high groundwater (on hydraulic capacity and structural integrity) of the swales and attenuation basin should be provided during the detailed design stage.

If planning permission is granted, any reserved matters application should demonstrate that the overland surface water flow interception measures are located in communal areas. Any proposed site layout should clearly show this together with the easements provided for future maintenance of all interception features. Permeable pavements proposed on driveways should not be taken into account in the site's overall storage volume.

If the Local Planning Authority is minded to grant planning permission, the PCWLMB and LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:

1. Detailed surface water drainage drawings and calculations shall be submitted to and approved in writing by the Local Planning Authority. These shall include the following:

- a. Surface water runoff from the proposed development shall be limited to 5 l/s for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) shall be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

- b. The details of the outfall of the proposed attenuation pond and how it connects into the watercourse/sewer/drain shall be submitted as part of a detailed design including cross sections and invert levels.
- c. Details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
- d. Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority. This should also include details of how the existing overland surface water flows have been intercepted and managed (including between site and North Street). This should show that interception swales are in located in communally managed land and will not be the responsibility of single householder. A plan showing the easements which will be provided shall be included with the detailed design.

2. Prior to the construction of the outfall, a survey of the condition of the ditch/ordinary watercourses and culverts which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse shall also be included and, if approved by the Local Planning Authority, implemented accordingly.

3. A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

- a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

4. Details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

5. Prior to occupation of the development, evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

The application site drains surface water runoff to the Pevensy and Cuckmere Water Level Management Board drainage district, which is partly within the application site. The applicant should apply for consent to discharge surface water runoff into the Water Level Management Board's area as required by the Board's Byelaw 3, which is the process by which the Board agrees the proposed discharge rates.

Environment Agency

NO OBJECTION

County Archaeologist

NO OBJECTION

Recommend for approval in principle subject to the imposition of conditions - It is noted the application documentation has not met the requirements of Policy 189 of the NPPF. 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.

If the Local Planning Authority is minded to grant planning permission, then we ask that the following conditions be applied:

[ARCH 1] No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

[ARCH 3] No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition [ARCH 1]

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

Detailed Comments:

A recent geophysical survey of the site has identified a number of possible in-situ buried archaeological features. Trial-trench evaluation of two nearby sites (Kings Head Public House) has also exposed post-medieval archaeological features (including two ditches) examples of prehistoric flintwork and post-Roman pottery.

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations

are in line with the requirements given in the NPPF (the Government's planning policies for England):

In furtherance of this recommendation, we shall be available to advise the applicant on how they can best fulfil any archaeological condition that is applied to their planning permission and to provide a brief setting out the scope of the programme of works. It should be noted that the initial stage of archaeological works at the site will most likely comprise trial–trench evaluation, to be followed by further mitigation measures should archaeologically significant features be discovered during that trial – trench evaluation.

Police (Crime Prevention)

NO OBJECTION

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Wealden district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

I note from the Design and Access Statement submitted in support of this application that this application seeks to increase the quantity of dwellings from 110 to 130 dwellings as approved in planning application WD/2016/1948/MAO.

I was pleased to note the development clearly reflects the applicant's agent understanding of the Secured by Design scheme and its requirements; back to back gardens that eliminate vulnerable rear garden pathways, good demarcation of defensible space, overlooked streets and parking, natural surveillance, have all been incorporated into the development. Consideration is to be given to incorporating robust perimeter rear garden fencing for the dwellings.

Where applicable, areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access.

In order to maintain natural surveillance in and around the play areas and public spaces, ground planting should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area. I would ask that consideration is given to the eventual location of the children's play area in that it is surrounded with railings with self-closing gates to provide a dog free environment.

Finally, lighting throughout the development will be an important consideration and where it is implemented it should conform to recommendations within BS 5489-2:2013. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

Hellingly Parish Council

The Planning Committee OBJECT to this application for the following reasons:

- The application is an over development of the site. Prior to the grant of the extant planning permission for 110 dwellings (WD/2016/1948) the applicant had originally submitted a scheme for a development of 120 which officers considered could not be satisfactorily accommodated on the site resulting in the subsequent reduction in numbers to the 110. Although the present application omits the packaged waste water treatment works the additional units can only be accommodated by the omission of the originally proposed allotments and a substantial amount of the previously proposed recreational space.
- According to the officer report that preceded the grant of the extant planning consent the site is within the Core Strategy area of Lower Horsebridge identified in the emerging local plan where it is included as an allocated site for 110 dwellings (which included 32 dwellings for which an earlier permission already existed. Development in excess of the figure of 110 should therefore be resisted.
- The site is in an area of high ground water levels at certain times of the year and is prone to surface water flooding in addition to parts of the site being within fluvial flood zones 2 and 3. It is now a requirement of the newly adopted NPPF that a sequential test should be undertaken where sites are susceptible to flooding from all forms of flood risk (not just fluvial) and that development should be directed to sites at less risk of flooding from all sources. Although there is evidence in the SHELAA of the availability of other nearby sites available for development no sequential study has been undertaken and there is no increased flood risk assessment of the impact that this development will have on other nearby properties such as Bakers Farm Park. In addition, it is good practice to submit a series ground water soundings taken over a period of time, again there is no evidence of this
- The proposed indicative layout shows a series of cramped dwellings on small plots and if approved would be in sharp contrast with the neighbouring existing properties in Lower Horsebridge. It would therefore fail to respect the local character contrary to paragraphs 125 and 127 NPPF and to the emerging Hellingly Neighbourhood Plan which is currently being examined.
- It is considered that the indicative layout plan as a result of seeking to increase the density of housing shows inadequate provision for child and adult recreational space, and for landscaping and buffer zones. However, it would be the wish of the Parish Council that such Public Open Space as is included in any approved schemes is offered to the Parish Council with

an appropriate commuted payment to offset future maintenance before being transferred to an estate management company.

- The Council considers that its objections lodged on the earlier application WD/2016/1948 in so far as they are not repeated here remain valid.

Response to the Parish Council

- *The inability of the Council to demonstrate a five year land supply means that the relevant policies for the supply of housing cannot be considered up to date, in accordance with policies in the Framework. Therefore, the shortfall in the supply of housing land is a material consideration that weighs heavily in favour of allowing the proposed development*
- *The increase in the number of units has been based on the provision of smaller units. It is regrettable there is the loss of allotments, however there is no policy requirement for such provision. The applicant has amended the description for up to 130 units allowing some flexibility when the detailed layout is developed. The loss of the central area of amenity space is unfortunate but it is not considered that an objection on this ground could be sustained at appeal. The site can accommodate the required provision of equipped children's play space and a financial contribution is being secured towards off-site provision for youth and adult recreation space. It should be noted recreation provision is classified as a water compatible use in both flood zones 2 and 3, but it was considered and agreed with the applicant that a commuted sum towards off-site provision was the preferable option.*
- *The FRA which accompanied the application identifies that the majority of the application site lies within Flood Zone 1 area. All forms of development are acceptable in Flood Zone 1. All the residential development will be located fully within Flood Zone 1 and therefore is not considered to be at risk of fluvial or tidal flooding. Footnote 6 of Paragraph 11 refers to areas "at risk of flooding". Areas at risk of flooding as defined by the Technical Guidance to the NPPF means "land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems as notified to the local planning authority by the Environment Agency". The actual residential development is located fully within Flood Zone 1 and the site has not been classified by the EA as an area with critical drainage problems. Having regard to this it is considered that Footnote 6 of Paragraph 11 is not triggered relating to the risk of flooding.*
- *There are parts of the application site that are located within Flood Zones 2 and 3. Flood Zone 2 areas are classified as areas where there is between a 1 in 1000 year (0.1%) and 1 in 100 year (1%) chance of flooding from a river. Flood Zone 3 areas are classified as areas having a greater than a 1 in 100 year (>1%) chance of flooding from a river. Flood Zone 2 areas are considered appropriate for all land uses subject to mitigation measures with the exception of highly vulnerable development and development within Flood Zone 3 areas should be limited to water compatible development or the Exception Test should be applied. Those parts of the application site that lie within Flood Zones 2 and 3 will not be*

developed, with only 'water compatible uses' such as public open space, undeveloped areas, and ecological areas, being proposed in these zones.

