

APPELLANT DRAFT STATEMENT OF COMMON GROUND
(submitted with notice of Planning Appeal)

December 2023

STATEMENT OF COMMON GROUND

APPEAL REFERENCE TBC

DATE OF INQUIRY TBC

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT

Address:

Land south of the A271 and east of the A22, Lower Horsebridge, Hailsham, East Sussex

Outline application:

Development of up to 124 no. residential dwellings, associated infrastructure (including a new access junction onto the A271) and open space

LA reference: WD/2022/3222/MAO

APPELLANT: Hertfordshire Holdings Ltd

LOCAL PLANNING AUTHORITY: Wealden District Council

CONTENTS

- 1.0 Introduction
- 2.0 Description of the site and surrounding area (including relevant planning history)
- 3.0 The application (including a list of plans and documents that informed the Council's decision)
- 4.0 New plans
- 5.0 Development plan and relevant planning policy overview
- 6.0 Areas of agreement and disagreement
- 7.0 List of possible planning conditions
- 8.0 Draft terms of s106 obligations
- 9.0 Signatures

Appendices

- A. Draft core documents list
- B. Draft tabular schedule of areas of agreement and disagreement
- C. List of possible planning conditions - draft
- D. Draft terms of s106 obligations

1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) has been drafted to inform the planning appeal made by Hertfordshire Holdings Ltd (the Appellant) in respect of 'Land south of the A271 and east of the A22, Lower Horsebridge'.
- 1.2 It identifies the areas where Appellant anticipates that there can be agreement with the local planning authority, Wealden District Council (WDC), and the remaining areas of disagreement. The drafting is worded to enable the SoCG to be agreed by both parties.
- 1.3 A SoCG can assist the parties in providing relevant evidence, reduce the quantity of material which needs to be presented and considered, and helps inform the early engagement process. It provides a commonly understood basis for the appellant and the local planning authority and provides context to inform the statements of case and, in the case of an inquiry, the subsequent production of proofs of evidence.
- 1.4 Once agreed, the SoCG can ensure that the evidence considered at an inquiry focuses on the material differences between the appellant and the local planning authority. An agreed SoCG is to be submitted within five weeks of the start date, signed off by the appellant and the local planning authority.
- 1.5 The parties intend to agree necessary conditions and planning obligations in advance of the inquiry. The parties also intend to agree a list of Core Documents. Draft lists are included in appendices.

2.0 Description of the site and surrounding area (including relevant planning history)

- 2.1 The application site (Site or Appeal Site) extends to 7.67-hectares (ha) in area and is located to the south west of Lower Horsebridge village, to the immediate east of the Boship roundabout, and approximately 2.5km north west of Hailsham town centre. The Site is located within Hellingly parish.
- 2.2 The Site comprises a large, grazed field. The western boundary of the Site is formed by the A22 Hailsham Bypass and the northern boundary by the A271. The Site's frontage to the road is a hedgerow.
- 2.3 The southern and eastern boundaries of the Site are formed by the Lower Horsebridge Stream, which is a tributary of the Cuckmere River. The river itself is approximately 50m to the south of the Site at the closest point. There is a small wooded area towards the edge of the eastern boundary.
- 2.4 The land gently slopes from its highest corner with the Boship Roundabout down to the stream.
- 2.5 Services and facilities in Lower Horsebridge include a recreational field with play area and associated sports clubs, two village public houses/restaurants and bus stops located along the A271 (two pairs of bus stops opposite to and adjacent to The Kings Head pub and Pay Gate Cottages). The closest school, Hellingly Community Primary School, is approximately 900m (by road) to the north-northeast of the Site.
- 2.6 There is a 'Co-op' convenience store on Upper Horsebridge Road, situated approximately 1.2km to the east of the Site. Commercial and hospitality development at the Boship Roundabout involves a petrol station with 'Budgens' convenience retail store, 'Starbucks' coffee shop, 'Greggs' food-on-the-go outlet, a 'Travelodge' and the Boship Lions Farm Hotel. A line of residential properties fronts the northern side of the A271 road close to the roundabout.
- 2.7 There are no landscape or ecological designations that apply to the Site or its immediate surroundings. A portion of the eastern and southern areas of the Site, which are not proposed for built development by the appeal proposals, lie within flood zones 2 and 3. Much of the western half of the Site is in flood zone 1 (low probability of flooding). There are two listed buildings within 160m of the Site: the grade II listed Brook House which is to the north of A271 opposite the north eastern corner of the site, and the grade II listed Boship Farm Hotel, situated to the west of Boship Roundabout and the Hailsham Bypass.
- 2.8 There have been no other recent planning applications on the Site.
- 2.9 WDC is the owner of an area of undeveloped farmland to the north of the A271, to the east and north of Brook House, and opposite the Site, known as 'Knights Farm East'. WDC also owns undeveloped land to the north-west of Boship Roundabout, known as 'Knights Farm West'.
- 2.10 A planning application for a 'Wealden Sports Hub' development on 8.87ha of land at Knights Farm East was validated on 29 August 2023 (reference WD/2023/2100/DC). WDC is the applicant. The proposed scheme includes artificial football pitches, outdoor courts / games areas, play facilities, a changing room / toilets / café building, parking and landscape works. The application proposes a pedestrian and cycle link

between the sports hub and A271, opposite to the Appellant's Site, to provide a non-car connection between the proposed sports hub and Lower Horsebridge.

3.0 The application (including a list of plans and documents that informed the Council's decision)

3.1 The application that is subject to the appeal is an outline planning application, reference WD/2022/3222/MAO, with description of development as follows:

Development of up to 124 no. residential dwellings, associated infrastructure (including a new access junction onto the A271) and open space.

3.2 The application was submitted to WDC in December 2022 and validated on 2 February 2023 following receipt of further information which was requested by WDC for validation purposes. Following email correspondence with the planning officer between March and May 2023, supplementary information was submitted, including small amendments to the proposed development access and parameters drawings, which were issued and consulted upon before the application was refused on 30 June 2023.

