Land at Downlands Farm, Uckfield

Housing Land Supply Rebuttal

Prepared by:
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gleeson land

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1. Introduction

1.1 I am Dominick Veasey, Head of Research and Analytics at Gleeson Land and am providing housing land supply evidence in respect of the appeal at Land at Downlands Farm, Uckfield. This rebuttal Proof of Evidence should be read alongside my existing Housing Land Supply and Affordable Housing Evidence, dated September 2023.

1.2 My rebuttal evidence addresses matters raised within the housing land supply appendix attached to the Proof of Evidence of Mr Stacey Robins, Head of Planning & Environmental Services at Wealden District Council.

2. Delivery Rates

2.1 Mr Robins outlines that my delivery rate assumption for the 200+ sites is based on the Lichfields Start to Finish Rates of Larger Sites. This is incorrect. My build out rate of 54 dwellings per annum (dpa) for sites comprising 200+ dwellings is based on my analysis of the sites listed within Table 3 of the Wealden HLS Statement 2022 (CD7/2). My analysis is set out within Appendix DV7 of my main Proof of Evidence (PoE).

2.2 I used the Lichfields Start to Finish study as a benchmark given it is such as well-known and scrutinised piece of independent research, which has been quoted by both local planning authorities and the housebuilding sector within many HLS reports, s78 Inquiries and Local Plan examinations.

2.3 Furthermore, with regards to current market conditions and build out rates, I note the email exchange with Southern Counties Barratt (Attachment 1 of Mr Robins HLS evidence) which states:

> *"The forward figures might be lower than we may have previously advised, as there has been a drop in sales across most sites and we're not sure when we'll see the market improve. In recent years we have been able to achieve up to 1 sale per week and were building at a rate to meeting this demand…"*

2.4 I therefore calculate Southern Counties Barratt's typical build out rate equates to 52 dpa. A figure broadly similar to the 54 dpa I have concluded from my review of Table 3 of the Wealden HLS Statement (Appendix DV7).

2.5 I also note the email exchange with Taylor Wimpey (Attachment 2 of Mr Robins HLS Appendix) which states:

> *"We have further 31 completions scheduled for the remainder of 2023 – so 49 completions in all in 2023.*
>
> *Then in 2024 we have the final 48 completions – as per Martin's previous comments we will complete all 250 plots by the end of 2024".*

2.6 This again highlights annual delivery rates of around 50 dpa for 200+ sites within Wealden District.

2.7 My conclusion of 54 dpa for sites comprising 200+ dwellings is therefore District specific, but has been benchmarked against the national trend information within the Lichfields Start to Finish evidence (55 dpa for sites between 100 and 499 dwellings).

3. Major Sites with Detailed Planning Permission

3.1 As general comment applicable to all of the 'Major Sites with Detailed Planning Permission' and 'Major Sites with Outline Permission' below, I note that Mr Robins' has sought over recent weeks to gather new information from developers and housebuilders in order to help demonstrate the disputed sites are deliverable.

3.2 However, as I outline within paragraph 4.10 of my main PoE, I believe the PPG is clear (ID: 68-007) that robust and up-to-date evidence demonstrating that sites comply with the Frameworks deliverable test should have been with the Council by 1 April 2022 in order for it to inform the decision-making process as to which sites should or should not be included within the 2022/23 to 2026/27 supply trajectory. From my experience, such site-specific evidence is often summarised, or even included in full within many local planning authorities HLS statements or authority monitoring reports. As I highlighted within paragraph 4.13 of my main PoE, no such site-specific detail has ever been provided by Wealden District Council.

3.3 I also note that Mr Robins' supporting evidence (Attachments 1-9 of Mr Robins PoE HLS Appendix) largely comprises email correspondence with developers and housebuilders. Regarding this, I would refer the Inspector to paragraph 4.11 of my main PoE where I summarise the conclusions from the Land at Little Sparrows, Sonning Common, Oxfordshire appeal decision (Appendix DV6). Paragraph 21 of the Inspectors report states:

> *"Securing an email or completed pro-forma from a developer or agent does not itself constitute 'clear evidence'. Developers are financially incentivised to reduce competition (supply), and this can be achieved by optimistically forecasting delivery of housing from their own site and consequentially remove the need for other sites to come forward".*

Brodricklands & Hamlands Farm, Wilmington and Cuckoo Fields and Ersham Park, South of Hailsham

3.4 Mr Robins disputes my delivery rate assumptions for both the Brodrickland & Hamlands Farm site and the Cuckoo Fields and Ersham Park, South Hailsham site and refers an email exchange with Southern Counties Barratt. Within the context of potentially optimistic forecasting from developers / housebuilders (the Land at Little Sparrows decision), I note that the annual average completion rate provided by Southern Counties Barratts is 60 dpa (see Table DVr1).

Table DVr1: Annual Average Projected Completions

Year	Brodrickland & Hamlands Farm Annual Completions	Cuckoo Fields and Ernsham Parks Annual Completions
2022/23	51	23
2023/24	86	38
2024/25	56	92
2025/26	45	87
Annual Average	60	60
Source: Attachment 1 to PoE of Mr Robins HLS Appendix		

3.5 Furthermore, as I referred above (paragraph 2.2), Southern Counties Barratt outline that its typical build rate equates to 52 dpa, but since the Liz Truss Budget in late 2022, there has been "*a drop in sales across most sites and we're not sure when we'll see the market improve.*" I infer from this, that given current market conditions, Southern Counties Barratt are potentially anticipating annual completions lower than typical market conditions (52 dpa) for the foreseeable future. This supports my view that the 60 dpa trajectory provided is somewhat on the optimistic forecasting side.

3.6 I therefore maintain that my locally based delivery rate figure of 54 dpa should be applied when determining the deliverable supply from both the Brodricklands & Hamland Farm site and the Cuckoo Fields and Ersham Park, South Hailsham over the 2022/23 to 2026/27 period. This is supported by local and national evidence.