- *The site is not within a critical drainage area and a site specific flood risk assessment accompanied the application which considered all other sources of potential flooding. It is not considered that the development requires a sequential test for the reasons set out in the main body of the report.*

Other third party responses (including local residents)

23 third party responses full details of which can be viewed in the Council's web site under the application reference. Summary:

Drainage

- There has been a removal of the foul sewage pumping station in the south west corner – how is it now proposed to provide foul drainage? This should be shown now, not in the reserved matters application.
- How is the cut off drain to be maintained long term, to prevent the flooding of the existing properties?
- There are concerns over the surface water drainage issues – the South West corner where the new proposed houses are, is low lying and already floods. Adding areas of hard construction will only make this worse. A management company would most likely not bother to address these issues either.
- Concern for existing properties in the area which are low lying to the site. They already have issues with ground water saturation and minor flooding.
- Object to development on a wetland affected by surface water and flooding of the Cuckmere.
- Existing pipework is not built for such a volume of water and is already in a critical condition
- No maintenance plans for the drainage systems e.g. removal of silt build up
- Water levels are already extremely high under the Horsebridge
- No capacity in the existing public foul sewer – it requires an upgrade
- Groundwater study produced includes only 3 readings over 3 weeks in the summer months
- Request for foul drainage proposals
- Increase risk of flooding to the existing houses

Infrastructure

- North Street has T-junctions both ends and is already congested and dangerous at rush hour and school times.
- Distance from amenities will result in increased reliance on cars and resultant increase in traffic will impact on already congested roads
- Local infrastructure is also an issue, schools and GPs are already oversubscribed, and Hailsham town centre and local road networks are already severely congested.

For: Planning Committee South

Date: 28 May 2020

- No shops, doctors or post office within walking distance
- Climate change has given rise to a need for more reservoirs and there will be a severe lack of water due to all these additional houses.
- No local jobs or infrastructure so congestion will increase
- Access to main road is dangerous
- Lack of parking spaces
- No details of electric car charging points
- There should be a pedestrian crossing installed on the A271 as traffic is so heavy
- The road from Lower Horsebridge to the Boship roundabout is severely congested in rush hour and will not be able to handle more traffic.

Other:

- The additional units will be affordable, this is good - in favour.
- The site is already approved so extra social housing is a welcome addition.
- This site has seen a steady increase of consent from 32 to 110 and now asking for 130. It will exacerbate numerous problems for the site.
- Removal of open spaces to the South West corner and in the centre of the two loops.
- This is green field, productive land and should not be developed when there are more than enough brownfield sites to develop.
- There are errors in the application and supporting documentation including the Transport Statement that refers to a Post Office which shut over 2 years ago – this is misleading information.
- Not within a development boundary
- Recreational area for children and adults seems to have been reduced and the layout shows very cramped gardens.
- The design of the housing is not in keeping with the local style, many of the adjoining properties are chalet style bungalows.
- Loss of privacy/security in the adjoining neighbour's back gardens – concern of an increase in antisocial behaviour and noise by the border.
- Who would be responsible for maintaining the buffer zone?
- There is no need for affordable housing here, most recent ones were sold to people from a London Boroughs.
- Gross overdevelopment of a greenfield site
- Unwelcome urbanisation in the Hellingly Parish in addition to recently approved and proposed developments far in excess of housing needs within the Parish
- Density of housing is too high resulting in small houses with small gardens which is not in keeping with the local area
- The development will further impact the air quality levels in the area
- Lower Horsebridge was classed as a 'local settlement' in 2015 by WDC meaning it was not sustainable
- There is a high number of things that a maintenance company will be responsible for – this will increase costs for future residents.

- Potential pollution will come from this development to neighbouring land including a field of “organic” status
- Brownfield sites should be developed before these green fields
- Are there any features to this development concerning the climate change emergency? How close are the buildings to zero-carbon?
- Urban sprawl
- Adverse visual impact from the Wealdway just across the Cuckmere River

2. Other Relevant Responses/Issues

WDC Drainage

NO OBJECTION

Flood Risk

The majority of the site lies within EA Flood Zone 1; however, the eastern end of the site is within EA Flood Zones 2 and 3 which form part of the Cuckmere River flood plain. However, in terms of the sequential and exception tests, I note that all the proposed structures and “hard” development are proposed within the Flood Zone 1 part of the site. The site does not appear to be at risk from general tidal or sea flooding or from failure of a drainage asset such as a canal or reservoir. The eastern end of the site is at a very high risk of fluvial flooding. There is a high probability of surface water and groundwater flooding particularly at the eastern end of the site. There is a main river (western channel of Cuckmere River) forming the eastern boundary of the application site with the eastern channel of the Cuckmere River just outside the site to the east. There are no ponds within or close to the application site.

There are many records of flooding in the vicinity of this site within the Council's land drainage database of surface water flooding incidents, particularly in 2000/1.

The Geological Map states that the north-western part of the site is on the Tunbridge Wells Sand Formation of mudstones. The north-eastern part of the site is on a different part of the Tunbridge Wells Sand Formation comprising siltstones, mudstones and sandstones. A fault runs west to east across the site, resulting in the most southern part of the site being on the Weald Clay Formation of mudstones. In addition, the solid geology is overlain on the western side of the site by River Terrace Deposits of sand and gravel and the eastern side within the active river area by Alluvial Deposits of clay, silt, sand and gravel.

Surface Water Drainage

There are no existing, adopted, dedicated, surface water sewers within the vicinity of the application site.

Infiltration is the first recommended drainage method in the SUDS hierarchy and so this method requires consideration. However, despite the mapped geology, all but one of the soakage tests failed to achieve the minimum, practical rate of

soakage. I therefore wholly concur with the conclusion that it is highly unlikely that infiltration drainage would work and that the calculations for the surface water system should be made on the assumption that no infiltration is occurring from the areas of permeable paving or the swales. Since no infiltration will occur from the permeable paving, these many areas will require connection to the overall drainage system, presumably as part of the adjacent house/roof drainage.

I am uncertain as to where the pollution control elements are to be provided.

The surface water scheme as submitted is to drain the site via two large swales. Each of these has a gravel filled underdrain with a perforated land drain at the base. The swales will discharge into an attenuation pond. The attenuation pond then drains via a hydrobrake to an outfall into the western channel of the Cuckmere River at the boundary of the applicant's land. It should be noted that while the outfall (15.3m aod) is 0.8m above the stream bed (14.5m oad), little information is provided as to how often this will be at or below the water level and hence unable to discharge. The maximum calculated flood level is 17.2m aod, nearly 2.0m above the invert level of the outfall. The outfall will need to be redesigned in the form of a concrete splashdown channel or an open ditch so that water can discharge from it whatever the water level in the main river. These points were made in relation to the previous applications on this site.

An additional cut-off drain with a separate outfall to the Cuckmere River is provided along parts of the western and southern boundaries of the site to minimise run-off towards the adjacent properties. This needs to be provided at any point where the site levels will exceed the levels of the adjacent properties. The proposed outfall from this ditch will need to be via an open channel which can discharge at any river level, rather than a closed pipe with a fixed discharge level. Calculations will be required to show that sufficient capacity exists within the 1.0m wide x 0.6m deep dimension shown for this ditch.

Given the groundwater levels encountered on the site within the boreholes and bearing in mind that these were undertaken in summer, it seems evident that it will be extremely difficult to achieve a 1.0 metre vertical separation between the various drainage features and the winter groundwater levels. It is highly likely that all surface water drainage features will have to be lined or tanked, particularly the attenuation basin.

In considering the drainage principles proposed for the site, the Lead Local Flood Authority, ESCC, will require full detail in the drainage calculations used to design the system and Wealden, as the planning authority, would support this request. The calculations should prove that the final design can accommodate the site runoff rates for the standard 1 in 100 year rainfall event plus 40% climate change allowance plus urban creep, assuming no infiltration occurs.

Maintenance activities for the surface water drainage system are considered within a single paragraph. This confirms that a site management company to be set up by the site owner to manage and maintain the scheme. As much as possible of the system should be located within the public open areas and assured access will be obviously be required to those parts of the system which

are within private ground. A full maintenance plan will be required as part of any future reserved matters/condition discharge application

For information, please note that the development may increase the rate and/or volume of water being discharged into the Pevensey Levels Internal Drainage District (compared to the status quo), and so an application may need to be made to the Pevensey & Cuckmere Water Level Management Board seeking consent under the terms of its Byelaws. If it is considered that a proposed increase in flows can be safely and adequately dealt with by the receiving waterbody and wider drainage network, then consent may be issued (although consent is not guaranteed to be given). Any permission granted by the Board would be subject to conditions, usually including entry into a legal agreement and the payment of a Surface Water Development Contribution to the Board.

In my opinion, the information provided within this application is adequate for this application subject to the caveats mentioned above. Should you be minded to allow planning permission, I would wish to see the following conditions applied:-.