3.3 The application decision was made under officers delegated powers.

3.4 The following plans and documents were submitted and are listed on the decision notice:

- Site location plan (drawing 231703C/007)
- Development parameter drawing (maximum building height zones and access) (TOR-XX-ZZ-DR-A-P011 revB)
- Site access layout (332110699_5501_SK009 revP01)
- Illustrative site layout (TOR-XX-ZZ-DR-A-P010 Rev B)
- Completed planning application form and certificate of ownership
- Planning, design and access statement (Terence O'Rourke¹, December 2022)
- Topographic survey plan T-332110699-03 (Precision Point Surveys, May 2022)
- Transport assessment and travel plan (Stantec, November 2022)
- Flood risk and drainage strategy (Stantec, November 2022)
- Landscape and visual appraisal (Terence O'Rourke, November 2022)
- Illustrative landscape strategy (Terence O'Rourke, TOR-XX-XX-DR-L-P-013)
- Ground conditions / contamination assessment (Stantec, March 2022)
- Heritage desk-based assessment (Terence O'Rourke, November 2022)
- Ecological impact assessment (LC Ecological Services, February 2023)
- Winter bird survey (Lizard Ecology, March 2022)
- Biodiversity net gain report and associated calculation spreadsheet / metric (LC Ecological Services, December 2022)
- Tree survey, arboricultural impact appraisal, method statement, tree protection plan, manual for managing trees on development sites (Barrell Tree Consultancy, December 2022)
- Noise impact assessment (Stantec, December 2022)
- Air quality assessment (Stantec, December 2022)
- Utilities appraisal report (Stantec, May 2022)

¹ Terence O'Rourke rebranded to tor&co in April 2023, during the determination period. Therefore, the original documentation is under the name Terence O'Rourke and the more recent work under tor&co.

- Energy statement (Hertfordshire Holdings Ltd, January 2023)
 - Lighting strategy report (Hertfordshire Holdings Ltd, January 2023)
 - Road safety audit and response (January 2023)
 - Technical note, Response to ESCC Highways Objection (Stantec, May 2023) including vehicle tracking drawings refs 332110699_5501_SK004 Rev P03 and 332110699_5501_SK005 Rev P02 (May 2023).
- 3.5 In response to matters raised during the determination period the applicant also prepared and submitted which accompanied amended drawings:
- Consultation response letter (tor&co, 2 June 2023)
- 3.6 The planning application was refused on 30 June 2023 (see the decision notice and officer's report in appendices 1 and 2 respectively) with WDC's stated principal reasons for refusal summarised as:
- (1) Development outside of development boundaries, within the open countryside, being detrimental to the character and appearance of the locality, over development, and poorly related to the surrounding built form and landscape – with adverse harm significantly and demonstrably outweighing the benefits of the proposal
 - (2) Harm to the character of the setting of two adjacent grade II listed buildings (Brook House and the Boship Farm Hotel)
 - (3) Failure to demonstrate that the site is suitably accessible by non-car means
 - (4) The lack of a mechanism to secure affordable homes and self or custom build homes (although recognising that this may be secured through an appropriate s106 legal agreement)
- 3.7 In the decision notice, WDC confirms that the fourth reason for refusal (lack of a mechanism to secure affordable and self or custom build homes) is a matter that can be secured through an appropriate legal agreement and SoCG, and that this matter would not be contested at appeal.

4.0 New plans

- 4.1 This section lists new plans not previously seen or consulted on by the local planning authority, including a brief explanation of any revisions or amendments with reference to the 'Wheatcroft Principles' (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]).
- 4.2 In view of reason for refusal 2, which relates to harm to the character of the setting of two adjacent grade II listed buildings (Brook House and the Boship Farm Hotel), the Appellant has decided to remove a small zone of built development within the proposal site with the objective of seeking to reduce the level of harm to the setting of Brook House.
- 4.3 The revised plans are:
- Development parameter drawing (maximum building height zones and access) (TOR-XX-ZZ-DR-A-P011 Rev C)
 - Illustrative site layout (TOR-XX-ZZ-DR-A-P010 Rev C)
- 4.4 The small reduction of the area of built development, and replacement of this area with additional green space, is not considered by the Appellant to prejudice any party and does not alter the overall substance of the application.

5.0 Development plan and relevant planning policy overview

- 5.1 The statutory development plan for the district principally consists of the 'saved' policies of adopted Wealden Local Plan (1998), the adopted Wealden District Core Strategy Local Plan (February, 2013), the Affordable Housing Delivery Local Plan (May, 2016) and the Hellingly Neighbourhood Plan ('made', February 2021).
- 5.2 East Sussex County Council has also prepared minerals and waste plans which form part of the statutory development plan but which are not relevant to the appeal.
- 5.3 Specific national and local policies referenced in the decision notice are:

'Saved' policies of adopted Wealden Local Plan (1998)

- GD2 Development outside the development boundaries
- EN1 Sustainable development
- EN2 Development pattern
- EN8 Landscape conservation of the Low Weald
- EN14 Landscaping within developments
- EN27 Layout and design of development
- EN29 Light pollution
- DC17 Housing development
- TR3 Traffic impact of new development
- TR13 Footpaths and bridleways
- CS1 Community services - Provision of capital works and services

Wealden District Core Strategy Local Plan (February, 2013)

- WCS6 Rural Areas Strategy
- WCS7 Effective Provision of Infrastructure
- WCS9 Rural Exception Affordable Housing
- WCS12 Biodiversity
- WCS13 Green Infrastructure
- WCS14 Presumption in Favour of Sustainable Development
- Spatial Planning Objective SPO03 Provision of homes
- Spatial Planning Objective SPO13 Quality of development / environment
- Spatial Planning Objective SPO15 Strategic and local infrastructure

The Affordable Housing Delivery Local Plan (May, 2016)

- AFH1 Affordable Housing

Hellingly Neighbourhood Plan (made, February 2021)

- LBH1 Lower Horsebridge

National Planning Policy Framework (NPPF), 2021 version

- Paragraphs 7, 8, 9, 10, 11 on achieving sustainable development
- Paragraphs 130, 131 and 134 on good design
- Paragraph 174 on protection of the natural and built environment
- Chapter 9, paragraphs 111 and 112 on transport and highways
- Paragraphs 60, 61, 62, 63 and 65 on delivering a sufficient supply of homes.

Wealden Design Guide 2008, adopted supplementary planning document (which is a material consideration in the determination of planning applications)

- Chapter 2 Character zones and local distinctiveness
- Chapter 3 Landscape, trees and wildlife
- Chapter 5 (section 8) Character appraisal of sites and settings – detailed considerations
- Chapter 7 New residential development

5.4 A new local plan is being prepared for Wealden District. A first stage of engagement on the new plan took place between November 2020 and January 2021 in the form of a 'Direction of Travel Consultation' which set out broad policy issues and options but didn't set out specific sites or locations for new growth. Subsequent work on this plan is currently paused, with the authority awaiting further clarity on plan making changes that may be introduced nationally. This draft plan does not currently have any status for decision making purposes.