Land West of Park Road, Hailsham

3.7 My position on Land West of Park Road, Hailsham was based on Table 3 of the Wealden HLS Statement (CD7/2), which indicates that the final 7 dwellings associated with the Land West of Park Road, Hellingly site were completed in 2021/22 monitoring year.

3.8 However, with Mr Robins confirming that the 7 dwellings in question were not delivered in the 2021/22 monitoring year, then I am content for this site to be removed from the list of disputed sites. The 7 dwellings therefore fall within the current 2022/23 to 2026/27 period – this being the relevant HLS period for this Appeal.

Land West of Uckfield

3.9 From the base date of the 2022/23 to 2026/27 HLS period – 1 April 2022, I maintain there was no clear or cogent evidence before Wealden District Council that Phases 2-5 of the Land West of Uckfield site were deliverable within the HLS period. The Phase 2-5 land benefited from outline planning permission but remained in the ownership of a master-developer, not a housebuilder. No progress had been made towards discharging any of the planning conditions or reserved matters applications.

3.10 As of 17 October 2023, Land Registry still shows that Welbeck Strategic Land LLP remains the registered owner of the residual land associated with Phases 2-5 (**Appendix DVr1**). Nor does the Land Registry portal show any 'pending' Land Registry record update – indicating that a sale transaction has recently been completed and the Land Registry is in the process of being updated. I therefore maintain that the site is currently owned by a master-developer and not a housebuilder.

3.11 I accept that Redrow may well be in advanced discussions with Welbeck over the sale of the residual land. However, as a number of the developer / housebuilder emails within Mr Robins attachments confirm, land sales over recent months have becoming increasingly uncertain and challenging due to the economic climate. Land sales have fallen through even at an advanced stage.

3.12 I note the language within the Redrow email states its Redrow's "*intention to progress*" with the remaining phases of development at Ridgewood Farm. In my opinion an 'intention' is not a firm commitment. The email also confirms Redrow as the 'preferred bidder', which again demonstrates that the sale of the land has still not finalised (the Redrow email dated 9 October 2023).

3.13 However, I accept that whilst the land sale remains outstanding, Redrow appears to have now started to work (albeit at risk) with Welbeck and Wealden to progress pre-application discussions and a potential public consultation exercise. I expect the outcome of the pre-application discussions will ultimately inform Redrow's final decision on purchasing the site.

3.14 In additional to there being no evidence from the base-date of the HLS period that Phases 2-5 were deliverable, I still maintain there is a high degree of uncertainty associated with outstanding land sale to Redrow and then the timescale for progressing the discharge of conditions and reserved matters. As such, I maintain that there is only clear and cogent evidence for the remaining 117 dwellings associated with Phase 1. Only 117 dwellings should therefore be included within the supply trajectory.

3.15 However, should it be accepted by the Inspector that an element of Phase 2-5 is deliverable within the 2022/23 to 2026/27 HLS period, then I would suggest that at best 27 dwellings could be delivered in 2025/26 monitoring year, and 54 dwellings delivered in 2026/27 monitoring year.

3.16 This being based on allowing 18-months from December 2023 to prepare and discharge the conditions and reserved matters applications. Noting within the Redrow email that as a minimum, updated ecology (which is seasonal), arboricultural and ground investigations are required. Using my Wealden specific 54 dpa for sites comprising 200+ dwellings, I then assume half a monitoring year of completions for 2025/25 (27 dwellings) and a full year for 2026/27 (54 dwellings).

3.17 Under this scenario, I would suggest there being at best, 198 completions over the 2022/23 to 2026/27 period (117 associated with Phase 1 and then 81 associated with Phases 2-5). This being 102 dwellings lower than that the Council's trajectory.

4. Major Sites with Outline Permission

Brook View, Land North of Walshes Road, Crowborough

4.1 In view of the Dandara and East Sussex County Council (ESCC) archaeology team correspondence within Attachment 4 of Mr Robins PoE appendix, I am now content that whilst there is still an outstanding archaeological matter, ESCC confirmed that this does not prevent the development starting on at least part of the site. In view of this, I therefore remove this site comprising 95 dwellings from the list of disputed sites.

Friday Street Farm, Oak Tree Lane, Stone Cross

4.2 I have reviewed the email exchange with Wates regarding the continued delay in the Friday Street Farm, Oak Tree Lane, Stone Cross site coming forward. I note that following the Liz Truss Budget the site's purchase fell apart. Even following a remarketing exercise a sales deal is still to be finalised as of 5th October 2023 – the date of the last Wates email.

4.3 I consider this email exchange reconfirms the position within my main PoE (paragraphs 4.42 and 4.43). There is no evidence of any planning activity associated with discharging any of the conditions attached to the outline consent, nor have the reserved matters submissions been submitted. I therefore maintain my conclusion that there is no clear or cogent evidence that the site will come forward within the 5-year period. The site should be removed from the supply trajectory.

Land at Straight Half Mile, Maresfield

4.4 Appendix 3 of the Wealden HLS Statement 2022 (CD7/2) is clear that the inclusion of the Land at Straight Half Mile, Maresfield site within the 2022/23 to 2026/27 HLS period was on the basis of a proposal comprising 25 dwellings – this being outline planning permission (WD/2017/0694/MAO).

4.5 However, Mr Robins is now appearing to infer that the sites inclusion within the 2022/23 to 2026/27 HLS period is on the basis of a currently pending planning application comprising 21 dwellings (WD/2022/3098/MAJ). Indeed, this is acknowledged within Mr Robins' email dated 5 October 2023:

> *"We say 10 in 24/25 and 15 in 25/26 (that was of course for the earlier scheme and the 21 units version you have in)."*

4.6 Having reviewed the email exchange within Attachment 6 of Mr Robins PoE HLS Appendix, it is evident that the site is not currently deliverable and therefore fails to meet the Framework's definition. The email from Brookworth Homes effectively outlines that the site will only come forward if a resolution to grant the currently pending planning application is given at the November committee and the s106 is then agreed. I note from reviewing the Council's planning application history that there appears to be an outstanding ESCC Highways objection dated 28 July 2023 (**Appendix DVr2**), relating to insufficient information being provided. Furthermore, there is no indication of a timeline associated with signing the s106, should planning approval be given.

