LAND AT DOWNLANDS FARM, UCKFIELD

Planning Proof of Evidence
Volume 3: Summary

Joshua Mellor BSc (Hons) MSc MRTPI

WDC REFERENCE: WD/2022/1637/MEA
APPEAL REF: APP/C1435/W/23/3321978

October 2023

On behalf of **Gleeson Land and**
John Alison Land and Research Limited

LAND AT DOWNLANDS FARM, UCKFIELD

APPEAL AGAINST THE REFUSAL OF A PLANNING PERMISSION FOR:

HYBRID PLANNING APPLICATION COMPRISING: OUTLINE APPLICATION (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) FOR THE ERECTION OF UP TO 424 NO. RESIDENTIAL DWELLINGS INCLUDING AFFORDABLE HOUSING, THE PROVISION OF VEHICULAR, PEDESTRIAN AND CYCLE ACCESS AND SEPARATE EMERGENCY ACCESS FROM THE UCKFIELD BYPASS (A22), PEDESTRIAN AND CYCLE ACCESS FROM SNATTS ROAD, OPEN SPACES INCLUDING CHILDREN'S PLAY SPACE, SUSTAINABLE URBAN DRAINAGE SYSTEMS, ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND EARTHWORKS; AND
FULL APPLICATION COMPRISING CREATION OF A STRATEGIC SANG, ASSOCIATED LANDSCAPING AND CAR PARKING, AND DEMOLITION OF EXISTING RESIDENTIAL PROPERTY AND OTHER BUILDINGS AND PROVISION OF PEDESTRIAN AND CYCLE ACCESS FROM ROCKS ROAD, ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND EARTHWORKS

Proof of Evidence of Joshua Mellor BSc (Hons) MSc MRTPI

Appeal Ref: APP/C1435/W/23/3321978

1.0 SUMMARY OF CASE: PLANNING MATTERS

1.1 My name is Joshua Mellor, I am Planning Associate Director at Stantec. I am a Chartered member of the Royal Town Planning Institute. I have been instructed by the Appellants, Gleeson Land and John Allison Land and Research Ltd, to provide advice, evidence and expert opinion in respect of planning matters in relation to the Appeal Proposals.

1.2 My evidence herein focuses on the compliance of the Appeal Proposals with the Development Plan, any other material considerations relevant to the Appeal, and the planning balance. My evidence is to be read alongside the evidence of the following witnesses:

- Mr Veasey on matters of Housing Land Supply and Affordable Housing;
- Mr Bell on matters of Highway and Transport;
- Mr Stratford on matters of Heritage;
- Mr Mylchreest on matters of Landscape;
- Mr Jenkin on matters of Flood Risk and Drainage;
- Mr Forbes-Laird on matters of Arboriculture; and
- Mr Baxter on matters of Ecology.

1.3 This evidence should also be considered alongside the agreed Planning Statement of Common Ground (**CD1/10**).

1.4 Pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the Appeal is the Development Plan unless material considerations indicate otherwise.

1.5 I am of the view the Appeal Proposals align with the overarching Vision of the Wealden District Local Plan Core Strategy 2013, by delivering much needed new housing to meet known housing and affordable housing needs and by delivering new resources for recreation whilst protecting the environment within which the proposals would sit. Further, the Proposals would comply with / not conflict with the spatial planning objectives which underpin the Vision of the Plan.

1.6 Whilst the Appeal Site sits outside of the Development Boundary for Uckfield (**CD6/23**), the Appeal Proposals are located adjoining one of the most sustainable settlements in the District. In the context of the spatial policies for new homes not meeting housing needs and a failure of the Council to address plan-making requirements required by the spatial policies of the Plan, I consider the Appeal Proposals would not be at odds with the overarching spatial strategy of the Development Plan.

1.7 Having considered the Appeal Site and proposals against the relevant Development Plan policies, and having considered the application material and the evidence prepared by others, I am of the view that the Appeal Proposals clearly comply with most of the relevant policies identified.