5.5 Paragraph 11 of the NPPF, as updated 5 September 2023, considers the presumption in favour of sustainable development, with 11d) identify the following for decision-taking in the absence of an up-to-date plan

"11d) where there are no relevant development plan policies, or policies which are most important for determining the application are out-of-date, granting permission unless:

- i. The application of policies in this Framework that protects areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole."*

5.6 Footnote 8 of the NPPF identifies that development plan policies can be identified as out-of-date in "...situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74 [of the NPPF]); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."

6.0 Areas of agreement and disagreement

- 6.1 A table is provided as an appendix setting out areas of agreement and disagreement in relation to each reason for refusal and other relevant appeal topics.
- 6.2 The table will be adapted and updated to indicate where the parties are working together and there is a prospect of resolving any particular matter or reason for refusal.

7.0 List of possible planning conditions

- 7.1 A list of possible conditions and the reasons for them (including any policy support) attached as an appendix. The list is to include any conditions that are not agreed, with reasons for the disagreement. A statement is provided of the compliance of draft conditions with statutory and policy requirements.

8.0 Draft terms of s106 obligations

- 8.1 Draft heads of terms of Section 106 obligations are attached as an appendix ref. to the statement, including a statement of compliance with statutory and policy requirements.

9.0 Signatures

- 9.1 This section is to be prepared and will set out a proforma for the Appellant and WDC to sign the final agreed version of the SoCG.

SoCG Appendix A: Draft Core Documents List

It should be noted that Terence O'Rourke underwent a rebranding exercise on the 1 April 2023, becoming tor&co. Therefore, the author reference relates to whether the document was produced before or after this date.

Ref	Document	Reference / drawing number	Revision	Author	Date
CD1	Application Documents and Plans				
1.1	Planning application cover letter	231703C	-	Terence O'Rourke Ltd	December 2022
1.2	Planning application form	-	-	Terence O'Rourke Ltd	December 2022
1.3	Site location plan	231703C/007	-	Terence O'Rourke Ltd	November 2022
1.4	Illustrative masterplan	TOR-XX-ZZ-DR-A-P010	-	Terence O'Rourke Ltd	November 2022
1.5	Parameters plan	TOR-XX-ZZ-DR-A-P011	-	Terence O'Rourke Ltd	November 2022
1.6	Site access plan	332110699_5501_SK001	P02	Stantec	November 2022
1.7	Planning design and access statement	231703C	2	Terence O'Rourke Ltd	December 2022
1.8a	Transport assessment (part 1)	332110699	1	Stantec	November 2022
1.8b	Transport assessment (part 2)	332110699	1	Stantec	November 2022
1.8c	Transport assessment (part 3)	332110699	1	Stantec	November 2022
1.9	Framework travel plan	332110699	1	Stantec	November 2022
1.10a	Arboricultural impact assessment and method statement	22175-AA-LF	-	Barrell Tree Consultancy	December 2022
1.10b	Tree protection plan	22175-2	-	Barrell Tree Consultancy	December 2022
1.10c	Tree SGN Manual	-	-	Barrell Tree Consultancy	December 2022
1.11	Ecological appraisal	-		LC Ecological Services	April 2020
1.12	Winter bird surveys	LLD1993		Lizard Ecology	March 2022
1.13	Flood risk assessment (three parts)	4000_FRA01		Stantec	November 2022
1.14	Landscape visual appraisal (report and two figures)			Terence O'Rourke	November 2022
1.15	Illustrative landscape strategy drawing	TOR-XX-XX-DR-L-P-013	1	Terence O'Rourke	December 2022
1.16	Heritage desk-based assessment	231703C	1	Terence O'Rourke	November 2022
1.17	Utilities appraisal report (four parts)		1	Stantec	May 2022
1.18	Biodiversity net gain report	-	-	LC Ecology Services	December 2022

1.19	Biodiversity metric v3	-	-	LC Ecology Services	
1.20a	Ground conditions (parts 1)	332110699/3500/GEO/R002/G CA/Rev01	1	Stantec	March 2022
1.20b	Ground conditions (parts 1)	332110699/3500/GEO/R002/G CA/Rev01	1	Stantec	March 2022
1.21	Air quality assessment	-	-	Stantec	December 2022
1.22	Noise assessment	ACR001	1	Stantec	December 2022
CD2	Post submission documents				
2.1	Biodiversity metric v3.1			LC Ecological Services	December 2022
2.2	WDC application form updated extract	-	-	-	January 2023
2.3	Energy statement	-	-	Hertfordshire Holdings Ltd	January 2023
2.4	Lighting strategy	-	-	Hertfordshire Holdings Ltd	January 2023
2.5	Ecological impact assessment	-	-	LC Ecological Services	January 2023
2.6	Road safety audit	TN0001 V2	2	Stantec / Acorn Project Ltd	January 2023
2.7	Consultation response letter	-	-	tor&co	May 2023
2.8	Illustrative masterplan	TOR-XX-ZZ-DR-A-P010	B	tor&co	May 2023
2.9	Parameter plan	TOR-XX-ZZ-DR-A-P011	B	tor&co	May 2023
2.10	Response to ESCC Highways Objection	-	-	Stantec	May 2023
2.11	Site access layout	332110699_5501_SK009	1	Stantec	May 2023
2.12	Composite plan: NW Hailsham growth approved, proposed and potential development	231703C/P0010	-	tor&co	May 2023
CD3	Statutory and non-statutory organisation consultation responses				
3.1	WDC Biodiversity and Arboricultural response	-	-	WDC	28 April 2023
3.2	WDC Environmental Health	-	-	WDC	28 April 2023
3.3	CPRE	-	-	CPRE	19 February 2023
3.4	ESCC Highways 1 st response	-	-	ESCC	13 April 2023
3.5	ESCC Highways 2 nd response	-	-	ESCC	28 June 2023
3.6	Southern Water	-	-	SW	08 March 2023
3.7	Nature Space – GCN	-	-	NS	23 February 2023
3.8	Pevensey and Cuckmere Water Level Management Board and the Lead Local Flood Authority	-	-	WLMP / LLFA	01 March 2023
3.9	WDC Drainage	-	-	WDC	28 February 2023