4.7 I therefore maintain the conclusion reached within my main PoE that the site should be removed from the supply trajectory.

Land East of North Street, Lower Horsebridge

4.8 The email exchange with Stonewater (South and Central) (Attachment 7 of Mr Robins PoE HLS Appendix) confirms that no progress has or will be made with discharging any of the conditions associated with the outline consent (WD/2019/1575/MAO), nor will the reserved matters be progressed. This being the planning permission justifying the sites inclusion within the supply trajectory for the 2022/23 to 2026/27 HLS period.

4.9 The email exchange confirms that Stonewater and Thakeham are in the very early stages of working up an entirely new planning application. With it still being too early in the process to have yet sought pre-application advice.

4.10 In response to Mr Robins leading question on the projected built out, Stonewater's response is simply:

> *"It's tricky to say as so much is dependent on how quickly we could get planning consent (!) …."*

4.11 I therefore maintain that the site fails the deliverability test, and 105 dwellings should be excluded from the HLS trajectory.

Land off Bexhill Road, Ninfield

4.12 Mr Robins' email exchange with Gladman (Attachment 8 of Mr Robins PoE HLS Appendix) again confirms my main PoE conclusion that there is no clear or cogent evidence of any planning activity associated with discharging any of the conditions associated with the outline consent obtained by Gladman. Nor have any reserved matters submission been submitted.

4.13 The email from Gladman clearly show deliverability of the site being wholly reliant on the sale of the site to a housebuilder. However, as highlighted within the email exchanges from both Barratt Southern Counties (Attachment 1) and Wates (Attachment 5) of Mr Robins PoE HLS Appendix there has been continued uncertainty within the housing market since the Liz Truss Budget that has resulted in deals falling through and slowing market activity. From the evidence Mr Robins has provided, until such a time the sale of the site to a housebuilder has been confirmed, then in my mind, there no clear or cogent evidence the site is deliverable within the 2022/23 to 2026/27 HLS period.

4.14 Furthermore, the timeline within the Gladman email for bringing the site forward appears to me to be nothing more than a hypothetical assumption. There is no clear or cogent timetime evidence provided by the purchaser, or Gladman. Again, any timeline remains reliant on the yet unconfirmed sale of the site.

4.15 I therefore maintain that the site fails the deliverability test, and 55 dwellings should be excluded from the HLS trajectory.

Land to the east of Benhill Mill Road, Tunbridge Wells

4.16 Within my main PoE, I highlighted three (longstanding) unresolved issues associated with the pending full planning application for this site. Issues raised almost three years ago at the 17 December 2020 Planning Committee. These being:

- Outstanding confirmation from Kent County Council that the highways impacts could be satisfactorily mitigated.
- Outstanding s106 elements.
- Outstanding matters (dated 30/04/2021) with Network Rail Asset Protection and Optimisation team regarding the site's proximity to Network Rail land.

4.17 Having reviewed the email from Millwood, dated 6 October 2023 (Attachment 9 of Mr Robins PoE HLS Appendix) it is evident that little, if any progress has been made on addressing these matters. All three matters remain outstanding.

4.18 Millwood provide an indicative programme, but go on to state that the programme is:

> *"…dependent on the expediency of completing the S106, together with the ground works programme once we are on site."*

4.19 Specifically, regarding the s106, it is clear from the Millwood email that land still needs to be secured to provide replacement tree planting. Whilst it is inferred that some suitable land has now been found, the deal to secure the land still needs to be completed. A consistent theme throughout the emails within Mr Robins attachments has been difficulties associated with finalising land sales in the current economic climate. No clear or cogent evidence has therefore been provided that the s106 can be finalised.

4.20 Furthermore, there is only a passing reference to the outstanding KCC Highways matter – "*colleagues are in discussion with KCC…*"; and no reference at all is made to the outstanding matter with Network Rails Asset Protection and Optimisation team.

4.21 I therefore maintain that the site fails the deliverability test, and 80 dwellings should be excluded from the HLS trajectory.

5. Housing Land Supply Position

5.1 In view of the above, I have provided below a summary of the remaining HLS supply differences between the Council and the Appellant. Table DVr3 sets out the supply element differences, and Table DVr4 sets out the respective HLS position differences:

Table DVr3: Remaining HLS supply side differences

Housing Land Supply Element	The Council's Position	The Appellants Position	Difference
Major Sites with Outline Permission			
Undisputed sites supply total	1,671		0
Disputed sites supply			
Brodricklands and Hamlands Farm, Willingdon	286	270	-16
Cuckoo Fields and Ersham Park, South of Hailsham	255	192	-63
Land West of Uckfield	300	117	-183
Disputed sites supply total	841	579	-262
Total Major sites with detailed permission (undisputed and disputed)	2,512	2,250	-262
Major Sites with Outline Permission			
Undisputed sites supply total	1,682		0
Disputed sites supply			
Friday Street Farm, Oak Tree Lane, Stone Cross	100	0	-100
Land adjoining 154 Station Road, Hailsham	12	0	-12
Land at Straight Half Mile, Maresfield	21	0	-21
Land East of North Street, Lower Horsebridge	105	0	-105
Land off Bexhill Road, Ninfield	55	0	-55
Land to the east of Behhall Mill Road, Tunbridge Wells	80	0	-80
Disputed sites supply total	373	0	-373
Total Major sites with outline permission (undisputed and disputed)	2,055	1,682	-373

Table DVr4: Remaining HLS position differences

Housing Land Supply Element	The Council's Position	The Appellants Position	Difference
Housing Requirement			
Total 5YHLS Requirement: 2022 to 2027	7,272		0
Annual 5YHLS Requirement	1,454		0
Components of Supply			
Small sites with permission	941	847	-94
Major sites with detailed planning	2,512	2,250	-262
Major sites with outline permission or resolution to grant	2,055	1,682	-373
Class C2 accommodation with detailed or outline permission	111		-111
Total supply	5,619	4,890	-729
Housing Land Supply Position			
Supply in years	3.86	3.36	-0.50
Shortfall	-1,653	-2,382	-729

5.2 Should the Inspector be minded to agree with the Council that an element of Phases 2-5 of the Land West of Uckfield site is deliverable over the 2022/23 to 2026/77 period then the Appellants housing land supply position would increase to 3.42 years, with a shortfall of -2,301 dwellings.