“No development shall take place until full details of the surface water drainage scheme, have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme should be confirmed as deliverable by an assessment of the site’s potential for disposing of surface water by means of a sustainable drainage system. The submitted details shall include the following:

- i. Supply detailed plans, layouts and sections of the proposed drainage system including in particular the two outfalls to the watercourse and pollution/silt control devices and construction details of any non-standard features. The outfalls should be capable of discharging whatever the adjacent river levels are.
- ii. Provide a full management and maintenance plan for the development which shall include the setting up of any necessary company to secure the operation of the scheme throughout its lifetime.
- iii. Supply full hydraulic calculations to the correct level of climate change (40%), to the satisfaction of the Lead Local Flood Authority.

NOTE: Attention should be given to non-statutory technical standards for sustainable drainage systems, the ESCC “Guide to Sustainable Drainage Systems in East Sussex” and the total costs of implementing the drainage scheme that is design, construction and maintenance costs.

REASON: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to the guidance set out in the National Planning Practice Guidance and at paragraph 103 of the NPPF and any local plan policies where appropriate according to the local planning authority, for example WCS14 of CSLP, saved policy CS2 of the Wealden Local Plan.”

WDC Housing

NO OBJECTION

This application seeks to increase the number of units on site from the approved 110 (application WD/2016/1948/MAO) to 130. The Housing Service supports this increase as the submissions state that all of the 20 additional units would be provided as affordable housing, bring the total number of affordable units on this site to 58 (45%).

The Housing Service considers that the proposed mix of units in terms of size represents a practical approach to Policy HG9 of the emerging Local Plan as shown below:

Size	Expected split within Affordable Housing	Proposed with this application
One bedroom	35% - 40%	20 (34.5%)
Two bedroom	35% - 40%	20 (34.5%)
Three bedroom	20%	18 (31%)
Four + bedroom	0% - 5%	0 (0%)

The submissions also acknowledge that within the affordable housing an 80/20 split; affordable rented to affordable homeownership would be adopted. With the higher than required level of affordable housing and the above tenure split the application is Policy HG2 compliant.

It would be expected that the affordable units are protected by way of a Section 106 legal agreement.

Other design requirements of Affordable Housing- Guidance:

- Security - The affordable housing should meet Part Q Building Regulations and those as recommended by the Police Architectural Liaison Officer. Doors and windows to be certified to PAS 24 standards
- Sustainability - Comply with Part L Building Regulations
- Sizes The affordable homes should meet or exceed the minimum sizes as required by the Nationally Described Space Standards based on:
 - 1 Bedroom (2 person) units @ 50m²
 - 2 Bedroom (4 person) houses @ 79 m²
 - 3 Bedroom (5 person) houses @ 93 m²
 - 4 bedroom (7 person) houses @ 115 m²
- Meet any Design and Quality Standards that may be required by Homes England or the Registered Provider.
- Owing to the size of this proposed development Policy HG 12 states that it "should provide at least 20% M4 (2) (Accessible & Adaptable Dwellings) of Schedule 1 of the Building Regulations and at least 10% M4 (3) Wheelchair use dwellings) of Schedule 1 of the Building Regulations for both market housing and affordable housing."

Other requirements for the affordable housing are that:

- Private outdoor amenity space must be provided in the form of gardens for houses and balconies/terraces or landscaped communal areas for flats with facilities for households to dry washing outside.
- Open plan kitchen/lounge layout is only acceptable for one bedroom homes.
- The design of the housing should be such that the quality and appearance of the homes are not distinguishable by their tenure and be fully integrated with the market housing.
- The affordable housing units should be owned and managed by a Registered Provider who is approved by the Council, and has entered into a nomination agreement with the Council.
- The developer/landowner should dispose of the affordable units to the Housing Association either on a freehold basis or on a long lease of at least 125 years at a peppercorn rent.

WDC Pollution Control

NO OBJECTION

Due to the proximity of existing residential properties, I would strongly recommend that the following condition is attached to any permission granted:

During the construction phase of the development, no audible works shall take place other than within the hours Monday to Friday 0800 to 1800 hours, Saturday 0800 to 1300 and not at all on Sundays or Bank Holidays. All works including the control of dust, shall ensure compliance with guidance found in the following:

British Standard (BS) 5228-1:2009 + A1:2014 - Code of practice for noise and vibration control on construction and open sites.

Reason: To protect the amenity of residential properties within the vicinity of the proposed development and prevent nuisance from noise and dust.

In addition, as this is a major application, consideration should also be given to air quality issues.

I therefore recommend that the following condition is attached:

“Prior to the commencement of development, an air quality assessment shall be carried out by a suitably qualified person for the proposed development. The assessment shall be submitted to and approved in writing by the Local Planning Authority.

The assessment should consider the impact of the proposed development on the air quality objectives described in the National Air Quality Strategy with respect to nitrogen dioxide, PM10 and PM2.5 particulates.

For the construction phase, an assessment should be undertaken of the potential for dust nuisance, using the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'.

For a quantitative assessment of the operational phase, detailed modelling using ADMS-Roads to determine the impact of the development on existing air quality is required. This should include assessment of the cumulative impacts from the development itself and other committed developments in the vicinity, on existing air quality.

Where possible, verification of the model output should be made through a comparison of the results of any publically available monitoring data in the study area.

To inform the background concentrations used within the model, the results of local monitoring and the available DEFRA maps should be used. Reductions in background concentrations and emissions in future years should not be used, to reflect the findings of recent research.

The significance of impact should be described with reference to the EPUK/IAQM (May 2015) Land-Use Planning & Development Control: Planning for Air Quality document, and the 'Air Quality and Emissions Mitigation Guidance for Sussex Authorities (2013).

All mitigation measures deemed necessary shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme"

Waste Management

NO OBJECTION

We have no objection to the proposed development; however, the following points need to be considered:

Where houses are proposed, each dwelling should have adequate storage for 1 x 180 litre refuse bin and 1 x 240 litre recycling bin. Residents may also subscribe to the garden waste service (charge started 1 July 2019).

Residents will be required to move the bins from a storage point within the boundary of the property, to the edge of the property on the scheduled collection day.

Within the detailed specification (32 plots), a bin/cycle store has been detailed for the communal plots at 23-29, however we would recommend that cycle storage is kept separated from the bin storage to avoid personal items being taken by mistake.

Furthermore, no details have been provided to specifically, show the location of communal bin stores (either internal or external) for the other five communal properties.

Each bins store should be suitable to accommodate, the appropriate number of bins based on the number of units at each communal property.

The bin store should be located on level ground within 25m of where the collection vehicle can access. If 1100 litre bins are required, the collection vehicle should be able to get within 10m. The doors/gate into the bin store should open outwards to allow continued access.

At present, no swept path analysis has been provided to show the site is suitable for a standard collection vehicle. For the private access road, we would need to ensure that any properties located further than the recommended crew walk of 25m from where the collection vehicle has access, suitable bin presentation points are provided as recommended in Manual for Streets.

3. Relevant Planning History

Application No.	Description	Decision and Date
WD/2015/1935/MAO	An affordable housing rural exception site for 12 dwellings.	Approved 23 November 2015
WD/2015/2847/MAO	Outline application for 32 dwellings	Approved 13 April 2016
WD/2016/1948/MAO	Outline application for up to 110 dwellings	Approved 14 February 2019
WD/2017/1971/MAJ	32 dwellings with associated access and landscaping	Approved 26 October 2017

4. Details of Case

The Application Site

The application site comprises 7.03ha of agricultural land located immediately east of the B2104 (North Street) with an existing field access. There is 'hedgerow' interspersed with mature trees to the boundaries of the site, adjoining the road frontage, and to the south. Land use within the vicinity is predominantly agricultural, although there is sporadic residential development surrounding the site to the north and south with other development to the opposite side of North Street to the west. The topographical survey indicates that the site falls gently from the north west to the south-east towards an unnamed drainage ditch at the south-eastern end of the site which flows into the Cuckmere River some 10 metres southeast of the site at its closest point. The highest point on the site is 20.79m AOD at the north western end of the site while the lowest point on the site is 15.75m AOD at the south-eastern end of the site.

The Development Proposals

This is an outline planning application for up to 130 residential units with all matters reserved except for access. The application amended the description to allow an element of flexibility following officer's concerns regarding capacity.

In addition to the application forms, certificates and plans the application is accompanied by the following documents:

- Design and Access Statement;
- Preliminary Ecological Appraisal;
- Great Crested Newt Survey;
- Flood Risk Assessment and Surface Water Drainage Strategy;
- Transport Statement;
- Road Safety Audit Stage 1;
- Designers Response Report;
- Addendum Transport Statement; and
- Highways Note.