3.10	Environment Agency	-	-	EA	14 February 2023
3.11	WDC Trees and landscape	-	-	WDC	25 April 2023
3.12	ESCC Archaeology	-	-	ESCC	02 March 2023
3.13	WDC Heritage	-	-	WDC	06 April 2023
3.14	East Sussex Fire and Rescue Service	-	-	ESFRS	21 February 2023
3.15	Hellingly Parish Council	-	-	HPC	28 February 2023
3.16	Sussex Police	-	-	SP	15 February 2023
3.17	WDC Waste Management	-	-	WDC	03 May 2023
3.18	WDC Housing Development	-	-	WDC	08 February 2023
CD4	Planning report and decision notice				
4.1	Delegated officer report	-	-	-	30 June 2023
4.2	Decision notice	-	-	-	30 June 2023
CD5	The Development Plan				
5.1	Adopted Wealden Local Plan 1998	-	-	Wealden District Council	
5.2	Wealden District Core Strategy Local Plan (adopted February 2013)	-	-	Wealden District Council	February 2013
5.3	Wealden Local Plan Direction of Travel Consultation	-	-	Wealden District Council	November 2020
5.4	Hellingly Neighbourhood Plan 2018 to 2028 (Referendum Version)	-	-	Hellingly Parish Council	February 2021
CD6	Other local policy guidance				
6.1	ESCC Local Transport Plan 3 (2011-2026)	-	-	East Sussex County Council	June 2011
6.2	ESCC Local Cycling and Walking Infrastructure Plan (2020-2030)	-	-	East Sussex County Council	October 2020
6.3	Travel Plans for Development, Guidance for Developers	-	-	East Sussex County Council	February 2020
6.4	Local Design Guide for Residential Development	-	-	East Sussex County Council	September 2010
CD7	National Policy and Practice Documents				
7.1	National Planning Policy Framework	-	-	Department for Levelling Up, Housing and Communities	Last updated September 2023

7.2	National Planning Practice Guidance	-	-	Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government	Last updated November 2023
CD8	Plans, drawings and documents submitted by not previously seen by the LPA				
CD8.1	Illustrative masterplan	TOR-XX-ZZ-DR-A-P010	C	tor&co	September 2023
CD8.2	Parameters plan	TOR-XX-ZZ-DR-A-P011	C	tor&co	September 2023
CD8.3	Heritage Statement Addendum	-	1	tor&co	November 2023
CD9	Relevant appeal decisions / judgements				
CD10	Other relevant information				

Areas of agreement and disagreement - DRAFT

This tabular schedule sets out areas of agreement and disagreement between the Appellant and WDC in relation to each reason for refusal and other relevant appeal topics.

The table will be adapted and updated to indicate where the parties are working together and there is a prospect of resolving any particular matter or reason for refusal.

Topic	Matters Agreed	Areas of Disagreement: The Position of the Appellant	Areas of Disagreement: The Position of WDC
Reason for refusal 1. The site lies outside any development boundary and within open countryside where the principle of residential development would be unacceptable having regard to local planning policy as it would be contrary to policies GD2, DC17 and EN27 of the Wealden Local Plan 1998 and Policy WCS6 and WCS9 of the Wealden District Core Strategy Local Plan (2013) (CS). These, taken together and amongst other objectives, preclude development within open countryside, set a classification of settlements suitable for additional housing and the quantum of housing and also seek development that respects the character of the area. The proposed development would be detrimental to the character and appearance of the locality. Any residential development on this site will inevitably and irrevocably change the character and appearance of this part of the River Cuckmere corridor, which is an important swathe of undeveloped land separating the village of Lower Horsebridge from the urban area of Upper Horsebridge and Hailsham, by extending development southwards and the harmful urbanising impact which would arise from the development. The application site is considered integral to the character and visual setting of the River Cuckmere corridor. As such, the application site holds not only visual significance in terms of the landscape setting but also in terms of the historic settlement form and character and its relationship to the listed buildings to the north and west. The proposed development for 124 dwellings on this site represents an unacceptable and inappropriate form of development. The development as indicated on the submitted plans is considered to be overdevelopment of the site, fails to reflect the existing grain of development and is poorly related to the surrounding built form and landscape. The development would appear as a highly urbanised housing estate, out of keeping with the rural location and existing low density development. It is considered that the adverse harm caused by the development resulting in urbanisation of agricultural land and impact on the landscape and historic character would be contrary to local planning policies that seek to protect and complement the environment. The development does not therefore meet the definition of sustainable development within the National Planning	The site is close to the urban edge of Horsebridge and Hailsham. The site is outside the development boundary that was formerly identified by the Wealden Local Plan (1998) proposals map for Lower Horsebridge. Policy WC6 of the Wealden Core Strategy (2013), removed the development boundary for Lower Horsebridge WDC has permitted housing development adjoining Lower Horsebridge village and more widely within Hellingly parish that is outside of any development boundary. The site is located outside of the 'Lower Horsebridge Village Area' as shown in yellow by Map 4 of the Hellingly Neighbourhood Plan, 2021 There is no specific policy within the Hellingly Neighbourhood Plan that prohibits residential development outside of the development boundary. The neighbourhood plan does not allocate housing. As stated in the officer report, in the absence of a five year supply of deliverable housing land the effect of policies GD2 and DC17 would be to restrict the supply of housing and prevent local housing needs being met. Very limited weight should be given to these two policies in the consideration of this application. The issue of housing delivery is considered to be a significant material consideration that outweighs the policy conflict with development plan policies GD2 and DC17 in terms of s38(6) of the Planning and Compulsory Purchase Act 2004. The appeal site does not form part of a designated landscape and is not part of a 'valued landscape' as identified in paragraph 174 of the NPPF. The site does not comprise any rare landscape features. The developable area is concentrated on the west of the site near existing roads (A22 and A271). The scheme provides on-site green space area for public access of approximately 4 hectares, which is larger than the area proposed to be built upon. The site borders the River Cuckmere. The Cuckmere Valley forms an important green/blue corridor and creates a sense of separation between Lower	Given the location of the built development (the north western corner of the appeal site), together with the provision of the substantial area of open space associated with the scheme, there is limited reduction to the green landscape setting around the historic village of Lower Horsebridge, and the key views identified in relation to policy LHB1 are retained by the proposed development. The submitted proposals enhance the landscape planting and biodiversity of this part of the 'River Cuckmere Habitat Link', a major planning benefit of the proposals. The green corridor will be retained around the village to the west and south. There is a relatively high degree of landscape enclosure by reason of existing development and vegetation on site boundaries. This is a key factor in the limited extent of visibility of the site, limiting effects on the wider landscape and limiting effects on views to a localised area. There is limited reduction to the green landscape setting around the historic village of Lower Horsebridge and the key views identified in relation to policy LHB1 are unaffected by the proposed development. The effects on landscape and visual receptors will be very localised largely due to the enclosed nature of the site. Landscape effects would be limited to direct effects on the site itself where development would result in a large magnitude of change but indirect effects on the character of the wider landscape would be negligible. Effects on visual receptors would be restricted to the large, or in some cases medium to large adverse effects residents of the limited number of houses close to the developed area of the site and persons using the public footpath that passes close to the site. Visual effects on receptors in the wider landscape would be sometimes small, but mostly negligible to none. The appeal proposals have been carefully designed having regard to the surrounding built form and landscape. The development is designed so as to retain and enhance a strong landscape corridor to the Lower	There are no policies in either the Local Plan or Core Strategy which favour development in this location. The degree of harm to the character and appearance of the site and surrounding area that would arise from the proposed scheme is such that WDC consider this to carry substantial weight. Any residential development on this site will inevitably and irrevocably change the character and appearance of this part of the River Cuckmere corridor, by extending development southwards and the harmful urbanising impact which would arise from the development. The application site is considered integral to the character and visual setting of the River Cuckmere corridor. The application site holds visual significance in terms of the landscape setting and in terms of the historic settlement form and character.