GOV.UK

Search for land and property information

Title register for:

Ridgewood Farm, Lewes Road, Ridgewood, Uckfield (TN22 5SL)

(Freehold)

Title number: ESX337363

Accessed on 17 October 2023 at 09:52:32

This information can change if we receive an application. This service can not tell you if HM Land Registry are dealing with an application.

This is not an official copy. It does not take into account if there's a pending application with HM Land Registry. If you need to prove property ownership, for example, for a court case, you'll need to order an official copy of the register.

Register summary

Title number	ESX337363
Registered owners	WELBECK STRATEGIC LAND LLP Woodstock Studios, 13 Woodstock Street, London W1C 2AG
Last sold for	No price recorded

A: Property Register

This register describes the land and estates comprised in this title.

Entry number	Entry date	
1		EAST SUSSEX : WEALDEN

		The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Ridgewood Farm, Lewes Road, Ridgewood, Uckfield (TN22 5SL).
2		A Conveyance of the land tinted blue on the title plan and other land dated 2 December 1938 made between (1) Albert Turner (Vendor) and (2) Frederick John Bellingham (Purchaser) contains the following provision:- "PROVIDED ALWAYS and it is hereby agreed and declared that save as expressly hereinafter mentioned neither the Purchaser nor his successors in title shall have the benefit of or right to enforce or have enforced or to prevent the release variation or modification of any covenant or restrictive stipulation relating to any land of the Vendor known as The Rocks Estate which has been already or may hereafter be entered into by any other purchaser or purchasers from the Vendor or from any former owner of the said estate or from the Executors or Administrators of any former owner."
3	2011-06-29	The Conveyance dated 27 September 1943 referred to in the Charges Register contains the following provision:- "IT IS HEREBY DECLARED that the purchaser and the persons deriving title under it shall not become entitled hereunder to any right of light or air which would prejudicially affect the user by the Vendor or the persons deriving title under it of any adjoining or neighbouring land of the Vendor for building purposes."
4		The land is subject to the following rights subject to which it was conveyed by the Conveyance dated 16 November 1955 referred to below:-

	"As to such parts of the premises as were subject to manorial incidents or quit rents to the rights (if any) of the Lord of the Manor in respect of mines or minerals or other privileges and interest of the Lord of the Manor."
5	A Conveyance of the land tinted yellow on the title plan and other land dated 16 November 1955 made between (1) Gordon Geoffrey Henry Webb (Vendor) (2) The Agricultural Mortgage Corporation Limited and (3) Samuel Rutherford Lewis (Purchaser) contains the following provision:- "It is hereby agreed and declared between and by the Vendor and the Purchaser that the Purchaser shall not by virtue of this Conveyance acquire any right of light air or other easement over or in respect of the Vendor's adjoining premises which would in any way restrict or interfere with the free and uninterrupted use and enjoyment thereof by the Vendor for building or for any other purpose."
6	The land has the benefit of the rights reserved by a Transfer of land adjoining to the North West of the land in this title dated 22 December 1988 made between (1) James Henry Pitts and (2) Southern Water Authority. NOTE 1: Original filed under ESX154142 NOTE 2: The blue line referred to is shown by yellow broken line on the title plan.
7	The land tinted mauve on the title plan has the benefit of the following rights reserved by a Transfer of the land to the north of the land tinted mauve on the title plan dated 17 June 1991 made between (1) Bryant Homes Southern Limited (Transferors) and (2) Uckfield Town Council

(Transferee):-

"EXCEPTING AND RESERVING unto the transferor for the purpose of the transferor's current development of its retained lands ("the retained land") as defined by the agreement the rights and easements set out in the Second Schedule hereto

THE SECOND SCHEDULE

(Exceptions and Reservations)

1 The right to the free and uninterrupted passage and running of water soil gas electricity and telephone signals and like services from and to the retained land through the service systems which are now or may within the period of eighty years from the date hereof be in or under or over the property and to make connections to and use all such service systems in and under the property with all easements rights and privileges proper for repairing and maintaining and reinstating the same the person or persons exercising such rights making good all damage thereby occasioned

2 A right of way three metres in width through the woodland forming part of the property and a right of way three metres in width through the playing field forming part of the property shown on the plan annexed hereto by dashed lines between the points "W" - "X" and between the points "Y" - "Z" respecitvely for no purpose whatsoever other than for passing and repassing with or without tractors or other agricultural vehicles and machinery only at all reasonable times for hay cutting and maintenance of the fields shown edged purple and edged orange respectively on the plan subject to the transferor and its successors in title constributing one third of the costs of maintenance of the said rights of way."

		NOTE:- Copy transfer filed under ESX181031.
8	2017-11-08	The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
9	2019-08-22	The land has the benefit of any legal easements granted by the Deed dated 21 August 2019 referred to in the Charges Register.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Class of Title: Title absolute

Entry number	Entry date	
1	2011-06-29	PROPRIETOR: WELBECK STRATEGIC LAND LLP (LLP Regn. No. OC359671) of Woodstock Studios, 13 Woodstock Street, London W1C 2AG.
2	2011-06-29	The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.
3	2015-04-01	RESTRICTION: No disposition of the part of the registered estate shown tinted mauve on the title plan by the proprietor of the registered estate or by the proprietor of any registered charge is to be registered without a certificate signed by [redacted] or their conveyancer that the provisions of a transfer dated 26 April 2005 made between (1) Bryant Homes Southern Limited and (2) [redacted]

		[redacted] and others have been complied with.
4	2019-08-23	RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a certificate signed by a conveyancer that the provisions of paragraph 10 of Schedule 2 of the Deed of Grant dated 21 August 2019 referred to in the Charges Register have been complied with or that they do not apply to the disposition.
5	2021-11-30	RESTRICTION: No Transfer or grant of a Lease of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a certificate signed by a conveyancer that the provisions of paragraph 5 of Schedule 5 Part A of an Agreement dated 3 May 2011 made between (1) [redacted] have been complied with or that they do not apply to the disposition.