A Screening Opinion was undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended). The development was considered to fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017(as amended), within Category 10(b) being an urban development project whereby the area of the development exceeded 5 hectares. Wealden District Council was of the opinion that the nature, scale and location of the development, taking into account the selection criteria for screening Schedule 2 Development as set out under Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended), was unlikely to result in environmental effects which were more than local significance. Accordingly, the Council considered that a full EIA would not be required for this site.

The Council is satisfied that the proposed development would not be out of context with its existing environment. The proposed development will have no significant impact upon relevant natural resources and any waste, pollution or hazard associated with the development scheme can be effectively controlled by condition. The Council is satisfied that the development of this site will not cause any significant loss of valuable agricultural land, will not impact upon any area of flood protection and will not compromise or undermine any acknowledged asset of natural, ecological heritage, landscape or cultural value within the site's vicinity. The Council concluded that an EIA would not be required for this outline planning application.

Policy Framework

The up-to-date approved 'development plan' for Wealden District Council comprises the following documents:

- The Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan (adopted 19 February 2013)
- The Wealden Local Plan (adopted December 1998) (Saved Policies).
- The East Sussex and Brighton & Hove Waste Local Plan (adopted February 2006) (Saved Policies).
- East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan (adopted February 2013).
- The Affordable Housing Delivery Local Plan (May 2016)

On 28 March 2013 an application was made to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 challenging the validity of the Core Strategy on the grounds that it failed to comply with the requirements of Directive 2001/43/EC on the Assessment and Effect of Certain Plans and Programmes on the Environment and the implementing Environmental Assessment of Plans and Programmes Regulations 2004. This was dismissed by Order dated 21 February 2014. However, an appeal on 3 grounds was made to the Court of Appeal. On 7 October 2014, the Court of Appeal dismissed Grounds 1 and 2 relating to the housing numbers in the Core Strategy (original ruling was upheld).

Ground 3 related to whether the Council had considered reasonable alternatives to the use of a 7 km zone in relation to the provision of SANGS. On 9 July 2015 in response to a Court of Appeal decision, the Council has made changes to its Core Strategy Policy WCS 12 relating to Ashdown Forest.

Prior to the Court of Appeal Judgement Policy WCS12 provided that any net increase in residential development between 400m and 7km would be required to mitigate its recreational impact through the provision of Suitable Alternative Natural Green Space (SANGS) and on-site visitor management measures. The reference to the 7km zone of influence and the specific mitigation identified in this policy has now been removed. However, all planning applications will continue to be subject to the Habitat Regulations which protect the Ashdown Forest Special Protection Area (SPA).

The rest of the Core Strategy is unaffected therefore remains intact as part of the adopted development plan for the purposes of this application.

Certain policies of the Wealden Local Plan (1998) have been 'saved' via Direction of the Secretary of State dated 25 September 2007, under the provisions of Paragraph 1(3), Schedule 8 of the Planning & Compulsory Purchase Act 2004. Annex 2 of the National Planning Policy Framework confirms that these 'saved' policies still form part of the development plan.

Under 'saved' policies EN1 (sustainable development) and EN27 (layout and design) of the Wealden Local Plan 1998, the Council has also formally adopted the Wealden Design Guide, November 2008, as a Supplementary Planning Document. Some 'saved' policies and the design guide continue to have material weight where they are in compliance with the NPPF and CSLP (having regard to paragraph 213 of the NPPF).

The Council had proposed a new Local Plan. This was submitted for independent examination on the 18 January 2019. Following the Stage 1 hearing sessions into the Examination, the Inspector wrote to the Council advising that the Plan was unsound, could not proceed and should be withdrawn. On 19 February 2020, Wealden District Council formally withdrew its draft Wealden Local Plan 2019 following its Stage One examination process.

Relevant Policies

The National Planning Policy Framework (NPPF) February 2019 is a material planning consideration when assessing and determining planning applications. Due regard has been had to any relevant national policy guidance, in particular Paragraphs 2, 7, 8, 9, 10 11, 12, 38, 47, 54, 55, 56, 59, 73, 78, 91, 92, 96, 102, 108, 109, 110, 111, 117, 118, 122, 124, 127, 130, 149, 155, 163, 165, 170 175, 180, 189, 212 and 213.

Policies within the adopted Wealden Local Plan 1998 saved under the Planning and Compulsory Purchase Act 2004 continues to form part of the Local Plan.

- Policies WCS1, WCS2, WCS5, WCS6, WCS7, WCS9, WCS12, WCS13 and WCS14 and Spatial Planning Objectives SPO1, SPO3, SPO7, SPO9, SPO10, SPO13 and SPO15 of the Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan 2013.
- Policy AFH1 of the adopted Affordable Housing Delivery Local Plan 2016
- Saved Policies GD2, EN1, EN2, EN8, EN12, EN14, EN27, EN29 DC17, TR3, TR16, LR1, LR3, LR5, CS1 and CS2 of the adopted Wealden Local Plan 1998.
- Wealden Design Guide 2008 (adopted Supplementary Planning Document), Chapters 2, 3, 4, 5, 7 and 8.

The Development Plan

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the current development plan for the area in which the application site is located comprises the policies of the Wealden Local Plan 1998 which were saved in 2007, the Core Strategy Local Plan which was formally adopted on 19 February 2013 and the Affordable Housing Delivery Local Plan adopted in May 2016.

Each planning application is considered on its own merits taking into account the adopted development plan and any other material considerations.

Housing Land Supply

Paragraph 73 of the NPPF requires local authorities to identify a supply of specific deliverable sites to provide a minimum of 5 years worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than 5 years old. The five-year supply of sites additionally requires a 5% buffer to ensure choice

and competition in the market for land, 10% where the local planning authority wishes to demonstrate a five year of deliverable sites through an annual position statement or recently adopted plan to account for any fluctuations in the market during that year and where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

As set out in the Authority Monitoring Report December 2019, the Council can currently demonstrate 3.67 years supply of housing land.

Paragraph 11d of the NPPF advises that where there are no relevant development plan policies, or the policies which are most important for determining the applications are out of date which includes applications for housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole. With regard to the application site, the special emphasis in the presumption in favour of granting planning permission in such circumstances (Paragraph 11) does not automatically apply because of Footnote 6 and the application of policies in the Framework under Paragraphs 175 and 177.

However, with a positively concluded Appropriate Assessment (see main body of report) the presumption in favour is engaged.

Even if that is wrong, or the competent authority for the Appropriate Assessment reaches a negative conclusion (disengaging the presumption in paragraph 11 of the NPPF), there can be no doubt that the shortfall in the supply of housing land is a material consideration that weighs heavily in favour of allowing the proposed development.

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) states *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'*. This therefore provides a presumption in favour of the development plan.

Section 70(2) of the Town and Country Planning Act states *'In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations'*. Development should therefore be determined in accordance with the Local Plan unless material considerations indicate otherwise.

Currently for the purposes of Section 38(6) of the PCPA 2004, the current development plan for the area in which the application site is located comprises

the Policies of the Wealden Local Plan 1998 which were saved in 2007 and the Core Strategy Local Plan which was formally adopted on 19 February 2013.

The site is outside the development boundary within the Wealden Local Plan (1998). Policies within the 1998 plan resist new housing development in the countryside which is not essential for agriculture or forestry needs or has some other similar justification for a rural location (such as rural affordable housing exception sites) as set out in saved Policies GD2 and DC17 of the Wealden Local Plan 1998. Outside of the development boundaries, residential development is generally resisted in accordance with Policy GD2. The proposed application does not comply with any of the exception policies in the 1998 Local Plan.

The proposed development is therefore contrary to the adopted local plan and should be refused unless material considerations indicate otherwise.

The adopted Core Strategy Local Plan 2013 accepts that the development boundaries contained within the 1998 Local Plan will have to be breached to deliver the level of housing required. Policy WCS4 seeks provision of at least 1300 dwellings within and around Hailsham and included land in the northern part of the town between Hailsham and Hellingly. Whilst the figure of 1300 homes is long since met (and indeed is based on housing growth that does not represent full objectively assessed housing need) policy WCS4 postdates the 1998 Local Plan and has identified land in north Hailsham as required for outward growth. This is part of a spatial strategy that recognises the need to breach the 1998 settlement boundaries in order to deliver the housing and community needs of the town. Thus, the scheme's location outside the settlement boundary would not be at odds with the spatial strategy in the development plan taken as a whole.