Policy Framework and the adverse harm identified would significantly and demonstrably outweigh the benefits of the proposal. The development would therefore be contrary to Policies GD2, DC17, EN1, EN2, EN8, EN14, EN27, EN29 and TR13 of the Wealden Local Plan; Spatial Planning Objective SPO13 and Policies WCS6, WCS9, WCS12, WCS13 and WCS14 of the Core Strategy, Policy LBH1 of the Hellingly Neighbourhood Development Plan and National Planning Policy Framework policies relating to sustainable development including Paragraphs 7, 8, 9, 10 and 11, those requiring good design in particular Paragraphs 130, 131 and 134 and those that seek to ensure that development protects and enhances the natural and built environment in particular Paragraph 174 in addition to advice in the Wealden Design Guide 2008, adopted Supplementary Planning Document, Chapter 2 Section 3, Chapter 5 Section 8 and Chapter 7.	Horsebridge and the large urban area of Upper Horsebridge and Hailsham to the south. The illustrative masterplan indicates one possible option of how the site could be developed. The application is made in outline. All matters are 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 (save for those parameters offered for approval on submitted parameters plans) The wider public benefits matters could include the delivery of housing on a site that is ready and available. The economic benefits would also include spin-off benefits to other businesses in the area and supporting local services within the village. The proposals would help deliver much needed housing. The benefits offered by the development include provision of market and affordable homes, pedestrian and cycle improvements, increased public access to green space (that is not currently accessible), biodiversity net gain and landscape planting enhancements. The appeal site is not subject to landscape designations. Vegetation along the boundary with the A22 provides some enclosure, particularly in summer. The site is visible from the A271 over the hedgerow.	Horsebridge Stream and surrounds, within the wider Cuckmere River corridor. The detailed design of the scheme is to be resolved at reserved matters stage, however the Appellant is content that a satisfactory design and density can be achieved. WDC has overstated the harm that may be associated with the proposals and has not placed enough weight in the balance on the full range of public benefits that the proposed development can offer. The adverse effects of granting permission would not significantly and demonstrably outweigh the benefits.	
Reason for refusal 2 The development would undermine the character of the setting of Brook House and Boship Farm Hotel by virtue of divorcing them from their countryside setting, providing an alien and urbanising development which by virtue of the scale, form and quantum of development would cause unacceptable harm to the character and significance of the setting of the heritage assets, and that this harm would not be outweighed by the public benefits resulting from the proposal. As such the proposal would be contrary to Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990, Policy EN1 and EN27 of the Wealden Local Plan 1998, Policy SPO2 of the Core Strategy and paragraphs 130, 189, 197, 199, 200 and 206 of the National Planning Policy Framework and Chapter 5, 7 and 12 of the Wealden Design Guide.	The harm that would be caused to the setting of Brook House is 'less than substantial' in the terms set out in the NPPF. Where harm is considered to be less than substantial, as is the case here, this harm should be weighed against the public benefits of the proposal The site contributes positively to the significance of Brook House through its setting. Impacts of development on Brook House can be reduced by removal of the houses on the eastern side of the new access.	Boship Farm Hotel, to the west of the site, is physically and visually separated from the site by the Boship Roundabout, A22 road and vegetation. It considered that there is no potential for effects on its significance as a result of the proposed development. In making a design change at appeal stage (remove all built development southeast of Brook House / east of the proposed site entrance access road) it is considered that the degree of harm to this designated heritage asset would now be at the lower end of less than substantial harm. The proposals do not give rise to any other harmful effects to other designated heritage assets. The public benefits weigh in favour of permitting the appeal proposals.	The scheme would not satisfy the aims of the National Planning Policy Framework as regards the conservation of heritage assets, nor would it 'preserve' the significance of the listed buildings, including two grade II listed buildings. The proposed development is predicted to result in harm to the grade II listed Brook House as a result of the changes to the setting through the loss of part of the open land to the south and its visual prominence in close proximity to the asset. The urban form of development could present harm within the setting of Boship Farm Hotel. It is considered that the benefits of the scheme do not outweigh those harms, therefore the less than substantial harm is not outweighed.