C: Charges Register

This register contains any charges and other matters that affect the land.

Class of Title: Title absolute

Entry number	Entry date	
1		The land is subject to the rights reserved by a Conveyance of the land tinted pink on the title plan and other land dated 28 September 1940 made between (1) James Ray and (2) William Alven Weber Upfill-Brown. NOTE: Copy filed under SX10786.
2		The land is subject to the following rights reserved by a Conveyance of the land tinted yellow on the title plan and other land dated 28 April 1942 made [redacted] Except and reserving unto the Vendors or their predecessors or successors in Title all such rights and easements and quasi rights and quasi easements as may have been used and enjoyed by the Vendors over the property thereby assured in connection with their adjoining premises if any such rights of easements existed and if still enforceable and capable of taking effect.
3		The land is subject to the following rights reserved by a Conveyance of the land tinted yellow on the title plan and other land dated 27 September 1943 made between (1) [redacted]- "EXCEPT AND RESERVING out of this conveyance unto the Vendor or its predecessors in title and their successors in title all such rights and easements and quasi rights and quasi easements as may now be used and enjoyed over the premises hereby conveyed in common with any adjoining premises if any such exist."

4	The land is subject to the following rights reserved by a Conveyance of the land tinted yellow on the title plan and other land dated 22 June 1951 made between (1) J Palmer Limited (Vendor) and (2) Gordon Geoffrey Henry Webb:- EXCEPT AND RESERVING out of that conveyance unto Vendor's predecessors in title and their successors in title all such rights and easements and quasi rights and quasi easements as might then be used and enjoyed over the premises thereby conveyed in common with any adjoining premises if any such existed.
5	The land is subject to the rights granted by a Deed dated 4 May 1955 made between [redacted] The said Deed also contains restrictive covenants by the grantor. NOTE: Copy filed under SX84587.
6	The land is subject to the right to lay down and leave beneath the surface thereof a surface water drain in the position shown by a blue broken line on the title plan and to discharge therein and therefrom surface water from the road on to the land at the western end thereof with ancillary rights of entry, such rights being granted by a Transfer dated 6 October 1955 of adjoining the south eastern boundary of the land in this title made between [redacted] The said Transfer also contains the following covenant:-

	"THE Vendor to the intent that this covenant shall be binding so far as may be on the owner or owners for the time being of the said land through which the drain mentioned in the Schedule hereto will be laid but upon the Vendor only so long as he shall be the owner thereof hereby covenants with the Council for the benefit and protection of the said land that he and the persons deriving title under him will not in any way disturb or interfere with the said drain and the outfall therefrom or other incidental works except with the approval in writing and to the satisfaction of the Council and that any damage caused to the adjoining road by any such disturbance of or interference with the said drain outfall or other incidental works shall be made good by the Vendor or the owner for the time being of such adjoining land but nothing in this covenant is to prevent the said land being used for ordinary agricultural purposes."
7	The land is subject to the rights to construct a septic tank and to lay pipes for the conveyance of sewage water and soil and ancillary rights of entry granted by a Deed dated 27 February 1957 made between [redacted] The said Deed also contains restrictive covenants. NOTE: Copy filed under SX10786.
8	The part of the land affected thereby is subject to the rights relating to the laying construction and maintenance of a gas main or pipe in the approximate position shown by blue hatching on the title plan by a Deed dated 13 December 1983 made between [redacted]

		The said Deed also contains restrictive covenants. NOTE: Copy filed under SX10786.
9		The land is subject to the rights granted by a Deed of Grant dated 16 October 1992 made between (1) James Henry Pitts and others and (2) British Gas Plc. The said Deed also contains restrictive covenants by the grantor. NOTE: Copy filed under ESX185208.
10		The land is subject to the rights granted by a Deed dated 14 January 2008 made between (1) Margaret June Pitts and others and (2) O2 (UK) Limited, for a period from 14 January 2008 to 13 January 2023. NOTE 1:-The lease referred to in the above Deed is registered under title number ESX313646. NOTE 2:-Copy filed under ESX185208.
11		The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto. The leases grant and reserve easements as therein mentioned.
12	2019-08-22	The land is subject to the rights granted by a Deed dated 21 August 2019 made between (1) Taylor Wimpy UK Limited and (2) Welbeck Strategic Land LLP. The said Deed also contains restrictive covenants by the grantor. NOTE: Copy filed.

13	Registration Date : 17.03.2008 Plan Reference : Edged blue Property Description : Communications Cell Date of Lease : 14.01.2008 Term : From 14.1.2008 to 13.1.2023 Lessee's Title : ESX313646 NOTE: See entry in the Charges Register relating to the rights granted by this lease.

Communities Economy and Transport

Rupert Clubb

BEng(Hons) CEng MICE

Director

County Hall

St Anne's Crescent

Lewes

East Sussex

BN7 1UE

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www.eastsussex.gov.uk

To: Head of Planning
Planning and Environmental Services
Wealden District Council
Council Offices
Vicarage Lane, Hailsham
BN27 2AX

FAO: Andrew Jolly
Date: **28th July 2023**
Our Ref: WD/2022/3098
District/Borough Ref:WD/2022/3098/MAJ

Applicant: Brookworth Homes Ltd

Location: LAND AT STRAIGHT HALF MILE, MARESFIELD

Development: ERECTION OF 21 NO. DWELLINGS AND ASSOCIATED INFRASTRUCTURE.