Traffic Impact and Access

The Highways Authority has considered the proposal in detail (full comments at the start of the report under Consultations) and has raised no objections to the proposals as extracted below:

“Following my objection the highway impact of the development proposal has now been assessed using the data within the SWETS traffic model. As recommended the junctions assessed are as follows:

- *Site access junction with B2104 North St*
- *A267 with B2104*
- *A271 with B2104*

The assessments consider the original 110 dwelling consent and the full 130 dwelling proposal in the modelled forecast year of 2028.

The assessment demonstrates that in all scenarios the tested junctions continue to function well within their theoretical capacity. With this in mind I have no major concerns regarding the developments impact on these junctions from a highway

capacity perspective.”

The proposed vehicular access into the site is in the form of a priority junction located toward the northern end of the western boundary fronting North Street. The access will have a carriageway width of 5.5m and 2m wide footways on either side of the access. ESCC Highways have advised that to achieve appropriate sight lines on either side of the proposed access it will be necessary to extend the 30mph to the north of the site this will require a traffic regulation order (plus fee) secured through the legal agreement. A secondary, pedestrian/cyclist and emergency only access is provided at the southern end of the same western boundary.

Conditions have been attached in accordance with those recommended by the Highways Authority. ESCC requested conditions relating to turning provision, cycle parking and car parking but these have not been included as these will be established through the submission of layout details as part of the reserved matters application(s).

ESCC also requested that due to the cumulative impact of this and other developments in Hailsham they would want a condition preventing any occupancy of the development until confirmation of the full funding arrangements for the delivery of offsite infrastructure to be provided to mitigate the impacts of development. The Council has previously indicated to ESCC that it will confirm release of CIL receipts towards off-site strategic highway works. The condition requested by ESCC restricting occupation of development is not considered necessary or acceptable having regard to the fact that the development will not result in a severe impact on the strategic highway network.

Appearance, Scale, Layout and Landscaping Proposals



The indicative Masterplan layout follows the design principles embodied in the layout that supported the extant planning permission for 110 units.

Key changes relate to the significant reduction in the central open space forming the spine of the development and the loss of the allotments along the southern boundary of the site.

As an outline application with all matters reserved other than access to the site (i.e.

appearance, landscaping, layout and scale), the detailed position of particular

buildings, internal roadways, parking, amenity space or proposed planting are all matters for later consideration. In terms of these aspects, this application simply has to satisfy one basic as to whether the quantum of development proposed, accessed from the location detailed can be adequately accommodated within the constraints of the site. The 7.03-hectare site has a developable area of 4.70 which based on the provision of 130 dwellings equates to a density of 27.7 dwellings per hectare, which is a comparable density to other major schemes recently approved in the vicinity of North Hailsham/Hellingly.

It should be noted that density can be calculated in a variety of ways and, whether based on units per hectare or habitable rooms per hectare, only provides a broad indication of the intensity of development, but is not particularly effective in predicting or controlling the form of development. Whilst it is recognised that there is a need to make best use of land, it is equally important that new development should be of quality design and respect the character of adjoining development. Density is not the primary means of assessing design acceptability but of greater importance is the relationship to the site and the surrounding context. Therefore, in considering the issue of a development it is the combination of the density plus the relationship of the development to the site, the locality and the ability of the development to meet all the necessary spatial requirements regarding parking, access, amenity space, back to back distances, drainage etc. that is important. Whilst these matters do not form part of the consideration of this application, as they will be determined through the submission of reserved matters, the proofing layout in the form of the illustrative Masterplan provides an effective mechanism of assessing the overall capacity of the site.



Masterplan (extract) of the site

The applicant states that the uplift in number is achieved by a reduction in the number of larger units and an increase in smaller units particularly one bedroom units. They state that in terms of floor area the increase is marginal.

The approved scheme for the 110 units comprised a housing mix of 24 N^o one bed units, 22 N^o two bed units 47 N^o three bed units, 15 N^o four bed units and 2 N^o five

bed units

The current application for 130 units proposes 37 N^o one bed units, 24 N^o two bed units, 61 N^o three bed units and 8 N^o four bed units. The proposed scheme in the current application increases the number of smaller units, reduces the number of four bed units and removes the five bed units. The application however does not solely rely on a change in the dwelling mix to accommodate the increase in units but also removes the allotments previously proposed and a large part of the open space previously shown on the illustrative masterplan that accompanied the extant planning permission. Having regard to the illustrative layout, there are some concerns regard the ability to meet all the Council's spatial requirements, therefore the applicant has amended the description from 130 residential units to up to 130 units which would enable these concerns to be addressed at Reserved Matters stage. The comments from neighbours and the Parish Council are noted regarding the size of the plots compared to existing development, however the NPPF has a clear edict to optimize use of land and having regard to the adjacent new development on the western side of North Street, this development is not considered out of character with development already approved in the locality and seeks to retain established building lines along the eastern side of North Street.



Impact on Neighbours

Mitigation measures such as provision and/or reinforcement of landscaped buffer zones, provision of appropriate back to back privacy distances and careful regard to ridge heights will be sought in the development of the detailed layout and design of the development, to protect the amenity of the existing residents with regard to issues of privacy, overshadowing and the character of the locality.

A condition has been recommended requiring the provision of not less than 5m buffer zones along the site boundaries abutting existing properties.

Affordable Housing

The application is submitted with a commitment to provide 45% affordable homes at the site (58 N° units) based on the provision of 130, with all of the additional 20 units being affordable, meeting fully the requirement as set out in policy and AFH1 of the Affordable Housing Delivery Local Plan (AHDLP). The Housing Service supports this application. The affordable housing will be secured through the completion of a legal agreement but the mix secured will be 35% in accordance with adopted planning policy, the council do not have the policy basis for securing a higher percentage provision.

As the application is in outline form the exact mix, position, size and design of the affordable units is not known at this stage, though if approved all this detail will be secured by legal agreement and through the reserved matters submission(s).

Custom and Self Build

The Self-build and Custom Housebuilding Act 2015 (as amended) and the associated Self-build and Custom Housebuilding Regulations 2016 are also both significant material considerations.

Amongst other matters, the purpose of the Act is to allow individuals wishing to build their own home to register their interest in acquiring a suitable plot of land with the relevant authority. Specifically, the Act makes provision for Local Authorities to maintain a register of people who are seeking to acquire a serviced plot in their area in order that they may build houses for them to occupy as homes; and the Council is required to grant planning permission for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the District which arises in each base period (this comes from Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended)).

As at mid November 2019, there are 73 individuals on the Council's Self-Build and Custom Housebuilding Register. It is necessary to breakdown this figure having regard to the annual base period, which falls at the end of October each year after production of a legally compliant Register after 31 March 2016. For Wealden two of these individuals were registered in the 31 March 2016 – 30 October 2016 base period, 24 were registered in the 31 October 2016 – 30 October 2017 base period, 24 were registered in the 31 October 2017 – 30 October 2018 base period and 20 applicants have been registered so far in the 31 October 2018 – 30 October 2019 base period. No associations are currently enrolled on the self-build and custom housebuilding register.

In the period since 31 October 2016, 94 planning permissions have been granted wherein landowners have sought (and obtained) a CIL self-build exemption. In line with practice adopted by very many other LPAs, these permissions with CIL self-build exemption have been counted against the requirement of the self-build

register. It would address the relevant need and as such, we have not sought to secure need on other recent planning permissions considered by the committee.

However, there have been a flurry of recent appeal decisions around the Country on this specific topic. The general thrust of decisions issued is that reliance on a CIL self-build exemption does not necessarily ensure dwellings would be developed in a manner that accords with the legal definition of self-build and custom housebuilding in the Self-Build and Custom Housebuilding 2015 (as amended). These are seen as test cases on the subject matter and it appears many LPAs are reacting accordingly.

There is a legal duty for the Council to grant planning permission for enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. To be legally compliant, plots relied upon as custom or self-builds must be secured in a Legal Agreement. The Council would therefore seek to secure 5% of the number of dwellings proposed. This would, in part, enable the Council to meet its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended). This is a weighty consideration given that there is evidence of need for serviced plots in the District and some doubt regarding deliverability of sufficient plots across the relevant base periods since 2016.

A requirement to deliver will be secured through the legal agreement.

Landscape Impact

There are no trees within the site, although there are mature trees located on the site's northern, southern and western boundaries. The species poor hedgerows are discontinuous and located on parts of the northern, southern and western site boundaries only. The boundary trees and hedgerows will not be affected with the exception of the removal of sections of hedgerow to provide the accesses into the site.

The landscape strategy will be submitted as part of the Reserved Matters application

Ecology

Paragraph 175 of the NPPF states that *'When determining planning applications, local planning authorities should apply the following principles: - if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*

The Preliminary Ecological Assessment advises that the habitats within the site are common and widespread types that are not of conservation concern and it is considered that impacts to these habitats can be partially off-set via replacement planting post construction.