1.8 In my view, this includes compliance or no conflict with most policies quoted within the reasons for refusal including:

- Wealden Local plan 1998
  - CS2 (Drainage)
  - EN1 (Sustainable Development)
  - EN2 (Development Patters and Transportation)
  - EN12 (Tree, Woodland and Landscaping)
  - EN13 (Ancient Woodlands)
  - EN15 (Nature Conservation)
  - EN27 (Design)
  - TR3 (Traffic Impact of New Development)
  - TR13 (Footpaths and Bridleway)
  - TR16 (Car Parking Standards in New Development)
- Wealden District Core Strategy Local Plan 2013
  - WCS7 (Effective Provision of Infrastructure)
  - WCS12 (Biodiversity)
  - WCS14 (Presumption in Favour of Sustainable Development)
- Affordable Housing Delivery Local Plan 2016
  - AFH1 (Affordable Housing)

1.9 I acknowledge that there would be a conflict with Policy GD2 (Development Boundaries) and Policy DC17 (Residential Development), which both resist development outside of adopted Development Boundaries. However, it is agreed with the Council (para 6.9 of CD1/10) that this conflict should be afforded reduced, limited, weight in light of the fact:

a) The settlement boundaries were based on an assessment of settlements carried out in 1998;

b) The boundaries are restrictive to the supply of housing and prevent local housing needs being met;

c) There are few 'within' development boundary locations available for development.

1.10 I am of therefore of the view that the Appeal Proposals are in limited conflict with the Development Plan and that the conflict with policies GD2 and DC17 should be given limited weight. There will therefore be a need to consider whether "material considerations" exist to justify the departure from the Development Plan.

1.11 I am of the view material considerations do exist. As agreed with the Council, it cannot demonstrate a 5-year supply of deliverable housing sites.

1.12 Therefore, the determination of the Appeal is subject to paragraph 11d) of the Framework which indicates that for 'decision taking' this means granting permission unless paras. i or ii applies.

1.13 If none of the "Footnote 7" exceptions apply, the tilted balance would not be disapplied by para. 11d)i and the issue is whether any adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits

1.14 In this instance, the Council has identified the Appeal Proposals have the potential to impact habitat sites, designated heritage assets, and irreplaceable habitats, all of which are potential "Footnote 7" exceptions. However, on review, it is clear to me that none of these provide a "clear reason for refusal" noting:

1) The Council has an established strategy for mitigating impacts upon the Ashdown Forest SPA. Subject to securing SANG provision in perpetuity, alongside SAMM contributions secured through the legal agreement, there would be no adverse effect arising from the Appeal Proposals on the integrity of the habitat site;
2) It is agreed between the Council and Appellants (CD1/12) that the Appeal Proposals would not lead to substantial harm or total loss of significance of a designated heritage asset;
3) The public benefits of the Appeal Proposals when taken together would convincingly outweigh the less than substantial harm to the designated heritage assets arising from the Appeal Proposals, even if the Council's position of the harm being on the 'higher end' of 'less than substantial harm' is correct; and
4) Loss or deterioration of irreplaceable habitats would be fully avoided through the design and mitigation measures employed, including appropriate sized buffers, boardwalks and visitor management in the SANG and woodlands.

1.15 In respect of bullet 3) above, if the Inspector finds that the Appeal Proposals do lead to loss or deterioration, I consider that both (1) wholly exceptional reasons and (2) a suitable compensation strategy exists.

1.16 If a loss or deterioration is found, which the Appellants' evidence does not support, then this would be at *de minimus* in the context of the total Ancient Woodland resource within the Appeal Site. This, when balanced against the considerable benefits arising from the Appeal Proposals, demonstrate the public benefit would clearly outweigh the loss or deterioration of the habitat (NPPF footnote 63) and therefore that wholly exceptional circumstances exists.

1.17 Further, there would be significant 'compensation' secured through the provision of supplementary planting and the implementation of a woodland management strategy which

would envelop all areas of Ancient and non-Ancient Woodland, not just those that are impacted through the *de minimus* loss or deterioration.