Reason for refusal 3 The proposal has failed to demonstrate that, the site is suitably accessible by non-car modes. The development would therefore be contrary to Saved Policies EN1, EN2, TR3, TR13 and CS1 of the Wealden Local Plan 1998, Spatial Planning Objectives SPO7 and SPO15 and Policies WCS7 and WSC14 of the Wealden Core Strategy Local Plan 2013 and the guidance within Chapter 9 of the NPPF in particular paragraphs 111 and 112.	The site would have good road connections. The application site fronts a significant bus / road corridor in the district. The submitted planning application indicates improvements that can be made to the non-car accessibility of the site, including: • 3m shared walking and cycling path, with a 0.5m carriageway separation, provided on the southern side of the A271 Lower Horsebridge (application site frontage) between the Boship Roundabout and the urban footprint to the east of the site. • Reduction of the speed limit on A271 Lower Horsebridge Road to 30mph, between the Boship Roundabout and the existing 30mph limit to the east of the site. • New bus stops, pole, shelter, real time information sign and crossing provision, at an appropriate location to the west of the current Pay Gate Cottages bus stops (subject to agreement with ESCC, agreement by WDC as third-party land owner for a possible eastbound bus stop on the northern side of the A271, and a Road Safety Audit). • Contribution of £1,100 per dwelling towards improving bus services in the area. • An uncontrolled crossing facility on the A271 Lower Horsebridge Road comprising a pedestrian island, dropped kerbs and tactile paving. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.	There is the potential for non-car accessibility improvements proposed as part the appeal proposals to combine with improvements associated with WDC's own proposals for a Wealden Sports Hub, north of the A271, that is subject to current planning application reference WD/2023/2100/DC, which was validated on 29 August 2023 Appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location	There is a failure of the application to demonstrate that the site is suitably accessible by non-car means. No persuasive case has been advanced to address the failings of the sites location to key day to day facilities.
Reason for refusal 4: The Planning Statement confirms the intention to deliver a policy compliant scheme to secure affordable housing. Custom build or self-build homes will also be required. No mechanism exists to secure an appropriate package that would ensure delivery of these matters and as a result the proposed development is contrary to the provisions of Policy AFH1 of the Affordable Housing Delivery Local Plan 2016, Spatial Planning Objective SPO3 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013 and paragraphs 60, 61, 62, 63 and 65 the National Planning Policy Framework 2021.	Reason 4 is a matter that can be secured through an appropriate legal agreement and Statement of Common Ground. That being so, this reason would not be contested in any s78 appeal	-	-
Housing land supply	As set out in the Five Year Housing Land Supply Statement as of 1st April 2022, published December 2022, there are 5,706 (net) dwellings on identified sites that are considered available, suitable and available now for the five year period, which is some 1,556 (net) dwellings less than the 7,272 (net) dwellings required to	-	-

	be deliverable (inclusive of a 20% buffer). This equates to 3.92 years (or 78.5%) of housing land supply. By reason of the failure of the LPA to demonstrate a 5-year supply of deliverable housing land, Local Plan policies relating to housing need and supply are deemed to be out of date (Saved Policies GD2 (Development outside the development boundaries) and DC17 (Housing development)). The delivery of up to 124 houses is afforded significant weight when viewed against the five year housing land supply shortfall. To be updated in due course referencing recent appeal decision(s) etc. NB - Position of 3.66 years supply stated as at early/mid 2023.		
Flood risk	The site extends across Flood Zone 3 (High Probability) Flood Zone 2 Medium Probability and Flood Zone 1 (Low Probability). The actual residential development 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 sequential test and exception test are not required 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. Having regard to the consultation comments from the Environment Agency, ESCC LLFA and the Council's Drainage officer, WDC has no objections regarding flood risk and surface water drainage.	-	-
Noise and air quality	The proposed development is adjacent to the A22 and A271 both of which are busy roads. This indicates that traffic noise could have an impact on future occupiers. The noise impact assessment, undertaken by Stantec, dated December 2022, reference 332110699/1200 is satisfactory for the outline planning application. Properties away from the roads and closer to the centre of the site will probably reside in an acceptable noise environment. Properties closer to the roads will be more impacted by noise. Therefore, as per PPG-Noise, it is expected that good acoustic design (GAD) shall be integrated into this development. Only after all GAD options have been exhausted, should acoustic mitigation in the form of enhanced glazing; closed windows and mechanical ventilation etc, be considered.	-	-

	A suitable condition can be applied. The Air Quality Assessment undertaken by Stantec, Project Ref: 332110699/1300, dated December 2022 is considered satisfactory WDC's Pollution Control officer has raised no objections and recommended various conditions to address points they raised. WDC has no objections regarding noise and air quality.		
Foul water drainage	Whilst Southern Water has advised that there is inadequate capacity within the existing foul sewerage network to accommodate the additional foul flow from the proposed development site, they have confirmed that the capacity issue within the local network can be addressed through the provision of additional infrastructure to provide sufficient capacity to service the development. A condition could be imposed that restricts occupation of the development until works required to upgrade the infrastructure sufficiently to provide capacity for the new development have been carried out.	-	-
Ecology	No ecological objections have been raised to the application. The site supports limited existing priority habitat. Existing hedgerows are largely retained with enhancements proposed. Onsite lowland deciduous woodland is proposed to be retained and enhanced. The existing woodland and river onsite are proposed to be buffered and enhanced. Proposals also include creation of woodland & scrub, scattered trees, native hedgerow, lowland grassland/meadow and SUDs bordering development and native habitat planting. This is considered to provide benefits to connectivity in the local ecological network, buffering and expanding existing 'island' of woodland onsite and providing higher quality habitat linking existing ecological links to the north and south/south-east of the site. The site has been identified as of value for foraging and commuting bats. Linear features and existing habitats of value are to be retained with creation of mosaic semi-natural habitat retaining and strengthening existing bat commuting/foraging areas on the site. Reptiles species are not recorded on the site by surveys. The development would be unlikely to cause an impact on great crested newts and/or their habitats. The areas of the site proposed to be developed have a relatively low biodiversity baseline, predominantly	-	-

	consisting of what has been identified as improved grassland. Features of higher ecological value are proposed to be retained and enhanced. A planning condition can be used to secure the measures and recommendations outlined in the submitted ecological report. A biodiversity net-gain assessment has been supplied with the application; this concludes the application would deliver a 29% gain in habitat units and a 40% gain in hedgerow units.		
Waste management	There is no objection in principle to the outline proposal from a waste management perspective, with detail to be further considered at reserved matters stage.	-	-
Archaeology	It is acceptable that the risk of damage to archaeology is mitigated where necessary by the application of planning conditions.	-	-
Trees and hedgerows	There are no TPO/Conservation Area/Ancient Woodland or Veteran tree constraints on the site Tree features on the site are limited to an isolated group of trees to the centre east of the site and native species hedgerows along the A271 and part of the A22 boundaries of the site. The proposal would result in no direct loss of trees(aside from those identified as requiring removal on safety/health grounds). Some hedgerow removal would be required to facilitate the new access. The quality of these hedgerows is poor and they are not important hedgerows under the Hedgerow Regulations. Hedgerows on the east and west boundaries are identified as important and will be retained.	-	-
Contamination	This development is proposed to be built on farmland. Farming can result in localised land contamination (bonfires, fly tipping, fuel leaks, deposits of waste materials etc). The Appellant's Ground Condition Assessment (Phase 1), Project Ref: 332110699 - Rev: 01, dated March 2022, undertaken by Stantec is acceptable and a contaminated land discovery strategy condition is recommended. This condition covers the scenario whereby, if during development, materials are discovered which could be contaminants of concern, they are investigated, risk assessed and mitigated against as necessary.	-	-
Overall planning balance	The shortfall in the supply of housing land is a material consideration that weighs heavily in favour of allowing the proposed development. Having regard to National Planning Policy Framework and Core Strategy policies relating to sustainable development, significant and demonstrable harm needs to be demonstrated for the proposed application to be refused.	The benefits offered by the development (including provision of market and affordable housing, pedestrian and cycle improvements, increased public access to green space, biodiversity net gain and landscape planting enhancements) have not been appropriately balanced by WDC. The proposals do not give rise to significant and demonstrable harm. The appeal proposals should be approved by reference to the development plan and material considerations.	On balance the adverse impacts of granting planning permission in this case significantly and demonstrably outweigh the benefits of doing so, including the degree to which this would address the shortfall in housing supply in the area. The proposed development is therefore contrary to the development plan.