A Bat Activity, Great Crested Newt edNA and Reptile Presence/Absence Survey Report also accompanied the application. The surveys found a low population of grass snake and slow worms within the site. Surveys found great crested newts were not present in the ponds to the north of the site. Bat surveys recorded five different species of bats predominantly foraging and commuting along site boundary habitats with some movement across the site.

Enhancement measures are recommended which will positively contribute to the biodiversity of the site. Officers are satisfied that the necessary mitigation and enhancement measures proposed can be delivered through the detailed design and condition discharge process.

Flood Risk and Drainage

The 7.03 hectare site extends across Flood Zone 3 (High Probability) Flood Zone 2 Medium Probability and Flood Zone 1 (Low Probability). The actual residential development however covers only 4.7 hectares and will be entirely located within Flood Zone 1 which is defined in the Technical Guidance that accompanies the NPPF as having a “Low” risk of flooding from rivers or sea (i.e. having less than 1 in 1000 annual probability of river or sea flooding).

The NPPF recognises that flood risk can be considered to be a constraint to development and therefore the approach to steer development away from flood risk areas has weight even in the absence of a five-year land supply. Footnote 6 of Paragraph 11 refers to areas “at risk of flooding” as one of the specific policies which indicate development should be restricted. Areas at risk of flooding as defined by the Technical Guidance to the NPPF means *“land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems as notified to the local planning authority by the Environment Agency”*. The 7.03 hectare site extends across Flood Zone 3 (High Probability) Flood Zone 2 Medium Probability and Flood Zone 1 (Low Probability). The actual residential development however covers only 4.7 hectares and will be entirely located within Flood Zone 1 and the site has not been classified by the EA as an area with critical drainage problems. Having regard to this it is considered that Footnote 6 of Paragraph 11 is not triggered relating to the risk of flooding for this site.

Paragraphs 155 to 158 of the NPPF set out a sequential risk based approach to the location of development. The aim of applying the sequential test, as paragraph 158 explains is to steer new development to areas with the lowest probability of flooding.

Flood risk is mapped according to the probability of flooding which is expressed in three flood zones. Development proposals will require a sequential test if they are located in Flood Zones 1 with identified critical drainage problems and they are in Flood Zones 2 and 3, to determine whether there are any reasonably available sites at lower probability of flooding that could reasonably accommodate the development.

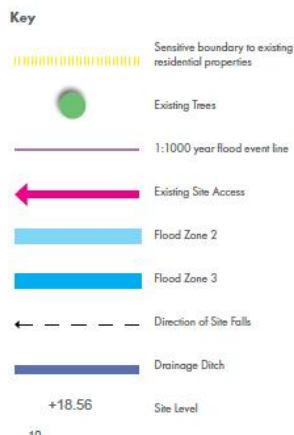
Where the red-edged boundary of the proposed development falls across Flood Zone 1 and Flood Zones 2 or 3, the application of the sequential test will depend

on the nature and layout of the development proposed. Where “hard” development is proposed to be located in Flood Zone 2 or 3 then the normal approach is that the whole site would be subject to the sequential test. However, where it is proposed to locate “hard” development in the part of the site in Flood Zone 1 only and assuming there are no other flood risk issues then the sequential test would not be required. The application site falls into this exemption from both the Sequential Test and Exception Test, as the built development is proposed on land within Flood Zone 1, only part of the site lies within Flood Zone 2 and 3 and the area of Flood Zone 2 and/or 3 will only be used for soft landscaping/open space AND safe access and egress during flooding can be achieved without having to use the area of Flood Zone 2 and/or 3. A site specific flood risk assessment (FRA) has been submitted in accordance with the requirements of the NPPF and the Technical Guidance, as the site exceeds the 1 hectare trigger in Flood Zone 1. The FRA identifies and assesses the risk of all forms of flooding to and from the development and having regard to this, it is considered there is no requirement for the Sequential Test for this site.

2.5 Site Constraints

Several factors have been identified as key influences for the development concept. These are outlined in the diagram on this page and represent key constraints which the development must take into account.

- While the overall site measures 7.03 Hectare, the developable site is effectively 4.70 Hectare once the 1:1000 year flood line has been accounted for.
- Retention of existing trees.
- Sensitive boundaries with existing neighbouring properties to be respected.
- The site is limited to access from the western boundary on North Street.



Evidence collected to date demonstrates that infiltration drainage to soils will not be feasible due to the groundwater levels experienced in boreholes. The drainage strategy will therefore discharge to the existing watercourse at controlled rates which will be achieved through on site attenuation.

The FRA assesses the risk to the development site and demonstrates how flood risk from all sources of flooding to the development itself and flood risk to others will be managed now and taking climate change into account.

The ground levels of the site are higher than those of North Street and some of the neighbouring properties. Photographic evidence and the Environment Agency's update Flood Map for Surface Water (rainfall events with a 1 in 1000

probability of occurring) shows the beginning of a surface water overland flow route along the south-west boundary of the site, flowing towards existing properties. The development proposals will be required to provide measures to intercept surface water run-off along the western and southern boundary of the site and direct water away from the road and existing properties to the drainage ditch east of the site. This will provide an improved level of protection to the existing properties than currently exists.

The LLFA and the Council's drainage officer are satisfied that the proposed FRA and drainage strategy is acceptable and will manage potential risks from all sources and will not result in accentuating flood risk elsewhere but will reduce risks to off-site properties subject to conditions.

6.2 Flood: Proposed Surface Water Drainage Strategy

A full Surface Water Drainage Strategy has been undertaken in support of the proposed application. In order to mitigate flood risk posed by post development runoff:

Sufficient storage capacity and water treatment can be provided on site via the use of underdrained swales, filter strips (adjacent to swales), tanked permeable pavement (beneath private drives) and an attenuation basin.



Officers find no reason to disagree with the conclusions of the consultees and conditions have been recommended in accordance with their advice.

Foul Drainage

Southern Water has advised there is inadequate capacity within the existing foul sewerage network to accommodate the additional foul flow from the proposed development site. However, it is also confirmed that the capacity issue within the local network could be addressed through the provision of additional infrastructure to provide sufficient capacity to service the development.

Other Issues

Consideration has been given to remaining issues addressed in the supporting documentation and the consultation responses received from statutory consultees and local residents. It is considered that any remaining impacts could be adequately mitigated or controlled through the imposition of conditions and the development of detailed layout, design of the buildings and landscaping at the reserved matters stage.

Planning Balance

The proposal seeks permission for up to 130 dwellings in a location, beyond any development boundary in the adopted development plan. The weight to be given to the conflict with the Council's development strategy is substantially reduced due to considerable shortfall in housing land supply.

Set against that conflict are the social benefits of addressing the under supply of housing in the District. The delivery of housing is a material consideration in the context of the very significant current housing land shortfall.

In terms of the wider economic role, the development would contribute towards economic growth during the construction phase. The additional population would assist the local economy and help support the sustainability of local services and facilities in the area.

In meeting the environmental role, the loss of the existing field to development will have a permanent impact on the character of the immediate locality, but the change is not considered to be harmful to the landscape character, provided the development is set back from the western boundary and appropriate structural planting and buffer planting are incorporated into the scheme design. The long term management of these areas would improve the biodiversity of the location as well as offering opportunities for recreation. Through the landscape and environmental enhancements and the ecological mitigation proposed, these factors would positively contribute to the overall sustainability of the application site.

Subject to the provision of a satisfactory drainage system which would be controlled by conditions, the developable area, which is located within Flood Zone 1 and importantly outside of Flood Zones 2 and 3 (combined with a further precautionary measure of development being sited above the 1 in 1000 year flood line), will not be at risk from flooding nor would it increase flood risk elsewhere.

The separation distances between the existing and proposed dwellings, combined with the proposed landscaping, would be determined through the subsequent submission of reserved matters however, it is considered there is sufficient space within the site to protect the living conditions of neighbouring residents.

Satisfactory highway access can be achieved without detriment to highway safety.

Whilst the site is outside the development boundary in the WLP 1998 it is not isolated rural housing. Lower Horsebridge is classified as a Local Settlement, and although classed as an unsustainable settlement, the development site is within walking distance of public transport services located on Horsebridge Road providing connections to Hailsham, Polegate and Eastbourne.

The development is liable to the CIL levy which will be used to fund the necessary infrastructure improvements.

Developer's Contributions

The residential development will bring with it proportional demands upon infrastructure. National Planning Practice Guidance (NPPG) section 2b -011-20140612 sets out that whether CIL is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. In this instance these requirements are expected to be responded to by the CIL payment, to deliver improvements set out in the Councils IDP and Regulation 123 List, in particular demands placed on education and strategic highways infrastructure.