1.18 Accordingly, in the absence of any other policies in the NPPF that protect areas or assets of particular importance of relevance to the Appeal Proposals, I conclude that the tilted balance at para. 11d)i of the NPPF is not disapplied.

1.19 Therefore, the issue is whether any adverse impacts of the Appeal Proposals would "significantly and demonstrably" outweigh the benefits.

1.20 My Proof of Evidence provides detailed consideration of the benefits and disbenefits arising from the Appeal proposals.

1.21 I consider the key benefits of the Appeal proposals include the following:

- Delivery of up to 424 new homes which should be afforded **significant weight as a benefit** in the context of the Council's housing land supply position;
- Delivery of up to 148 affordable homes which should be afforded **significant weight as a benefit** in the context of the significant shortfall in affordable housing historically delivered, the undersupply to meet future affordable housing need and the persistent and growing affordability issues experienced locally;
- A beneficial impact on deprivation arising from the Appeal Proposals, in the context of the Appeal Site being located within one of the most deprived locations in the District for homelessness, owner-occupation affordability, housing affordability, private rental affordability and household overcrowding, afforded **limited weight as a benefit**;
- Contribution towards the Council's self and custom housebuilding register of up to 22 self / custom build housing plots should be afforded **significant weight as a benefit** in the context of the current need for such plots;
- Provision of additional employment during the construction phase should be afforded **moderate weight as a benefit** in the context of these temporary economic benefits not currently being delivered due to housing need not being met;
- Increased retail expenditure within local area should be afforded **significant weight as a benefit** in the context of these economic benefits not currently being delivered due to housing need not being met;
- Delivery of new public open spaces in excess of local standards which should be afforded **moderate weight as a benefit** of creating new spaces for formal and informal recreation within walking distance of new homes and existing residents of Uckfield;
- Creation of SANG, which alongside mitigating the impact of the Appeal Proposals on the Ashdown Forest SPA, has the beneficial effect of providing mitigation for a further 44 new homes to be delivered elsewhere in Uckfield. This enabling effect should be

afforded **significant weight as a benefit** in the context of the housing land supply and affordable housing position;

- Commitment to delivery of a well-designed place, maximising the opportunities afforded by the landscape of the Appeal Site, through a Design Code, which should be afforded **limited weight as a benefit**;
- Ecological enhancements including the delivery of a minimum of 10% Biodiversity Net Gain which should be afforded **significant weight as a benefit** delivering ecological gains over the baseline for the Appeal Site and in excess of the Council's policy requirements;
- The introduction of a woodland management package that would reverse the decline of woodlands (inc. Ancient Woodland) on the Appeal Site and improve the long-term resilience of woodland should be afforded **significant weight** as a benefit; and
- Commitment to development of a climate resilient development should be afforded **moderate weight as a benefit** supporting the Council's ambition to be a net zero District by 2050 and responding its declared climate emergency.

1.22 I am of the view the benefits arising from the Appeal Proposals are significant.

1.23 I consider the disbenefits / adverse impacts would be at most limited and not of the scale being suggested by the Council or 3rd parties. In my view, the disbenefits are limited to:

- Conflict with the Development Plan resulting from conflict with policies GD2 and DC17 (due to location of the Appeal Site outside of defined development boundary for Uckfield). As detailed in Section 2, the policies have limited weight, as such, the conflict with the Development Plan therefore attracts **limited weight as a disbenefit** in the planning balance;
- A low level of less than substantial harm to Maresfield Conservation Area, by virtue of loss of rural character to a single field through the introduction of new built form, which would be visible in the distance, which when given 'great weight', should be afforded **limited weight as a disbenefit;** and
- Landscape harm arising from change to the character of the Appeal Site itself, which should be afforded **limited weight as a disbenefit** especially when considering the inevitable need for greenfield sites to meet housing needs and the significant degree of visual containment experienced.

1.24 I therefore consider that the benefits in the case of the Appeal would significantly outweigh any of the harms being alleged. Clearly, the impacts do not significant or demonstrably outweigh the benefits arising from the Appeal proposals.

1.25 The Appeal proposals should therefore be allowed.