Road Name or Number	C33 / U7500	**Consultation Date**	8 February 2023
National Grid Reference		**Contact Officer Details:**	Teresa Ford 01273 482283Teresa.ford@eastsussex.gov.uk

Recommendation:

No objection		**Objection**	
No objection subject to the imposition of conditions		**Objection due to insufficient information**	x

Executive Summary
These comments are issued in response to amendments received on 30th June 2023 from Wealden District Council which include: -

Transport Report [TR] dated 5th June 2023 with a new Road Safety Audit;
Amended site layout plan Fl23-2053-055 revision B
Amended access plan 11370_2100 revision P5
Tracking plan No. 1130-2200 revision P7

The application has been reduced from 25 to 21 units to provide 3 x 2 bed houses; 8 x 3 bedroom houses; 8 x 4 bedroom houses and 2 x 5 bedroom houses.
The proposed allotment use appears to have been deleted from the revised proposal.

Whilst the applicant has provided additional information the highway issues have not been adequately addressed and thus the proposal is still not acceptable.
The outstanding issues are:-

- The applicant has still not demonstrated that the site is in an accessible location, no footway connections/improvements shown (only a contribution).
- Visibility from the accesses has still not been adequately addressed.
- A Road Safety Audit [RSA] not provided on the whole of the access arrangement.
- Insufficient vehicle tracking
- Insufficient information given on a link through the site for pedestrians and cyclists with no details of the access onto Nursery Lane.
- Access to cycle storage areas.

Thus my objection dated 15th March 2023 remains unaltered.

Response
It is assumed that the 25 dwellings referred to within paragraph 5.7 of the TR is a typing error as the development is now for 21 units.
The TR also states Appendix F is the Road Safety Audit, however, that Appendix contains the RSA for the previous application and site layout. It also includes a plan showing the agreed off site highway works [under WD/17/0694] plan No. 1906007 - 06.
The TR also includes an Appendix G [which is not within the list at the front of the document] with the updated RSA for the new northern access point only.

1. Accessibility
The TR states in paragraph 4.6 that Uckfield railway station has parking for total of 8 spaces, however, whilst these are the only free spaces there is an additional 171 space pay and display car park virtually opposite the railway station.

As this application has been reduced to 21 residential dwellings the required bus service contribution to be sought is reduced to £23,100 [being £1,100 per dwelling]. This is still to go towards the 261 service and/or towards the pre-bookable demand responsive transport service (DRT) proposed for the area and would still need to be secured through a s106 legal agreement.

Paragraphs 4.10 & 5.10 of the TR states a contribution to the off site highway improvements would be provided by the applicant to be agreed with ESCC. However,

this is **not** acceptable to the highway authority as the works are needed to ensure the site is accessible and therefore the works need to be provided by the applicant/developer and secured through a section 106 agreement [similar to the previous permission WD17/0694].
Furthermore, the submitted proposed site layout plan No. Fl23-2053-055 does not reflect the required off-site highway works shown on the submitted highway work improvement plan No. 1906007- 06 and vice versa.

Paragraph 5.4 of the TR states that the applicant cannot provide a footway along the site frontage as the hedge cannot be removed. However, no explanation is given as to why this hedge cannot be removed, particularly as the plans still show a new hedge planted behind within the site.
The applicant now proposes a very short section of footway around the bellmouth of one side of both of the proposed access points together with two associated uncontrolled crossing points on Straight Half Mile for pedestrians to reach the footway on the western side of the carriageway. However, as previously mentioned the existing footway here requires improving (on the western side) together with new sections of footway (on the eastern side) and needs to be provided with this development to enable residents to reach [new] bus stops and local facilities in order to make the site accessible.

The submitted amended plans now appears to have deleted a footpath/cyclepath link through the site to Nursery Lane. It is noted that the landscape plan 1029.001E and external works plan [southern area] 11370/1803P8 seem to indicate that this access onto Nursery Lane would remain. As previously mentioned this access needs to be closed to vehicular traffic and narrowed to provide a footpath/cyclepath link onto Nursery Lane for recreational purposes at least.
A pedestrian link was secured through the previous permission within the northern boundary of the site.
A link through the site for public and residents is still not clear – further details/clarification is sought on this aspect and should provide for both pedestrians and cycles.

<u>3. Car and Cycle Parking</u>
In accordance with the ESCC parking calculator a total of 48 parking spaces (39 allocated/4 unallocated and 5 for visitors) should be provided based on 1 allocated space per 2 bedroom property and 2 allocated spaces for 3, 4 & 5 bedroom houses. Whilst the applicant has used the parking calculator the wards used are not acceptable and consequently have a lower recommendation of only 43 spaces.
The submitted plans indicate 39 on plot allocated car parking spaces together with 10 visitor spaces which meets the required number. However, it would appear that plot 15 does not have any parking provision although it has it's own drive [5 metres wide]. It is assumed that this is an error and that 2 parking spaces are proposed to be provided here thus the total on plot spaces are 41 (not including garages).

A footway is still not shown to be provided alongside the parallel (visitor) parking spaces. These need to be provided to ensure occupants of vehicles do not have to alight on grass/mud.

It is noted that cycle storage would be within garages, where provided, and otherwise in rear garden sheds. However, the positioning of these cycle storage areas is not considered to be in the best locations for residents. Some of the cycle storage areas (in some garages and gardens) are to be accessed from driveways whereby if vehicles are parked on driveways then cycles cannot get through. Driveways need to be widened by 1 metre or separate footpaths provided to proposed cycle storage areas. The plots affected are 2,4,5,7,8,9,10,11,12,17,19,20 & 21.

Furthermore, the cycle storage area for plot 18 is unclear as this area is shown as a cycle storage area and as a bin store on the relevant separate plans. I do not believe the proposed area is large enough for both aspects.
This needs further investigation by the applicant.

4. Access/Visibility
Paragraph 3.7 of the TR refers to only 2 crashes in 5 years but the information supplied is not up to date as it is only given up to end of 2021. However, I have checked the police records up to end of March 2023 and confirm no other injury crashes have occurred within the last 3 years. Also the two crashes referred to in the TR were both due to driver error. Thus are there is no inherent crash issue here.