ESCC Highways requested in their consultation response a financial contribution towards the Hailsham-Eastbourne Movement and Access Corridor. The Council's CIL Regulation 123 list however clearly identifies that CIL contributions would be used for *"Improvements to release additional road capacity and road safety measures, including public transport provision in the Parishes of Hailsham, Hellingly, Polegate, Willingdon and Jevington and Westham, Uckfield and the Strategic Road Network"* (emphasis added). Having regard to this the Council is unable to seek separate financial contributions towards Hailsham-Eastbourne Movement and Access Corridor.

Habitat Regulations Assessment

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 requires that where a plan or project is likely to result in a significant effect on a European site, and where the plan or project is not directly connected with or necessary to the management of the European site, as is the case here, a competent authority is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of its conservation objectives. In so doing, an assessment is required as to whether the development proposed is likely to have a significant effect upon a European site, either individually or in combination with other plans and projects.

Assessment of likely significant effects on the SPA

The qualifying feature underpinning the SPA designation is the concentration of Dartford warbler and European nightjar. The conservation objectives for the SPA can be summarised as ensuring that the integrity of the site is maintained or

restored as appropriate so that it continues to support the population and distribution of its qualifying features.

Natural England's (NE) supplementary advice on conserving and restoring site features for the Ashdown Forest SPA (See Planning Practice Guide (PPG) Paragraph: 002 Reference ID: 65-002-20190722) identifies recreational disturbance as one of the principle threats to ground nesting birds. Research and assessment undertaken by the Council supports this by demonstrating that increased recreation can result in damage to the bird's habitat through trampling and erosion. Moreover, the presence of people can disturb ground nesting birds during their breeding season (Feb - Aug). Dog walking can be particularly problematic in this regard, especially if dogs are let off their lead.

The Ashdown Forest is an attractive semi-natural area, however, evidence in the form of visitor surveys carried out for the Council demonstrates that it is residents living within 7km of the Ashdown Forest are likely to visit it. The application site is beyond the 7km distance and as such, the evidence held does not provide a pathway of effect for recreational disturbance.

Given the above analysis, an Appropriate Assessment, in accordance with Regulation 63 of the Habitats and Species Regulations, is not required to consider the implications of the proposal for the integrity of the SPA in view of the conservation objectives.

Assessment of likely significant effects on the SAC

The qualifying features underpinning the SAC designation are the presence of European dry heath, North Atlantic wet heath and great crested newts. The conservation objectives for the SAC can be summarised as ensuring the favourable conservation status of its qualifying features by, amongst other things, maintaining or restoring qualifying habitats.

NE's supplementary advice on conserving and restoring the SAC, linked to the PPG, explains that the heathland habitat of the Ashdown Forest is sensitive to changes in air quality. Exceedance of 'critical values' for air pollutants may modify its chemical substrate, accelerating or damaging plant growth, altering its vegetation structure and composition and causing the loss of typical heathland species. Accordingly, the application development could result in an impact pathway to the SAC if it contributes to an exceedance in critical values.

The heathland habitat in the Ashdown Forest SAC is vulnerable to atmospheric pollution from several sources including vehicle emissions from motor vehicles. There is a potential impact pathway from increased traffic flows associated with new development on the roads which go through, or run adjacent to, the SAC. Many of the characteristic plants, mosses and lichens of heathland habitats are adapted to nutrient poor conditions and extra input of nitrogen can disadvantage these characteristic species in favour of others with a greater tolerance of higher nitrogen levels.

The Council had proposed a new Local Plan to 2028 which sought to deliver 14,228 homes and 22,500 square metres of business floorspace. Considering the effects of that quantum of growth, NE is satisfied that will not adversely affect the integrity of Ashdown Forest Special Area of Conservation (SAC), Lewes Downs SAC and Pevensey Levels SAC and Ramsar from air quality impacts. NE's advice regarding air quality is that this conclusion can be reached without mitigation measures being needed under the specific requirements of the Habitats Regulations. The advice is based on the evidence provided, their expert knowledge of the particular characteristics, interest features and management of the designated sites in question and professional judgement.

NE has also advised that where an existing national, regional or local initiative can be relied upon to lead to the reduction in background levels of pollution at a site, the competent authority should assess the implications of a plan or project against an improving background trend. Air quality monitoring indicates improvements in vehicle technology will come forward and this is a further material consideration to inform any screening stage.

The development proposed is also considerably less than the quantum of growth promoted in the Submission Wealden Local Plan 2019, which was declared unsound on the basis of failed duty to cooperate. For the reasons set out above, when considered on its own or in combination, the proposed development would not adversely impact on the integrity of the protected European Sites

5. Conclusion

Careful consideration has been given to this application having due regard to the details and plans, supporting documentation and representations made by statutory consultees and other interested parties.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Whilst the development is in conflict with Policies GD2 and DC17 which restricts development in the countryside, material considerations which weigh heavily in favour of the development is the housing need and that the Council is unable to substantiate a five year supply of deliverable housing land. The proposal would assist in the provision of housing and meet the need for affordable housing. This is a highly significant material consideration and carries substantial weight in the context of the NPPF.

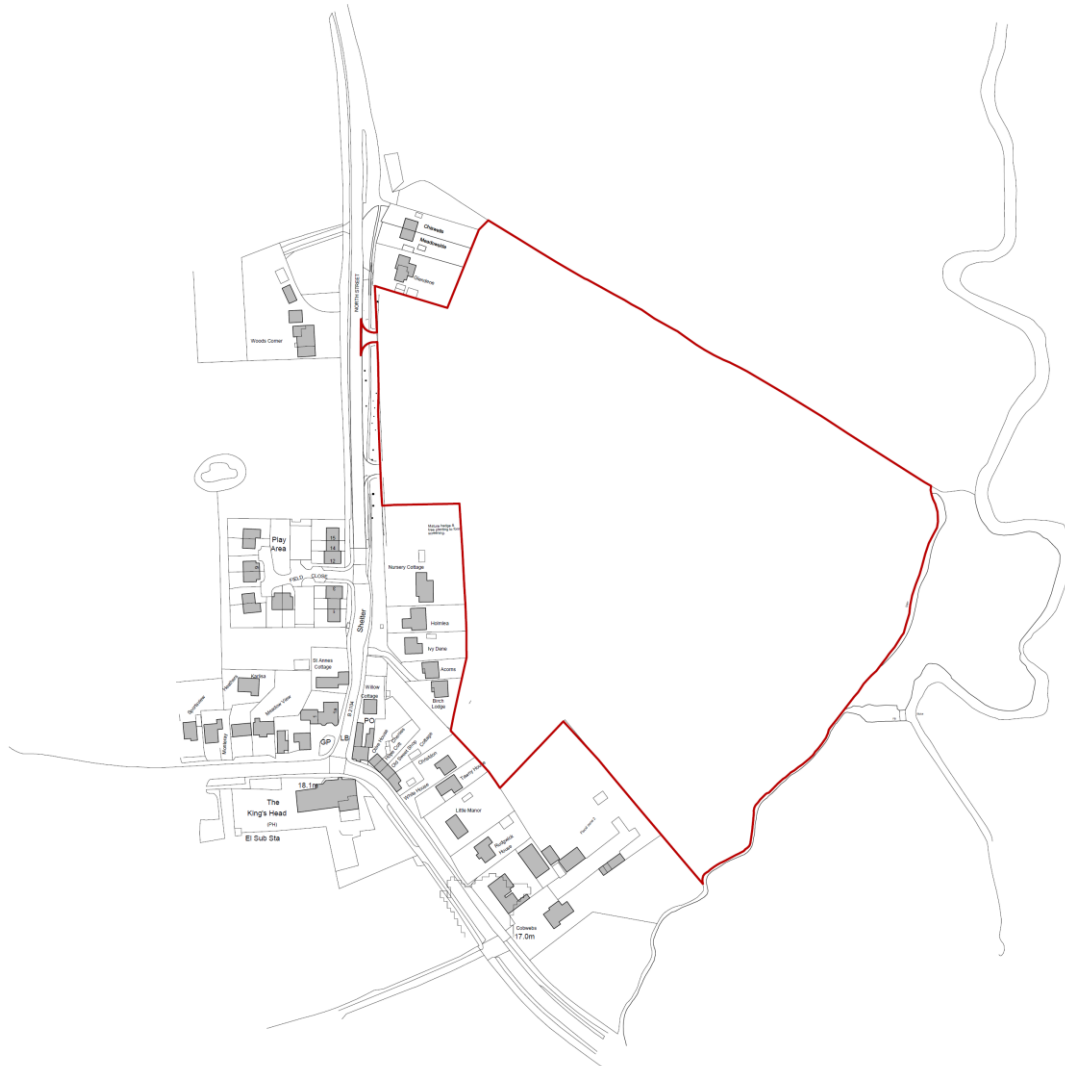
Having regard to the planning balance and the considerations set out in the main body of the report and the extant planning permission, it is recommended that the application is APPROVED subject to the completion of a legal agreement and conditions.