Habitat Regulations Assessment		Habitats Regulations Assessment is not required.	Regulation 63(1) indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent. As the application is being refused on other grounds, it is not therefore necessary to address this in any further detail.
---------------------------------------	--	--	--

Draft list of conditions

This initial draft list of planning conditions has been collated by reference to application consultee responses and the content of the planning officer's report.

This list simply reproduces the wording put forward by consultees and does not at this point infer any agreement of the Appellant or WDC to the use of the condition wording.

WDC drainage

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 and pollution/silt control devices and construction details of any non-standard features.
- ii. The attenuation ponds must be sited within Flood Zone 1 allowing for future climate change.
- iii. 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.
- iv. Supply full hydraulic calculations to the correct level of climate change to the satisfaction of the Lead Local Flood Authority.
- v. Provide evidence that the receiving main river is in sufficient condition to receive the calculated flows.

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 paragraphs 163 and 165 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."

Trees and Landscape

WDC standard conditions TP02, TP05(M), LA01 & LA02.

TP05(M): Before development commences a full Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority which shall include numbering and detailing trees, confirming root protection areas, routing of service trenches, overhead services and carriageway positions and any details of no dig techniques along with associated use of geotextiles and an indication of the methodology for necessary ground treatments to deal with compacted areas of soil. The works shall implemented in accordance with the approved details. TP05(M)

TP02: 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'.

LA01: 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 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 completion or first occupation of the development, whichever is the sooner.

Biodiversity

EL02 - External Lighting - No Floodlighting (B)

No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated within the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, and has been submitted to and approved in writing by the Local Planning Authority for that phase. The scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: To prevent impacts to local bat populations, European protected species, ref: Conservation of Habitats and Species Regulations 2017

NC08 Nature Conservation - Wildlife Management Plan

Before preparation of ground levels for development approved a wildlife management plan shall be submitted and approved, to include as appropriate detailed proposals for the protection of protected species including breeding birds, bats, badgers, reptiles and amphibians and measures for the avoidance and mitigation of any harm to them likely to be caused by the development. The works and other measures forming part of that plan shall be carried out in accordance with it.

Reason: To prevent impacts upon and provide ecological mitigation for protected species and European protected species, ref: Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

NC09 Nature Conservation - Implementation of biodiversity enhancement as in Ecological Survey Report

Prior to preparation of ground levels for the construction of the development hereby approved, a scheme for the enhancement of the site for biodiversity purposes, in accordance with sections 5.10 of the submitted ecological appraisal, dated April 2020, and section 7.20 of the submitted ecological impact assessment, dated January 2023, to include timescales for implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.

Reason: To mitigate ecological impacts of development and provide biodiversity net-gain, in accordance with local and national policy.

The development hereby approved shall be implemented strictly in accordance with the recommendations/measures stated in section 8.18 of the supporting document Ecological Impact Assessment, Lower Horsebridge, Hailsham, LC Ecological Services, January 2023.

Reason: To minimise the impacts of development on biodiversity, in accordance with paragraphs 174 and 180 of the NPPF, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

“A suitably worded soft landscaping condition is recommended.”

Landscape and ecological management plans (LEMPS)

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior [... to the commencement or occupation ...] of the development [or specified phase of development]. The content of the LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Pollution control

Air Quality

Prior to commencement, a report shall be submitted in writing for approval to the Local Authority, showing that the costs of air quality mitigation methods integrated into the development shall match or exceed the combined air quality damage cost calculation of £23,670.

Contaminated Land

CL04

Construction Environment Management Plan

C04(M): No work below ground level 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, control of run-off, application of design controls for construction equipment and construction vehicles, vehicle routing, 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.

Acoustics, ventilation and overheating

No development shall commence until a scheme that addresses the issues of acoustics, ventilation and overheating (AVO) has been submitted to and agreed in writing by the Local Planning Authority. Good acoustic design, as per ProPG, shall be fully integrated into the scheme. This is to ensure that future residents shall not be exposed to unacceptable levels of noise exposure, even during periods

of overheating. The hierarchy of good acoustic design (GAD) shall be applied in descending order and the methods utilised shall be clearly outlined in an Acoustic Design Statement (ADS). The ADS shall be incorporated into the overall AVO scheme and GAD shall include as many of the following methods as possible:

- i. Maximising the spatial separation of noise source(s) and receptor(s).
- ii. Investigating the necessity and feasibility of reducing existing noise levels and relocating existing noise sources
- iii. Using existing topography and existing structures (that are likely to last the expected life of the noise-sensitive scheme) to screen the proposed development site from significant sources of noise
- iv. Incorporating noise barriers as part of the scheme to screen the proposed development site from significant sources of noise
- v. Using the layout of the scheme to reduce noise propagation across the site
- vi. Using the orientation of buildings to reduce the noise exposure of noise sensitive rooms
- vii. Using façade design eg façade barriers, balconies and winter gardens to minimise exposure to noise
- viii. Using the building envelope to mitigate noise to acceptable levels

For the purposes of this condition the scheme shall a) outline the level of noise exposure for each property and how the noise level within any (unoccupied) domestic living room or bedroom, with windows open for normal ventilation, shall comply with the desirable internal noise levels as outlined in Table 2.1 of BS8233:2014 and b) outline how the noise level within any (unoccupied) domestic bedroom, with windows open, shall not normally exceed 42 dB(A) LAFmax between 23:00 and 07:00, in line with WHO NNGL 2007.

Where the standards in (a) or (b) above cannot be achieved following GAD and with windows open, only then shall the scheme show how those standards will be met with windows closed and how adequate ventilation and cooling will be provided.