It is noted that a new RSA has been carried out with no problems raised. However, this appears to have been carried out on the new northern access only. Whilst the Auditor would seem to have been provided with the proposed masterplan [i.e aware of the other proposed access] it would seem that the Auditor was not aware of the previous Audit or the required off site highway works.
Clarification is sought from the applicant to confirm the contents of the Auditors Brief. However, as this scheme differs significantly from the previously approved access arrangement the Audit for this proposal should be carried out on the whole of the access arrangement.

As mentioned at point 2 above the applicant has not demonstrated why the existing hedge cannot be removed. Also the submitted plans are not based a topographical survey it is unclear exactly how much hedge would need to be removed.
The required 2 metre wide splay between the two proposed accesses has still not been shown to be provided.
Clarification is therefore sought on these issues.

Whilst additional swept path details have been given these are still not complete as they only 2 movements at both access points have been provided. The right turns in and out of both accesses is still awaited. The plans still do not show the highway extent, edge of and centre line of the carriageway and should preferably be based on a topographical survey.

Should any amended plans be submitted the proposed layout should include similar off site highway works as previously secured with a pedestrian/cycle link and bus stops annotated accordingly.
Also the proposed off site highway works plan would need amending accordingly to reflect this current proposed development.

Conclusion
Thus I object to the application, as amended, for the reasons given on my HT401 dated 15th March 2023.

On behalf of the Highway Authority
For Director of Communities, Economy and Transport (sent by email)
HT401

Previous Comments dated 15th March 2023

Executive Summary
This HT401 is issued in response to the application documents which includes a Transport Statement [TS] dated 2nd November 2022.
Sufficient detailed information has not been submitted to determine that the proposed access arrangement at its junction with the C33 [Straight Half Mile] would be suitable to serve the proposed development in the form shown and that the site is accessible.
Thus the proposal is not acceptable.
As such I object to the proposed development.

Response

The proposal is for 25 dwellings and allotments together with 2 new accesses onto Straight Half Mile [C33] and closure of existing access onto Nursery Lane [U7500].

No pre application discussions with the applicant have taken place. Outline planning permission for 25 residential units and a building for community use has been granted under WD/17/0694. A s106 agreement was completed which secured off site highway works including new and improved sections of footway along Straight Half Mile and new bus stops with only one vehicular access onto Straight Half Mile.
This Detailed application is similar in terms of number of dwellings, however, this current proposal is to provide for an additional access and the community building is to be replaced by allotments. The site would not be accessible and the proposed access arrangement onto the C33 [Straight Half Mile] is not acceptable due to insufficient information. .

The main issues are:-

- The applicant has not demonstrated that the site is in an accessible location, no footway connections/improvements shown.
- A Road Safety Audit for the accesses onto Straight Half Mile has not been provided.
- The visibility from the accesses has not been adequately addressed.
- Insufficient vehicle tracking has been provided for the access arrangement onto the C33.

- No information given as to whether pedestrians and cyclists would be able to use the proposed link through the site to Nursery Lane and how this would be secured if the internal roads not adopted
- Trip generation/details for the proposed allotments need to be provided.
- Parking needs clarification/revising

1. Site and Location
The site is situated on the eastern side of the C33 [Straight Half Mile] at the northern end of the village of Maresfield and some miles to the north of Uckfield town.

2. Accessibility
The nearest bus stops are on the C33 [Straight Half Mile] known as Newsagents stops [north and south bound] and are approximately over 650 metres from all parts of the site. Therefore the bus stops exceed the walking distance of 400m from the site and the walking route from the site is currently along narrow footways on the western side of the C33 only with no connections shown from the site.
The ESCC funded route 261 currently provides a Monday to Friday service approximately 2 hourly past this site between Uckfield/Maresfield/Nutley/Forest Row/East Grinstead. Currently last departure from Uckfield is 15:50, meaning no facility for commuters.

North Wealden Community Transport currently provide a limited service on Saturdays consisting of 3 return journeys, by way of service 262 linking Uckfield, Maresfield, Nutley and Hartfield.

There are currently no evening or Sunday bus services.

The East Sussex Bus Service Improvement Plan (BSIP) propose later journeys on service 261 to address commuting issues, and to provide a Saturday service 261. Furthermore, a pre-bookable demand responsive transport service (DRT) is proposed for the area, integrated with other public transport provision. All these initiatives are subject to the availability of funding.

A contribution of £1,100 per dwelling (£31,900 in total) is sought towards establishing improvements to service 261 and/or the proposed demand responsive transport service.

This development would need to provide for two new bus stops (one in each direction) in the vicinity of the development on Straight Half Mile. Each bus stop will require hard standing, a raised kerb and bus stop pole. The south bound bus stop (towards Uckfield)

should also be provided with a bus shelter, subject to the agreement of the Parish Council. There will also need to be an accessible and safe road crossing point/s on the C33 together with footway connections for pedestrians to reach these bus stops.

These improvements and bus service contribution are required to meet the accessibility needs of the development with provision for non-car modes of transport.

The TS refers to the transport improvements that were secured at the previous Outline planning permission [under WD/17/0694] which are stated in Paragraph 1.5 as being:-

- *New sections of footway along the eastern side of the C33 [Straight Half Mile] together with improvements/widening of existing footway on the western side of the C33 [Straight Half Mile], whilst maintaining a 5.5 metres wide carriageway, together with informal crossing points on the C33.*
- *Two new bus stops [north and south bound] in the vicinity of the site to include pole/signs, hardstanding and DDA compliant kerbing;*
- *Repositioning of existing Vehicle Activated Sign, if proved necessary at detailed design stage.*
- *New buildouts/additional traffic calming measures in conjunction with the uncontrolled crossing points to be provided/agreed at the detail stage.*
- *New access from the C33 including road markings etc.*
- *A £5,000 financial contribution for alterations to the existing Traffic Regulation Order for any alterations to the existing speed limit/traffic calming features on Straight Half Mile.*

However, none of the submitted plans show any of these improvements and no other information is submitted regarding these.
This current proposal is a detailed application with a different proposal from that previously consented. Therefore plans need to be submitted with this application to show the proposed highway improvements/requirements. The footway and bus stop improvement works required should be similar to those shown illustratively with the previous application.