For: Planning Committee South
Date: 28 May 2020

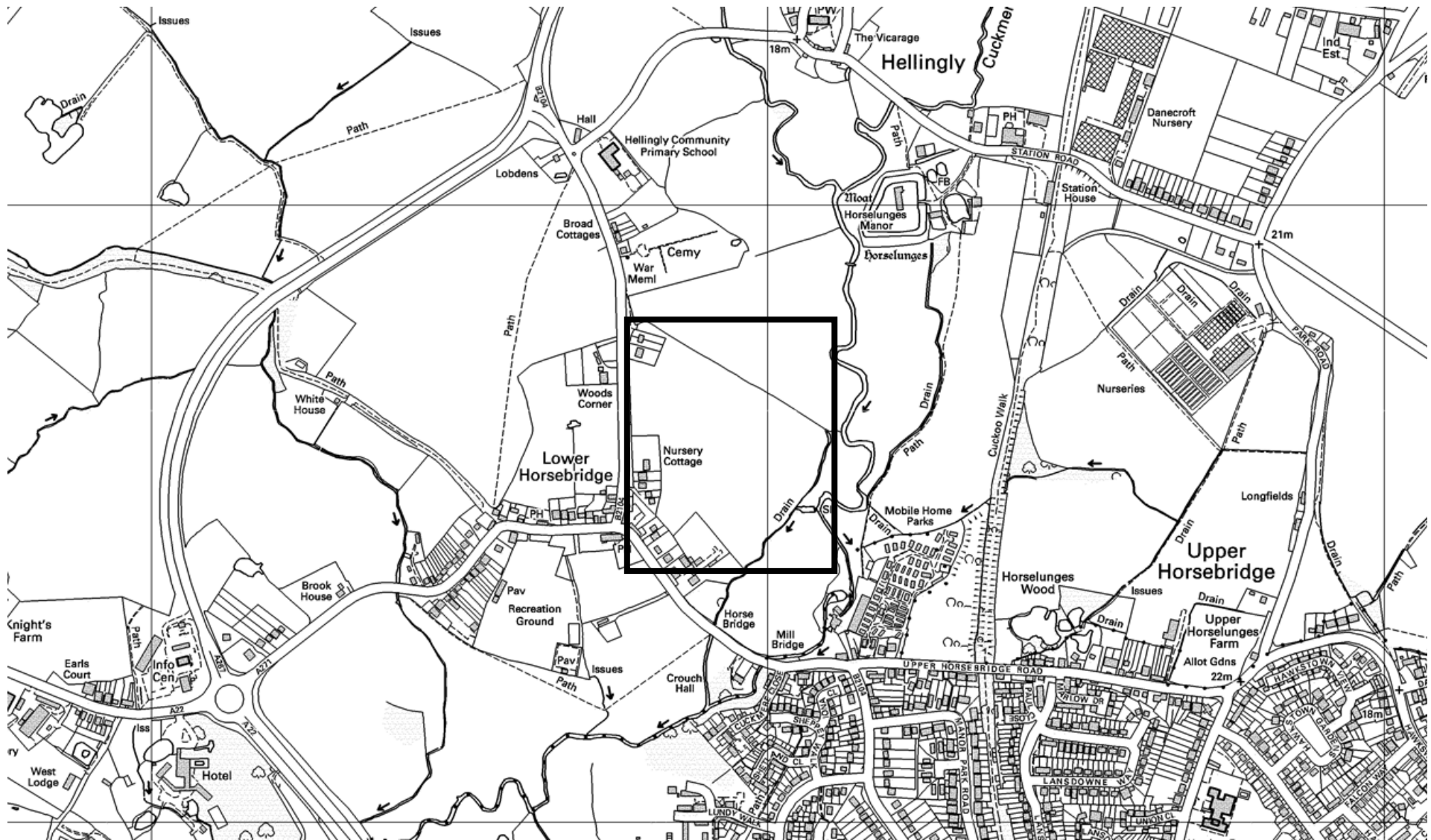
6. Contact points and references

Head of Service:	Stacey Robins - Tel: 01892 602518
Case Officer:	Mrs C Turner, Principal Planning Officer (Majors) – Tel: 01892 602541
Ward Member:	Cllr D White

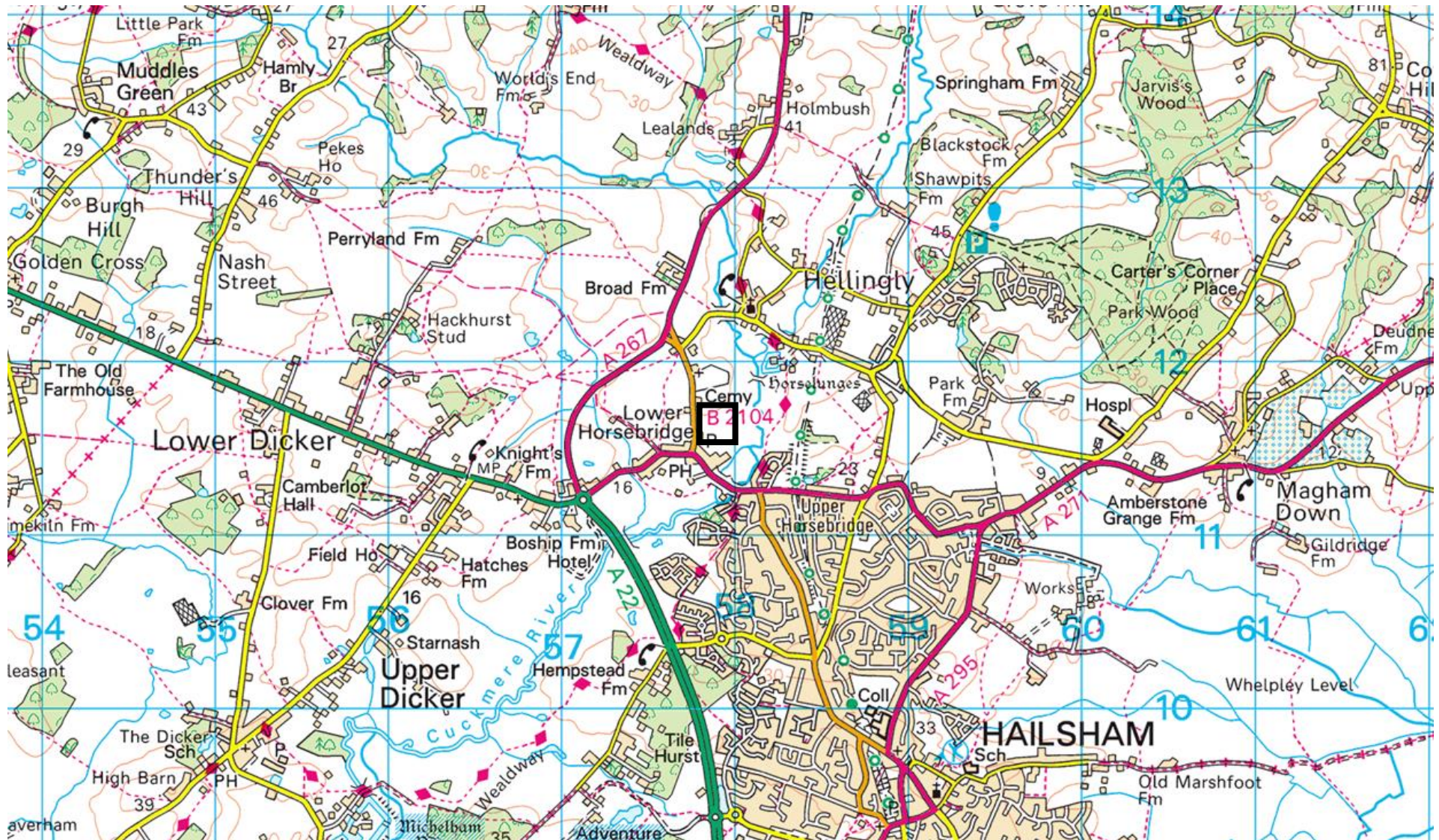
For: Planning Committee South
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