In order to prevent overheating, the cooling hierarchy below, combined with GAD shall be applied to the scheme with an aim to ensure that properties can comply with the simplified method to prevent overheating as outlined in Approved Document O:

1. Minimise internal heat generation through energy efficient design
 2. Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls
 3. Design the properties to enable passive ventilation (e.g. cross ventilation);
- The methods integrated into the design to prevent overheating shall be fully outlined in the AVO scheme and no dwelling hereby permitted shall be occupied until the approved scheme has been implemented in full for that dwelling.

If, after applying GAD and the cooling hierarchy it is determined that for some properties the simplified methods to prevent overheating cannot be applied, then for such properties, thermal dynamic modelling shall be submitted with the AVO scheme to show compliance with ADO for each of those properties.

Prior to occupation, a study confirming the effectiveness of the AVO scheme for a representative selection of different properties in different locations (10% of the development) shall be undertaken not less than one month after completion. The survey shall identify the level of compliance with the scheme and shall be submitted to the LPA within one month of the survey completion as a written report. No part of the development shall be occupied where compliance has not been achieved in full. Any amendments to the scheme or alterations to it must be agreed in writing with the Local Planning Authority in advance.

All acoustic reports submitted in relation to the scheme shall include characterisation of uncertainty and shall demonstrate the adoption of good practice to minimise uncertainty.

Air Source Heat Pumps

Prior to commencement an Air Source Heat Pump acoustic report shall be submitted to the Local Planning Authority for approval. This report shall show that the installation of every heat pump across the development site shall comply with the Chartered Institute of Environmental Health and Institute of Acoustic's guidance: 'Heat Pumps, Professional Advice note.'

The report shall outline that the rating level from ASHPs, including the cumulative impact of multiple ASHPs if relevant, shall not exceed 35dB LAeq,15min at any noise sensitive façade of a neighbouring residential premises.

If it is not practical to achieve this value for any of the heat pumps, and the local context supports a relaxation, then a report providing a full justification as to why such a relaxation in rating level is required, shall be submitted in writing to the Local Authority for approval. Following installation of ASHPs across the development site, post-installation noise monitoring shall be undertaken by the applicant at the reasonable request of the Local Planning Authority.

Archaeology

[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.

Environment Agency

The development shall be carried out in accordance with the submitted flood risk assessment (ref 332110699/4000_FRA, rev A, November 2022) and the following mitigation measures it details:

- All the proposed residential dwellings and site access are located in Flood Zone 1 and areas that are at low risk of flooding from other sources as per paragraphs 6.1.2 & 8.1.10 of the FRA.
- Finished floor levels shall be set no lower than 17.21 metres above Ordnance Datum (AOD); 600mm above the modelled water level for the 1 in 100 32% CC as per paragraphs 6.2.2 & 8.1.12 of the FRA

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

- To reduce the risk of flooding to the proposed development and future occupants

ESCC Flood Risk Management

1. Prior to the commencement of development ,a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:

1. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to QBAR greenfield runoff rates for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
 2. The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
 3. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
 4. The detailed design of the attenuation ponds shall be submitted to and approved in writing by the Local Planning Authority. The detailed design shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, 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.
2. 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:
1. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 2. 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.
3. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.
 4. Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Southern Water

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 wastewater network capacity is available to adequately drain the development.

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

ESCC Highways

1 No development shall be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing no 332110699_5501_SK008 rev P01 as amended as part of the s278 agreement and detailed design.

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 visibility splays of 2.4m by 90m to the east and 210m to the west of the proposed access are provided in both directions and maintained thereafter.

Reason: To ensure 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 areas have been provided in accordance with 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 motor vehicles.

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

4 Parking spaces shall measure at least 2.5m by 5m (with an extra added an extra 50cm where spaces abut walls/fences hedges).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

5 The development shall not be occupied until cycle parking areas have been provided in accordance with approved plans and 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

6 The development shall not be occupied until turning spaces for vehicles likely to visit the site have been provided and constructed in accordance with the 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

7 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

8 Prior to the commencement of development, detailed drawings, including levels, sections and constructional details of the proposed roads, 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 with a view to their subsequent adoption as a publicly maintained highway

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

9 The new estate roads shall be designed and constructed to the 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

10 No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters.

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area

Draft list of planning obligations

This initial draft list of planning obligations has been collated by reference to application consultee responses and the content of the planning officer's report.

This list simply reproduces the wording for Heads of Terms put forward by consultees and does not at this point infer any agreement of the Appellant or WDC to their use.

ESCC Highways

"While I object to this development as submitted should planning permission be granted, I require that the following obligations and conditions form part of any consent. Please note that for development of 124 dwellings I am concerned that the requirements are not reasonable in terms of the scale of development i.e. meeting the CIL tests."

s106 obligations

- £1100 per dwelling for bus services serving the site
- £12,000 per RTPI sign (2 bus stops)
- £500 per bus stop clearway (4 bus stops)
- TRO fee of £5000 for the implementation of the extended 30mph on the A271
- TRO fee of £5000 for the implementation of a 20mph speed limit within the site
- Travel Plan and Travel Plan Audit fee of £6000
- £1000 per dwelling for MRN schemes (Boship roundabout)
- A Right Turn Lane access to the site to tie in with ESCC scheme at the Boship roundabout
- Provision of a shared footway/cycleway along the site frontage to the Paddock to tie in with ESCC scheme at the Boship roundabout

I require the further works not agreed by the applicant

- Provision of a pair of bus stops on the A271 (if achievable)
- Footway widening works on North Street to Hellingly Primary school
- Contribution to the LCWIP schemes specifically routes 220, 221 and 310

The applicant is advised that as the estate roads are to remain private/unadopted, the Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and parking areas are properly constructed, surfaced, drained and where appropriate lit and that the works are appropriately certified from a suitably qualified professional confirming the construction standard

WDC

- Affordable housing provision in compliance with policy
- Self and custom build homes

The Appellant's planning, design and access statement

Appendix 1 of the submitted planning, design and access statement offered draft S106 Heads of Terms as follows:

- Affordable housing: Policy compliant offer of affordable housing
- Open space maintenance – Consideration of options for the ongoing maintenance of the open space, either through agreement with the Parish Council / District Council or via private management provision
- Transport – TBC following planning application consultation feedback from ESCC

The Appellant's original planning, design and access statement also commented at paragraph 7.3:

"The applicant is also content to incorporate a small element of self or custom build housing within the scheme at the detailed design stage if this is formally required and is keen to understand WDC's specific current requirements in this regard."

Other examples

It is noted that signed S106 agreements for approved development of similar scale and content in the local area have included the following obligations:

- 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.