All of the off-site highway improvements and contributions would need to be secured with this application through a new s106 Agreement.

3. Access
The proposals indicate that the development would be served by two new vehicular accesses onto Straight Half Mile [C33].

The proposed new southern and northern accesses lie within a 30mph and 40mph respectively, with the southern on being only just in the 30mph. In accordance with Design Manual for Roads and Bridges visibility splays of 2.4 metres x 120 metres in each direction should be provided and these are indicated on Plan No. 11370_2100P2. However, the visibility splays from both access points would require sections of the

existing hedge (adjacent to the carriageway of Straight Half Mile) being removed. The visibility/access plan shows the visibility splays for each access separately. The plans indicate that the northern splay for the southern access and the southern splay for the northern access (splays between the two proposed accesses) would overlap each other. In order to maintain these splays a 2 metres wide visibility splay should be provided between the two new access points. It is not clear from the submitted plans how much of the existing hedge would be affected by the splays. The hedge would need to be removed or set further back into the site. Therefore whilst I accept 2.4m x 120m as the required distance I do not accept the visibility splays as currently shown on the plans.

Also it would seem from the plans that there would be an area of "no-mans" land between the existing and proposed new frontage hedge [shown set back]. In order to maintain visibility it is recommended that the existing hedge is removed with grass verge planted [or new footway provided] in front of the proposed new hedge.

Whilst vehicle tracking has been provided for the largest refuse vehicle of 11.997 metres this is for left turn in movement only at both proposed new access points. All 4 turning manoeuvres at both access points needs to be provided. The plans should show the highway extent, edge of and centre line of the carriageway and should be based on topographical survey.

Road Safety Audit [RSA]
The applicant has not had a Road Safety Audit carried out on the proposed access arrangement onto the C33 [Straight Half Mile]. In accordance with ESCC policy given this is a new access and number of vehicular trips proposed a Road Safety Audit should be submitted with this proposed development for these two access points. Thus the applicant has not adequately demonstrated that the access arrangement and visibility do not have inherent safety issues and if it does, whether these can be realistically overcome.

Crash records from the Police indicate that no injury crashes have been reported within the immediate vicinity of the access during the last 3 years. The Authorities are keen to maintain this standard.

4. Trip Generation
It is noted that the Highway Authority has already accepted 25 residential dwellings on this site, thus those trips are accepted with this current proposal.

However, no information is given on the proposed allotments such as likely use, number of allotments and likely trip generation and number of parking spaces needed and catchment area. Therefore the proposal cannot be fully assessed in terms of trip generation.
The TS refers to the planning permission under WD/17/0694 having childrens nursery use within the community building. However, that use was removed from the description and thus those associated trips were not considered at that time.

5. Internal Layout
The planning application states that the internal roads will not be offered for adoption, however, they should still be designed/constructed to recommended standards in accordance with Manual for Streets.

The layout indicates a footway/path link through the site onto Nursery Lane, however, it is not clear if this link is for public use. If a permissive path is to be provided here then this would need to be secured through a s106 Agreement.

Vehicle tracking has been provided for the largest refuse vehicle of [12m] 11.997m which indicates that this vehicle could turn on site.

6. Parking

The submitted planning application form differs from the TS and Planning Statement in terms of number of spaces and number/type of dwellings proposed.
Paragraph 5.2 of the TS conforms to the number/type of dwellings as shown on the submitted plans. Thus in accordance with the ESCC's parking guidelines [October 2017] the total number of parking spaces that should be provided is 58 spaces if 1 space is allocated per flat [2 x 1 beds] and 2 spaces for all other dwellings. Therefore 48 spaces should be allocated spaces, 5 unallocated for residents and 5 unallocated for visitors [rounded up]. The submitted TS states that 44 residential parking spaces would be provided for the dwellings and 7 spaces for the allotments. However, this is different from that shown on the submitted plans, for instance 12 spaces are indicated for the allotments. Furthermore, although the TS has used the parking calculator it has wrongly assumed that all dwellings are private. It has also used the Uckfield Central ward in the calculation which is not an adjacent/appropriate ward.

Parking spaces must meet East Sussex County Council's minimum dimension of 2.5m x 5m. (with an extra 50cm on each dimension as necessary if the space is adjacent to a wall or fence.)
Electric Vehicle charging provision should be provided for each plot as NPPF requires sites to be EV ready. This is stated as being provided for each plot with this submission.
A footway should be provided alongside the parallel parking spaces to ensure occupants of vehicles do not have to alight on grass/mud.

Cycle parking should be provided in accordance with ESCC's parking guidelines:-

Dwelling Type	Number of Bedrooms	Cycle Provision per Unit
Flat	1 & 2	0.5 spaces if communal 1 space if individual
Flat	3 or more	1 space
House	1 & 2	2 spaces
House	3 or more	2 spaces

These parking areas should be covered, secure and in a conveniently accessible location for all users.
However, these guidelines for cycling are to be updated particularly for 3 bedroom and above properties which generally require family cycle storage. It is therefore requested that the applicant looks at increased cycle provision and also the size of storage space

should be in line with the Government's design guidance Local Transport Note 1/20 whereby cycles are longer than 2 metres.

Thus I object to the application as submitted for the following reasons.

Reasons

1. The proposed development is poorly placed in terms of sustainable transport modes due to the lack of non-car travel choices for [residents/users] and would therefore be would therefore be contrary to para 104 and 106 of the National Planning Policy Framework.

2. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays, off street parking, road layout, road construction, road gradients, surface water drainage, on-site turning facilities and would therefore give rise to increased hazards to highway users and would be contrary to para 111 of the National Planning Policy Framework.